AGENDA
CITY COUNCIL SPECIAL SESSION
MONDAY, March 26, 2018
5:00 p.m.

City Hall Council/Commission Conference Room

1. Call to Order
2. Roll Call
3. Introductions – Mayor Tim Willson
4. Federal Updates & Top Priorities – Congressman Keith Ellison
5. City Strategic Priorities – Mayor Tim Willson
6. Open Discussion
7. Closing Remarks – Councilmembers and Congressman Ellison
8. Presentation of a Token of Appreciation to Congressman Ellison
9. Adjourn

MEMORANDUM – COUNCIL SPECIAL SESSION

DATE: March 22, 2018

TO: Curt Boganey, City Manager

FROM: Reggie Edwards. Deputy City Manager

SUBJECT: Meeting with the Honorable Congress Member Keith Ellison

Recommendation:

This is a meeting established by the City Council with the Honorable Congress Member Keith Ellison.

Background:

In early March, the Office of the Honorable Congress Member Keith Ellison of Minnesota's 5th Congressional District, communicated with the Mayor and City Manager to request a meeting with the City Council. On March 12th, the City Council directed staff to confirm a meeting with Congress Member Ellison on:

- Date: Monday, March 26
- Time: Start at 5:00PM
- Location: Brooklyn Center – City Hall (Council Commission Conference Room)

Congress Member Ellison's staff confirmed the meeting date, time and location as requested.

The meeting objectives include:

- Hearing a federal update from the Congress Member
- Hearing about top issues of the Congress Member
- Sharing an update of the City with the Congress Member
- Exploring possible future city federal related legislative issues with the Congress Member

Budget Issues:

N/A

Policy Issues:

N/A

Strategic Priorities:

N/A

From: Johnson, Cheniqua [mailto:Cheniqua.Johnson@mail.house.gov]
Sent: Tuesday, March 6, 2018 3:42 PM
To: Tim Willson; Curt Boganey
Cc: Long, Jamie
Subject: Congressman Ellison Meeting

Dear Mayor Willson, and Mr. Boganey:

I am writing to request a meeting with you in the coming months to discuss the issues of greatest interest to Brooklyn Center, and to provide a brief update on activities in Congress. Because I am in Washington D.C. the bulk of the year, I always look forward to opportunities to connect with the units of government closest to the community.

Please be in touch with Cheniqua Johnson in my office to coordinate a meeting (Cheniqua.Johnson@mail.house.gov). I have limited availability during the evenings when I am back in Minnesota, so if possible, I would appreciate flexibility in trying to schedule a meeting during work hours, or over breakfast or lunch. The next two-week Congressional recess is the last week in March and the first week in April if there are days in that time range that work for you. Otherwise, we can look for times in future weeks.

Best Regards,
Congressman Keith Ellison

Cheniqua Johnson
Staff Assistant & Intern Coordinator
Congressman Keith Ellison (MN-5)
Cheniqua.johnson@mail.house.gov
2100 Plymouth Ave N
Minneapolis, MN 55411
Office: 612-522-1212

Brooklyn Center Legislative Meeting with The Honorable Congress Member Keith Ellison

Monday, March 26th from 5:00PM to 6:00PM

Council Commission Conference Room

Agenda

5:00 – 5:05	Welcome by Mayor Tim Willson & Introductions
5:05 – 5:20	Federal Updates &Top Priorities by Congressman Keith Ellison
5:20 – 5:30	City Strategic Priorities by Mayor Tim Willson
5:30 – 5:40	Federal Issues Response and Dialogue with Congressman Keith Ellison
5:40 – 5:55	Open Discussion
5:55 – 6:00	Closing Remarks by Council Members and Congressman Ellison and Presentation of a Token of Appreciation to Congressman Ellison
6:00	Adjourn

Vision, Mission, Values, & Strategic Priorities

Vision Statement

We envision Brooklyn Center as a thriving, diverse community with a full range of housing, business, cultural and recreational offerings. It is a safe and inclusive place that people of all ages love to call home, and visitors enjoy due to its convenient location and commitment to a healthy environment.

Mission Statement

The mission of the City of Brooklyn Center is to ensure an attractive, clean, safe, and inclusive community that enhances the quality of life for all people and preserves the public trust.

Values

Customer Intimacy – Our primary value proposition is a commitment to serving each customer with dignity and respect. This requires that we seek to understand the needs of each customer and deliver quality service that will be understood and appreciated.

Operational Excellence – In addition we will commit ourselves to delivering quality services in a cost effective and efficient manner. We will be good stewards of the limited resources made available to us by the citizens we serve.

2018-2020 Strategic Priorities

Enhanced Community Image
Resident Economic Stability
Inclusive Community Engagement
Targeted Redevelopment
Safe, Secure, Stable Community
Key Transportation Investments

2018-2020 Strategic Priorities

Enhanced Community Image – Our ability to attract and retain residents and businesses is influenced by the perception of the City. We will take specific actions to assure that Brooklyn Center is recognized by residents, businesses, stakeholders, and visitors as a high quality, attractive, and safe community.

Resident Economic Stability – The economic stability of residents is essential to vibrant neighborhoods and to retail, restaurant, and business growth. We will lead by supporting collaborative efforts of education, business, and government sectors to improve income opportunities for residents.

Inclusive Community Engagement – In order to provide effective and appropriate services, we must clearly understand and respond to community needs. We will consistently seek input from a broad range of stakeholders from the general public, non-profit, and for-profit sectors. Efforts to engage the community will be transparent, responsive, deliberately inclusive, and culturally sensitive.

Targeted Redevelopment – Redeveloping properties to the highest value and best use will accomplish our goals regarding housing, job creation, and growth of the City's tax base. We will appropriately prepare sites and provide the necessary supporting infrastructure investments to guide redevelopment of publicly- and privately-owned properties.

Safe, Secure, Stable Community – For residents and visitors to fully appreciate and enjoy a great quality of life, it is essential that all neighborhoods are safe, secure, and stable. We will assure compliance with neighborhood condition and building safety standards, provide proactive and responsive public safety protection, wise stewardship of City resources and policies that promote safety, security, and a lasting stable environment.

Key Transportation Investments – Proactively maintaining an efficient and effective infrastructure will meet the high level of community expectations. We will plan for and invest in critical infrastructure improvements that enhance safety, improve life quality, and support opportunities for redevelopment, while sustaining the natural environment.

2018 - 2020
Brooklyn Center City Strategic Priorities

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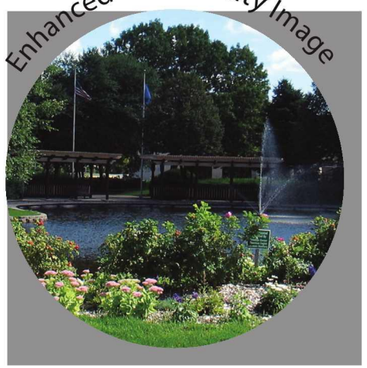




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City of Brooklyn Center

LEGISLATIVE NEWS



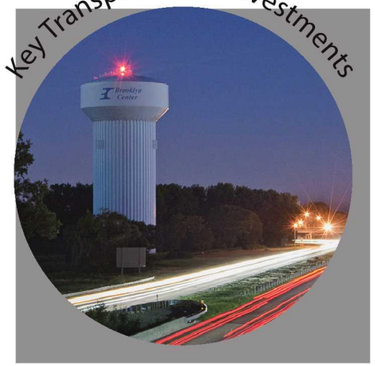




Brooklyn Center City Strategic Priorities 2018







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BROOKLYN CENTER AT THE CENTER

City of Brooklyn Center

2018 FEDERAL LEGISLATIVE PRIORITIES

Transit Improvements

We are part of the Blue Line coalition that supports of funding for Light Rail Transit to along Bottineau Boulevard, West Broadway to 610 Hwy. Critical; transportation needs for our Resident

We strongly support Bus Rapid Transit Projects such as the C-Line and D-line which start at the Transit Hub and take riders to Downtown to the Met Airport and Mall of America in a much more comfortable , convenient and expeditious manner.

Both of these projects are critical links to a metro wide multi-modal system of transportation needed by our residents.

Trunk Highway 252 66th Avenue Interchange

Regional and local transportation issues including safety, congestion, and community connectivity dictate that adjustments be made on this major metropolitan highway. This project needs both state and federal funding. Without either contribution, this project becomes very vulnerable. The State has been petitioned to include this project on the State Transportation Plan. This project is important to the regional transportation system for metro-wide travelers and regional/local freight transporters.

Trunk Highway 252 70th Avenue Pedestrian Overpass

Regional and local transportation issues including safety, congestion, and community connectivity dictate that adjustments be made on this major metropolitan highway. There have been several traffic deaths in this corridor. This project needs both state and federal funding. Without either contribution, this project becomes very vulnerable. This project involves constructing a pedestrian walkway over Highway 252, so that citizens and visitors can safely walk and jog between neighborhoods. The State has been petitioned to include this project on the State Transportation Plan. This project is important to the metropolitan regional walking and trail system both for citizens and visitors.

Federal Tax Exemption for Municipal Bonds

Brooklyn Center has identified over $200 million in capital and infrastructure needs over the next fifteen-year period. Financial management of these projects, such as Shingle Creek Crossing, is critical to a community of 30,712 citizens. There are looming concerns of municipalities losing federal tax-exempt status, which would significantly impact the City's ability to make long-term infrastructure investments, and provide high paying jobs, while keeping the tax burden down to a minimum. Congress and Administration continue to discuss repealing the tax exemption or replace it with a cap on investment deductions.

Opioids and Heroin Drug Initiatives

Senator Amy Klobuchar reported a statement to the Inspector General's report on "opioids" that "the report found that spending for commonly abused opioids among Medicare beneficiaries exceeded $4 billion in 2015, raising concerns about misuse and patient safety. Brooklyn Center's Mayor – Tim Willson has participated and spoken and testified on the issue of the need to confront our nation's opioid addiction epidemic. Senator Klobuchar and Senator Joe Manchin recently introduced the Budgeting for Opioid Addiction Treatment Act (LifeBOAT), which would establish a permanent funding stream to provide and expand access to substance abuse treatment.

Federal Minimum Wage

The issue of a minimum or fair wage has been a national issue throughout the Presidential campaign season. Minnesota minimum wage is $9.50 per hour for large employers and $7.75 per hour for small employers. The current average wage income for a Brooklyn Center resident is $45, 707 compared to $62,355 for workers in Hennepin County, which is $16,648 less income per wage earner. The Metropolitan Council reports that 56% of Brooklyn Center residents are earning 185% below the poverty line at $44,826 for a family of four.

Increase Funding for Community Development Block Grant (CDBG)

CDBG funding is used to provide funding to social service programs (up to $30,000) in two key areas:

1. Public Service Projects – such as emergency home repairs, housing advocacy and support for low income renters, senior assistance, and meals-on-wheels.
2. Neighborhood Stabilization – such as foreclosure mitigation, code enforcement, elimination of slums and neighborhood blight, and acquisition and rehabilitation of foreclosed homes.

BROOKLYN CENTER AT THE CENTER

AGENDA
CITY COUNCIL STUDY SESSION
March 26, 2018
6:00 p.m.

City Hall Council Chambers

A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

1. City Council Discussion of Agenda Items and Questions

2. Miscellaneous
   a. Discuss Email Inquiry Regarding Birds Catching in Topgolf Net

3. Discussion of Work Session Agenda Items as Time Permits

4. Adjourn

CITY COUNCIL MEETING
City of Brooklyn Center
March 26, 2018

AGENDA

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1. **Informal Open Forum with City Council – 6:45 p.m.**
–provides an opportunity for the public to address the Council on items which are not on the agenda. Open Forum will be limited to 15 minutes, it is not televised, and it may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Open Forum will not be used as a time for problem solving or reacting to the comments made but, rather, for hearing the citizen for informational purposes only.

2. **Invocation – 7 p.m.**

3. **Call to Order Regular Business Meeting**
–The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

4. **Roll Call**

5. **Pledge of Allegiance**

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

   a. Approval of Minutes
      1. March 12, 2018 – Study/Work Session
      2. March 12, 2018 – Regular Session

   b. Licenses

   c. Resolution Certifying Special Assessments for Diseased Tree Removal Costs to the Hennepin County Property Tax Rolls

   d. Resolution Certifying Special Assessments for Weed Removal Costs to the Hennepin County Property Tax Rolls

   e. Meeting Schedule for 2019-2020 Budget

   f. Resolution Adopting Emergency Private Utility Repair Assessment Policy

g. Resolution Establishing Improvement Project No. 2018-08, Bellvue Area Mill and Overlay

h. Resolution Accepting Bid and Authorizing Award of Contract, Improvement Project No. 2018-13, 2018 Street Seal Coating

i. Resolution Authorizing Execution of a Small Wireless Facility Collocation Agreement with Zayo Group, LLC

j. Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2016-19, Sanitary Sewer Lining, Mississippi River Trunk Line

7. Presentations/Proclamations/Recognitions/Donations

a. Presentation by Hennepin County Sheriff Richard W. Stanek
Requested Council Action:
–Motion to accept presentation.

8. Public Hearings

a. Resolution Certifying Special Assessments for Utility Repairs to the Hennepin County Property Tax Rolls
–City Council called for Public Hearing on February 12, 2018; notice was published in the official newspaper on February 22, 2018. Public Hearing was continued from March 12, 2018.
Requested Council Action:
–Motion to re-open Public Hearing.
–Take public input.
–Motion to close Public Hearing.
–Motion to adopt Resolution.

b. Resolution Authorizing the Assignment and Assumption of Obligations Under a Conduit Revenue Bond by Noble Academy DBA Nompeng Academy Project and Approving Related Documents
–Notice was published in the official newspaper on March 8, 2018.
Requested Council Action:
–Motion to open Public Hearing.
–Take public input.
–Motion to close Public Hearing.
–Motion to adopt Resolution.

9. Planning Commission Items

a. Planning Commission Application No. 2018-001, Submitted by Greg Hayes (Ebert Construction). Request for approval of: (1) the preliminary plat for Northbrook Center 3rd Addition, (2) establishment of a new Planned Unit

Development, and (3) site and building plan approval for a four story, 112,000-square foot indoor commercial storage building (located at 1950 57th Avenue North)
–The Planning Commission voted unanimously (7-0) in favor of recommending approval of the Preliminary Plat, and 5-2 in favor of recommending the requested establishment of the Planned Unit Development and site and building plan at its March 15, 2018, meeting.

1. Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2018-001, Submitted by Greg Hayes of Ebert Construction, Requesting Approval of the Preliminary Plat of Northbrook Center 3rd Addition (Located at 1950 57th Avenue North)
Requested Council Action:
–Motion to adopt resolution.

2. Resolution Regarding the Disposition of Planning Commission Application No. 2018-001, Submitted by Greg Hayes of Ebert Construction for Approval of a New Planned Unit Development with New Zoning Classification of PUD-C2 (Planned Unit Development – Commerce) & Development Site Plan for an Indoor Commercial Storage Building (Located at 1950 57th Avenue North)
Requested Council Action:
–Motion to adopt resolution.

b. Planning Commission Application No. 2018-002, submitted by Tashitaa Tufaa (Mississippi Valley Properties, LLC). Request for approval of a site and building plan and issuance of a Special Use Permit for the establishment of an event center (located at 6440 James Circle North).
–The Planning Commission voted unanimously (7-0) in favor of recommending approval of the application at its March 15, 2018, meeting.

1. Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2018-002, Submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC., for Approval of a Site and Building Plan and Issuance of a Special Use Permit to Convert a Former Bowling Alley and Restaurant into an Event Center in the C2 (Commerce) District (Located at 6440 James Circle North)
Requested Council Action:
–Motion to adopt resolution.

10. Council Consideration Items

a. Consideration of Type IV 6-Month Provisional Rental Licenses
1. 1325 68th Ln N
2. 2932 69th Ln N
3. 6613 Camden Dr

4. 7200 Dallas Rd
5. 2406 Ericon Dr
6. 5819 Knox Ave N
7. 7025 Newton Ave N
8. 6830 Scott Ave N
9. Resolution Approving a Type IV 6-Month Provisional Rental License for 5325 70th Cir
10. Resolution Approving a Type IV 6-Month Provisional Rental License for 6501 Brooklyn Dr
11. Resolution Approving a Type IV 6-Month Provisional Rental License for 5415 Emerson Ave N
12. Resolution Approving a Type IV 6-Month Provisional Rental License for 6342 Orchard Ave N
13. Resolution Approving a Type IV 6-Month Provisional Rental License for 6900 Regent Ave N
14. Resolution Approving a Type IV 6-Month Provisional Rental License for 4718 Twin Lake Ave

Requested Council Action:

–Mayor poll audience for applicants to address Council.
–Receive staff report.
–Motion to open hearing.
–Receive testimony from applicants.
–Motion to close hearing.
–Take action on rental license applications and mitigation plans.

b. Approval of a Master Service Agreement for Completion of the 2040 Comprehensive Plan and Approval of a Resolution Requesting an Extension for the 2040 Comprehensive Plan

1. Resolution to Approve a Master Services Agreement with Swanson Haskamp Consulting, LLC for Professional Services to Complete the 2040 Comprehensive Plan

Requested Council Action:

–Motion to adopt resolution.

2. Resolution Requesting Additional Time Within Which to Complete Comprehensive Plan Review Obligations

Requested Council Action:

–Motion to adopt resolution.

11. Council Report

12. Adjournment

Submitted by Jeremy Krulikowski
Informal Open Forum With City Council
3.26.18

Common Benefits of Backyard Poultry

1) Foster greener and more sustainable living (e.g. less energy used for transportation)
2) Cater to our diverse cultural make-up in Brooklyn Center.
3) Allow us as residents to be more self-sufficient.
4) Local, freshly harvested fruits and vegetables are the healthiest foods on the planet, and poultry help us create an even more nutrient dense soil, leading to nutrient dense food.
5) They are a positive, wonderful teaching tool for our children regarding healthy eating, stewarding the earth, responsibility, patience and offer meaningful work and contribution toward the household.
6) Give increased awareness of the food cycle and connection to agriculture.
7) They foster better relationships and interaction within households and between neighbors. Like gardening, caring for poultry gets us outside and talking to those near us.
8) Healthier, more affordable, better-tasting eggs.
9) Possible financial relief and accessible food source for low-income families.
10) Can draw in potential [property] buyers with the outlook of a healthy community.
11) Numerous surrounding cities allow poultry (see below), so allowing poultry would allow us to stay on track with other cities.
12) Keep yard clean by eating bugs, pests, and weeds.
13) Save work and time by tilling soil in preparation for the garden.
14) Droppings can be composted and fertilize lawn/garden, lessening reliance on toxic chemicals and artificial fertilizers.
15) Reduce food waste in garbage by feeding to poultry.

Common Concerns and Myths Regarding Backyard Poultry

1) Disease
    a) Chickens are just like any other animal including humans, dogs, cats and others when it comes to disease. They are not any more likely to carry disease than a dog. If they are well-cared for, fed, watered and kept in a clean environment, then they are more likely to stay healthy.
    b) Diseases are much more likely to be harbored in industrial, confined animal feeding operations due to their sheer size and tight conditions than in a healthy backyard setting.
    c) The hazards of bacterial infections can be mitigated by education regarding how to handle and care for poultry, including washing hands after returning indoors, and how to properly compost droppings for fertilizer. This can easily be

addressed by educating urban chicken farmers with printed materials or offering classes.

i) E.g. Salmonella isn't spread like the common cold, but from the incorrect preparation of meat/eggs. Proper cleaning and handwashing will keep people safe.

2) Attract unwanted pests or predators
   a) To the contrary, chickens love to eat insects of all kinds including worms, beetles, grasshoppers, earwigs, mosquitoes and their larvae, fly larvae, ticks and more and are one of the best methods of insect control. Chickens have even been known from time to time to eat small mice.
   b) Pests can be minimized through proper bedding care.
   c) Chickens do not attract urban predators any more than a cat or dog.
   d) As long as their feed is properly stored just as dog or cat food should be, it will not attract added pests either.
3) Poultry are dirty
   a) Chickens are very clean animals. They will occasionally give themselves "dirt baths" but this is actually in order for them to preen their feathers and keep themselves clean and cool.
4) Noise nuisance
   a) Chicken hens are one of the quietest domestic animals. They cluck softly from time to time, and will often cluck to let you know they recently laid an egg. Unless they are in danger, they do not squawk. They sleep at night just as people do and are completely quiet from dusk to dawn. They are quiet because they want to be left alone to hunt and peck and do not want to attract attention to themselves. Roosters, on the other hand, can be quite noisy as this is their role in the flock.
      i) Many urban ordinances ban roosters, because of their loud crowing.
   b) Hens "talking" at their loudest, speak at the same decibel level as human conversation (about 60 decibels). Roosters crow at about the same decibel level as a barking dog (90 decibels).
5) Odor
   a) Chickens themselves don't smell, nor does a well-maintained coop.
   b) On average, a chicken produces about 1.5 ounces of manure a day, which is far less than the average dog.
      i) A medium sized dog produces 10,000 lbs (5 tons) of feces over a 12 yr life span but that 6 hens produce only 6,500 lbs over a 12 yr life span.
   c) Their droppings usually do not smell, especially if they are allowed to range freely in a grassy yard and are not caged or confined in a small area.
      i) The droppings are easily hosed off and break down into an excellent fertilizer for the lawn.
      ii) Possible odor can be remedied through quality bedding (carbon material; e.g. dried leaves/straw/wood chips).
   d) Just like all pets and animals, chickens need responsible owners to keep the area tidy and clean out the living area from time to time.

Surrounding Cities That Allow Poultry

City	Link	# of poultry
Minneapolis	http://www.minneapolismn.gov/sustainability/homegrown/WCMS1P-133231	Up to 30
Blaine	https://www.blainemn.gov/DocumentCenter/View/581	Up to 6
Mendota Heights	http://www.sterlingcodifiers.com/codebook/index.php?book_id=668	Up to 4
St. Paul	https://www.stpaul.gov/departments/safety-inspections/animal-control-information/backyard-chicken-keeping	Up to 15
Roseville	https://www.backyardchickens.com/articles/roseville-minnesota-chicken-ordinance.65409/	# Not listed
Fridley	https://www.backyardchickens.com/articles/fridley-minnesota-chicken-ordinance.65410/	Up to 6
New Brighton	https://www.twincities.com/2015/05/31/new-brighton-adopts-rules-that-allow-up-to-six-chickens-on-property/	Up to 6
Anoka	http://www.ci.anoka.mn.us/vertical/Sites/%7B213A9A90-C8E1-49AA-AC02-51D3C4882D33%7D/uploads/Article_IV(6).pdf	Up to 4
Burnsville	http://www.burnsville.org/DocumentCenter/View/1888	Up to 4
Hastings	http://www.hastingsmn.gov/home/showdocument?id=4347	Not listed
Rosemount	http://sterlingcodifiers.com/codebook/index.php?book_id=452&section_id=739454	Up to 3
Maple Wood	https://www.maplewoodmn.gov/1012/Raising-Chickens	Up to 10
Inver Grove Heights	https://www.ci.inver-grove-heights.mn.us/539/Urban-Chicken	Up to 6
Eagan	https://www.cityofeagan.com/images/Administration/CityClerk/Handout_-_Chickens_UPDATED.pdf	Up to 5
Crystal	http://www.crystalmn.gov/docs/handouts/FAQs___Raising_Backyard_Chickens.pdf	Up to 4
Golden Valley	http://www.goldenvalleymn.gov/homeyard/yards/keeping-of-chickens.php	Up to 4
Circle Pines	http://www.ci.circle-pines.mn.us/index.asp?SEC=D1FE532B-3FD7-491B-B3B2-2378B7ACB4B1&Type=B_BASIC	Up to 4
New Hope	N/A	Up to 3
Lexington	http://www.ci.lexington.mn.us/page/govt_permits	Up to 4
Eden Prairie	http://www.swnewsmedia.com/eden_prairie_news/news/local/eden-prairie-city-council-oks-backyard-chickens/article_2fe36601-051c-527c-ab50-30a14c5e1045.html	Up to 4

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
March 26, 2018
Immediately Following Regular City Council and EDA Meetings Which Start at 7:00 P.M.

City Hall Council Chambers

A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

ACTIVE DISCUSSION ITEMS

1. Off-Site Storage of Vehicles

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

1. Naturally Occurring Affordable Housing Policy
2. City Council Code of Policies (10-9-17 Study Session Discussion)
   a. Section 2.93 Long-Term Deer Population Management Plan
3. Tobacco Purchase Age 21 (Brooklyn Youth Council) – June
4. Organic Composting and Native Bee Habitat (1-8-18 Study Session Discussion) – April
5. Median Safety Ordinance – April

City Council Agenda Item No. 6a

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

STUDY/WORK SESSION
MARCH 12, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Tim Willson at 6:00 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler and April Graves were present. Councilmembers Kris Lawrence-Anderson and Dan Ryan were absent and excused. Also present were Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Community Development Director Meg Beekman, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

None.

MISCELLANEOUS

Set Time and Date for Meeting with Congressman Keith Ellison

Mayor Willson stated Mr. Boganey provided a memo to the Councilmembers which offers two proposed options for the meeting with Congressman Keith Ellison. He asked which time is preferred by the Councilmembers and noted his preference would be to meet prior to the City Council Meeting. Councilmembers Graves and Butler agreed. Mayor Willson stated Deputy City Manager Reggie Edwards can move forward with scheduling Monday, March 26, at 5 p.m.

Brooklyn Center Youth in Government Day

Councilmember Graves asked if the City is planning on having Youth in Government day again this year. She stated she would really like to continue to have this great event. Mayor Willson stated he would like to have this event again and noted he will have staff look into it and update the Councilmembers once he has further information.

Deputy City Manager Reggie Edwards provided a document for each Councilmember to fill in which dates of those provided works best to have their training on the iPads.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

EMERGENCY PRIVATE UTILITY REPAIR ASSESSMENT POLICY

Finance Director Nate Reinhardt provided background and a presentation on this item.

Councilmember Graves asked if these water line issues are usually due to construction or are they random leaks. . He noted there are many different cases. Mr. Reinhardt stated it can be a pipe that bursts randomly or it could be something that builds until it breaks like a backed-up sewer. She asked if the property owner is held responsible for pipes connected to their home that are on public land. Mr. Reinhardt stated it depends if it is the service line or the main and on the issue that caused the problem.

Councilmember Graves asked how the process works in a situation where a pipe bursts and they believe it to be a City-owned pipe. Mr. Reinhardt stated each situation is different but ideally the property owner would contact a plumber and then contact the City staff with the estimated costs involved. At that point if the City is covering the cost, the plumber would do the work and the City would pay them directly. Mr. Reinhardt stated the City provides a 10-year warranty on any work done by the City.

Mayor Willson asked why the City would give a guarantee of 10 years on work completed by an outside company and noted normal warranties don't cover that long. He stated the concern is that tax payers are covering the costs for these repairs. City Attorney Troy Gilchrist provided clarification and read the policy, and stated the warranty only pertains to work that is done by the City, not outside companies. Mayor Willson stated that makes more sense.

Mayor Willson stated Mr. Reinhardt has consensus from the City Council to move forward with the proposed policy changes.

ADJOURNMENT

Mayor Willson adjourned the Study Session at 6:24 p.m.

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

REGULAR SESSION
MARCH 12, 2018
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Tim Willson at 6:45 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler and April Graves were present. Councilmembers Kris Lawrence-Anderson and Dan Ryan were absent and excused. Also present were Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Community Development Director Meg Beekman, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

Mayor Tim Willson opened the meeting for the purpose of Informal Open Forum.

Andrea Bayerl, 5729 Bryant Avenue North, addressed the City Council. She stated she wants to know how the City decides which telecommunication companies they contract with. She stated she works in telecommunications and knows the difference between premium channels and services and noted that she has to pay ten dollars through Comcast to watch PBS channels, which they list as premium channels but she noted they are not. She stated she would like the City Council to consider other companies when choosing contractors. Mayor Willson provided his business card to Ms. Bayerl and asked her to send him a summary of her concerns so it can be looked into by City staff.

Councilmember Graves moved and Councilmember Butler seconded to close the Informal Open Forum at 6:48 p.m.

Motion passed unanimously.

2. INVOCATION

Mayor Willson read a poem as the Invocation.

3. CALL TO ORDER REGULAR BUSINESS MEETING

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

4. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler and April Graves were present. Councilmembers Kris Lawrence-Anderson and Dan Ryan were absent and excused. Also present were Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Community Development Director Meg Beekman, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Butler moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, as amended, including the provided updated levy roll to be added to Agenda Item 8a and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. February 12, 2018 – Study/Work Session
2. February 12, 2018 – Regular Session
3. February 12, 2018 – Work Session
4. February 20, 2018 – Special Session
5. February 26, 2018 – Study Session
6. February 26, 2018 – Regular Session

6b. LICENSES

MECHANICAL

Amp's Future Inc. dba: Mr. Rooter Plumbing of the Twin Cities	5155 East River Road Ste 418, Fridley, MN 55421
Granite City Plumbing dba: Neighborhood Plumbing & Heating	130 Broadway Avenue N, Foley, MN 56329
Hertz Mechanical Inc.	19561 Vernon Street, Elk River, MN 55330
RTS Mechanical LLC	725 Tower Drive, Hamel, MN 55340

TOBACCO RELATED PRODUCT

Premier Tobacco	6930 Brooklyn Blvd

RENTAL

INITIAL (TYPE II – two-year license)

4207 Lakeside Avenue #138	Patrick Hall

RENEWAL (TYPE III – one-year license)

Ryan Lake Apartments	
3401-3413 47th Avenue North	Donald Widell
5400-02 Russell Avenue North	Tai Pham
3901 Burquest Lane	Edwin Ngang
7045 Unity Avenue North	Abideen Ajibola/AMAS Investments, LLC

RENEWAL (TYPE II – two-year license)

6605 Camden Drive	Calvin Johnson
5420 Fremont Ave N	Ross Steven Herman
7049 Regent Avenue North	Main Street Renewal LLC
6307 Scott Avenue North	Kin Chew
3206 Thurber Road	Mains'l Properties

RENEWAL (TYPE I – three-year license)

7230 West River Road	Nedim and Adisa Frilj
1807 70th Avenue North	Rebecca Thomley

6c. RESOLUTION NO. 2018-44 ADOPTING A REQUEST FOR PROPOSALS FOR CUSTODY/TRUST BANKING SERVICES

6d. ANNUAL REPORT ON FRANCHISE FEES

6e. RESOLUTION NO. 2018-45 APPROVING AN AMENDMENT TO THE BROOKLYN CENTER FIRE DEPARTMENT RELIEF ASSOCIATION BY-LAWS

6f. RESOLUTION NO. 2018-46 AUTHORIZING ACQUISITION OF EASMENTS FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1, PROJECT NO. 2018-05

6g. AN ORDINANCE RELATING TO ACTIVITIES WITHIN THE RIGHT-OF-WAY; AMENDING CITY ORDINANCE SECTION 25-1000

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

- None.

8. PUBLIC HEARINGS

8a. PROPOSED SPECIAL ASSESSMENTS FOR DISEASED TREE REMOVAL COSTS AND WEED REMOVAL COSTS

8a1. RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR DISEASED TREE REMOVAL COSTS TO THE HENNEPIN COUNTY PROPERTY TAX ROLLS

It was noted that as a 4/5ths vote was required to certify special assessments, the public hearings would be held tonight with action on the resolutions continued to the March 26, 2018, meeting.

Community Development Director Meg Beekman introduced the item, discussed the history, and stated the purpose of the proposed special assessments for Diseased Tree Removal Costs and Weed Removal Costs.

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

Motion passed unanimously.

Michael Stokes, 2900 Mumford Road, addressed the City Council. He stated he wasn't aware he was able to speak to the City Council prior to this evening on this issue. He stated he had a tree trimmed in the spring and isn't sure if it was diseased or not. Mayor Willson told him to contact Mr. Edwards to get more information on his situation.

No one else appeared to address the City Council.

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

Motion passed unanimously.

Mayor Willson stated action on Resolution No. Certifying Special Assessments for Diseased Tree Removal Costs to the Hennepin County Property Tax Rolls is continued until the City Council meeting on March 26, 2018.

8a2. RESOLUTION NO. CERTIFYING SPECIAL ASSESSMENTS FOR WEED REMOVAL COSTS TO THE HENNEPIN COUNTY PROPERTY TAX ROLLS

Ms. Beekman introduced the item, discussed the history, and stated the purpose of the proposed special assessments for weed removal costs to the Hennepin County property tax rolls.

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

Motion passed unanimously.

No one wished to address the City Council.

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

Motion passed unanimously.

Mayor Willson stated action on Resolution Certifying Special Assessments for Weed Removal Costs to the Hennepin County Property Tax Rolls is continued until the City Council meeting on March 26, 2018.

8b. RESOLUTION NO. CERTIFYING SPECIAL ASSESSMENTS FOR UTLITY REPAIRS TO THE HENNEPIN COUNTY PROPERTY TAX ROLLS

Finance Director Nate Reinhardt introduced the item, discussed the history, and stated the purpose of the proposed special assessments for utility repairs to the Hennepin County property tax rolls.

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

Motion passed unanimously.

Timothy Cornell, 3815 Burquest Lane, addressed the City Council. He stated he wasn't told there was work to be done but one day just saw people in his yard doing work. He stated they informed him it was not his responsibility. Mayor Willson stated action on this item will be continued until the March 26, 2018, City Council meeting and stated Mr. Cornell should contact Mr. Edwards about this and he will help him with an appeal.

Councilmember Butler moved and Councilmember Graves seconded to continue the Public Hearing.

Motion passed unanimously.

Mayor Willson stated action on Resolution Certifying Special Assessments for Utility Repairs to the Hennepin County Property Tax Rolls is continued until the City Council meeting on March 26, 2018.

9. PLANNING COMMISSION ITEMS

- None.

10. COUNCIL CONSIDERATION ITEMS

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

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

Mayor Willson polled the audience and asked whether anyone was in attendance to provide testimony on any of the rental licenses as listed on tonight's meeting agenda. Seeing no one coming forward, Mayor Willson called for a motion on Agenda Items 10a1 through 10a8.

10a1. 3141 49TH AVENUE NORTH
10a2. 5357 COLFAX AVENUE NORTH
10a3. RESOULTION NO. 2018-47 APPROVING IV RENTAL LICENSE FOR 3000 62ND AVENUE NORTH
10a4. RESOLUTION NO. 2018-48 APPROVING A TYPE IV RENTAL LICENSE FOR 6336 BEARD AVENUE NORTH
10a5. RESOLUTION NO. 2018-49 APPROVING A TYPE IV RENTAL LICENSE FOR 5025 DREW AVENUE NORTH
10a6. RESOLUTION NO. 2018-50 APPROVING A TYPE IV RENTAL LICENSE FOR 6642 DUPONT AVENUE NORTH
10a7. RESOLUTION NO. 2018-51 APPROVING A TYPE IV RENTAL LICENSE FOR 4906 HOWE LANE
10a8. RESOLUTION NO. 2018-52 APPROVING A TYPE IV RENTAL LICENSE FOR 2913 NASH ROAD

Councilmember Graves moved and Councilmember Butler seconded to approve the issuance of a Type IV six-month provisional rental license and mitigation plan for the following: 3141 49TH Avenue North; 5357 Colfax Avenue North; and adopt RESOLUTION NO. 2018-47 Approving a Type IV Rental License for 3000 62nd Avenue North; RESOLUTION NO. 2018-48 Approving a Type IV Rental License for 6336 Beard Avenue North; RESOLUTION NO. 2018-49 Approving a Type IV Rental License for 5025 Drew Avenue North; RESOLUTION NO. 2018-50 Approving a Type IV Rental License for 6642 Dupont Avenue North; RESOLUTION NO. 2018-51 Approving a Type IV Rental License for 4906 Howe Lane; and, RESOLUTION NO. 2018-52 Approving a Type IV Rental License for 2913 Nash Road, with the requirement that the mitigation plans and all applicable ordinances must be strictly adhered to before renewal licenses would be considered.

Motion passed unanimously.

10b. MAYORAL APPOINTMENT OF MEMBERS TO SERVE ON THE HOUSING COMMISSION

Councilmember Butler moved and Councilmember Graves seconded to ratify the Mayoral appointment of Paul Oman and Michael Stokes to the Housing Commission with a term to expire December 31, 2018.

Motion passed unanimously.

10c. MAYORAL APPOINTMENT TO SERVE ON SISTER CITIES COMMISSION

Councilmember Graves moved and Councilmember Butler seconded to ratify the Mayoral appointment of the following to serve on Sister Cities Commission:

Sheku Samba with a term to expire December 31, 2018
Jacob Saffert with a term to expire December 31, 2019
Tashawana Williams with a term to expire December 31, 2020
Anthony Ochoada with a term to expire December 31, 2021
Issa Mansaray with a term to expire December 31, 2022

Motion passed unanimously.

11. COUNCIL REPORT

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

- February 27, 2018: Black History Month Celebration and Presentation at CEAP
- February 28, 2018: State of Youth Homelessness Panel hosted by Brooklyn Avenues of Youth
- March 1, 2018: Conference at Brooklyn Center High School
- March 8, 2018: Sanctuary Ribbon Cutting Ceremony
- March 8, 2018: Northside Council
- March 9, 2018: YIPA Meeting

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

- February 27, 2018: Black History Month Celebration and Presentation at CEAP
- March 8, 2018: Sanctuary Ribbon Cutting Ceremony
- March 10, 2018: Meeting at Islamic Community Center

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

- February 27, 2018: Black History Month Celebration and Presentation at CEAP
- March 9, 2018: Meeting with City Manager Curt Boganey

12. ADJOURNMENT

Councilmember Graves moved and Councilmember Butler seconded adjournment of the City Council meeting at 7:34 p.m.

Motion passed unanimously.

City Council Agenda Item No. 6b

COUNCIL ITEM MEMORANDUM

DATE: March 20, 2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Rozlyn Tousignant, Deputy City Clerk

SUBJECT: Licenses for City Council Approval

Recommendation:
It is recommended that the City Council consider approval of the following licenses on March 26, 2018.

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

LIQUOR – ON-SALE WINE INTOXICATING AND 3.2 PERCENT MALT LIQUOR

Bryant Wings LLC dba Wingstop	1180 Shingle Creek Crossing, Suite G112

MECHANICAL

3-D Heating & AC	206 Jefferson Ave N, Watertown
All American Heating & Air Inc	3600 72nd Ave N, Brooklyn Center
Condor Fireplace & Stone	8282 Arthur St NE, Spring Lake Park
McQuillan Bros Plumbing, Heating & AC LLC	1711 Highway 36, St. Paul, MN
WJW Company DBA Twin City Heating and Air	2713 91st Crescent, Brooklyn Park

RENTAL
See attached report.

TRANSIENT ACCOMODATIONS – LEVEL I

Super 8 Motel	6445 James Cir N

COUNCIL ITEM MEMORANDUM

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

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

Budget Issues:

There are no budget issues to consider.

Rental Licenses for Council Approval on March 26, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
The Sanctuary of Brooklyn Center 6121 Brooklyn Blvd	1 Bldg 158 Units	Initial	Sylvia McGee Gardant Management Solutions	0	I	N/A	II	
5306 Penn Ave N	Single Family	Initial	Sergey Fooks	1	I	N/A	II	
Gateway Commons 2802 Northway Dr	21 Bldgs 252 Units	Renewal	Gary Brummer	231 (.92/Unit)	II	0	II	I
2401-03 54th Ave N	Two Family (2)	Renewal	Karboy Properties LLC	1	I	0	I	III
1600 69th Ave N	Single Family	Renewal	Vo Hieu	0	I	0	I	II
6106 Aldrich Ave N	Single Family	Renewal	Main Street Renewal LLC	3	II	0	II	IV
2023 Brookview Dr	Single Family	Renewal	RHA 3, LLC	5	III	0	III	IV
5200 Drew Ave N	Single Family	Renewal	Morris Matthews (Missing 2 ARM Meetings)	1	I	0	III	III
7215 Girard Ave N	Single Family	Renewal	Rebecca Thomley	0	I	0	I	I
7100 Indiana Ave N	Single Family	Renewal	John Wright	0	I	0	I	II
5530 James Ave N	Single Family	Renewal	Ross Herman	0	I	0	I	IV
6018 Kyle Ave N	Single Family	Renewal	Danny Vo	0	I	0	I	I
5300 Logan Ave N	Single Family	Renewal	Benjamin Antony	0	I	0	I	IV
7224 Logan Ave N	Single Family	Renewal	Douglas Schmertman (Missing Cpted)	5	III	0	III	III
5406 Sailor La	Single Family	Renewal	James Waters	6	III	0	III	IV
7207 Willow La N	Single Family	Renewal	Arl Woods	4	II	0	II	II
6006 Zenith Ave N	Single Family	Renewal	Keith McConnell	4	II	0	II	IV

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

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

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

All properties are current on City utilities and property taxes

City Council Agenda Item No. 6c

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

SUBJECT: A Resolution approving Special Assessments for Diseased Tree Removal Costs

Recommendation:

It is recommended that the City Council consider approval of the attached resolution certifying special assessments for Diseased Tree Removal Costs.

Background:

Two Public Hearings are scheduled were held at the March 12, 2018 to consider certification of proposed special assessments. As a result of there being three council members the City Council was unable to vote on an assessment. Therefore, this action is being brought back for approval. There were no appeals and the public hearing is closed.

The City Council called for a March 12, 2018 Public Hearing at its February 12, 2018 meeting. All potentially affected property owners have been notified by certified mail of the date of the Public Hearing and the amount of the proposed special assessments. As of March 5, 2018, no formal appeals have been made to City staff since the February 12, 2018 Council meeting.

The following is a brief summary of the minimum process involved in City-facilitated abatements.

- A written Compliance Notice is provided to the owner of record. In addition to notifying the owner of record, in certain cases, properties may be posted or other responsible parties may be notified.
- A follow up inspection is conducted to verify compliance.
- If compliance is not achieved, the City will take corrective actions to remove the public nuisance or hazard. In certain cases, the property owner may provide written agreement to a City-facilitated abatement.
- The City bills the owner of record for the portion of costs the City has incurred directly related to the abatement action. A service charge is applied to help recover city costs associated with the entire abatement process- inspections, notifications, invoicing, administrative systems, etc.
- The direct costs of the abatement are recorded as pending special assessments and this information is available to the public. When a property is sold, agencies or parties often conduct property searches to determine the pending and levied special assessment amounts. Payments of any pending or levied special assessment should be determined by

the sellers and buyers as part of the sales transactions.

Payment Options available to Property Owners

Once an assessment roll is adopted by the Council, the owner of each property has the following options:

1. Pay the entire amount of the special assessment, without interest by April 12, 2018.

2. After April 12, 2018 through November 21, 2018, the property owner may pay the total special assessment plus accumulated interest (4 percent) through the date of payment.

3. If payments are made with property taxes, the first payment will be due with taxes in 2019. The total principal will be payable in annual installments for the period stated on the levy roll and as indicated below. Interest of 4 percent is accrued on the unpaid balance.

Diseased Tree Removal Costs	Five Year

Partial prepayments (such as paying half now and certifying the balance) are not allowed under current assessment policy.

Budget Issues:

The levy roll for diseased tree removal costs totals $9,249. However, the list will be updated as appropriate for the Council Meeting reflecting payments made by March 16, 2018.

Attachment:
Resolutions- Diseased Tree Removal

List of Levied Properties- The list will be updated for the Council Meeting based on payments made by March 26, 2018.

Strategic Priorities:

- Resident Economic Stability

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR DISEASED TREE REMOVAL COSTS TO THE HENNEPIN COUNTY TAX ROLLS

WHEREAS, the City of Brooklyn Center has caused the removal of trees on certain properties within the City during 2017 under the authority of Minnesota Statutes, Section 18G.13, City Ordinance Section 20-301 through 20-306 and/or by written agreement with the owners of such property; and

WHEREAS, on March 12, 2018, certain tree removal costs remained unpaid; and

WHEREAS, an assessment roll for unpaid accounts during 2017, a copy of which is attached hereto and made part hereof by reference, has been prepared by the City Clerk, tabulating those properties where tree removal costs are to be assessed, together with the amounts proposed to be assessed to each property; and

WHEREAS, Minnesota State Statute authorizes the certification of delinquent tree removal costs to the County tax rolls for collection; and

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for tree removal costs.

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

1. The special assessment roll of tree removal costs incurred during the year 2017 is hereby adopted and certified as Levy No. 19782.

2. The special assessments as adopted and confirmed shall be payable in equal annual installments with interest thereon at 4 percent per annum, extending over a period of five years. The first of the installments shall be payable with ad valorem taxes in 2019, and shall bear interest on the entire assessment from April 12, 2018 through December 31, 2019. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may at any time prior to the certification of the assessment to the County Auditor pay the whole of the assessment, to the City; without interest, if the entire assessment is paid on or before April 12, 2018. After April 12, 2018, he or she may pay the total special assessment, plus interest. Interest will accumulate from April 12,

RESOLUTION NO. _____

2018 through the date of payment. Such payment must be made by the close of business November 22, 2018 or interest will be charged through December 31 of the succeeding year.

4. The City Clerk shall forthwith transmit a certified duplication of this assessment to the County Auditor to be extended on the proper tax lists of the county and such assessments shall be collected and paid over in the same manner as other municipal taxes.

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Amended Special Assessment Certified Roll (Trees)
2017 Tree Removal
Printed March 16, 2018

Municipal Code No. 22

Levy Runs Five Years

Levy No.	Property Address	Property ID	Pending Amount	Capital Interest Charge	Special Assessment Charge	Total Amount Certified
19782	6001 Camden Ave N	01-118-21-21-0069	350.00	30.00	30.00	410.00
19782	5405 Fremont Ave N	01-118-21-33-0041	2,350.00	30.00	30.00	2,410.00
19782	5737 Irving Ave N	02-118-21-14-0058	685.00	30.00	30.00	745.00
19782	4019 58th Ave N	03-118-21-24-0012	1,150.00	30.00	30.00	1,210.00
19782	3524 53rd Ave N	03-118-21-43-0055	725.00	30.00	30.00	785.00
19782	6401 Major Ave N	34-119-21-32-0024	499.00	30.00	30.00	559.00
19782	2741 Freeway Blvd	35-119-21-23-0087	160.00	30.00	30.00	220.00
19782	2801 Nash Rd	35-119-21-33-0036	2,850.00	30.00	30.00	2,910.00

Total: 9,249.00

City Council Agenda Item No. 6d

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

SUBJECT: A Resolution approving Special Assessments for Weed Removal Costs

Recommendation:

It is recommended that the City Council consider approval of the attached resolution certifying special assessments for weed removal costs.

Background:

Two Public Hearings are scheduled were held at the March 12, 2018 to consider certification of proposed special assessments. As a result of there being three council members the City Council was unable to vote on an assessment. Therefore, this action is being brought back for approval. There were no appeals and the public hearing is closed.

The City Council called for a March 12, 2018 Public Hearing at its February 12, 2018 meeting. All potentially affected property owners have been notified by certified mail of the date of the Public Hearing and the amount of the proposed special assessments. As of March 5, 2018, no formal appeals have been made to City staff since the February 12, 2018 Council meeting.

The following is a brief summary of the minimum process involved in City-facilitated abatements.

- A written Compliance Notice is provided to the owner of record. In addition to notifying the owner of record, in certain cases, properties may be posted or other responsible parties may be notified.
- A follow up inspection is conducted to verify compliance.
- If compliance is not achieved, the City will take corrective actions to remove the public nuisance or hazard. In certain cases, the property owner may provide written agreement to a City-facilitated abatement.
- The City bills the owner of record for the portion of costs the City has incurred directly related to the abatement action. A service charge is applied to help recover city costs associated with the entire abatement process- inspections, notifications, invoicing, administrative systems, etc.
- The direct costs of the abatement are recorded as pending special assessments and this information is available to the public. When a property is sold, agencies or parties often conduct property searches to determine the pending and levied special assessment amounts. Payments of any pending or levied special assessment should be determined by

the sellers and buyers as part of the sales transactions.

Payment Options available to Property Owners

Once an assessment roll is adopted by the Council, the owner of each property has the following options:

1. Pay the entire amount of the special assessment, without interest by April 12, 2018.

2. After April 12, 2018 through November 21, 2018, the property owner may pay the total special assessment plus accumulated interest (4 percent) through the date of payment.

3. If payments are made with property taxes, the first payment will be due with taxes in 2019. The total principal will be payable in annual installments for the period stated on the levy roll and as indicated below. Interest of 4 percent is accrued on the unpaid balance.

Weed Removal Costs	One Year

Partial prepayments (such as paying half now and certifying the balance) are not allowed under current assessment policy.

Budget Issues:

The levy roll for weed removal costs totals $9,137.50. However, the list will be updated as appropriate for the Council Meeting reflecting payments made by March 26, 2018.

Attachment:
Resolutions- Weed Removal Costs

List of Levied Properties- The list will be updated for the Council Meeting based on payments made by March 26, 2018.

Strategic Priorities:

- Resident Economic Stability

Member introduced the following resolution and moves its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR WEED REMOVAL COSTS TO THE HENNEPIN COUNTY TAX ROLLS

WHEREAS, the City of Brooklyn Center has caused noxious weeds and tall grass to be cut down on properties within the City under the authority of Minnesota Statutes Section 18.78 and City Ordinance Section 19-1601 through 19-1604; and

WHEREAS, on March 12, 2018, certain weed destruction accounts for removal of said weeds and tall grass costs remained unpaid; and

WHEREAS, an assessment roll for unpaid accounts from 2017, a copy of which is attached hereto and made part hereof by reference, has been prepared by the City Clerk, tabulating those properties where unpaid weed destruction account costs are to be assessed to each property; and

WHEREAS, Minnesota State Statute authorizes the certification of delinquent weed destruction accounts to the County tax rolls for collection; and

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for weed destruction costs.

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

1. The special assessment roll of unpaid weed destruction accounts incurred during the year 2017 is hereby adopted and certified as Levy No. 19783.

2. The special assessments as adopted and confirmed shall be payable with ad valorem taxes in 2019, in one annual installment with interest thereon at 4 percent per annum and shall bear interest on the entire assessment from April 12, 2018 through December 31, 2019.

3. The owner of any property so assessed may at any time prior to the certification of the assessment to the County Auditor pay the whole of the assessment, to the City Treasurer, without interest, if the entire assessment is paid on or before April 12, 2018. After April 12, 2018, he or she may pay the total special assessment, plus interest. Interest will accumulate from April 12, 2018 through the date of payment. Such payment must be made by the close of business November 22, 2018 or interest will be charged through December 31 of the succeeding year.

RESOLUTION NO. _____

4. The City Clerk shall forthwith transmit a certified duplication of this assessment to the County Auditor to be extended on the proper tax lists of the county and such assessments shall be collected and paid over in the same manner as other municipal taxes.

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Amended Special Assessment Certified Roll (Grass/Weeds)
2017 Weed Destruction
Printed March 19, 2018

Municipal Code No. 22

Levy Runs One Year

Levy No.	Property Address	Property ID	Pending Amount	Capital Interest Charge	Special Assessment Charge	Total Amount Certified
19783	5919 Camden Ave N	01-118-21-21-0007	993.75	10.00	30.00	1,033.75
19783	6028 Fremont Ave N	01-118-21-22-0058	513.75	10.00	30.00	553.75
19783	5415 Dupont Ave N	01-118-21-33-0080	480.00	10.00	30.00	520.00
19783	5355 Emerson Ave N	01-118-21-33-0111	720.00	10.00	30.00	760.00
19783	5350 Camden Ave N	01-118-21-43-0082	251.25	10.00	30.00	291.25
19783	3906 Eckberg Dr	03-118-21-31-0065	240.00	10.00	30.00	280.00
19783	6806 Perry Ave N	33-119-21-11-0035	1,200.00	10.00	30.00	1,240.00
19783	5230 65th Ave N	33-119-21-13-0046	240.00	10.00	30.00	280.00
19783	6301 Orchard Ave N	33-119-21-41-0046	240.00	10.00	30.00	280.00
19783	3219 67th Ave N	34-119-21-14-0023	262.50	10.00	30.00	302.50
19783	6407 Marlin Dr	34-119-21-31-0072	787.50	10.00	30.00	827.50
19783	4007 Janet La	34-119-21-34-0027	720.00	10.00	30.00	760.00
19783	6206 Chowen Ave N	34-119-21-43-0027	262.50	10.00	30.00	302.50
19783	3206 Mumford Rd	34-119-21-44-0025	810.00	10.00	30.00	850.00
19783	3300 Lawrence Rd	34-119-21-44-0091	491.25	10.00	30.00	531.25
19783	6130 Emerson Ave N	36-119-21-33-0030	285.00	10.00	30.00	325.00

Total: 9,137.50

City Council Agenda Item No. 6e

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director NR

SUBJECT: Meeting Schedule for 2019-2020 Budget

Recommendation:

It is recommended that the City Council consider a motion approving the following budget planning and approval dates. The schedule includes joint work session meetings with the Financial Commission.

Background:

These meetings will be held to discuss the development of the budget document for the 2019 fiscal year with projections for the 2020 fiscal year. The meetings are all to be held at 6:30 PM on Mondays (unless otherwise noted) in the City Council Chambers at City Hall. It is requested that the Council approve placement of these dates on the official calendar of Council meetings.

Monday, December 3, 2018 has been reserved for a public hearing on the proposed budget and levy. The intention is to schedule this meeting as a special meeting which will allow City Council to approve the proposed budget and levy following the public hearing.

Date	Topic
June 4, 2018	CAFR Presentation and Auditor's Report
July 16, 2018	Capital Improvement Plan, Capital Project Funds
July 30, 2018	2019 Budget Overview
August 8, 2018	General Fund – Department Requests *(Wednesday)*
August 20, 2018	General Fund – Department Requests
September 17, 2018	Recommended Preliminary Levy
October 15, 2018	Special Revenue Funds, Debt Service Funds, Internal Service Funds
October 29, 2018	Utility/Enterprise Funds and Rates
December 3, 2018	Public Hearing & Proposed Adoption of Budget and Levy *(7:00 pm)*

Attached is a listing of the dates and topics for City Council actions on the 2019/20 Budget.

Strategic Priorities:

- Safe, Secure, Stable Community

City Council and Financial Commission

Budget Schedule for 2019-2020

June 4, 2018	Monday	Work Session *CAFR Presentation and Auditors Report*
July 16, 2018	Monday	Work Session *Capital Improvement Plan and Capital Project Funds*
July 30, 2018	Monday	Work Session *2019 Budget Overview*
August 8, 2018	Wednesday	Work Session *General Fund – Department Requests*
August 20, 2018	Monday	Work Session *General Fund – Department Requests*
September 17, 2018	Monday	Work Session *General Fund – Recommended Preliminary Levy*
September 24, 2018	Monday	Regular City Council Meeting *Proposed adoption of preliminary levy and preliminary governmental funds budgets*
October 15, 2018	Monday	Work Session *Special Revenue Funds, Debt Service Funds Internal Service Funds*
October 29, 2018	Monday	Work Session *Utility/Enterprise Funds*
November 26, 2018	Monday	Regular City Council Meeting *Proposed adoption of the 2019 pay plan, 2019 cafeteria contribution and 2019 utility rates*
December 3, 2018	Monday	Special City Council Meeting *Public hearing on the recommended budget and levy followed by proposed adoption of final tax levies and budgets*

City Council Agenda Item No. 6f

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Resolution Adopting Emergency Private Utility Repair Assessment Policy

Recommendation:

It is recommended that the City Council consider approving the attached resolution adopting emergency private utility repair assessment policy.

Background:

The purpose of the emergency private utility service repair assessment policy is to provide assistance to Brooklyn Center residents who are facing unexpected financial burden of a needed exterior private utility repair (sewer or water line repair from the main, including curb stop, to the principle structure on the property). The program to assist eligible homeowners with the costs of these repairs will be funded through the City Sanitary Sewer and Water Utility Funds. The program will provide a minimum of $500 and a maximum of $10,000 for a homeowner to complete the eligible private exterior repair.

Homeowners have expressed concerns about being able to afford these repairs, this program will allow them to spread the payments evenly over a five year period. Homeowners will enter into a contract with a private contractor for repair work. The contract must be approved by the City in advance. When the work is completed the homeowner will submit the invoice from the contractor to the City and enter into a special assessment agreement. Homeowners must be current on all property taxes and utility payments.

Utility service line connections to the main line and curb stops are replaced with neighborhood reconstruction projects. On these projects the City hired contractor provides a warranty that covers the connections to the main and curb stop repairs for one to two years. The City's practice is to cover curb stop repairs after that contractor warranty period for up to ten years from the date of replacement. This practice has been formalized and also included in the proposed policy.

If approved the policy will be added to the City Council Code of Policies Section II - General Policies as 2.33 Emergency Private Utility Repair Assessment Policy.

Attachments: Ordinance sections regarding utility service lines, special assessment agreement

Budget Issues:

The City is in the process of assessing eleven properties for utility service line repairs that occurred in 2017 for a total amount of $44,719.15. The number of utility service line repairs

increased significantly over previous years. If the homeowner elects to participate in the program, the City will recover the costs of these repairs through assessments over a five year period. The assessment will include a certification fee and interest as determined by the City's special assessment policy.

Strategic Priorities:

- Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING AN EMERGENCY PRIVATE UTILITY SERVICE REPAIR ASSESSMENT POLICY

WHEREAS, the City Council of the City of Brooklyn Center has adopted Utility Policies as part of the City Council Code of Policies; and

WHEREAS, the City Council has reviewed the proposed Emergency Private Utility Service Repair Assessment Policy attached hereto as Exhibit 1 ("Policy") that provides an opportunity for property owners to seek assistance from the City to make emergency repairs on utility service lines located on their property and to have the costs of those repairs repaid through a special assessment imposed on their property; and

WHEREAS, the City Council determines the proposed Policy and its implementation through the execution of special assessment agreements furthers the protection of the public health, safety, and welfare and is in the best interests of the City.

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

1. The Utility Policies Section 2.33 Emergency Private Utility Service Repair Assessment Policy attached hereto as Exhibit 1 is hereby adopted and shall be incorporated into the Code of Policies.

2. The Mayor and the City Manager are authorized to execute such special assessment agreements and to take such other actions as may be needed to implement the Policy and to recover the City's costs.

March 26, 2018 _____
Date Mayor

ATTEST: _____
City Clerk

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

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

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

Emergency Private Utility Service Repair Assessment Policy

The purpose of this Emergency Private Utility Service Repair Assessment Policy ("Policy") is to provide assistance to Brooklyn Center residents who are facing unexpected financial burden of a needed exterior private utility repair (i.e., sewer or water line repair from the main, including the curb stop to the principle structure on the property). The program to assist eligible homeowners with the costs of these repairs will be funded through the City Sanitary Sewer and Water Utility Funds. The program will provide a minimum of $500 and a maximum of $10,000 for an eligible homeowner to complete the eligible private exterior repair. The City then recovers the amount it pays for the repair through a special assessment imposed on the homeowner's property.

The City shall be responsible for corrective work needed on prior utility service line repairs performed by a contractor hired by the City for a period of ten years from completion of the repair work. The City's responsibility shall be limited to repairs related to the workmanship of the original repair work as determined by the City and does not include any other repair work that may be needed. This responsibility does not apply to work performed by a contractor hired by a homeowner pursuant to this Policy.

Eligibility Requirements

Eligible Homeowner – The homeowner must be current on all property taxes and utility payments to be eligible to participate in program offered pursuant to this Policy. If any of these payments are delinquent, they must be made current before the homeowner can be approved for funding.

Eligible Dwelling – Only owner-occupied homes in the City of Brooklyn Center are eligible.

Eligible Repairs – Emergency exterior private utility repairs between $500 and $10,000 in situations where a condition requiring immediate and urgent attention, which threatens or imperils the health and/or safety of the homeowner's dwelling, such as a repair or replacement of a failed sewer or water line.

Repair

The homeowner shall enter into a contract with a private contractor to perform the repair work. The contract must be approved in advance by the City. When the work has been completed, the homeowner shall receive an invoice from the contractor. The homeowner must submit the contractor's invoice to the City together with a signed and notarized special assessment agreement in the form provided by the City.

Special Assessment

The City will pay the contractor's invoice and assess, pursuant to the assessment agreement, the costs of the repair on the homeowner's property over a period of five years at the interest rate determined by City's special assessment interest policy. The City shall add a certification fee and any other applicable administrative costs to the amount assessed. The homeowner must agree, as part of the assessment agreement, to the assessment and to waive any and all procedural and substantive objections to the improvement and special assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the property. The property owner also waives any appeal rights otherwise available pursuant to Minnesota Statutes, section 429.081.

This space reserved for recording purposes

IMPROVEMENT AND
SPECIAL ASSESSMENT AGREEMENT

This Special Assessment Agreement ("Agreement") is made this _____ day of _____, _____, by and between the City of Brooklyn Center, a Minnesota municipal corporation ("City") and _____, (collectively, the "Property Owner").

RECITALS

A. The Property Owner is the owner of property in the City of Brooklyn Center, County of Hennepin, State of Minnesota, located at _____ and legally described in the attached Exhibit A ("Subject Property").

B. The Property Owner has requested the repair of a _____ service line on the Subject Property ("Improvement").

C. The City has an Emergency Private Utility Service Repair Assessment Policy ("Policy") that sets out the terms and conditions under which the City will assist owners to pay for the costs of utility repairs such as the Improvement and to recover its costs through a special assessment imposed on the affected property.

D. The Property Owner has requested that the City pay the costs of the Improvement and specially assess those costs against the Subject Property in accordance with the Policy and the terms and conditions of this Agreement.

AGREEMENT

In consideration of the mutual covenants and conditions set forth in this Agreement, the City and the Property Owner hereby agree as follows:

1. RECITALS. The recitals are true and correct and are, together with the exhibit and the Policy, incorporated into and made part of this Agreement.

2. IMPROVEMENT. The Property Owner is responsible for selecting a private contractor to construct the Improvement. The Property Owner shall not enter into a contract with a private contractor for the Improvement until it is first reviewed and approved by the City. The City is not a party to that contract, is not directly responsible to the private contractor under the contract, and is not responsible to the Property Owner for the quality of the work or performance of the private contractor. When work on the Improvement is completed, the Property Owner is responsible for obtaining an invoice for the work from the private contractor and for immediately forwarding it to the City.

3. SPECIAL ASSESSMENT. The total estimated cost of the Improvement is $_____. The City will review the invoice upon receipt and, if it appears to be in order, the City will pay the actual amount of the invoice ("Improvement Cost") in accordance with the Policy. The Property Owner requests and consents to the City specially assessing the Improvement Cost, plus the City's administrative fees, (collectively, the "Special Assessment") against the Subject Property. The City shall provide the Property Owner written notice of the total amount of the Special Assessment. The Special Assessment imposed on the Subject Property shall be spread over five (5) years at an interest rate of _____% per year on the unpaid balance. The first installment shall be due and payable with taxes payable in _____. The Property Owner waives any and all procedural and substantive objections to the Improvement and the Special Assessment including, but not limited to, any requirements of Minnesota Statutes, Chapter 429 with respect to the adoption or levying of the Special Assessment to the extent those requirements are not met and any claim that the Special Assessment exceeds the benefit to Subject Property. The Property Owner waives any appeal rights otherwise available pursuant to Minnesota Statute, section 429.081.

4. BINDING EFFECT; RECORDING. The covenants, waivers, and agreements contained in this Agreement shall run with the Subject Property shall be binding upon the Property Owner and the Property Owner's successors, heirs, and assigns. This Agreement may be recorded against the title to the Subject Property.

5. ENFORCEMENT. In the event that the Property Owner violates any of the covenants or agreements contained in this Agreement required to be performed by Owner, the City shall have the option to commence an action for specific performance requiring the Property Owner's full and faithful performance hereunder, and the Property Owner agrees that the City shall be entitled to its administrative costs, court costs, and reasonable attorneys' fees in connection with said action provided the City is successful.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date and year first written above.

PROPERTY OWNER

By:_____

By:_____

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____,

_____
NOTARY PUBLIC

CITY OF BROOKLYN CENTER

By:_____
Tim Willson, Mayor

By:_____
Curt Boganey, City Manager

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Tim Willson and by Curt Boganey, respectively the Mayor and City Manager of the City of Brooklyn Center, a Minnesota corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

_____
NOTARY PUBLIC

This document drafted by:
Kennedy & Graven, Chartered (TJG)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
612-337-9300

EXHIBIT A

Legal Description of the Subject Property

CHAPTER 4 – PUBLIC UTILITY AND SERVICE DISTRICTS

Section 4-201. WATER CONNECTION PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner desiring a permit to connect a dwelling or other building to the public water system of the City of Brooklyn Center shall apply therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Payment of Connection Charge. Prior to issuance of a connection permit the applicant shall be required to pay the connection charge in full.

Subdivision 3. Connection Requirements. No water service line between the curb stop and the plumbing system of any dwelling or other building to be served shall be constructed until a licensed plumber has obtained a connection permit from the planning and inspection department and a water meter from the public utilities division. The adopted permit fee shall be paid to the city general fund as payment for inspection services. In constructing water service lines plumbers shall adhere to standards regarding location, size, grade, materials and workmanship as determined by the public works director. It shall be unlawful to cover the water service line until inspected by a representative of the planning and inspection department. A water meter shall be installed prior to connecting the water service line to the premises' system for consumption by the customer.

Subdivision 7. Service Line Responsibility. The cost of installing all water supply plumbing units, including fixtures, outlets, valves, and the supply lines between the building and the curb stop, shall be borne wholly by the property owner and such plumbing shall be subject to reasonable inspections by representatives of the City community development department. After the initial connection to the curb stop, the property owner shall thereafter be liable for all repair or grade adjustments to his water service line between the street main and the building being served. The public utilities division supervisor shall have final authority in determining when such repairs or grade adjustments are necessary. The supervisor shall give written notice to the property owner of the necessity for repairs or adjustments and the time within which they must be completed.

Section 4-205. WATER SERVICE LINE REPAIR PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner, before proceeding with repair or adjustment of a water service line to a dwelling or building from the public water system of the City of Brooklyn Center, pursuant to Section 4-201 (7) of this ordinance, shall secure a permit therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Repair Requirements. No water service line between the street main and the building being served shall be repaired or adjusted until a licensed plumber has obtained a repair permit from the City planning and inspection department. Any adopted permit fee shall be paid to the City general fund as payment for inspection services.

In repairing said water service line the plumber shall adhere to standards of workmanship and repair procedures as determined by the public works director. It shall be unlawful to cover the water service line until inspected by a representative of the planning and inspection department.

Section 4-301. CONNECTIONS TO SEWER REQUIRED. Every dwelling building or other structure in which plumbing exists or is to be installed shall be connected with the City sanitary sewer system whenever such system is available as determined by the director of public works. Connections shall be made within one year after the City sanitary sewer system is made available.

All buildings' liquid waste systems shall be connected to the City sanitary sewer. Where no sanitary sewer is available the onsite system shall be approved by the health authority utilizing the criteria specified in MPCA-WPC 40, Individual Onsite Sewage System.

Section 4-302. SANITARY SEWER CONNECTION PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner desiring a permit to connect to dwelling or other building to the sanitary sewer system of the City of Brooklyn Center shall apply therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Payment of Connection Charge. Prior to issuance of a connection permit the applicant shall be required to pay connection charge in full.

Subdivision 3. Connection Requirements. No sanitary service line between the sewer main and the waste system of any dwelling or other building to be served shall be constructed until a licensed plumber has obtained a connection permit from the planning and inspection department. The adopted permit fee shall be paid to the City general fund as payment for inspection services. In constructing said sanitary sewer service line, the plumber shall adhere to standards regarding location, size, grade, materials and workmanship as determined by the public works director. It shall be unlawful to cover the sanitary sewer service line until an inspection has been completed to insure that a proper and suitable connection has been made.

Subdivision 4. Service Line Responsibility. The cost of installing the sanitary sewer service line between the building and the main service stub shall be borne wholly by the property owner. After the initial connection to the main service stub the property owner shall thereafter be liable for all maintenance and repairs to his sewer service line between the street main and the building being served. The City shall reserve the right, upon determination of the public works director, to require that the owner of any connected premise other than single and multiple family dwellings shall install, at the property owner's expense, a water meter on a respective private water supply.

Section 4-305. SEWER SERVICE LINE REPAIR PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner, before proceeding with repair or adjustment of a sanitary sewer service line to a dwelling or building from the public sewer system of the City of Brooklyn Center, pursuant to Section 4-302 (4) of this ordinance shall secure a permit therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Repair Requirements. No sanitary sewer service line between the street main and the building being served shall be repaired or adjusted until a licensed plumber has obtained a repair permit from the City planning and inspection department. Any adopted permit fee shall be paid to the City general fund as payment for inspection services. In repairing said sanitary sewer service line the plumber shall adhere to standards of workmanship and repair procedures as determined by the public works director. It shall be unlawful to cover the sanitary sewer service line until inspected by a representative of the planning and inspection department.

City Council Agenda Item No. 6g

COUNCIL ITEM MEMORANDUM

DATE: March 20, 2018

TO: Curt Boganey, City Manager

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

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

SUBJECT: Resolution Establishing Improvement Project No. 2018-08, Bellvue Area Mill and Overlay

Recommendation:
It is recommended that the City Council consider approval of the resolution establishing Improvement Project No. 2018-08, Bellvue Area Mill and Overlay.

Background:
In accordance with the City's Capital Improvements Plan (CIP), the area referred to as the Bellvue Area has been programmed for improvements in 2018. The Bellvue project area extends from Dupont Avenue to 4th Street and from 53rd Avenue to 55th Avenue. The project area also includes 55th Avenue from James Avenue to 4th Street (see attached location map). The Bellvue Area Mill and Overlay project consists of approximately 10,850 linear feet of roadway length. This roadway was reconstructed in 1998. The area consists of approximately 165 residential properties, six multi-family properties, one church property and two commercial properties.

The CIP calls for the roadway to be improved with a 2-inch mill and overlay of the pavement surface with minor concrete curb and gutter replacements, minor sidewalk replacements and minor utility repairs. Dupont Avenue is designated as a Municipal State Aid (MSA) Route. The funding for the project is through a variety of sources as described in the CIP which are anticipated to include special assessments, street reconstruction funds, utility funds and Municipal State Aid revenues.

Typically, in order for a project to be completed within a specified calendar year, preliminary design must commence in advance of the project. This includes initiation of the public notification and participation process that consists of informing affected property owners; conducting field surveys; at least one public informational meeting and an extensive amount of information and data collection. Initial design also includes detailed technical engineering work, underground infrastructure inspections, assessments and soil/geotechnical investigations.

At this time, staff requests that the City Council establish this 2018 street improvement project so investigative and engineering work may begin. Upon authorization by the City Council, the following actions would take place:

- Collect data, including field surveys, review traffic counts and review maintenance records.
- Conduct televised inspections of the sanitary and storm sewers and soil/geotechnical investigations.
- Conduct a public informational meeting in the spring/early summer of 2018 to present initial findings to the neighborhood, and to gauge public interest in the improvement project.
- Commence preliminary design and prepare a feasibility report for review by the City Council. The City Council could then consider setting a date for a project hearing.

Budget Issues:
The Bellvue Area Mill and Overlay project is identified in the City's CIP with a preliminary project cost estimate of $1,540,000. The estimated cost for preliminary field work and preparation of a project feasibility report is $100,000.

Strategic Priorities:
- Key Transportation Investments

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING IMPROVEMENT PROJECT NO. 2018-08, BELLVUE AREA MILL AND OVERLAY

WHEREAS, the City's Capital Improvement Program (CIP) identifies specific streets for proposed infrastructure improvements in 2018; and

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

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

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

1. Improvement Project No. 2018-08, Bellvue Area Mill and Overlay is hereby established.

3. Staff is directed to begin field work, contact property owners in the neighborhood to obtain comments and input and hold public informational meetings for property owners in the neighborhood where improvements are proposed.

3. The City Engineer shall commence preliminary design and prepare a project feasibility report for review by the City Council in the spring of 2018.

4. Estimated project costs for preliminary field work, geotechnical investigations and sewer televising costs are as follows:

COST	AMOUNT
Televising	$ 6,000
Field Survey	$ 9,000
Geotechnical/Drainage Investigation	$ 10,000
Preliminary Design	$ 75,000
Estimated Costs Total	$ 100,000

REVENUES	AMOUNT
Street Reconstruction Fund	$ 100,000
Estimated Revenues Total	$ 100,000

RESOLUTION NO. _____

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

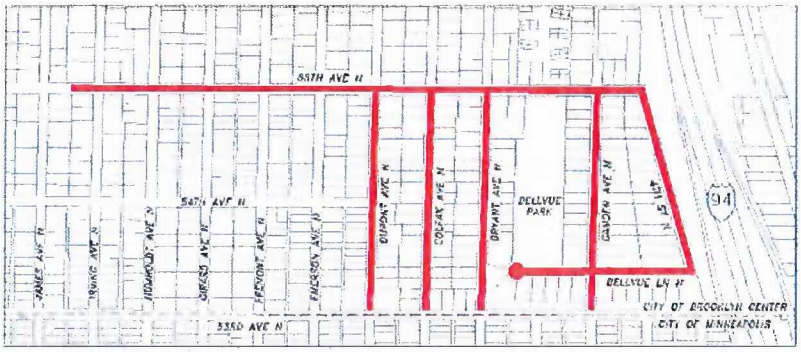
The motion for the adoption of the foregoing resolution was duly seconded by member

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

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

Bellvue Area Mill and Overlay - 2018

The Bellvue project area extends from Dupont Avenue to 4th Street and 53rd Avenue to 55th Avenue. The project area also includes 55th Avenue from James Avenue to 4th Street. The area contains a total of 10,858 linear feet of local streets. The project area consists of approximately 165 residential properties, three multi-family properties, two business properties and one church property.



Streets
Dupont Avenue is designated as a MSA Route. The Bellvue area was last reconstructed in 1998. The streets are generally 30-feet wide with concrete curb and gutter. The current cost estimate assumes street improvements that consist of approximately 10 percent concrete replacement and a 2-inch mill and overlay.

Water main
Approximately 15 percent of the water main in the Bellvue area was replaced with DIP in 1998 when the neighborhood was reconstructed. The remaining water main in the area consists of 6-inch to 10-inch diameter CIP and 16-inch steel water main installed between 1964 and 1982. Water records indicate seven main breaks have occurred within the neighborhood and seven properties have experienced a frozen water service in past winters. The current project cost estimate includes casting replacement only.

Sanitary Sewer
All sanitary sewer in the project area was replaced with 8-inch and 10-inch PVC when the neighborhood was reconstructed in 1998. The current project cost estimate includes casting replacement only.

Storm Sewer
The storm sewer in the Bellvue project area flows to two trunk lines on 55th Avenue and then east to the Mississippi River. Approximately 75 percent of the storm sewer in this area was installed in 1998, including one of the trunk lines on 55th Avenue. This storm sewer consists of 12-inch to 54-inch diameter pipe. The remaining storm sewer is a second trunk line that runs along 55th Avenue. This trunk line consists of 30-inch to 42-inch RCP that was installed in 1952. The current project cost estimate includes casting replacement only.

Street Lighting
The existing street light system is overhead power, with a combination of wood poles with cobra head light fixtures and fiberglass poles with rectilinear fixtures. The current cost estimate includes no street light replacement.

City Council Agenda Item No. 6h

COUNCIL ITEM MEMORANDUM

DATE: March 20, 2018

TO: Curt Boganey, City Manager

FROM: Doran Cote, P.E., Director of Public Works

SUBJECT: Resolution Accepting Bid and Authorizing Award of Contract, Improvement Project No. 2018-13, 2018 Street Seal Coating

Recommendation:
It is recommended that the City Council consider approval of the lowest bid and award a contract for the 2018 street seal coating activities. A map depicting the extent of the proposed work is also attached to this memorandum.

Background:
Bids for the 2018 Street Seal Coating Project were solicited as part of a Joint Powers Agreement (JPA) for street maintenance activities with the cities of Coon Rapids, Andover, Anoka, Fridley, Ham Lake, Columbia Heights, Mahtomedi, East Bethel and Circle Pines. The intent of this JPA is to provide an opportunity for participating cities to obtain lower unit bid prices by combining annual maintenance work for several communities into one bid in order to promote a more competitive bidding environment. The JPA appears to be producing highly competitive bids for this work.

Bids were received and opened by the City of Coon Rapids on March 16, 2018. The bidding results are tabulated as follows:

Bidder	JPA Bid Amount
Pearson Brothers, Inc.	$1,648,703.38
Allied Blacktop	$1,771,640.72
Asphalt Surface Technologies Corp.	$2,110,089.38

Budget Issues:
Of the three (3) bids received, the lowest bid was submitted by Pearson Brothers, Inc. of Hanover, Minnesota, in the amount of $1,648,703.38. Brooklyn Center's portion of the bid is $158,040 and is within the 2018 budget amount of $167,000.

Strategic Priorities:
- Key Transportation Investments

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ACCEPTING BID AND AUTHORIZING AWARD OF CONTRACT, IMPROVEMENT PROJECT NO. 2018-13, 2018 STREET SEAL COATING

WHEREAS, bids for the 2018 street seal coating activities were solicited under the Joint Powers Agreement (JPA) dated February 1, 2005, et. al. subsequent amendments, pursuant to Minn. Stat. 471.59 for the purpose of combining together bidding purposes for street maintenance and servics; and

WHEREAS, pursuant to an advertisement for bids, bids were received, opened and tabulated by the City of Coon Rapids on the 16th day of March, 2018, under the JPA. Said bids are as follows:

Bidder	**JPA Bid Amount**
Pearson Brothers, Inc.	$1,648,703.38
Allied Blacktop	$1,771,640.72
Asphalt Surface Technologies Corp.	$2,110,089.38

WHEREAS, the overall lowest responsible bidder in accordance with the JPA contract is Pearson Brothers, Inc., and Brooklyn Center's portion amounts to $158,040.

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

1. The Director of Public Works is hereby authorized to order 2018 seal coating activities, pursuant to the JPA for street maintenance activities, for Improvement Project No. 2018-13 according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

2. Project costs and revenues shall be allocated as follows:

COSTS	Estimated	Amended per Low Bid
69th Avenue Seal Coating per Feasibility Report	$ 40,000	$ 29,591
Street Seal Coating (Locals Streets)	$ 167,000	$128,449
Total Estimated Project Cost	$ 207,000	$158,040

REVENUES	Estimated	Amended per Low Bid
Street Reconstruction Fund (40700-6530-08201710)	$ 40,000	$ 29,591
Public Works Maintenance (43220-6404)	$ 110,000	$ 89,914
Municipal State Aid Fund (40200-6404)	$ 57,000	$ 38,535
Total Estimated Project Cost	$ 207,000	$158,040

RESOLUTION NO. _____

March 26, 2018
Date

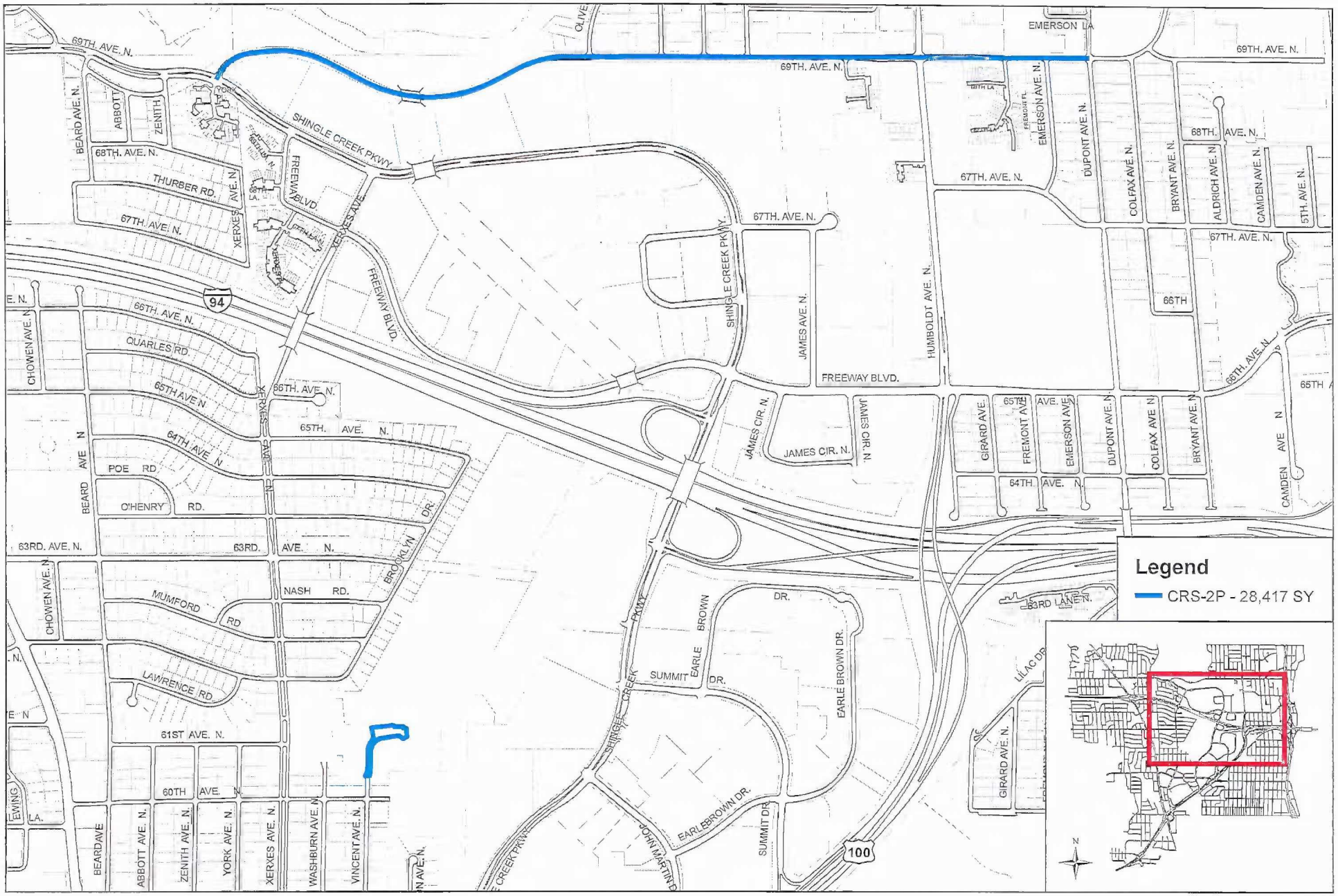
_____
Mayor

ATTEST: _____
City Clerk

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

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

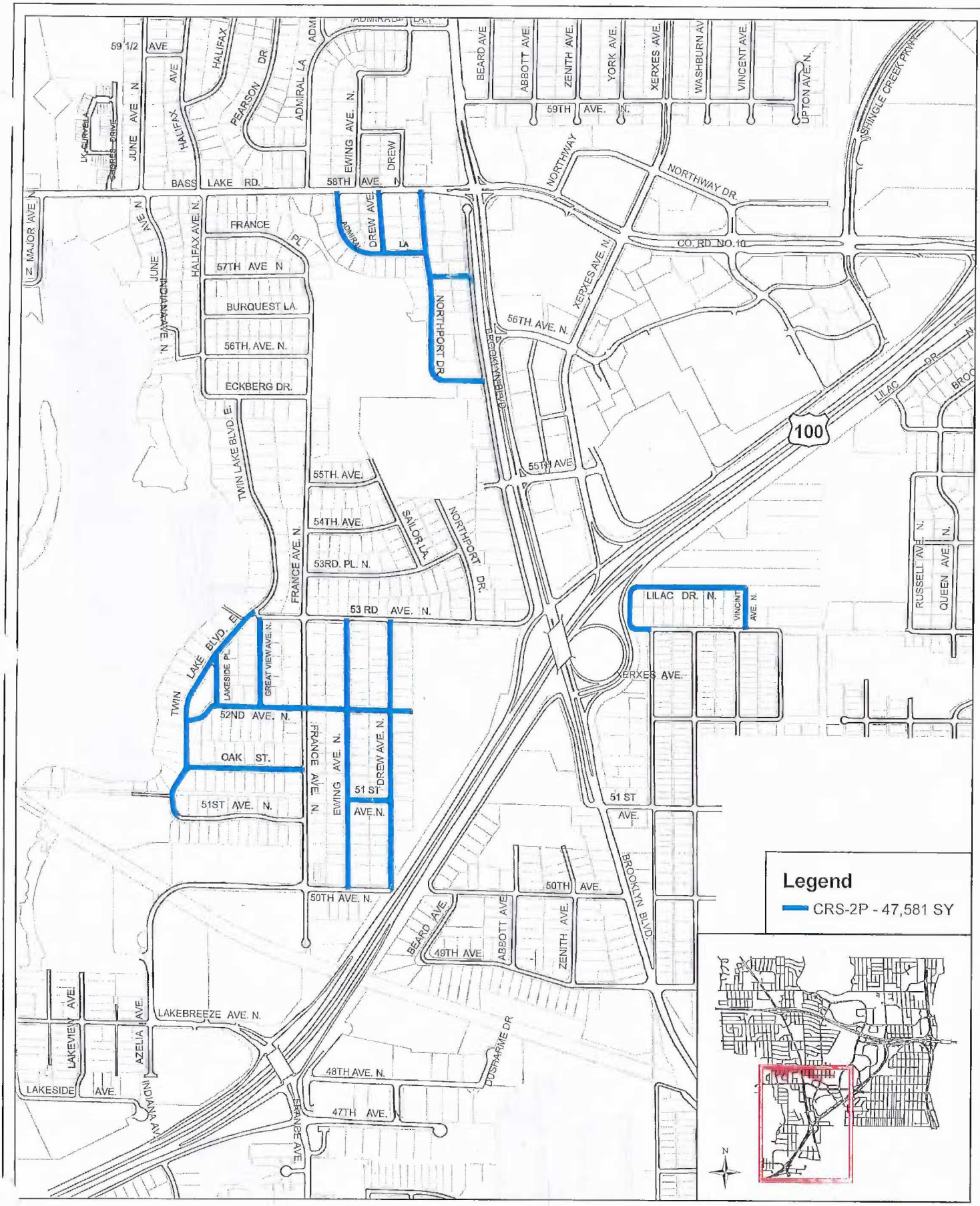
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.



2018 Seal Coating Areas

Public Works Department
January 31, 2018

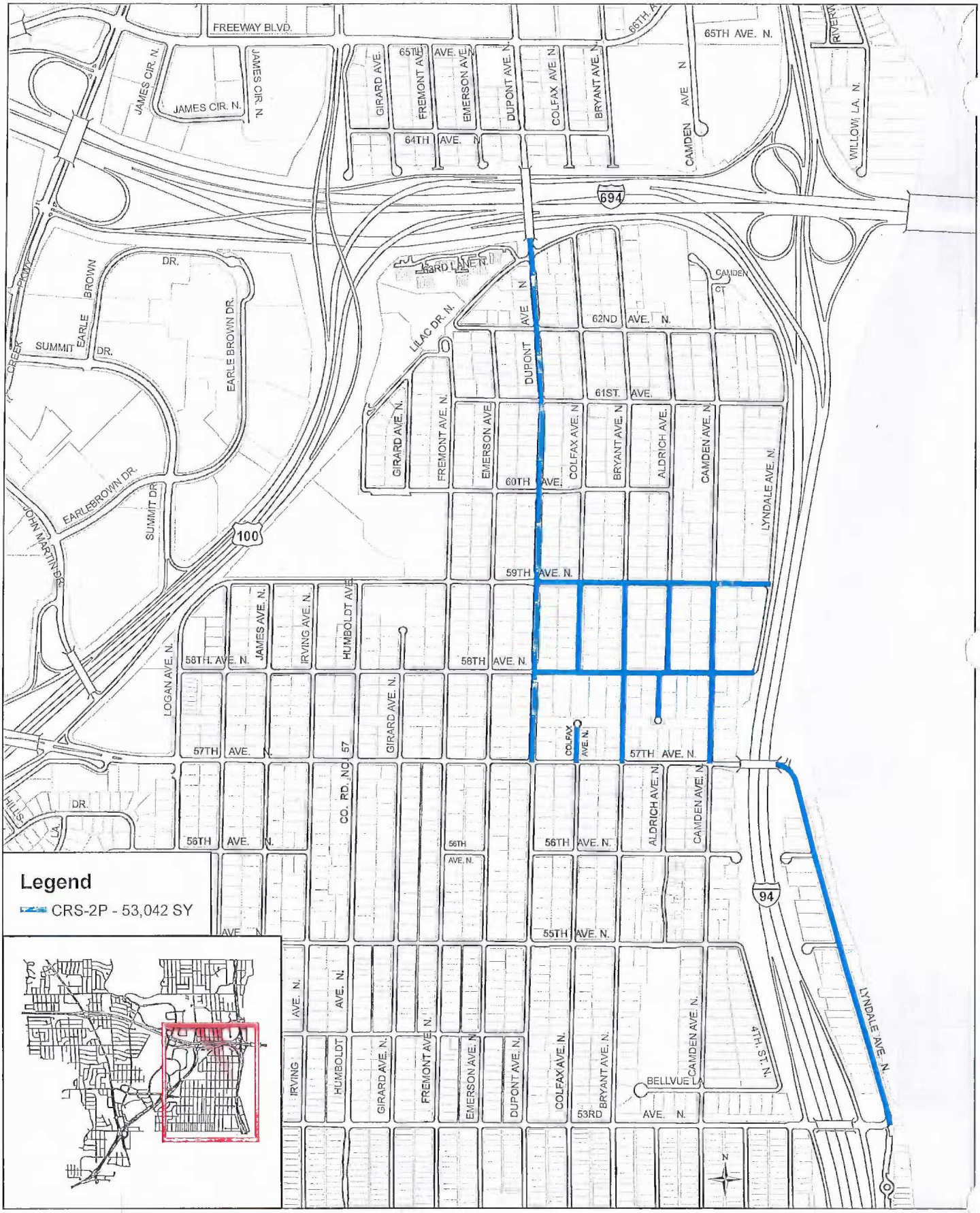
0 250 500 1,000 Feet



2018 Seal Coating Areas

Public Works Department
January 31, 2018

0 250 500 1,000 Feet



2018 Seal Coating Areas

Public Works Department
January 31, 2018

0 250 500 1,000 Feet

City Council Agenda Item No. 6i

COUNCIL ITEM MEMORANDUM

DATE: March 20, 2018

TO: Curt Boganey, City Manager

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

FROM: Andrew Hogg, P.E., Assistant City Engineer

SUBJECT: Resolution Authorizing Execution of a Small Wireless Facility Collocation Agreement with Zayo Group, LLC

Recommendation:
It is recommended that the City Council consider approval of a resolution authorizing execution of a small wireless facility collocation agreement with Zayo Group, LLC.

Background:
On February 26, 2018, the City Council adopted at pole attachment permit, which will be required by providers seeking to locate their small cell facilities within the City right-of-way on a City owned facilities. As part of the pole attachment permit, providers must enter into a Small Wireless Facility Collocation Agreement between the City of Brooklyn Center and the provider in order to install a small wireless facility on, under, within, or adjacent to an existing Wireless Support Structure that is owned by the City. In addition a Collocation Supplemental Agreement will be needed by the provider for each specific site that the provider intends to lease from the City. The Supplemental Agreement will be reviewed and approved at the staff level. This process is consistent with the antenna permit process for the City's water towers.

Zayo Group, LLC, has submitted a Small Wireless Facility Collation Agreement. City staff has not yet received any pole attachment permits for small cell facilities from Zayo Group, LLC, but by finalizing this agreement they can begin to submit permits for attachment to City owner facilities within the right-of-way. The City will then review and issue pole attachment permits submitted by Zayo Group, LLC. This agreement will cover all future Zayo pole attachment permits submitted under this agreement.

Budget Issues:
The Street Light Utility Fund (65200) will receive an annual rent in accordance with the collocation agreement depending on any actual electrical usage.

Strategic Priorities:
- Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A SMALL WIRELESS FACILITY COLLOCATION AGREEMENT WITH ZAYO GROUP, LLC

WHEREAS, Zayo Group, LLC, has submitted to the City an Small Wireless Facility Collocation Agreement; and

WHEREAS, as compensation for the use of City electrical service, Zayo Group, LLC, agrees to pay rent as described in the agreement; and

WHEREAS, the City and, Zayo Group, LLC, have negotiated a collocation agreement that is consistent with the City's policy regarding small cell telecommunications facilities.

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

1. The Small Wireless Facility Collocation Agreement between Zayo Group, LLC, and the City of Brooklyn Center is hereby approved. The Mayor and City Manager are hereby authorized to execute said collocation agreement.

2. All rent payments collected from said agreement will be deposited into the Street Light Utility Fund (65200).

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

City of Brooklyn Center, Minnesota
Small Wireless Facility Collocation Agreement

This Small Wireless Facility Collocation Agreement (the "Agreement") is made this 28th day of February, 20 18, between the City of Brooklyn Center, a Minnesota local government unit, with its principal offices located at 6301 Shingle Creek Blvd. in Brooklyn Center, Minnesota 55430, ("Lessor") and Zayo Group, LLC with its principal offices located at 1805 29th Street in Boulder, CO ("Lessee"). Lessor and Lessee are collectively referred to as the "Parties" or individually as a "Party."

WHEREAS, the Federal Communications Act of 1934, as amended, authorizes Lessor to manage and control access to and use of public rights-of-way within city limits; and

WHEREAS, Lessor has elected to manage its rights-of-way as authorized by Minnesota Statues, Sections 237.162-.163 and Lessor's municipal code of ordinances (the "Code"); and

WHEREAS, this Agreement shall apply to the collocation of Small Wireless Facilities (as hereinafter defined). For purposes of this Agreement, "collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing Wireless Support Structure (as hereinafter defined) that is owned by the Lessor; and

WHEREAS, a "Small Wireless Facility" means: a wireless facility, as defined by Minnesota Statues, Section 237.162, subd. 13, that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and (ii) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, provided such equipment shall be in aggregate no more than 28 cubic feet in volume; and

WHEREAS, Lessor owns or controls existing structures in the public right-of-way that may be determined by Lessor to be capable of supporting a Small Wireless Facility ("Wireless Support Structure"), which are located within the geographic area of a license or other authorization held by Lessee to provide wireless services; and

WHEREAS, Lessor hereby sets forth the terms and conditions of collocation on its Wireless Support Structures; and

WHEREAS, Lessee desires to install, maintain and operate Small Wireless Facilities on Lessor's Wireless Support Structures; and

WHEREAS, Lessor and Lessee desire to enter into this Agreement to define the general terms and conditions which will govern their relationship with respect to the particular sites at which Lessee will collocate its Small Wireless Facilities on Lessor's Wireless Support Structures; and

WHEREAS, Lessee shall compensate Lessor for the collocation of Small Wireless Facilities on Lessor's Wireless Support Structures; and

WHEREAS, Lessor and Lessee acknowledge that they will enter into an agreement supplement ("Supplement") in substantially the form attached hereto as Exhibit A, with respect to each particular Wireless Support Structure on which Lessee will collocate; and

WHEREAS, this Agreement is not exclusive and Lessor reserves the right to grant permission to other entities to collocate Small Wireless Facilities.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

1. PREMISES. Pursuant to all of the terms and conditions of this Agreement and the applicable Supplement, Lessor agrees to lease to Lessee certain space described in the applicable Supplement upon Lessor's Wireless Support Structure in the public right-of-way (Lessor's Wireless Support Structure is sometimes), for the installation, operation and maintenance of Small Wireless Facilities; together with the non-exclusive right of access over, under and through the Premises (as hereinafter defined) for the purpose of installation, operation and maintenance of Lessee's Small Wireless Facilities. The space leased by Lessor to Lessee described in the applicable Supplement is hereinafter collectively referred to as the "Premises." The Premises may include, without limitation, certain space on the ground (the "Equipment Space") adjacent to the Wireless Support Structure, and space on the Wireless Support Structure for the installation, operation and maintenance of antennas and other equipment (the "Antenna Space") as described in the Supplement. Notwithstanding anything in the Supplement to the contrary, the Premises under each Supplement shall include such additional space necessary for the installation, operation and maintenance of wires, cables, conduits, and pipes (the "Cabling Space") running between and among the various portions of the Premises and to electrical and telephone utility, cable, and fiber sources adjacent to the Premises, Lessor may grant Lessee, or the local utility, or fiber or cable provider, upon Lessee's approval, the right to install any utilities, cable, and fiber necessary for Lessee to operate its communications facility, provided the location of those utilities, cable, and fiber shall be as reasonably designated by Lessor. Lessor's approval shall not be unreasonably withheld.

2. GENERAL CONDITION. Lessors shall be subject to all provisions of the Pole Attachment Permit General Conditions attached hereto and made a part of this Agreement.

3. USE OF PUBLIC RIGHTS-OF-WAY.

A. All communications equipment shall be installed in accordance with applicable Laws (as hereinafter defined) and Lessee shall comply with all laws, ordinances, rules and regulations adopted by Lessor. Within the public rights-of-way, the location of the communications equipment shall be subject to the reasonable and proper regulation, direction and control of the Lessor, or the official to whom such duties have been delegated by Lessor. Lessee shall have no ownership interest in any Wireless Support Structure owned by Lessor.

B. Lessee and its authorized contractors shall give Lessor reasonable notice of the dates, location, and nature of all work to be performed on its communications equipment within the public rights-of-way.

C. Any damages to Lessor's Wireless Support Structures, equipment thereon or other infrastructure caused by Lessee's installation or operations shall be repaired or replaced at Lessee's sole cost and to Lessor's reasonable satisfaction.

4. TERM; RENTAL. Each Supplement shall be effective as of the date of execution by both Parties (the "Effective Date"), at which time rental payments shall commence and be due at a total annual rental of $175.00 (the "Annual Rental"), representing $150.00 per year for rent to occupy space on a Wireless Support Structure and $25.00 per year for maintenance associated with the space occupied on a wireless support structure. Consistent with Minnesota Statutes Sections 237.162-.163, the term of each Supplement shall be equal to the length of time that the Small Wireless Facility is in use (the "Term"), unless the Supplement is terminated pursuant to this Agreement. The annual rental for each Supplement shall be paid in advance annually on each anniversary of the Effective Date, to the payee designated by Lessor in the Supplement, or to such other person, firm or place as Lessor may, from time to time, designate in writing. Upon agreement of the Parties, Lessee may pay rent by electronic funds transfer. Lessor hereby agrees to provide to Lessee the reasonable documentation required for Lessee to pay all rent payments due to Lessor.

5. ELECTRICAL. Lessor may, at all times during the Term of each Supplement, provide electrical service and telephone service access within the Premises. As provided by Minnesota Statutes Sections 237.162-.163, an annual fee for electricity used to operate the Small Wireless Facility, if not purchased directly from a utility, shall be added to the annual rent due under each Supplement at the rate of:

A. $73.00 per radio node less than or equal to 100 max watts;
B. $182.00 per radio node over 100 max watts; or
C. The actual costs of electricity, if the actual costs exceed the amount in item (A) or (B).

The amount of any such annual fee shall be set forth in each Supplement.

6. ENGINEERING COSTS. The Parties acknowledge and agree that, pursuant to Minnesota Statutes, Sections 237.162-.163, Lessor may charge the actual costs of the initial engineering and preparatory construction work associated with Lessee's collocation in the form of a onetime, nonrecurring, commercially reasonable, nondiscriminatory, and competitively neutral

charge. Lessee shall pay such reasonable costs within sixty (60) days of receipt of an invoice that itemizes the costs.

7. USE. Lessee shall use the Premises for the purpose of constructing, maintaining, repairing and operating Small Wireless Facilities and uses incidental thereto. Lessee shall have the right, without any increase in rent, to replace or repair its utilities, fiber or cable, equipment, antennas and/or conduits or any portion thereof, and the frequencies over which the equipment operates. Any additions or material modifications shall require Lessor's approval.

8. GOVERMENTAL APPROVALS; PERMITS. It is understood and agreed that Lessee's ability to use the Premises is contingent upon Lessee obtaining all of the certificates, permits and other approvals (collectively the "Government Approvals") that may be required by any Federal, State or Local authorities, as well as a satisfactory structural analysis that will permit Lessee use of the Premises as set forth above. Lessor shall cooperate with Lessee in its effort to obtain the Governmental Approvals. Lessee shall have the right to terminate the applicable Supplement if: (i) any of the applications for Governmental Approvals is finally rejected; (ii) any Governmental Approval issued to Lessee is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; (iii) Lessee determines that the Governmental Approvals may not be obtained in a timely manner; (iv) Lessee determines that the Premises is no longer technically compatible for its use; or (v) Lessee, in its sole discretion, determines that the use of the Premises is obsolete or unnecessary. Notice of Lessee's exercise of its right to terminate shall be given to Lessor in accordance with the notice provisions set forth in Paragraph 20 and shall be effective upon the mailing of that notice by Lessee, or upon such later date as designated by Lessee. All rentals paid to the termination date shall be retained by Lessor. Upon such termination, the applicable Supplement shall be of no further force or effect except to the extent of the representations, warranties, and indemnities made by each Party to the other thereunder. Otherwise, the Lessee shall have no further obligations for the payment of rent to Lessor for the terminated Supplement.

9. QUIET ENJOYMENT AND REPRESENTATIONS. Lessor covenants that Lessee, on paying the rent and performing the covenants herein and in a Supplement, shall peaceably and quietly have, hold and enjoy the Premises. Lessor represents and warrants to Lessee as of the execution date of each Supplement, and covenants during the Term, that Lessor is has good and sufficient title and interest to the Property, and has full authority to enter into and execute the Supplement.

10. NOTICES. All notices hereunder must be in writing and are validly given if sent by certified mail, return receipt requested, or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows or to any other address that the Party to be notified may have designated:

Lessor: City of Brooklyn Center
Attention: Public Works Engineering
6301 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430

Lessee:
Zayo Group, LLC
1805 29th Street
Boulder, CO 80301
Attn.: General Counsel/Legal

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

11. DEFAULT. If there is a breach by a Party with respect to any of the provisions of this Agreement, or under the provisions of an individual Supplement, the non-breaching Party shall give the breaching Party written notice of that breach. After receipt of the written notice, the breaching Party shall have thirty (30) days in which to cure the breach, provided the breaching Party shall have such extended period as may be required beyond the thirty (30) days if the breaching Party commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion, but in no event more than ninety (90) calendar days after receipt of written notice. The non-breaching Party may not maintain any action or effect any remedies for default against the breaching Party unless and until the breaching Party has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement, or under an individual Supplement if Lessor fails, within five (5) days after receipt of written notice of such breach, to perform an obligation required to be performed by Lessor, and if the failure to perform that obligation interferes with Lessee's ability to conduct its business in the Premises; provided, however, that if the nature of Lessor's obligation is such that more than five (5) days after notice is reasonably required for its performance, then it shall not be a default under this Agreement or the applicable Supplement if performance is commenced within such five (5) day period and thereafter diligently pursued to completion, but in no event more than fifteen (15) calendar days after receipt of written notice. Lessor and Lessee agree that a default under an individual Supplement does not constitute a default under this Agreement

12. APPLICABLE LAWS. Laws means any and all laws, regulations, ordinances, resolutions, judicial decisions, rules, permits and approvals applicable to the subject of this Agreement or Lessee's use that are in force during the term of this Agreement, as lawfully amended including, without limitation, Lessor's city Code. Lessee and Lessor shall comply with all applicable Laws. This Agreement does not limit any rights Lessee may have in accordance with Laws to install its own poles in the right of way or to attach Lessee's equipment to third-party poles located in the right of way. This Agreement shall in no way limit or waive either party's present or future rights under Laws. If, after the date of this Agreement, the rights or obligations of either Party are materially altered, preempted, or superseded by changes in Laws, the parties agree to amend the Agreement and/or Supplement to reflect the change in Laws.

13. GOVERNMENT DATA. The Parties acknowledge and agree that this Agreement is considered public data not on individuals and is accessible to the public under Minnesota Statutes, Section 13.03. Lessee and Lessor agrees to abide by the applicable provisions of the Minnesota Government Data Practice Act, Minnesota Statues, Chapter 13, and all other applicable state or federal rules, regulations or orders pertaining to privacy or confidentiality.

14. GENERAL PROVISIONS.

A. Entire Agreement. This Agreement and any associated Supplement supersedes any prior or contemporaneous representations or agreements, whether written or oral, between the Parties and contains the entire agreement.

B. Captions. Captions contained in this Agreement are for reference only, and therefore, have no effect in construing this Agreement.

C. Ambiguities. If any term of this Agreement is ambiguous, it shall not be construed for or against any Party on the basis that the Party did or did not write it.

D. Amendments. Any modification or amendment to this Agreement shall require a written agreement signed by both Parties.

E. Third Party Rights. This Agreement is not a third party beneficiary contract and shall not in any respect whatsoever create any rights on behalf of any person or entity not expressly a party to this Agreement.

F. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Minnesota. The venue for all proceedings related to this Agreement shall be in Hennepin County, Minnesota.

G. Waiver. The failure of either Party to insist upon strict performance of any of the terms or conditions of this Agreement or the waiver by either Party of any breach or failure to comply with any provision of this Agreement by the other Party shall not be construed as, or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.

H. Force Majeure. Except for payment of sums due, neither Party shall be liable to the other or deemed in default under this Agreement, if and to the extent that a Party's performance is prevented by reason of force majeure. "Force majeure" includes war, an act of terrorism, fire, earthquake, flood and other circumstances which are beyond the control and without the fault or negligence of the Party affected and which by the exercise of reasonable diligence the Party affected was unable to prevent.

I. Further Assurances. From and after the execution of this Agreement, the parties shall fully cooperate with each other and perform any further act(s) and execute and delivers any further documents which may be necessary in order to carry out the purposes and intentions of this Agreement.

J. Savings Clause. If any court finds any portion of this Agreement to be contrary to law, invalid, or unenforceable, the remainder of the Agreement will remain in full force and effect.

K. Counterparts. This Agreement may be signed in counterparts, each of which shall be deemed an original, and which taken together shall be deemed to be one and the same document.

IN WITNESS WHEREOF, the Parties, have caused this Agreement to be approved on the date above.

Lessor: City of Brooklyn Center

By:_____
Tim Willson, Mayor

Date:_____

By:_____
Cornelius L. Boganey, City Manager

Date:_____

Lessee: Zayo Group, LLC

By: _____
Abbi Dayton, Sr Corporate Counsel

Its: Sr. Corporate Counsel

Date: 2/28/2018

Lessor Acknowledgement

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Tim Willson, Mayor, and Curt Boganey, City Manager, respectively, of the City of Brooklyn Center, on behalf of the City.

_____
Notary Public
My commission expires: _____

Lessee Acknowledgement

Colorado
STATE OF ~~MINNESOTA~~)
) ss:
COUNTY OF Boulder)

On the 28 *day of* February, *2018, before me personally appeared* Abigail Dayton, *and acknowledged under oath that he/she is the* Sr. Corp. Counsel *of* Zayo Group, LLC, *the* _____ *of* _____, *the Lessee named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Lessee.*

KARA LEIGH SECORA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164001664
MY COMMISSION EXPIRES JANUARY 14, 2020

Kara Secora
Notary Public: Kara Secora
My Commission Expires: 1/14/2020

City Council Agenda Item No. 6j

COUNCIL ITEM MEMORANDUM

DATE: March 20, 2018

TO: Curt Boganey, City Manager

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

FROM: Mike Marsh, Deputy Director of Public Works

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2016-19, Sanitary Sewer Lining, Mississippi River Trunk Line

Recommendation:
It is recommended that the City Council approve the resolution accepting work performed and authorizing final payment, Improvement Project No. 2016-19, Sanitary Sewer Lining, Mississippi River Trunk Line.

Background:
On January 17, 2017, the City Council awarded Project Nos. 2016-19 to Insituform Tech USA, Inc. of Chesterfield, Missouri for construction of the lining of the Mississippi River Trunk line north of I-694 to 57th Avenue N. Insituform Tech USA, Inc. has successfully completed the construction work and is requesting final payment for the project.

Budget Issues:
The original contract amount with Insituform Tech USA, Inc. for the project was $633,974.30. The total value of work certified for final payment is $31,578.89 which will bring the total value certified for the project to $631,577.85. The total project cost including contingencies/administration/engineering/legal is $739,113.96 and was completed $84,860.34 or 10 percent under the amended budget amount of $823,974.30. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Strategic Priorities:
- Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, PROJECT NO. 2016-19, SANITARY SEWER LINING, MISSISSIPPI RIVER TRUNK LINE

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, Insituform Tech USA, Inc. of Chesterfield, Missouri has completed the following improvements in accordance with said contract:

Improvement Project Nos. 2016- Sanitary Sewer Lining, Mississippi River Trunk Line.

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

1. Final payment shall be made on Improvement Project Nos. 2016-19, Sanitary Sewer Lining, Mississippi River Trunk Line, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be $631,577.85.

2. The estimated project costs are hereby amended as follows:

COSTS	As Original Award	As Final
Construction Costs	$ 633,974.30	$ 631,577.85
Engineering/Legal/Admin	$ 110,000.00	$ 107,536.11
Contingency	$ 80,000.00	$ 0.00
Subtotal Construction Cost	$ 823,974.30	$ 739,113.96

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

City Council Agenda Item No. 7a



HENNEPIN COUNTY

SHERIFF'S OFFICE

Dedicated to Public Safety

Sheriff Richard W. Stanek

Presented to:

Brooklyn Center City Council

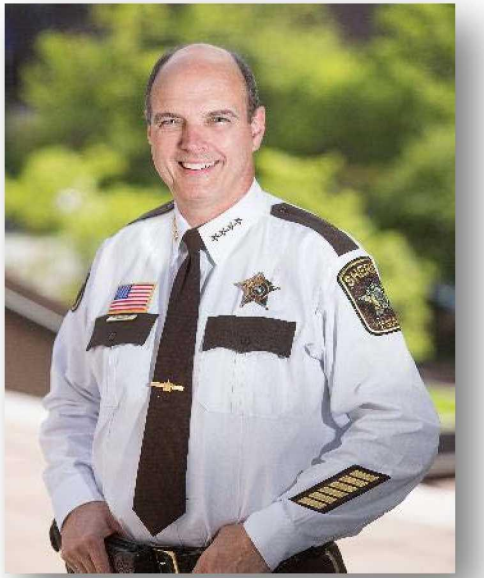
March 26, 2018

Agenda

- Overview of the Hennepin County Sheriff's Office and its jurisdiction
- Overview of Agency Leadership and Sheriff's Responsibilities
- Overview of Eight Lines of Business
- Three Public Safety Partnership Areas :
  - Forensics Sciences Division: Crime Lab
  - The Opioid Crisis
  - Violent Crime

Sheriff Richard W. Stanek

- Hennepin County Sheriff's Office was incorporated in 1852.
- There have been 27 different Sheriffs since 1852.
- Only 3 other Sheriffs in the past 70 years (Ryan, Omodt, McGowan).



Coordinating Public Safety in Hennepin County

- 1.3 million residents
- 556.2 square miles
- 104 named lakes and 3 rivers
- 280 miles of lakes and waterways
- 45 municipalities (+1 unorganized territory)
- 36 local police departments & 8 Federal law enforcement partners



Agency Leadership & Overview



Sheriff Stanek & Chief Deputy Mike Carlson

- Major Darrell Huggett
  - Administrative Services Bureau
- Major Pete Dietzman
  - Investigations Bureau
- Major Jeffrey Storms
  - Enforcement Services Bureau
- Major Tracey Martin
  - Jail/Court Services Bureau

State Statute

Chapter 387 - SHERIFF

<u>387.03 Powers & Duties:</u>

"The sheriff shall keep and preserve the peace of the county…"

- *The Sheriff is the chief law enforcement officer in the county.*

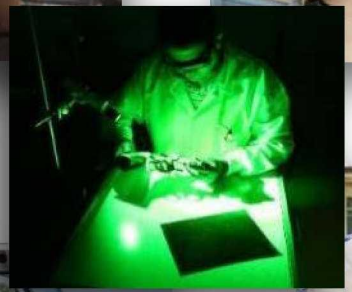


Sheriff's Office - Eight Lines of Business

1. Jail
   - 751 bookings in 2017
2. Court Security
   - Provide courtroom & building security in Brooklyn Center court division
3. Patrol
   - 2,063 patrol hours
4. Warrants
   - 104 warrant attempts
5. Civil Process
   - 451 processes served
6. Investigations - See slide 12 on Violent Crime for more
   - 2 death investigations
7. 9-1-1 Dispatch
   - 38,912 police CAD events
   - 1,585 CAD fire events
   - 5 texts to 911 in January – all non emergency
8. Crime Lab - See next slide on Forensic Sciences Div.











Forensic Sciences Division: Crime Lab





- Stakeholder operated
- 1 of 3 accredited DNA crime labs in MN
- Internationally accredited
- Property crime evidence collected and processed
- 178 requests in Q4 of 2017, ranking second highest agency in terms of # of service requests
- 331 lab cases in 2017
- 491.22 crime lab scene hours in 2017

Hennepin County: Opioid deaths



- 2012: 105 (statewide #s not available)
- 2013: 119 (statewide #s not available)
- 2014: 108 (516 statewide)
- 2015: 110 (572 statewide)
- 2016: 153 (637 statewide)
- 2017: 162 (preliminary statistics)

Opioids: Public Safety, Public Policy, Public Service

- #NOverdose Campaign
- Naloxone/ NARCAN advocacy
- Drug Take-Back programs (Deterra bags & collection boxes)







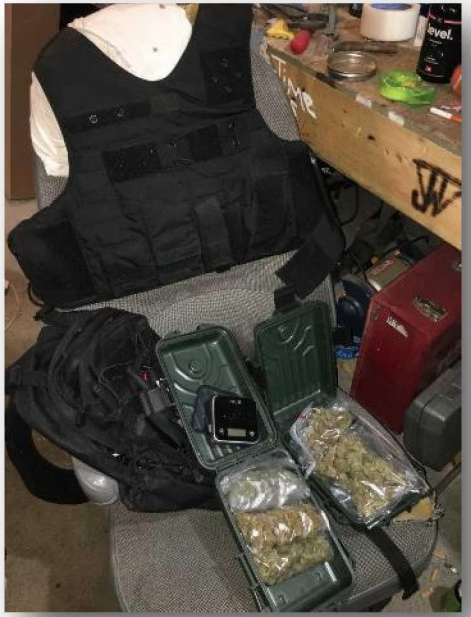




Violent Crime: Guns, Gangs, Drugs, and Kids

- Violent Offender Task Force (VOTF)
  - 42 arrests & 23 high-risk warrants executed & 30 illegal guns seized in 2017
  - Worked with FBI Violent Crime Task Force on case of a fugitive wanted on a federal felony CSC warrant out of California; successfully apprehended suspect in Brooklyn Ctr, who is awaiting extradition to CA
- Drug Task Forces
  - Southwest Hennepin (SWHDTF)*
    - Narcotics search warrant resulted in arrest and seizure of prescription opioid pills & 2 illegal handguns.
  - West Metro Drug Task Force (WMDTF)*
    - Successfully investigated a Federal conspiracy case and recovered money and vehicles; multiple search warrants executed for narcotics cases; an arrest and seizure of methamphetamine.
  - Anoka Hennepin Drug Task Force
  - Northwest Metro Task Force (NWMDTF)
- Criminal Information Sharing & Analysis (CISA)
  - 94 Request For Information (RFIs) made in 2017
  - Assisted Brooklyn Center PD with a robbery case; successfully arrested and charged suspect
- HIDTA designation
- JTTF

Supervised by HCSO



Questions?

THANK YOU

Richard W. Stanek

Hennepin County Sheriff


/HennepinSheriff


@HennepinSheriff


/HennepinSheriff


HennepinSheriff

- 612-348-2347
- Rich.Stanek@hennepin.us
- www.HennepinSheriff.org

City Council Agenda Item No. 8a

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director NR

SUBJECT: Continued Special Assessment Hearing for Proposed Resolution Certifying Special Assessments for Utility Repairs to the Hennepin County Property Tax Rolls

Recommendation:

It is recommended that the City Council consider approval of a resolution assessing the attached list of properties with unpaid bills for utility repair costs provided to those properties.

Background:

At the City Council meeting on March 12, 2018, City Council held a Public Hearing on proposed special assessments for utility repairs that were completed on private properties. There were a total of eleven outstanding invoices totaling $44,389.15. An additional $30.00 certification fee will be added to each assessment to bring the total proposed assessments to $44,719.15. The utility repairs were necessary to maintain safe and working utilities for the properties impacted. The proposed assessments will be repaid over a period of five years at an interest rate of four percent. The City Council moved to continue the Public Hearing until March 26, 2018 for 6006 Camden Avenue North and 3815 Burquest Lane where appeals were made. Additional information was requested for those properties where the proposed special assessment included unpaid bills for utility service line repairs. The City has since received a payment for the assessment of 7125 France Avenue North and has adjusted the special assessment roll for that payment.

Appellants Statement (6006 Camden Avenue): Mr. Peters provided oral statements objecting to the assessment for the invoice to repair the sewer service on October 24, 2017 in the amount of $4,551. The appellant stated that the issues with the sewer service line had existed prior to the purchase of the home. He believes the sanitary sewer service line issues should have corrected by the previous owner. In subsequent conversations with City staff he additionally expressed concerns about the ability to repay the large amount of the assessment on a fixed income.

Findings: On October 25, 2017 Joe's Sewer Service Inc. billed to the City of Brooklyn Center $4,551 for services performed on October 24, 2017. The description on the invoice states "Dig and replace sewer service line from the house to the curb, supplies, labor and permit for Rohan Peters, 6006 Camden Avenue North. Staff notes indicate that the sewer service line is to be dug and replaced from the house to the street curb. The service line had collapsed in the yard and Joe's Water and Sewer provided an estimate of the work to be completed to the City on October 20th and subsequently repaired the service. The estimate provided indicated that the property was without working sewer for the past ten days and that Mr. Peters was hoping to have the bill put on his property taxes. The City paid the invoice and staff invoiced the property owner an

equivalent amount and provided a copy of the original invoice. The owner also suggested that the repair should have been the responsibility of the previous owner, Hennepin County records show the home was purchased by Mr. Peters in January 2014. The sanitary sewer on Camden Avenue was installed in 1960 and is scheduled to be reconstructed in 2019.

Recommendation: Information provided shows the property was billed for the amount of the invoice provided by Joe's Sewer Service Inc. All required procedures for the special assessment process including notification to the property owner, publishing public hearing notices and holding a public hearing have been followed. Staff is recommending the approval of the special assessment.

Appellants Statement (3815 Burquest Lane): Mr. Kanneh provided oral statements objecting to the assessment for the invoice to repair the sewer service on December 14, 2017 in the amount of $4,950. This property was subject to an assessment for two invoices from Joe's Sewer Service Inc. which also included an invoice for sewer service repair on August 3, 2017 in the amount of $4,551. Mr. Kanneh stated that he did not know about the second invoice (service repair work completed December 14, 2017). He stated he was not informed of the work being performed, but did notice that the work was being done. He stated that he was not told or made aware that the repair work being completed would be invoiced to him.

Findings: On August 3, 2017 Joe's Sewer Service Inc. (Joe) billed Mr. Kanneh $4,551 for services performed on August 2, 2017. The description on the invoice states "dig and replace sewer service line from the house to the boulevard for 3815 Burquest Lane North". Staff notes indicate the homeowner had sewage coming up into the basement every time they ran water. Centerpoint was televising laterals and noticed roots. Centerpoint hired a company to try to remove roots but were unsuccessful. The homeowner made contact with Joe who made the repair to the sanitary service line from the house to the road right of way. The homeowner will be responsible for any restoration on the property. The City subsequently paid the invoice and staff invoiced the property owner an equivalent amount. The sanitary sewer on Burquest Lane was last replaced with a neighborhood reconstruction project in 2004.

On December 15, 2017 Joe's Sewer Service Inc. billed to the City of Brooklyn Center $4,950 for services performed on December 14, 2017. The description on the invoice states "dig and replace sewer service line in the street. Supplies, labor and permit for 3815 Burquest Lane North". Staff notes indicate the resident had part of the service repaired back in August by Joe's Water & Sewer. The City received a call that the service is starting to back up, since Joe was the contractor who completed the repair in August, he was notified by the property owner. Joe went out to inspect with his televising camera. After investigation of the service, Joe found the pipe to be broken at the wye (which was a different place from the original repair). Joe completed the repair. Joe was contacted during staff review of the appeal, Joe stated that there were at least two City employees present during the repair. He recalled that the line was crushed at/near the direct connection to the main as a result of the poor soil around the service line and had contacted public works staff to review/take pictures prior to the repair. He recalled that the homeowner was told with City staff present that the repair work would be covered by the City and that he wouldn't have to worry about the cost, because the cause of the collapsed line was not his fault. As part of the repair work the City hauled away and replaced a section of black-top in that area.

He recalled that the City directed him to complete the repair and expected the City to cover the cost of the repair.

The City did have one public works employee on site prior to the repair and during the repair, and an additional public works employee was on site at the tail end of the repair. The public works employee recalls that Joe was contacted by the homeowner and that the City was contacted to the site by Joe to review the cause before the repair was completed. Pictures of the sanitary sewer line showing the collapsed line have been attached. Pictures show the break to be located in an area where it is the property owner's responsibility. Both public works employees stated that they did not tell the contractor or the property owner that the City would pay for the repair. City staff believed the contractor had communicated with the property owner about the responsibility for the repair, either the property owner's responsibility or the contractor's responsibility from the previous work completed in August. The contractor did bill the City of Brooklyn Center on this invoice, typically the invoice is sent to the property owner who is ultimately responsible for the repair. The City subsequently paid the invoice and staff invoiced the property owner an equivalent amount.

Recommendation: Information provided shows the City did bill the property the amount of the invoice provided by Joe's Sewer Service Inc. and the repair was completed near the wye which is the property owner's responsibility. All required procedures for the special assessment process including notification to the property owner, publishing public hearing notices and holding a public hearing have been followed. However, it was not clear whether it was sufficiently communicated with the homeowner or the contractor who would be responsible for the cost to repair the damaged sanitary sewer line. The contractor stated he believed he was working under the direction of City staff to complete the repairs and the homeowner's claim that the City had stated that the cost of the repair would be paid by the City was substantiated by the contractor. The original invoice was sent by the contractor directly to the City and paid for by the City. This prevented the homeowner from challenging the amount or the whether the work completed should have been covered under warranty work from the previous repair. As a result, staff is recommending a reduction in the special assessment of $4,950 for 3815 Burquest Lane for the repair work completed on December 14, 2017.

Attachments:

Invoices from Joe's Sewer Service Inc.
Invoices to the Property Owner's from the City of Brooklyn Center
Pictures from 3815 Burquest Lane
Revised/Original Proposed Assessments for Utility Repairs

Budget Issues:

If the proposed assessments are approved the costs incurred for these utility repairs will be repaid over the five-year period of 2019-2023.

Strategic Priorities:

- Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR UTILITY REPAIRS TO THE HENNEPIN COUNTY PROPERTY TAX ROLLS

WHEREAS, Minnesota Statutes Chapter 429, provides for a Public Hearing process to recover the costs through special assessments; and

WHEREAS, the City has incurred costs to repair utility services, billed the property owners, and has not been reimbursed by certain property owners; and

WHEREAS, a special assessment roll, a copy of which is attached hereto and made part hereof by reference, has been prepared by the City Clerk, tabulating those properties where a utility repair cost is to be assessed with the amount, including interest and service charges, to be assessed; and

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for utility repairs.

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

1. The special assessment roll of delinquent public utility accounts is hereby adopted and certified as Assessment Roll No. 19883.

2. The special assessments as adopted and confirmed shall be payable with ad valorem taxes levied in 2018, in five installments with interest thereon at four (4.0) percent per annum, and shall bear interest on the entire assessment from April 12, 2018 through December 31, 2018.

3. The owner of any property so assessed may at any time prior to the certification of the assessments to the Hennepin County Auditor pay the entire assessment to the City, without interest, if the entire assessment is paid on or before April 11, 2018. From April 12, 2018, the owner may pay the entire assessment plus interest accumulated from April 12, 2018 through the date of payment. Such payments must be made by the close of business on November 21, 2018 or interest will be charged through December 31 of the succeeding year.

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the Hennepin County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

RESOLUTION NO. _____

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Special Assessment Roll
Levy No. 19883
2017 Utility Repairs
Report Date: March 21, 2018

AMENDED

Property ID	Property Address	Original Amount	Special Assessment Charge	Total Pending Assessment
01-118-21-12-0036	6006 Camden Ave N	$ 4,551.00	$ 30.00	$ 4,581.00
02-118-21-22-0015	6000 Xerxes Ave N	2,500.00	30.00	2,530.00
03-118-21-24-0027	3901 58th Ave N	3,000.00	30.00	3,030.00
03-118-21-31-0028	3912 Burquest La	3,500.00	30.00	3,530.00
03-118-21-31-0038	3815 Burquest La	4,551.00	30.00	4,581.00
26-119-21-44-0004	7042 Logan Ave N	3,551.00	30.00	3,581.00
27-119-21-31-0008	7201 France Ave N	3,750.00	30.00	3,780.00
33-119-21-42-0108	5213 Eleanor La	2,051.00	30.00	2,081.00
33-119-21-42-0115	6318 Unity Ave N	2,500.00	30.00	2,530.00
36-119-21-34-0098	6252 Bryant Ave N	3,534.15	30.00	3,564.15
Total Count: 11		**$ 33,488.15**	**Total Pending Amount:**	**$ 33,788.15**

Special Assessment Roll
Levy No. 19883
2017 Utility Repairs
Report Date: March 20, 2018

ORIGINAL

Property ID	Property Address	Original Amount	Special Assessment Charge	Total Pending Assessment
01-118-21-12-0036	6006 Camden Ave N	$ 4,551.00	$ 30.00	$ 4,581.00
02-118-21-22-0015	6000 Xerxes Ave N	2,500.00	30.00	2,530.00
03-118-21-24-0027	3901 58th Ave N	3,000.00	30.00	3,030.00
03-118-21-31-0028	3912 Burquest La	3,500.00	30.00	3,530.00
03-118-21-31-0038	3815 Burquest La	9,501.00	30.00	9,531.00
26-119-21-44-0004	7042 Logan Ave N	3,551.00	30.00	3,581.00
27-119-21-31-0008	7201 France Ave N	3,750.00	30.00	3,780.00
27-119-21-42-0026	7124 France Ave N	5,951.00	30.00	5,981.00
33-119-21-42-0108	5213 Eleanor La	2,051.00	30.00	2,081.00
33-119-21-42-0115	6318 Unity Ave N	2,500.00	30.00	2,530.00
36-119-21-34-0098	6252 Bryant Ave N	3,534.15	30.00	3,564.15
Total Count: 11		**$ 44,389.15**	**Total Pending Amount:**	**$ 44,719.15**

Remit To:
CITY OF BROOKLYN CENTER
6301 SHINGLE CREEK PARKWAY
BROOKLYN CENTER MN 55430

INVOICE

14423

Billing Address: 149218
ROHAN PETERS
6006 CAMDEN AVE N
BROOKLYN CENTER MN 55430

Invoice Date 12/21/2017
Due Date 1/20/2018
Page: 1

Item	Remark	Amount
001	6006 CAMDEN AVE N	4,551.00
002	DIG AND REPLACED SEWER FROM	
003	HOUSE TO STREET CURB. SEWER	
004	SERVICE HAS COLLAPSED IN YARD.	
005	JOE'S WATER AND SEWER REPAIRED	
006	THE SERVICE ON 10/20/17.	
	Total Amount Invoiced	4,551.00
	Tax Amount	
	Balance Due	4,551.00

An 18% APR finance charge will be applied to all amounts not paid by the due date.
Please return one copy with your payment.

149218

MEMORANDUM

City of BROOKLYN CENTER

DATE: 12/15/2017

TO: Sue Fogal

FROM: Michael Weber

SUBJECT: Invoice Request

Hi Sue!

Can you please prepare an invoice for the following:

Billing Information for Invoice:

Rohan Peters
6006 Camden Ave.
Brooklyn Center, MN 55430

Items Description (this information all must be on the invoice):

Dig and replaced sewer from house to street curb. Sewer service has collapsed in yard. Joe's Water and Sewer repaired the service on 10/20/2017.

Amount:

$4,551.00

Coded to:

~~49141~~-6449
49251-

Please mail the invoice along with the attached documents.

Thank you ☺

Joe's Sewer Service Inc.

4717 Hampshire Ave. N.
Crystal, MN 55428

Invoice

Date	Invoice #
10/25/2017	6120

Bill To
City of Brooklyn Center 6301 Shingle Creek Pkwy Brooklyn Center, MN 55430

Due Date
10/25/2017

Description	Serviced	Amount
Dig and replace sewer service line from the house tho the curb. Supplies, labor and permit. Rohan Peters 6006 Camden Ave. N.	10/24/2017	4,551.00

Please send payment including invoice number to above address. Any payments by phone, inquiries on balance or invoices, please call (763) 535-3803 or (763) 425-4334. Mon. - Fri. 8 am to 3 pm.

Total	$4,551.00
Payments/Credits	$0.00
Balance Due	$4,551.00

CITY OF
BROOKLYN CENTER
A GREAT PLACE TO START, A GREAT PLACE TO STAY

www.cityofbrooklyncenter.org

Remit To:
CITY OF BROOKLYN CENTER
6301 SHINGLE CREEK PARKWAY
BROOKLYN CENTER MN 55430

INVOICE

14163

Billing Address: 148849
MOFABA KANNEH
3815 BURQUEST LANE
BROOKLYN CENTER MN 55430

Invoice Date 8/11/2017

Due Date ~~9/10/2017~~ 9/24/17

Page: 1

mailed invoice 8/25/17

Item	Remark	Amount
001	3815 BURQUEST LANE	
002	THE HOMEOWNER HAD SEWAGE	4,551.00
003	COMING UP INTO THE BASEMENT	
004	EVERY TIME THEY RAN WATER.	
005	CENTERPOINT WAS TELEVISING	
006	LATERALS AND NOTICED ROOTS.	
007	CENTERPOINT HIRED A COMPANY TO	
008	TRY TO REMOVE ROOTS BUT WERE	
009	UNSUCCESSFUL. THE HOMEOWNER	
010	MADE CONTACT WITH JOE WHO MADE	
011	THE REPAIR WITH NEW	
012	SANITARY SERVICE FROM THE	
013	HOUSE TO THE ROAD RIGHT OF	
014	WAY. THE HOMEOWNER WILL BE	
015	RESPONSIBLE FOR ANY	
016	RESTORATION ON THE PROPERTY.	

Total Amount Invoiced	4,551.00
Tax Amount	
Balance Due	4,551.00

An 18% APR finance charge will be applied to all amounts not paid by the due date.
Please return one copy with your payment.

City Hall
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199
763.569.3300 · Fax: 763.569.3494

Community Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199
763.569.3400 · Fax: 763.569.3434

Police & Fire Departments
6645 Humboldt Avenue North
Brooklyn Center, MN 55430-1853
763.569.3333 · Fax: 763.561.0717

148849

MEMORANDUM

City of BROOKLYN CENTER

DATE: 8/7/2017

TO: Sue Fogal

FROM: Michael Weber

SUBJECT: Invoice Request

Hi Sue!

Can you please prepare an invoice for the following:

Billing Information for Invoice:

Mofaba Kanneh
3815 Burquest Lane
Brooklyn Center, MN 55430

Items Description (this information all must be on the invoice):

The homeowner had sewage coming up into the basement every time they ran water. Centerpoint was televising laterals and noticed roots. Centerpoint hired a company to try to remove roots but were unsuccessful. The homeowner made contact with Joe who made the repair with new sanitary service from the house to road right of way. The homeowner will be responsible for any restoration on the property.

Amount:

$4,551.00

Coded to:

49141-6449

Please mail the invoice along with the attached documents.

Thank you ☺!

Joe's Sewer Service Inc.

4717 Hampshire Ave. N.
Crystal, MN 55428

Invoice

Date	Invoice #
8/3/2017	6094

Bill To
Mofaba Kanneh 3815 Burquest Lane Brooklyn Center, MN 55429

Due Date
8/3/2017

Description	Serviced	Amount
Dig and replace sewer service from the house to the boulevard. Supplies, labor.	8/2/2017	4,500.00
Permit		51.00

Please send payment including invoice number to above address. Any payments by phone, inquiries on balance or invoices, please call (763) 535-3803 or (763) 425-4334. Mon. - Fri. 8 am to 3 pm.

Total	$4,551.00
Payments/Credits	$0.00
Balance Due	$4,551.00

BROOKLYN CENTER
AT THE CENTER

Remit To:
CITY OF BROOKLYN CENTER
6301 SHINGLE CREEK PARKWAY
BROOKLYN CENTER MN 55430

INVOICE

14425

Billing Address: 148849
MOFABA KANNEH
3815 BURQUEST LANE
BROOKLYN CENTER MN 55430

Invoice Date 12/21/2017
Due Date 1/20/2018
Page: 1

Item	Remark	Amount
001	3815 BURQUEST LANE	4,950.00
002	THE RESIDENT HAD PART OF THE	
003	SERVICE REPAIRED BACK IN	
004	AUGUST BY JOE'S WATER & SEWER.	
005	THE CITY RECEIVED A CALL THAT	
006	THE SERVICE IS STARTING TO	
007	BACK UP. RESIDENT NOTIFIED	
008	JOE AND HE WAS BRINGING OUT	
009	HIS CAMERA. AFTER	
010	INVESTIGATION OF THE SERVICE,	
011	FOUND THE PIPE TO BE BROKEN	
012	AT THE WYE. JOE WAS CALLED	
013	TO COMPLETE THE REPAIR.	
	Total Amount Invoiced	4,950.00
	Tax Amount	
	Balance Due	4,950.00

An 18% APR finance charge will be applied to all amounts not paid by the due date.
Please return one copy with your payment.

MEMORANDUM

14849

City of BROOKLYN CENTER

DATE: 12/19/2017

TO: Sue Fogal

FROM: Michael Weber

SUBJECT: Invoice Request

Hi Sue!

Can you please prepare an invoice for the following:

Billing Information for Invoice:

Mofaba Kanneh
3815 Burquest Lane
Brooklyn Center, MN 55430

Items Description (this information all must be on the invoice):

The resident had part of the service repaired back in August by Joe's Water & Sewer. The City received a call that the service is starting to back up. Resident notified Joe and he was bringing out his camera. After investigation of the service, found the pipe to be broken at the wye. Joe was called to complete the repair.

Amount:

$4,950.00

Coded to:

49141-6449

Please mail the invoice along with the attached documents.

Thank you ☺!

Joe's Sewer Service Inc.

4717 Hampshire Ave. N.
Crystal, MN 55428

Invoice

Date	Invoice #
12/15/2017	6139

Bill To
City of Brooklyn Center 6301 Shingle Creek Pkwy Brooklyn Center, MN 55430

Due Date
12/15/2017

Description	Serviced	Amount
Dig and repair sewer service in the street. Supplies, labor and permit. 3815 Burquest Lane N.	12/14/2017	4,950.00

Please send payment including invoice number to above address. Any payments by phone, inquiries on balance or invoices, please call (763) 535-3803 or (763) 425-4334. Mon. - Fri. 8 am to 3 pm.

Total	$4,950.00
Payments/Credits	$0.00
Balance Due	$4,950.00

3815 Burquest Lane – Collapsed Sewer Line





3815 Burquest Lane – Collapsed Sewer Line

House



Main



3815 Burquest Lane – Completed Repairs





Special Assessment Public Hearing – Continuation

Utility Repairs

City of Brooklyn Center
City Council Meeting
March 26, 2018

Appeals

- The City received two appeals
  - 6006 Camden Avenue – $4,551.00
  - 3815 Burquest Lane – $9,501.00

- 6006 Camden Avenue – Basis of the appeal: Appellant stated that the issues with sanitary sewer service line had existed prior to the purchase of the home and the ability to be able to repay the large amount of the assessment.

Findings

- 10/20/2017 – Joe's Sewer Service Inc. provided an estimate of work to be completed and indicated the property had been without working sewer for the past ten days and that Mr. Peters had hoped to have the cost of the repair be applied to his property taxes
- 10/25/2017 – Joe's billed the City of Brooklyn Center $4,551 for services performed on October 24, 2017. The description on the invoice states "Dig and replace sewer service line from the house to the curb, supplies, labor and permit for Rohan Peters, 6006 Camden Avenue North.
- Staff notes indicate that the sewer service line is to be dug and replaced from the house to the street curb.
- The City subsequently paid the invoice and staff invoiced the property an equivalent amount and provided a copy of the original invoice.
- Hennepin County records show the home was purchased by Mr. Peters in January 2014.
- The Sanitary Sewer on Camden Avenue was installed in 1960 and is scheduled to be reconstructed in 2019.

Recommendation

- Information provided (invoices included in the City Council packet) show the property was billed for the amount of invoice for work completed by Joe's Sewer Service
- All required special assessment procedures followed
- Staff recommends the approval of the proposed assessment

Appeals

- 3815 Burquest Lane – Basis of the appeal: Appellant states that they were unaware that they would be invoiced for the sewer service line repair that was completed on December 14, 2017 in the amount of $4,950. Mr. Kanneh stated that he was not informed of the work being completed, and when he noticed work was being performed was not told that the repair work would be invoiced to him.

Findings

- Two separate invoices
- 8/3/2017 – Joe's Sewer Service Inc. billed Mr. Kanneh $4,551 for services performed on August 2, 2017. The description on the invoice states "dig and replace sewer service line from the house to the boulevard for 3815 Burquest Lane North".
- Staff notes indicate that the homeowner had sewage coming up into the basement every time they ran water. Centerpoint was televising laterals and noticed roots. Centerpoint hired a company to try to remove the roots but was unsuccessful.
- The homeowner made contact with Joe who made the repair from the sanitary service line from the house to the road right of way and the homeowner will be responsible for the restoration of the property.
- The City subsequently paid the invoice and staff invoiced the property an equivalent amount and provided a copy of the original invoice.

Findings Continued…

- 12/15/2017 – Joe's Sewer Service Inc. billed the City of Brooklyn Center $4,950 for services performed on December 14, 2017. The description of the invoice states "dig and replace sewer service line in the street. Supplies, labor and permit for 3815 Burquest Lane North."
- Staff notes indicate that the resident had part of the service repaired back in August by Joe's Water & Sewer. The City received a call that the service is starting to back up. Joe was notified by the property owner planned on bringing out his camera. After investigation of the service, found the pipe to be broken at the wye and completed the repair.







To House

To Main





Findings Continued…

- The Contractor (Joe) was contacted during staff review of this appeal and recalled:
  - City was contacted to review the collapsed pipe before repair.
  - At least two City employees were present during the repair.
  - Collapsed pipe was due to poor soil in the area around the service line .
  - Homeowner was told with staff present that the repair work would be covered by the City and the cause of the damage was not the owners fault.
  - As part of the repair the City hauled and replaced soil and asphalt in that area.
  - City staff directed him to complete the repair.

Findings Continued…

- Public Works Staff contacted during the review of this appeal and recalled:
  - City did have a staff member present on site prior to the repair and during the repair. Additional staff member present at the end of the repair.
  - Did not tell the contractor or the homeowner the City would be responsible for the cost of the repair.
  - Staff believed the contractor communicated with the homeowner about the responsibility of the repair (either the homeowner's obligation or contractor's responsibility from previous work completed in August).
  - As part of the repair the City hauled and replaced soil and asphalt in that area for patching purposes
  - Contractor did bill the City directly and the City paid the invoice.

Recommendation

- Information provided (invoices included in the City Council packet):
  - Property was billed by the City for the amount of invoice for work completed by Joe's Sewer Service.
  - Repair was completed before the wye which is the property owners responsibility.
  - All required special assessment procedures followed.
- Responsibility not clearly communicated
  - Contractor believes he was working under the direction of the City.
  - Contractor substantiated claim that homeowner was told the City would cover the cost of the repair.
  - Owner did not have the ability to dispute the repair amount with the contractor or challenge whether the amount should have been warrantied under previous repair.
- Staff recommends reducing the proposed assessment by $4,950 for 3815 Burquest Lane for the repair work completed on December 14, 2017.

Next Steps

- Re-open the public hearing for proposed special assessments for utility repairs.
- Customers may provide a basis for their appeal during the public hearing.
- Following the public hearing, consider the resolution to adopt the amended proposed assessment for utility repairs

City Council Agenda Item No. 8b

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director MR

SUBJECT: Resolution Authorizing the Assignment and Assumption of Obligations under a Conduit Revenue Bond by Noble Academy dba Nompeng Academy Project and Approving Related Documents

Recommendation:

It is recommended that the City Council consider adoption of the attached resolution authorizing the assignment and assumption of obligations under a conduit revenue bond by Noble Academy dba Nompeng Academy Project and approving related documents.

Background:

In 2013, the City Council approved an application for Conduit Revenue Bond Financing from ASG Brooklyn Center, a non-profit corporation, to finance the purchase and renovation of the property at 6201 Noble Avenue which leased to Odyssey Academy, a non-profit charter school, for its operations.

The original aggregate principal amount was $5,300,000, amortized over 30 years at approximately 7.00 percent. The bonds carry the City of Brooklyn Center's name. However, full fiscal, legal and moral responsibility rest solely with ASG. ASG's source of revenue to repay the bonds was Odyssey Academy and the State Funded Lease Aid provided to Odyssey. The City faces no liability for repayment of the bonds using either City reserves or any levy against the City's tax base. Likewise, neither positive nor negative activity with this bond will affect the City's bond rating with Standard & Poor's.

Educational Properties II, Inc., a nonprofit corporation, and an affiliated business company of Noble Academy (under the name of Nompeng Academy), a nonprofit corporation and public charter school has proposed to acquire the school building for the use as a public charter school for kindergarten through eighth grade. The purchase would include assuming the debt remaining from ASG. The building will be owned by Educational Properties II, and leased to and operated by Noble Academy.

The borrower has requested that the City consent to an amended and restated loan agreement, dated on or After April 1, 2018. In order to do so it required the City to host a public hearing and provide approval. The bonds will be repaid from school revenues, including money due to the school from the State of Minnesota Lease Aid Payment Program.

As provided in the language of the resolution no covenant, stipulation, obligation or agreement contained in the Financing Documents shall be the responsibility of the City, any member of the City Council, or any City employee.

COUNCIL ITEM MEMORANDUM

A public hearing notice was published in the Sun Post on March 8, 2018.

Budget Issues:

Approval of this resolution should have no impact on the City budget, financial obligations or credit rating.

Strategic Priorities:

- Safe, Secure, Stable Community

Council Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ASSIGNMENT AND ASSUMPTION OF OBLIGATIONS UNDER A CONDUIT REVENUE BOND BY NOBLE ACADEMY dba NOMPENG ACADEMY PROJECT AND APPROVING RELATED DOCUMENTS

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

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

WHEREAS, Educational Properties II, Inc., a Minnesota nonprofit corporation, and an affiliated business company of Noble Academy, (the "Borrower") has proposed to acquire an existing school building located at 6201 Noble Avenue North, Brooklyn Center, Minnesota, 55429 from ASG Brooklyn Center (the "Seller") for use as a public charter schoolhouse for kindergarten through grade eight (the "School Facility") and assume the obligations of the Seller related to the City's conduit Charter School Lease Revenue Bond (Odyssey Academy Project), Series 2013A (the "Bond") which were previously issued by the City to finance (i) the acquisition, renovation, construction and equipping of the School Facility; (ii) the funding of a debt service reserve fund; (iii) the payment of a portion of the interest on the Bond; and (iv) the payment of the costs of issuing the Bond (the "Project"). The School Facility will be owned by the Borrower and leased to and operated by Noble Academy (under the name Nompeng Academy), a Minnesota nonprofit corporation and public charter school (the "School"); and

WHEREAS, the Borrower has requested that the City consent to an Amended and Restated Loan Agreement, dated on or after April 1, 2018 (the "Loan Agreement"), between the City, the Borrower and Minnesota Bank & Trust, a Minnesota state banking corporation ("Lender") and an Assignment and Assumption Agreement and Agreement to Amend Assumed Agreements, dated on or after April 1, 2018 (the "Assumption Agreement"), between the City, the Borrower, the Lender and the Seller which provides certain terms and conditions of the assumption of the Bond obligations and related documents; and

WHEREAS, the Bond heretofore issued by the City constitutes a revenue obligation secured solely by: (i) the revenues derived from the Loan Agreement; (ii) a pledge and assignment of all School revenues, including money due to the School from the State of Minnesota Lease Aid Payment Program (the "Program"); (iii) other revenues pledged to or otherwise received by the Borrower, except for those revenues necessary for ordinary operational expenses and required under Minnesota law; (iv) a mortgage and security agreement granted by the Borrower with respect to the Project; and (v) other security provided or arranged by the Borrower or the School; and

WHEREAS, following the publication of a notice (the "Public Notice") of a public hearing in the Brooklyn Center Sun-Post, the official newspaper of the City on March 8, 2018, at least 14 days before the regularly-scheduled meeting of the City Council of the City on March 26, 2018, the City Council

conducted a public hearing on this date, in accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Treasury Regulations, Section 5f.103-2, at which a reasonable opportunity was provided for interested individuals to express their views on the proposal to acquire and re-finance the Project and assume the obligations under the Bond as proposed by the Borrower;

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

1. For the purposes set forth above, subject to the approval of the Project by DEED, as required by the Act, the Council hereby authorizes the assumption by the Borrower of the Seller's obligations with respect to the City's Charter School Lease Revenue Bond (Odyssey Academy Project), Series 2013A (the "Bond"), originally issued in the principal amount of $3,555,376.

It is hereby found and determined that the Project furthers the purposes set forth in the Act and the Project constitutes a "project" within the meaning of Section 469.153, subdivision 2(b) of the Act.

2. The Bond is and shall be a special limited obligation of the City payable solely from the revenues provided by the Borrower pursuant to the Loan Agreement and from the revenues and security pledged, assigned, and granted pursuant to the following documents: (i) the Amended and Restated Mortgage, Security Agreement and Assignment of Rents, to be dated on or after April 1, 2018 (the "Mortgage"), from the Borrower, as mortgagor, to the Lender, as mortgagee; (ii) the Assignment of Lease, dated on or after April 1, 2018 (the "Assignment"), from the Borrower, as assignor, to the Lender, as assignee; and (iii) the Amended and Restated Pledge and Covenant Agreement, dated on or after April 1, 2018 (the "Pledge and Covenant Agreement"), from the School to the Lender and (v) other security provided or arranged by the Borrower or the School pursuant to other related security documents.

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

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

6. The Mayor and City Manager (the "City Officials") and other officers, employees, and agents of the City are hereby authorized to execute and deliver, on behalf of the City, the Loan Agreement and the Assumption Agreement, the documents other listed in Section 2 to which it is a party, and such other documents as are necessary or appropriate in connection with the assumption of obligations of the S, including various certificates of the City, the Information Return for Tax-Exempt Private Activity

Bond Issues, Form 8038, a certificate as to arbitrage and rebate, and similar documents (the "Financing Documents"). All of the provisions of the Financing Documents, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Financing Documents shall be substantially in the forms on file with the City which are hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the City Officials, in their discretion, shall determine, and the execution of the Financing Documents by the City Officials shall be conclusive evidence of such determination.

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

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

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

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

9. In case any one or more of the provisions of this resolution, other than the provisions contained in Sections 5, 7 and 8 hereof, or of the Financing Documents, or of the Bond issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the Financing Documents, or of the Bond, but this resolution, the Financing Documents, and the Bond shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

10. The Bond contains a recital that it was issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bond and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bond, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

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

12. The Borrower has agreed and it is hereby determined that any and all costs incurred by the City in connection with the assumption of the obligations of the seller will be paid by the Borrower. It is understood and agreed that the Borrower shall indemnify, defend and hold harmless the City against all liabilities, losses, damages, costs and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the project or the Bond or the transactions contemplated in this resolution, as provided for and agreed to by and between the Borrower and the City in the Loan Agreement.

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

whereupon said resolution was declared duly passed on adopted.

March 26, 2018
Date

Mayor

ATTEST:_____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____ 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.

Noble Academy
6201 Noble Avenue
(Educational Properties II, Inc.)

City Consent to the
Assignment of Conduit Revenue Bonds

Background

- In 2013, City Council approve Conduit Revenue Bond Financing for ASG Brooklyn Center
  - Finance purchase and renovation for Odyssey Academy
  - Original principal amount approved was $5.3 million at approximately seven percent.
- City has no fiscal or legal responsibility for the debt and does not have any impact on City credit rating.
- Noble Academy to assume debt and purchase the building.



Purchase of Property/Debt Assignment

- Proposed purchase of property by Educational Properties II, Inc.
  - Nonprofit corporation affiliated with Noble Academy
  - Leased to Noble Academy
- Noble Academy (under the name of Nompeng Academy)
  - K-8 Public Charter School
- Assumes ASG's debt to purchase the property
  - Repaid from school revenues, including State of MN Lease Aid Payment Program
  - Debt continues to provide no obligation or responsibility of the City, City Council or City staff

Next Steps

- Open the public hearing to receive comments on:
  - Resolution authorizing the assignment and assumption of obligations under a conduit revenue bond by Noble Academy dba Nompeng Academy Project and approving related documents.

- City Council consideration of resolution.

City Council Agenda Item No. 9a

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner/Zoning Administrator

SUBJECT: Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2018-001, Submitted by Greg Hayes of Ebert Construction, Requesting Approval of the Preliminary Plat for Northbrook Center 3rd Addition (Located at 1950 57th Avenue North)

Recommendation:
It is recommended that the City Council, following consideration of this planning application item, adopt the resolution regarding the disposition of Planning Commission Application No. 2018-001, submitted by Greg Hayes of Ebert Construction, for approval of the Preliminary Plat for Northbrook Center 3rd Addition, subject to the Applicant complying with the Site Plan and Documents Approval Section in the Planning Commission Staff Report dated March 15, 2018 (attached).

Background:
On March 15, 2018, the Planning Commission conducted a public hearing on Planning Commission Application No. 2018-001, submitted by Greg Hayes of Ebert Construction, for approval of the Preliminary Plat for Northbrook Center 3rd Addition, which would subdivide an existing 7.32 acre lot into two lots. As proposed, approximately 2.6 acres (proposed Lot 1) would be conveyed to the Applicant, Ebert Construction, and the remaining approximately 4.72 acres (proposed Lot 2) would remain under ownership by the City of Brooklyn Center until a developer was identified at a later time. This request is associated with additional requests by the Applicant under Planning Commission Application No. 2018-001 to establish a new Planned Unit Development (PUD) and approve site and building plans for the proposed four-story, 112,000-square foot indoor commercial storage building.

The City Council previously reviewed plans for this proposal at the City Council/EDA Work Session on August 14, 2017. EDA approvals were subsequently approved, authorizing the execution of a Letter of Intent to sell a portion of the Subject Property to the Applicant, located at 1950 57th Avenue North, and approving a Purchase Agreement and conveyance of a portion of the Subject Property under EDA Resolution Nos. 2017-11 and 2017-19.

Full consideration was given under a duly noticed public hearing and mail notifications were sent to surrounding property owners in accordance with the public hearing requirements. No comments (for or against) were received concerning the approval of the preliminary plat.

COUNCIL ITEM MEMORANDUM

Upon close of the public hearing, the Planning Commission voted unanimously (7-0) in favor of the recommendation. Attached for your review are copies of the Planning Commission Report for Planning Commission Application No. 2018-001, a copy of the preliminary plat for Northbrook Center 3rd Addition, a copy of Planning Commission Resolution No. 2018-001 (*Resolution Regarding Recommended Disposition of Planning Commission Application No. 2018-001 Submitted by Greg Hayes of Ebert Construction, Requesting Approval of the Preliminary Plat of Northbrook Center 3rd Addition (Located at 1950 57th Avenue North)*), and the draft Council resolution.

As this request is associated with two other requests under Planning Application No. 2018-001, a separate memorandum has been included to address these requests.

Budget Issues:
There are no budget issues to consider.

Strategic Priorities:
- Targeted Redevelopment

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-

RESOLUTION REGARDING RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-001 SUBMITTED BY GREG HAYES OF EBERT CONSTRUCTION REQUESTING APPROVAL OF THE PRELIMINARY PLAT OF NORTHBROOK CENTER 3RD ADDITION (LOCATED AT 1950 57TH AVENUE NORTH)

WHEREAS, Planning Commission Application No. 2018-001 was submitted by Greg Hayes of Ebert Construction, requesting approval of a Preliminary Plat for a new subdivision to be titled NORTHBROOK CENTER 3RD ADDITION, which would subdivide an existing 7.32 acre lot into two lots, and

WHEREAS, on March 15, 2018, the Planning Commission held a duly called public hearing, whereby this item was given due consideration, a staff report was presented, and a public hearing was opened to allow for public testimony regarding the preliminary plat of Northbrook Center 3rd Addition, which were received and noted for the record; and

WHEREAS, the Planning Commission has determined during its review of the preliminary plat materials submitted with Planning Application No. 2018-001, that said plat is in general conformance with City of Brooklyn Center's City Code Chapter 15 – Platting; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2018-001, as submitted by Greg Hayes of Ebert Construction, requesting approval of the Preliminary Plat to be titled NORTHBROOK CENTER 3RD ADDITION, is hereby approved subject to the following conditions:

1. The proposed subdivision is as follows:
   Lot 1, Block 1, Northbrook Center 3rd Addition
   (Ebert Construction) –approximately 2.6 acres

   Lot 2, Block 1, Northbrook Center 3rd Addition
   (City of Brooklyn Center) –approximately 4.72 acres

2. All recommendations and conditions as noted in the Assistant City Engineer's review memorandum (dated March 6, 2018), review by MnDOT (dated March 14, 2018), and comments provided by Hennepin County in their review (dated March 7, 2018), shall be complied with or completed as part of any final plat approvals.

3. Approval of this plat will be subject to approval of the site and building plan for an indoor commercial storage building, and establishment of a new Planned Unit Development, also filed under Planning Application

RESOLUTION NO. _____

No. 2018-001.

4. Any easements that need to be vacated under this platting process as determined by the City Engineer must be considered under separate and formal City easement vacation process, with all documentations, descriptions, and exhibits singed by a licensed surveyor.

5. The final plat shall be subject to review and final approvals by the City Engineer, prior to release by the City for recording purposes.

6. The final plat shall be subject to the provisions of Chapter 15 of the City Ordinances.

7. An updated certified abstract of title or registered property report must be provided to the City Attorney and City Engineer for review at the time of the final plat application (within 30 days of release of the final plat).

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner/Zoning Administrator

SUBJECT: Resolution Regarding the Disposition of Planning Commission Application No. 2018-001, Submitted by Greg Hayes of Ebert Construction for Approval of a New Planned Unit Development with New Zoning Classification of PUD-C2 (Planned Unit Development – Commerce) & Development Site Plan for an Indoor Commercial Storage Building (Located at 1950 57th Avenue North)

Recommendation:
It is recommended that the City Council, following consideration of this planning application item, adopt the resolution regarding the disposition of Planning Commission Application No. 2018-001, submitted by Greg Hayes of Ebert Construction, for the requested establishment of a new Planned Unit Development (PUD) and approval of the site and building plan for the as proposed four story, 112,000-square foot indoor commercial storage building. Approval is subject to the Applicant/Property Owner complying with the conditions outlined in the Site Plan and Documents Approval Section of the Planning Commission Staff Report dated March 15, 2018 (attached).

Background:
On March 15, 2018, the Planning Commission conducted a public hearing on Planning Commission Application No. 2018-001, submitted by Greg Hayes of Ebert Construction, for approval of the establishment of a new Planned Unit Development (PUD), which would allow the Applicant flexibility in defining the proposed use and establishment of a minimum parking standard, and site and building plans for the proposed four story, 112,000-square foot indoor commercial storage building. As part of this request, the Subject Property (located at 1950 57th Avenue North) would require a re-zoning from C2 (Commerce) District to PUD/C2 (Planned Unit Development/Commerce) District.

This request is associated with additional requests by the Applicant under Planning Commission Application No. 2018-001 to approve a Preliminary Plat for the Northbrook Center 3rd Addition, which would subdivide the existing 7.32 acre Subject Property into two lots. As proposed, the approximately 2.6 acres (proposed Lot 1) would be conveyed to the Applicant, Ebert Construction, and the remaining approximately 4.72 acres (proposed Lot 2) would remain under ownership by the City of Brooklyn Center until a developer was identified at a later time.

Full consideration was given under a duly noticed public hearing and mail notifications were sent to surrounding property owners in accordance with the public hearing requirements. No comments (for or against) were initially received, however, upon close of the public hearing, a

resident arrived to the meeting and requested to provide input on the proposal. Chair Christensen asked for a motion to re-open the public hearing to allow the resident an opportunity to address the Commission. This motion was passed unanimously.

The resident stated that she utilizes Logan Avenue North as a route to her bus stop on 57th Avenue North. She stated that the Subject Property would be better used as a nature preserve or park, and inquired as to whether traffic had been taken into account, as she felt the storage building would increase traffic in that area. As she has been nearly hit by vehicles in the vicinity of Logan Avenue and 57th Avenue North on multiple occasions, she informed the Commission that she is against this proposal.

The Applicant, Greg Hayes (Ebert Construction), and the Commission engaged in dialogue regarding the proposed use and the identified soil contamination. The Applicant noted that he has been working with the Minnesota Pollution Control Agency (MPCA) throughout the application process and noted that the MPCA will likely maintain the monitoring wells currently on the site of Outlot A, located to the north of the Subject Property, for at least 10 to 15 more years. This is to ensure that the ground water and soil, which were contaminated due to a dry cleaning operation, are safe.

Upon close of the public hearing, the Planning Commission voted 5-2 in favor of the recommendation. Attached for your review are copies of the Planning Commision Staff Report and exhibits dated March 15, 2018, a copy of Planning Commission Resolution No. 2018-002 (*Resolution Regarding the Disposition of Planning Application No. 2018-001 Submitted by Greg Hayes of Ebert Construction for Approval of a New Planned Unit Development with New Zoning Classification of PUD-C2 (Planned Unit Development-Commerce) & Development Site Plan for an Indoor Commercial Storage Building (Located at 1950 57th Avenue North))*, and a draft copy of the Council resolution.

Budget Issues:
There are no budget issues to consider.

Strategic Priorities:
- Targeted Redevelopment

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-

RESOLUTION REGARDING THE DISPOSITION OF PLANNING APPLICATION NO. 2018-001 SUBMITTED BY GREG HAYES OF EBERT CONSTRUCTION FOR APPROVAL OF A NEW PLANNED UNIT DEVELOPMENT WITH NEW ZONING CLASSIFICATION OF PUD-C2 (PLANNED UNIT DEVELOPMENT - COMMERCE) & DEVELOPMENT SITE PLAN FOR AN INDOOR COMMERCIAL STORAGE BUILDING (LOCATED AT 1950 57TH AVENUE NORTH)

WHEREAS, Planning Application No. 2018-001, submitted by the Greg Hayes of Ebert Construction, requests establishment of a new Planned Unit Development with a Zoning Classification of PUD-C2 (Planned Unit Development - Commerce), and approval of a Development Site Plan for a new indoor commercial storage building, to be located at 1950 57th Avenue North; and

WHEREAS, the proposal comprehends the rezoning of the Subject Property to facilitate the planned and future redevelopment of the site with a proposed four-story, 112,000-square foot indoor commercial storage building, along with other associated improvements including, but not limited to parking and drive areas, stormwater management, and landscaping; and

WHEREAS, the subject property is identified and guided in the 2030 Comprehensive Plan as TH/MF/OS/RB/PS ("Townhome,", "Multi-Family,", "Office/Service Business," "Retail Business", "Public and Semi-Public"), and the proposed PUD-C2 zoning designation comprehended under this application would be consistent with this underlying land use category; and

WHEREAS, on March 15, 2018, the Planning Commission held a duly called public hearing, whereby a planning report was presented and public testimony regarding this proposed planned unit development was received and noted for the official record, and the request was duly considered in light of all testimony received; and

WHEREAS, the Planning Commission considered the rezoning comprehended under this Planned Unit Development (PUD) request in light of all testimony received, the guidelines for evaluating rezoning contained in Section 35-208 of the City's Zoning Ordinance, along with the provisions and standards of the C2 (Commerce) District, as contained in Section 35-322, along with the provisions and standards of the Planned Unit Development District contained in Section 35-355 of the City's Zoning Ordinance; and

WHEREAS, on March 15, 2018, the Planning Commission reviewed and considered the proposed new PUD development plans, which included the new site and building plans for the new four story, 112,000-square foot indoor commercial storage building, elevation plans, and civil plans completed by Mohagen Hansen and Otto Associates, and found the plans to be in order and approved for the Subject Property.

RESOLUTION NO. 2018-

WHEREAS, the Planning Advisory Commission of the City of Brooklyn Center recommends to the City Council that the rezoning element comprehended under the proposed Planned Unit Development and submitted under Application No. 2018-001 by Greg Hayes of Ebert Construction, may be approved based upon the following findings:

a. The proposed rezoning appears to demonstrate a clear and public need or benefit to the community and regional area, as it will improve the appearance of the city and enhance the quality of life, property values, and civic pride in this neighborhood area; and provide an opportunity for the currently vacant 57th and Logan site to be invested in;

b. The rezoning and its related development proposal will not be a detriment to the neighborhood, and should provide a positive effect on the community;

c. The rezoning will facilitate the redevelopment of this site as an indoor commercial storage building, which will be compatible with the goals and policies of the City's Comprehensive Plan and underlying land use plan, which designates the Subject Property for a mixed range of uses, including OS ("Office/Service Business,") and RB ("Retail Business");

d. The proposed zoning is consistent and compatible with the surrounding land use classifications;

e. The proposed rezoning will provide an opportunity for the Subject Property to maintain its underlying C2 (Commerce) District zoning classification with the flexibility of a Planned Unit Development (PUD), allow an approximately 2.6 acre portion of vacant land to be redeveloped into an indoor commercial storage building, and stimulate new investment in the neighborhood and community;

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

g. The Development/Site and Building Plan, in relation to the Planned Unit Development proposed on the Subject Property, will facilitate the redevelopment and improvement of the site, will allow for the utilization of the land in question in a manner which is compatible with, complementary to, and of comparable intensity to adjacent land uses as well as those permitted on surrounding land;

h. The improvements and utilization of the Subject Property as proposed under the planned redevelopment of this site is considered a reasonable use of the property and will conform with ordinance standards; and

i. The Development/Site and Building Plan proposal is considered consistent with the recommendations of the City's Comprehensive Plan for this area of the city, appears to be a good long range use of the existing land, and can be considered an asset to the community.

AND WHEREAS, upon due and proper consideration of this matter, and in light of all testimony received, utilizing the guidelines for evaluating rezoning contained in Section 35-208 of the City's Zoning Ordinance and the provisions of the Planned Unit Development ordinance contained in Section 35-355 of the City's Zoning Ordinance and the City's Comprehensive Plan, the Planning Advisory Commission formulated a favorable and unanimous recommendation of approval be forwarded to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Brooklyn Center, Minnesota, to recommend that Planning Application No. 2018-001, submitted by Greg Hayes of Ebert Construction, and which proposes a new Planned Unit Development with a Zoning Classification of PUD-C2 (Planned Unit Development - Commerce) and a Development Site Plan for a new indoor commercial storage building, located at 1950 57th Avenue North, be approved based on the following conditions:

1. **Plat and PUD approval:** Approval of the plat and establishment of the new Planned Unit Development are contingent upon final plat approval and successful recording of said plat. No separation of Lot 1, Block 1, Northbrook Center 2nd Addition, may occur without separate approval of a subdivision as provided under Chapter 15 of the City Code of Ordinances.
    a. The proposed subdivision is as follows:
        Lot 1, Block 1, Northbrook Center 3rd Addition
        (Ebert Construction) –approximately 2.6 acres
        Lot 2, Block 1, Northbrook Center 3rd Addition
        (City of Brooklyn Center) –approximately 4.72 acres
    b. All recommendations and conditions as noted in the Assistant City Engineer's review memorandum, dated March 6, 2018, shall be complied with or completed as part of any final plat approvals.
    c. The final plat shall be subject to the provisions of Chapter 15 (*Platting* Ordinance).

2. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.
    b. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

3. **Agreements:**
    a. The Property Owner/Developer shall enter into a PUD agreement with the

City of Brooklyn Center to be reviewed and approved by the City Attorney prior to the issuance of building permits. Said agreement shall be filed with the title to the property and shall acknowledge the specific modifications to the C-2 underlying zoning district as well as other conditions of approval. The agreement shall further assure compliance with the development plans submitted with this application.

b. The owner of the property shall enter into a utility, facilities, and easement agreement for maintenance and inspection of utility and storm drainage systems as approved by the City Engineer prior to the issuance of building permits.
    a. A 10-foot drainage and utility easement must be dedicated on the plat around the entire perimeter of the site and over the storm water BMPS treatment areas up to the 100-year event.

c. The Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications and standards comprehended under this Site and Building Plan.

d. The Developer shall submit an as-built survey of the property, improvements and utility service lines prior to release of the performance guarantee.

4. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated March 6, 2018 (Exhibit D).
    a. A land disturbance (alteration) permit is required.
    b. Final grading, drainage, utility and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.
    c. Applicant shall meet all requirements as identified by the Minnesota Pollution Control Agency (MPCA).
    d. The Applicant shall meet all applicable requirements as identified by Hennepin County in the review dated March 7, 2018 (Exhibit C).
    e. The Applicant shall meet all applicable requirements as identified in the review by MnDOT dated March 14, 2018 (Exhibit E).
    f. The Applicant shall meet all applicable requirements identified as part of the review by the West Mississippi Watershed Commission.

5. **Construction Standards:**
    a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.
    b. The Applicant shall obtain an NPDES construction site erosion permit from the Minnesota Pollution Control Agency prior to disturbing the site.
    c. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

6. **Facilities and Equipment:**
   a. Any outside trash disposal facilities and roof top or on ground mechanical equipment shall be appropriately screened from view.
   b. The building shall be equipped with automatic fire extinguishing systems meeting NFPA standards and shall be connected to a central monitoring device in accordance with Chapter 5 of the City Ordinances.
   c. The proposed 12-foot by 12-foot trash enclosure shall be constructed with building materials that are complementary to the principal building (proposed indoor commercial storage building).

7. **Landscaping:** All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.
   a. Per City requirements, an irrigation system is required.
   b. The contractor shall submit irrigation shop drawings for review and approval prior to installation.

8. **Signage:** The Applicant shall submit a Building Permit application for any proposed signage as part of the development proposal. Signage is subject to the Chapter 34 (*Sign Ordinance*).

March 26, 2018
Date

Mayor

ATTEST: _____
City Clerk

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

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

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

Planning Commission Report

Meeting Date: March 15, 2018

- Application Filed: 02/13/2018
- Review Period (60-day) Deadline: 04/14/2018
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No.	2018-001
Applicant:	Greg Hayes (Ebert Construction)
Location:	1950 57th Avenue North
Request:	**(1)** Preliminary Plat of the Northbrook Center 3rd Addition **(2)** Establishment of a Planned Unit Development **(3)** Site and Building Plan Approval for Construction of a Four Story, 112,000-Square Foot Indoor Commercial Storage Building

INTRODUCTION

Greg Hayes of Ebert Construction (the "Applicant") is requesting review and consideration of a Preliminary Plat of the Northbrook Center 3rd Addition, which would subdivide an existing 7.32-acre lot into two (2) lots. This request is associated with additional requests by the Applicant to establish a Planned Unit Development (PUD) on approximately 2.6-acres (Lot 1) and approve a site and building plan for the proposed four story, 112,000-square foot indoor commercial storage building. The remaining approximately 4.72 acres (Lot 2) would remain under the ownership by the City of Brooklyn Center (Exhibit A).

Although the building and site plan do not require a public hearing, the request for approval of the preliminary plat and establishment of a Planned Unit Development require that a public hearing be scheduled in accordance with Section 35-355 (*Planned Unit Developments*) of the Brooklyn Center Zoning Ordinance, and Section 15-104 (*Preliminary Plan*) of the Platting Ordinance. An Affidavit of Publication confirmed publication of the public hearing notice in the Brooklyn Center *Sun Post* on March 1, 2018 (Exhibit B). Mail notices were also sent to neighboring property owners.

COMPREHENSIVE PLAN AND ZONING STANDARDS

Land Use Plan:	TH/MF/OS/RB/PS- Mixed (Townhome, Multi-Family, Office/Service Business, Retail Business, Public and Semi-Public)
Neighborhood:	Grandview
Current Zoning:	C2 (Commerce) District
Surrounding Zoning:	North: C2 (Commerce) District East: R3 and R4 (Multiple Family Residence) Districts South: PUD/C2 (Planned Unit Development/Commerce) and C2 (Commerce) Districts West: Highway 100 and C2 (Commerce) District across Highway 100

Site Area:	Approximately 7.32 acres, to be subdivided into: Lot 1 (Ebert Construction) –approximately 2.6 acres Lot 2 (City of Brooklyn Center) –approximately 4.72 acres

BACKGROUND

Subject Property History

The Subject Property was formerly home to Northbrook Center and later on, what was known as the Hmong-American Shopping Center. The Subject Property was at one time comprised of five buildings (approximately 77,000-square feet of commercial space), 421 parking spaces, and was almost entirely covered in impervious surfaces. At different points throughout the shopping complex's history, the site was home to such establishments as the Chuckwagon Inn (restaurant), an Asian Grocery Store, fabric store, a hardware store with post office inside, pharmacy, and gas station.

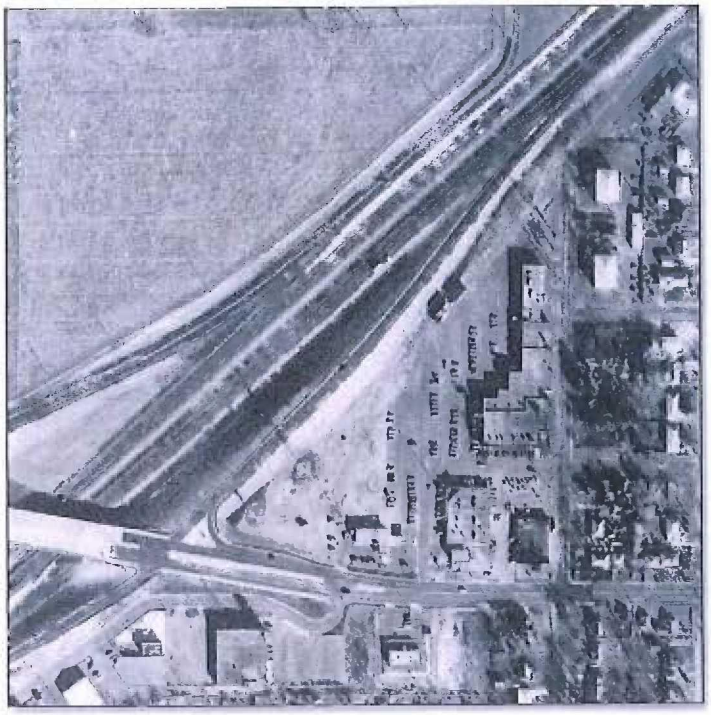


Image 1. Northbrook Center in 1967
(Courtesy of Minnesota Historical Aerial Photographs Online)

In 2004, the City's Economic Development Authority adopted EDA Resolution Nos. 2004-10 (*Resolution Authorizing the Acquisition of Real Property for Redevelopment Purposes*), and 2004-12 (*Resolution Authorizing the Acquisition of Real Property for Redevelopment Purposes (Hmong American Shopping Center)*), to acquire the entirety of what is known as the 57th and Logan site. This acquisition surrounded concerns relating to the state of and overall dilapidation of the shopping center and conversations held with the principal owner of the majority of properties located on the site at that time as to its redevelopment.

The EDA proceeded by filing a Petition in Condemnation and Motion for Transfer of Title and Possessions under Minnesota Statute § 117.042 with the Hennepin County District Court. A 90-Day

Notice to Vacate and relocation expenses were provided to tenants renting space within the shopping center.

Site Contamination and EDA Acquisition

Outlot A (5801 Logan Avenue North), located to the north of the Subject Property, is presently the location of Minnesota Pollution Control Agency (MPCA) monitoring wells in place for the ongoing groundwater and vapor investigation of contamination caused by a former dry cleaning operation.

In 2003 and 2004, Phase I and II environmental investigations were completed on and around the Subject Property through funding received from Hennepin County and the Federal Environmental Protection Agency (EPA). The results of the Phase II investigation identified chemicals relating to dry cleaning operations in the soil and groundwater near the former dry cleaners on the 57th and Logan site.

In 2005, an additional assessment to the site was conducted and involved the collection of soil borings and a well receptor survey of 50 nearby properties. This was completed to further assess and delineate any potential plume of contaminants originating from the former dry cleaning facility on the northern portion of the 57th and Logan site. This study included an additional assessment as to any potential contaminant plume down gradient from the site in the residential neighborhood southeast of the site, and focused on private wells in the area.

Following the removal of asbestos from the shopping center, demolition of the shopping center complex occurred in 2005. It was during this time frame that a tank was discovered in the floor of the former dry cleaner site. This tank was used as a repository or collection point for dry cleaning chemicals used as part of the operation. As part of the site's cleanup, the dry cleaning tank was removed from the site and, as mentioned, monitoring wells were installed on Outlot A (located to the north of the Subject Property) to provide ongoing monitoring as to any remaining contamination.

The Applicant has been working with MPCA as to their requirements, and has been in consultation with Bay West to conduct vapor gas testing. This testing will help identify what type of under slab ventilation system will be required. The Applicant indicated they would enter into the MPCA's *Voluntary Investigation and Cleanup* (VIC) program.

EDA Sale of Subject Property

On August 14, 2017, the City Council/EDA Work Session included a discussion relating to a proposed Letter of Intent with Ebert Construction for commercial development on the northern half of Lot 1, Block 1 of the Northbrook Center 2nd Addition (1950 57th Avenue North) for a four story, 112,000-square foot indoor commercial storage building. Deliberation was held as to whether the as proposed development plan was compatible with the Economic Development Authority's Targeted Development Strategy for the 57th and Logan site, and whether they wished to proceed with a Letter of Intent and Purchase Agreement for the conveyance of a portion of said property. Given a favorable response from the City's Economic Development Authority (EDA), the EDA subsequently adopted Resolution 2017-11 (*Resolution Approving and Authorizing the Execution of a Letter of Intent to Sell the Property Located at 1950 57th Avenue North*).

Approval of the aforementioned EDA Resolution was followed by adoption of EDA Resolution No. 2017-19 (*Resolution Approving Purchase Agreement and Conveyance of Approximately 2.5 Acre Portion of Lot 1, Block 1, Northbrook Center 2nd Addition*) on November 13, 2017, which authorized the sale of a portion of the 57th and Logan site.

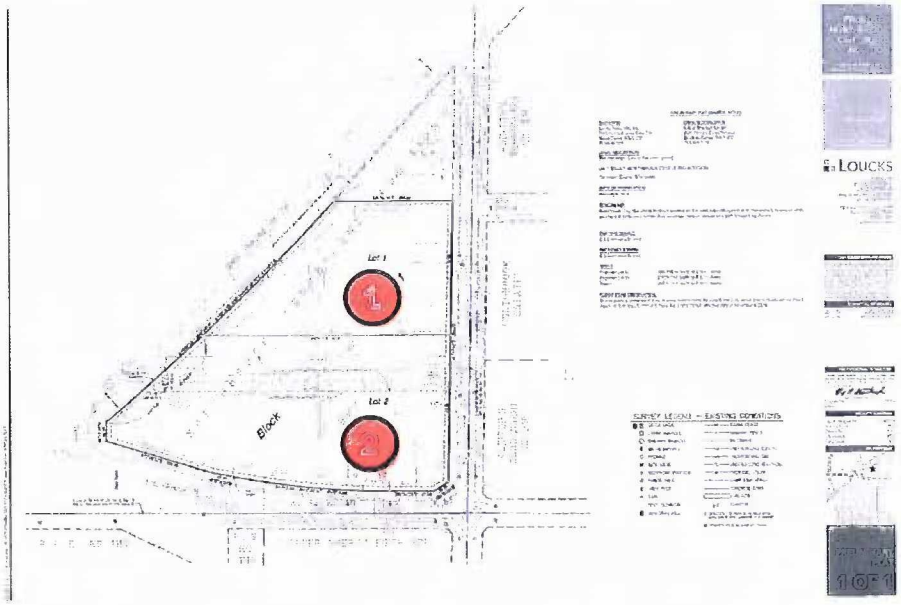
PRELIMINARY PLAT

As part of the City Platting Ordinance requirements, preliminary and final plat approval is required to formally subdivide Lot 1, Block 1, of the Northbrook Center 2nd Addition, also known as 1950 57th Avenue North. As proposed, the subdivision would result in the creation of:

Lot 1, Block 1, Northbrook Center 3rd Addition
(Ebert Construction) –approximately 2.6 acres
Lot 2, Block 1, Northbrook Center 3rd Addition
(City of Brooklyn Center) –approximately 4.72 acres



Map 1. Existing Lot Configuration of Subject Property.



Map 2. Preliminary Plat for Subject Property (Northbrook Center 3rd Addition)

The proposed subdivision would provide the acreage necessary for the Applicant to construct the proposed 112,000-square foot indoor commercial storage building on a 28,000-square foot building footprint on Lot 1 of the proposed Northbrook Center 3rd Addition. Access to the Subject Property would be via driveway that would largely line up with 58th Avenue North. Lot 1 and Lot 2 would be separated by an approximately 75-foot wide drainage and utility easement for Northern States Power Company (Doc. No. 498916). Lot 2 would continue ownership under the City of Brooklyn Center until a developer was identified. As Lot 2 is approximately 4.72 acres in size, there is the possibility of further subdividing Lot 2 in the future.

Per comments outlined in a review of the preliminary plat by Hennepin County (Exhibit C), the County expressed support of the proposed access to the Subject Property off Logan Avenue, however, the County discouraged the introduction of any future access points off 57th Avenue North, as the section of 57th Avenue North located to the south of the Subject Property is above the County's critical crash rate. This request to restrict access to Logan Avenue was echoed by MnDOT in their review (Exhibit E). The County indicated that any future development of proposed Lot 2 (City of Brooklyn Center) utilize an internal access road that would provide ingress and egress via Logan Avenue North.

In addition, the County indicated a desire to have 20 feet of the southern half of proposed Lot 2 (City of Brooklyn Center) dedicated as sidewalk, trail, utility, and roadway easement. This request is associated with potential future roadway improvements along 57th Avenue North. As the Staff Report is focused on the development of proposed Lot 1, consideration of Hennepin County requests regarding Lot 2 would be reserved for a future date.

Based on staff findings, staff recommends Planning Commission recommendation of the preliminary/final plat (Northbrook Center 3rd Addition); subject to the Applicant complying with the comments outlined in the Assistant City Engineer's memorandum dated March 6, 2018 (Exhibit D), MnDOT review dated March 14, 2018 (Exhibit E), and comments relating specifically to Lot 1 in the Hennepin County review dated March 7, 2018 (Exhibit C).

ESTABLISHMENT OF A NEW PLANNED UNIT DEVELOPMENT

The Applicant has proposed construction of an indoor commercial storage facility on the northern portion of the property known as 1950 57th Avenue North (Subject Property). As part of the proposal, the Applicant is requesting the establishment of a new Planned Unit Development (PUD) to allow flexibility in defining the proposed use and minimum parking requirements for this proposed use. As self-storage units have evolved over the past few years from the typical outdoor storage unit, to indoor, climate controlled mini units with keycard access and office staff, the City's Zoning Ordinance does not currently identify this type of use in the City Ordinance. Given this lack of defined use, the minimum required parking standards are also not outlined in the Zoning Ordinance.

Per Section 35-355 (*Planned Unit Development*) of the City Zoning Ordinance, the purpose of the Planned Unit Development (PUD) district is to, "promote flexibility in land development and redevelopment, preserve aesthetically significant and environmentally sensitive site features, conserve energy, and ensure a high quality of design."

The section further explains that,
"Parking provided for uses within a PUD shall be consistent with the parking requirements contained in Section 35-704 of this ordinance unless the developer can demonstrate to the City's satisfaction that a lesser standard should be permitted on the grounds of complementarity of peak parking demands by

the uses within the PUD."

Approval of a PUD requires that the proposed uses are consistent with the City's Comprehensive Plan and that implementation of said PUD be controlled by the submitted development plan. Applicants may combine PUD development plan approval with the site and building plan approval required by Section 35-230 (*Plan Approval*) of the City Zoning Ordinance by submitting all information required for both simultaneously. The Applicant has submitted sufficient documentation and plans to work through the requests for establishment of a PUD and building and site plan approval simultaneously and as outlined within this staff report. Should the Subject Property receive approval to establish the new PUD, the Subject Property would require re-zoning to identify the establishment of said PUD. Regulations governing uses and structures in PUDs shall be the same as those governing the underlying zoning district with the exception of certain permitted conditions or allowances as imposed or approved by the City Council.

In accordance with Section 35-355, the City Council shall base its actions on the PUD rezoning using the following criteria:

1. **Compatibility of the plan with the standards, purposes and intent of this section.**
2. **Consistency of the plan with the goals and policies of the Comprehensive Plan.**
3. **The impact of the plan on the neighborhood on which it is to be located.**
4. **The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, and buffering and landscaping.**

As noted by the Applicant, the proposed indoor commercial storage building would typically have office hours from 9 a.m. until 6 p.m., Monday through Friday, and on Saturdays from 10 a.m. to 4 p.m. Customers with rental units would have access to the building through card access seven days per week from the hours of 6 a.m. until 10 p.m.

Approval of the site and building plan is contingent upon receiving approval to establish a Planned Unit Development and its subsequent re-zoning.

SITE AND BUILDING PLAN APPROVAL

In conjunction with the Applicant's request for preliminary plat approval of the Northbrook Center 3rd Addition and establishment of a new Planned Unit Development (PUD), which would provide flexibility in defining the proposed use and minimum parking requirements, the Applicant is also requesting approval of the proposed site and building plan for the as proposed indoor commercial storage building.

Building Setbacks

The minimum building setback requirements within the C2 (Commerce) Zoning District are as follows:

Front: 35 feet **Rear Yard:** 40 feet **Side Interior Yard:** 10 feet

The indoor commercial storage building setbacks are proposed at:

Front: 66.7 feet -- *facing Logan Avenue* **Rear Yard:** 61.6 feet **Side Interior Yard (South):** 45 feet

As outlined above, the proposed indoor commercial storage building would meet all of the minimum building setback requirements for properties zoned C2 (Commerce) District).

Building and Site Layout

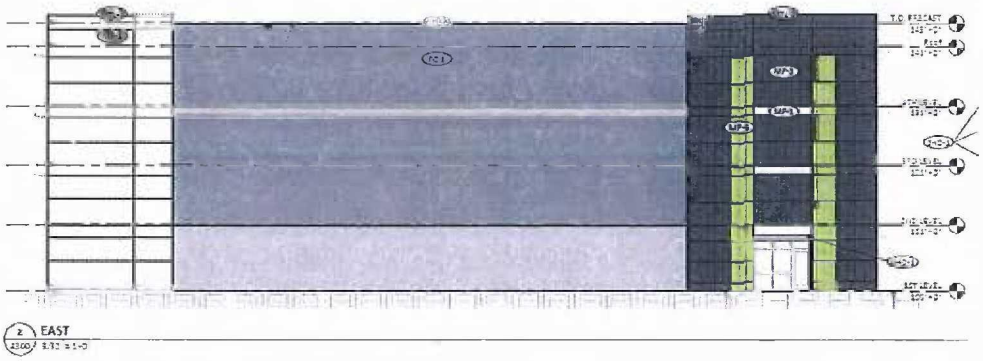
The proposed 112,000-square foot indoor commercial storage building would be located on a 28,000-square foot building footprint and rise four stories in height (Exhibit F). As proposed, the northeast corner of the building's main floor would feature an 816-square foot office area (open to the public), break room, utility room, and restroom facilities. Stairwells are indicated at the northeast and southwest corners of the building with an elevator shaft running through the center portion of the proposed building. As noted below, the breakdown of proposed overhead access doors to direct access storage units and the transfer bay are as follows:

North Elevation: Four (4) overhead doors
East Elevation: No overhead doors—facing Logan Avenue North and residential area
South Elevation: Ten (10) overhead doors—facing 57th Avenue North and commercial properties
West Elevation: Six (6) overhead doors—facing Highway 100

Two of the four doors located along the north elevation would be utilized by customers for access to the elevator and rental storage units via the approximately 1,600-square foot transfer bay area, and the other two doors for access to private storage units, whereas the ten doors on the south elevation and six doors on the west elevation would all serve as direct access doors to rental storage units.

As proposed, there would be 784 total storage units with the majority allocated for the following storage unit sizes: 5-foot by 10-foot (199 units), 10-foot by 10-foot (154 units), and 10-foot by 15-foot (133 units). With the exception of the main floor, floors two through four would be comprised solely of storage units, hallways, and elevator and stairway access points.





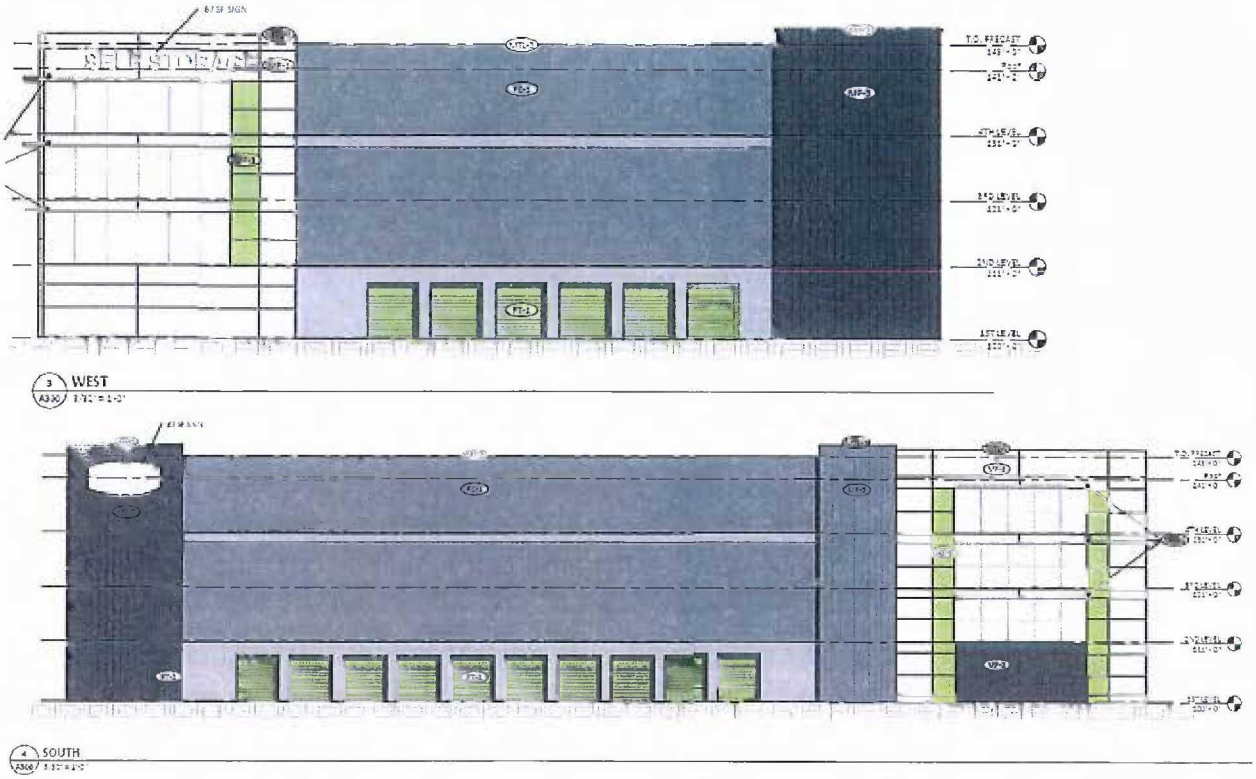


Image 1. *Proposed Indoor Commercial Storage Building Elevations*

As noted above in Image 1 and the attached Exhibit G, the Applicant intends to use a mixture of Class I type exterior building materials in the construction of the proposed indoor commercial storage building. These materials include the use of textured architectural pre-cast concrete panels, architectural metal (ACM) panels, and insulated glass. Horizontal metal sun shades would be installed over a thermally broken storefront system, and the transfer bay area would utilize glass on the oversized, overhead doors located on the north end of the building. Given their size, this should lessen the effects the door size might otherwise have were the doors to be of solid color. There are no plans to build on adjacent Outlot A, and monitoring wells are currently in place to track for contamination initially identified in the 2000s. The remaining smaller, direct access overhead doors would feature a cohesive paint color on the door panels.

Although unofficial, the City does reference a set of design guidelines when reviewing site and building plan applications. These guidelines are based on the *Shingle Creek Crossing Architectural Design* Guidelines, which were approved in 2011. These guidelines strive to have *at least* 50-percent of all four sides (wall surfaces) on new buildings constructed with Class I materials, with the remaining surfaces to be constructed of Class II materials. While these are guidelines, it is stressed that the Applicant be thoughtful in the design of the building and site. As reference:

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

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

Access and Parking

The Applicant intends to provide site access via a 24-foot wide driveway at the intersection of Logan Avenue North and 58th Avenue North. The proposed drive would wind from the north end of the building to the west before terminating at the south end of the building. No drive aisle is proposed along the east side of the building, and therefore, no overhead doors are proposed for installation along the east elevation. The elimination of the drive access along this elevation is intended to minimize the commercial feel on this side, which faces Logan Avenue and a line of residential housing.

As the proposed use and minimum parking standard is not specified in the City Zoning Ordinance, the Applicant provided the locations of other like indoor commercial storage building projects in the Twin Cities metro. Staff researched these locations by referencing their respective City approvals and reviewing aerial imagery when necessary to identify the total square footage of each commercial storage building and their parking allowances. This information is summarized in Table 1 below.

Table 1. Parking Requirements for Similar Indoor Commercial Storage Buildings in Twin Cities Metro.

Indoor Commercial Storage Building Location	Provided Parking Spaces (in bold)	Square Feet	Parking Required per 1,000 SF
8570 Aspen Lane North—Brooklyn Park	**8**—Per Brooklyn Park Staff Report dated 09/13/2017	105,444 SF	0.076
1315 Cope Avenue North—Maplewood	**6**—Per Maplewood Staff Report dated 10/19/2016	108,150 SF	0.055
2960 Empire Lane—Plymouth	**11**—Per Google Maps	76,430 SF	0.144
12995 Valley View Road—Eden Prairie	**13**—Per example reference in Minnetonka Staff Report dated October 20, 2016	75,000 SF	0.173
6250 Olson Memorial Highway—Golden Valley	**10**—Per Google Maps	~85,000 SF*	0.118
4370 Fountain Hills Drive NE—Prior Lake	**12**—Per reference in Prior Lake Staff Report dated March 6, 2017	95,000 SF	0.126
MN ADA Parking Requirement (1 to 25 spaces)	**1 space required**	--	
Average (Above Locations)	**10 spaces** (90,837 SF x 0.115 ÷ 1,000)	**90,837 SF**	**0.115**

Sources: Greg Hayes (Ebert Construction), 2015 Minnesota Accessibility Code, reviews of aerial imagery and municipal staff reports (above).
*Note: Total square footage of Golden Valley commercial storage building (Lock Up Storage) based on square footage and similar parking allocations provided for Lock Up location in Plymouth.

Based on the calculations noted in Table 1 above, the average number of parking spaces provided across the six provided Twin Cities commercial storage locations is 10 for an average 90,837-square foot building. This is assuming a parking requirement of 0.115 spaces per 1,000–square feet of building. Under this assumption, it can be presumed that the as proposed 112,000-square foot building would require a minimum of approximately 13 parking spaces. The submitted site plan identifies 12 parking spaces, including one ADA accessible space with adjacent loading zone.

Given the provided 1,600-square foot internal loading and unloading area within the transfer bay, staff is comfortable with the as proposed 12 parking spaces. Should parking deficiencies be identified at a later time, the Applicant may need to alter the site plan to incorporate additional parking.

Parking spaces must be constructed per City Zoning Code minimum width (8 feet, 8 inches) and length (18 feet) requirements for 90-degree parking. The Applicant identified a typical space width of 9 feet and 20 feet in length on the submitted site plan. The Applicant also intends to maintain the minimum required 24-foot drive aisle throughout the parking area.

The Applicant shall work with the Fire Inspector to ensure the site plan meets 2015 Minnesota Fire Code provisions, including, but not limited to: maximum distance from fire hydrants, maximum drive aisle length without turn around (150 feet), direct emergency access to riser/utility room (as site plan specifies building will be fully-sprinkled), any required FDC connection, and turn radius requirements for fire trucks.

Per Hennepin County and MnDOT, no additional access points should be located off 57th Avenue North. Instead, future development on Lot 2 (City of Brooklyn Center) should utilize an internal access road that would provide access off Logan Avenue. With this in mind, the Applicant revised their site plan to offer additional green stripping along the southern edge of Lot 1 should an access road ever be constructed in the future. The Applicant otherwise substantially meets the minimum 15-foot green strip requirement along the street right-of-way (Logan Avenue).

LIGHTING | TRASH | SCREENING

Lighting

Per the City Zoning Code, "any new or additional lighting installed to illuminate the storage area must be down-cast, cut-off style light fixtures." The submitted photometric plan notes that all proposed luminaires will be fully shielded and of the cutoff type. The Applicant has also indicated that the proposed lighting would meet the requirements of Section 35-712 (*Lighting*) of the City Zoning Code by not exceeding three (3) foot candles measured at property lines abutting residentially zoned property, or 10 foot candles measured at the property lines abutting the street right-of-way or non-residentially zoned properties. As is specified, no glare shall emanate from or be visible beyond the boundaries of the illuminated premises.

The photometric plan notes that the maximum number of foot candles for any light poles or wall-pack fixtures would be not more than 3.8 foot candles and located towards the interior of the Subject Property. The identified foot candles along the perimeters of the property are identified as zero (0) foot candles. This includes the east side of the property that faces residential housing along Logan Avenue North. The average estimated foot candles throughout the site are 0.4.

Per the submitted photometric plan, one light pole fixture is proposed for installation to the north of the parking area and at a height of 20 feet, while seven (7) wall-mounted luminaires would be mounted at select locations along the north, west, and south elevations of the building. No lighting is proposed along the east elevation of the building. Both styles of fixtures are LED with cut-offs, and offer zero uplighting.

Trash

The site would feature an approximately 12-foot by 12-foot trash enclosure, which would be located approximately 30 feet off the north interior property line and to the east of the parking area. The City

has normally viewed these areas as "accessory structures," which are permitted with a minimum required setback of three (3) feet from side and rear lot lines. Trash enclosures are to be fully enclosed through use of fence or masonry type materials and effectively screen any dumpsters or recycling containers within.

Screening

The trash enclosure and any other ground mounted equipment (e.g., transformers, mechanical) shall be effectively screened from adjacent public rights-of-way and properties by a solid wall or fence constructed of wood, masonry, or other durable materials that are complementary to the materials used on the primary building. Per Chapter 12 (*Building Maintenance and Occupancy*) of the City Code, roof-mounted equipment shall also be screened from view through use of parapets, wall/fencing materials, or paint to match surrounding colors when visible from the public right-of-way.

Landscaping

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

Given that the proposed use isn't clearly identified within the Zoning Ordinance, staff has determined that a use of "light industrial" be used for the purposes of the Landscape Point System Policy, as the site will not operate as a retail use (i.e., "Restaurant/Retail/Service/Entertainment/Hotels") and as it does not identify as an "Office," or "Heavy Industrial" type of development. Assuming a 2.6 acre site, the Applicant would need to achieve a minimum of 60 points.

Table 2. Landscape Point System Policy

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees	2 ½" diameter	10	50% or 30 points	**30** (8 trees x 10 = 80)
Coniferous Trees	5' height	6	40% or 24 points	**24** (9 trees x 6 = 54)
Decorative Trees	1" diameter	1.5	35% or 21 points	**12** (8 trees x 1.5 = 12)
Shrubs	12" diameter	0.5	25% or 15 points	**14.5** 29 shrubs x 0.5 = 26.5)
Total			100% or 60 points	**80.5 points**

As summarized in Table 2 above, the submitted landscape plan is meets and exceeds all of the requirements of the Landscape Point System Policy. As part of the landscaping, daylilies will be provided for foundational plantings, while the main drive into the site will be lined with crab apple trees. White swamp oak and maple trees would line the eastern perimeter of the site facing the residential properties along Logan Avenue North, and Swiss stone pines would congregate towards the southwestern portion of the property (along Highway 100). To provide additional texture and interest, the Applicant intends to plant ornamental grasses, spirea, and dogwood shrubs along the west and

south elevations of the building. The dogwood shrubs will provide even more interest as they are known for their display of red bark through winter and early spring.

As part of any approval, the Applicant will need to install an irrigation system and provide shop drawings of the proposed irrigation system for City review.

ASSISTANT CITY ENGINEER REVIEW

Assistant City Engineer Andrew Hogg conducted a review of the application submittal and documents. Comments regarding this application can be found in the memorandum to city staff and dated March 6, 2018, attached hereto (Exhibit D). It should be noted that some of the outlined conditions may be applicable at time of approval for future land disturbance or building permits.

The installation of all utility services and lines, and the finished grading of the Subject Property are to be reviewed and conducted under issuance of a separate Land Disturbance (Alteration) permit, which is reviewed and approved by City engineers, and inspected for completeness by City engineers and building officials. In addition, an MPCA NPDES permit and a review by the West Mississippi Watershed Commission are required. The Applicant must also meet the requirements as outlined in reviews and commentary provided by Hennepin County, MNDOT (Exhibits C and E), and West Mississippi Watershed Commission. If drainage is directed to a MnDOT right-of-way, a drainage permit will be required.

As reference, the Applicant, as part of their review, provided a copy of their completed site Stormwater Report (Exhibit H). Per Exhibit D, it is specified that stormwater be *filtrated* in the BMPs and discharged to the storm sewer, rather than allowing infiltration in cases where sites contain contaminated soils or groundwater. The Applicant shall continue to work with the Minnesota Pollution Control Agency (MPCA) and any requirements they may have.

Unless otherwise approved by the City Engineer, the perimeters of all driving and parking areas shall be bounded by type B6-12 curb and gutter.

FIRE INSPECTOR REVIEW

The Applicant shall work to ensure all 2015 Minnesota Fire Code requirements have been met as part of any building and site plan approval. Per the submitted site plans, the proposed storage building is to be fully-sprinkled. As such, the Fire Department will need emergency access to the proposed riser/utility room. Additional requirements include, but are not limited to: providing sufficient fire hydrants per maximum distance requirements, installation of a Knox-Box, any required FDC connections, and compliance with maximum drive aisle lengths for fire trucks.

SIGNAGE

Although wall signage is identified in the submitted architectural renderings, no formal requests for approval were made as part of the application submittal. Any new signage, including wall and monument signs, would require conformance with Chapter 34 of the City Code (*Sign Ordinance*). Any requests beyond the allowances identified in the Sign Ordinance would require that the Applicant apply for and receive approval to deviate from the Sign Ordinance. The Applicant will need to file a separate Building Permit application for any proposed signage.

Based on staff findings, staff recommends Planning Commission recommendation of the requested establishment of a Planned Unit Development and approval of site and building plans; subject to the Applicant complying with the comments outlined in the Site Plan and Document Approval Conditions

noted below.

SITE PLAN AND DOCUMENTS APPROVAL CONDITIONS

Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2018-001 for the Subject Property located at 1950 57th Avenue North:

1. **Plat and PUD approval:** Approval of the plat and establishment of the new Planned Unit Development are contingent upon final plat approval and successful recording of said plat. No separation of Lot 1, Block 1, Northbrook Center 2nd Addition, may occur without separate approval of a subdivision as provided under Chapter 15 of the City Code of Ordinances.
    a. The proposed subdivision is as follows:
        Lot 1, Block 1, Northbrook Center 3rd Addition
        (Ebert Construction) –approximately 2.6 acres
        Lot 2, Block 1, Northbrook Center 3rd Addition
        (City of Brooklyn Center) –approximately 4.72 acres
    b. All recommendations and conditions as noted in the Assistant City Engineer's review memorandum, dated March 6, 2018, shall be complied with or completed as part of any final plat approvals.
    c. The final plat shall be subject to the provisions of Chapter 15 (*Platting* Ordinance).

2. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.
    b. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

3. **Agreements:**
    a. The Property Owner/Developer shall enter into a PUD agreement with the City of Brooklyn Center to be reviewed and approved by the City Attorney prior to the issuance of building permits. Said agreement shall be filed with the title to the property and shall acknowledge the specific modifications to the C-2 underlying zoning district as well as other conditions of approval. The agreement shall further assure compliance with the development plans submitted with this application.
    b. The owner of the property shall enter into a utility, facilities, and easement agreement for maintenance and inspection of utility and storm drainage systems as approved by the City Engineer prior to the issuance of building permits.
        a. A 10-foot drainage and utility easement must be dedicated on the plat around the entire perimeter of the site and over the storm water BMPS treatment areas up to the 100-year event.

c. The Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications and standards comprehended under this Site and Building Plan.

d. The Developer shall submit an as-built survey of the property, improvements and utility service lines prior to release of the performance guarantee.

4. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated March 6, 2018 (Exhibit D).

a. A land disturbance (alteration) permit is required.

b. Final grading, drainage, utility and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.

c. Applicant shall meet all requirements as identified by the Minnesota Pollution Control Agency (MPCA).

d. The Applicant shall meet all applicable requirements as identified by Hennepin County in the review dated March 7, 2018 (Exhibit C).

e. The Applicant shall meet all applicable requirements as identified in the review by MnDOT dated March 14, 2018 (Exhibit E).

f. The Applicant shall meet all applicable requirements identified as part of the review by the West Mississippi Watershed Commission.

5. **Construction Standards:**

a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.

b. The Applicant shall obtain an NPDES construction site erosion permit from the Minnesota Pollution Control Agency prior to disturbing the site.

c. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

6. **Facilities and Equipment:**

a. Any outside trash disposal facilities and roof top or on ground mechanical equipment shall be appropriately screened from view.

b. The building shall be equipped with automatic fire extinguishing systems meeting NFPA standards and shall be connected to a central monitoring device in accordance with Chapter 5 of the City Ordinances.

c. The proposed 12-foot by 12-foot trash enclosure shall be constructed with building materials that are complementary to the principal building (proposed indoor commercial storage building).

7. **Landscaping:** All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.

a. Per City requirements, an irrigation system is required.

b. The contractor shall submit irrigation shop drawings for review and

approval prior to installation.

8. **Signage:** The Applicant shall submit a Building Permit application for any proposed signage as part of the development proposal. Signage is subject to the Chapter 34 (*Sign Ordinance*).

RECOMMENDATION

Based on the above-noted findings, staff recommends the Planning Commission recommends:

The Planning Commission recommends City Council approval of the requested preliminary plat for Northbrook Center 3rd Addition, subject to the Applicant complying with the comments outlined in the Assistant City Engineer's memorandum dated March 6, 2018 (Exhibit D), Hennepin County review dated March 7, 2018 (Exhibit C), and requirements as outlined by MnDOT in their review dated March 14, 2018 (Exhibit E);

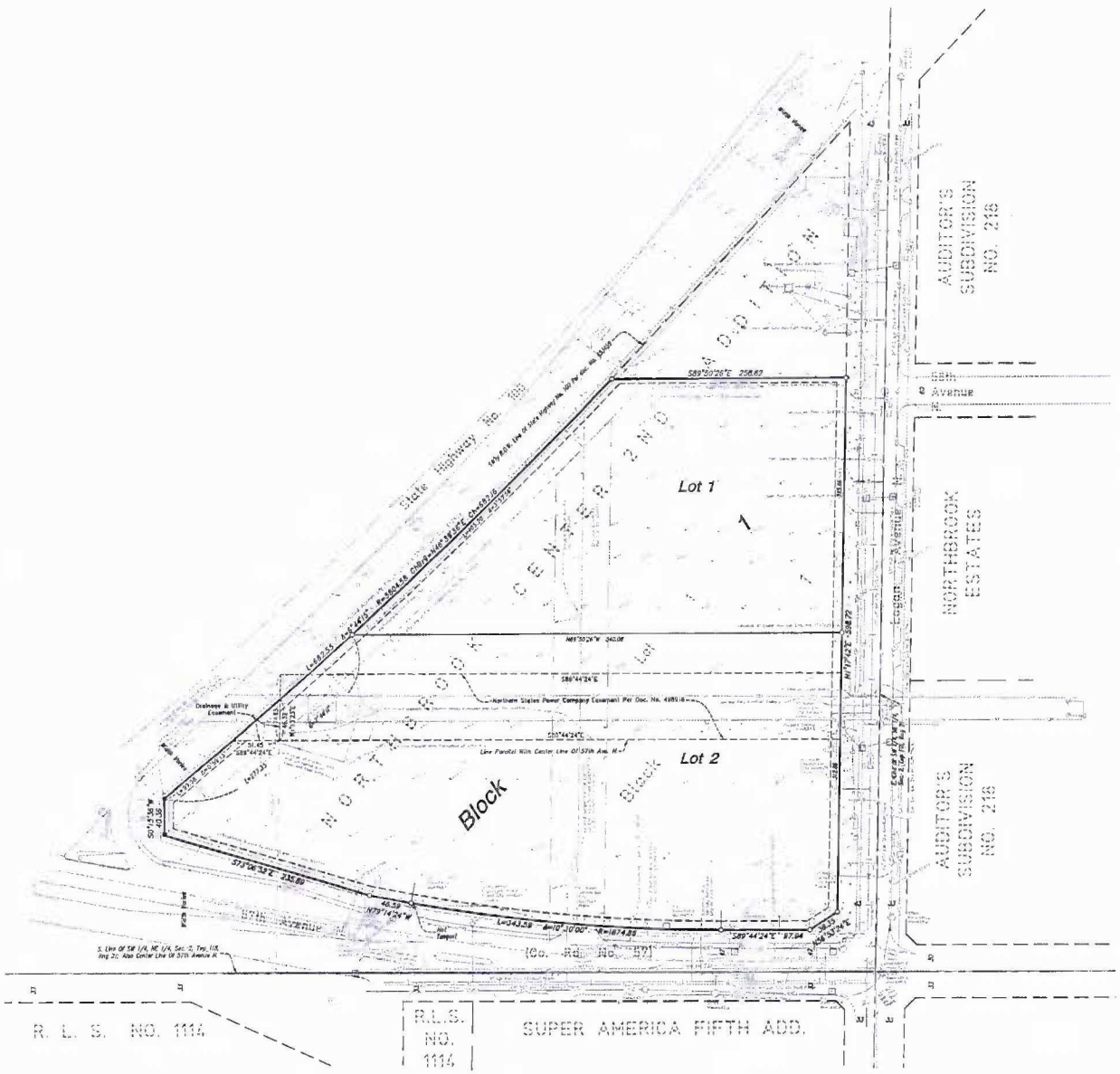
The Planning Commission recommends City Council approval of the requested establishment of a new Planned Unit Development for the proposed indoor commercial storage building, subject to the Owner/Developer complying with the conditions outlined in the Site Plan and Documents Approval Conditions of this Staff Report; and

The Planning Commission recommends City Council approval of the as proposed site and building plans for the Subject Property located at 1950 57th Avenue North (Subject Property), subject to the Owner/Developer complying with the conditions outlined in the Site Plan and Documents Approval Conditions of this Staff Report.

Should the Planning Commission accept these recommendations, the Commission may elect to adopt the draft resolutions to be provided at the scheduled Planning Commission meeting on March 15, 2018.

Attachments

Exhibit A- Proposed Preliminary Plat for Northbrook Center 3rd Addition, prepared by Loucks, dated February 21, 2018.
Exhibit B- Affidavit of Publication, published in the Brooklyn Center *Sun Post* on March 1, 2018.
Exhibit C- Hennepin County Preliminary Plat and Site Review, prepared by Chad Ellos, P.E., dated March 7, 2018.
Exhibit D-Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated March 6, 2018.
Exhibit E-MnDOT Review, prepared by Josh Pansch, dated March 14, 2018.
Exhibit F- Civil Set for Proposed Indoor Commercial Storage Building, prepared by Otto Associates, dated February 13, 2018.
Exhibit G- Select Architectural Renderings and Interior Plans, prepared by Mohagen Hansen, dated January 29, 2018.
Exhibit H- Stormwater Report, prepared by Otto Associates, dated February 12, 2018.



PRELIMINARY PLAT GENERAL NOTES

SURVEYOR:
Loucks Associates, Inc.
7200 Hemlock Lane, Suite 300
Maple Grove, MN 55330
763-424-5505

OWNER/DEVELOPER:
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3319

LEGAL DESCRIPTION:
(Per Hennepin County tax description)

Lot 1, Block 1, NORTHBROOK CENTER 2ND ADDITION.

Hennepin County, Minnesota

DATE OF PREPARATION:
February 6, 2017

BENCHMARK:
Benchmark: Top Nut of the Hydrant located on the west side of Logan Ave at the westerly extension of the southerly R-O-W line for 58th Ave, as shown hereon, elevation = 849.30 feet (city datum)

EXISTING ZONING:
C-2(Commerce District)

PROPOSED ZONING:
C-2(Commerce District)

AREAS:

Proposed Lot 1=	108,900 +/- Sq.Ft. or 2.50+/- Acres
Proposed Lot 2=	210,051 +/- Sq.Ft. or 4.82+/- Acres
Total=	318,951 +/- Sq.Ft. or 7.32+/- Acres

FLOOD ZONE DESIGNATION:
This property is contained in Zone X (areas determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053102I6F, effective date of November 4, 2016.

SURVEY LEGEND – EXISTING CONDITIONS

CATCH BASIN	STORM SEWER
STORM MANHOLE	SANITARY SEWER
SANITARY MANHOLE	WATERMAIN
WATER MANHOLE	UNDERGROUND ELECTRIC
HYDRANT	UNDERGROUND GAS
GATE VALVE	UNDERGROUND TELEPHONE
TELEPHONE PEDESTAL	OVERHEAD UTILITY
POWER POLE	CHAIN LINK FENCE
LIGHT POLE	CONCRETE CURB
SIGN	CONCRETE
SPOT ELEVATION	CONTOUR
MONITORING WELL	DENOTES 1/2 INCH X 14 INCH IRON MONUMENT SET, MARKED "LS 48988"
	DENOTES IRON MONUMENT FOUND

PROPOSED NORTHBROOK CENTER 3RD ADDITION

LOUCKS
PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

CAD QUALIFICATION

SUBMITTAL/REVISIONS

02/07/18	SURVEY ISSUED
02/21/18	REVISED LOT LINE

PROFESSIONAL SIGNATURE

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

License No. 48988
Date

QUALITY CONTROL

Loucks Project No.	6903210
Project Lead	MLS
Drawn By	RRG
Checked By	MLS
Field Crew	N/A

VICINITY MAP

PRELIMINARY PLAT

1 OF 1

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Darlene MacPherson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SP Brooklyn Ctr/Brooklyn Park

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 03/01/2018 and the last insertion being on 03/01/2018.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: D. MacPherson
Designated Agent

Subscribed and sworn to or affirmed before me on 03/01/2018 by Darlene MacPherson.

Marlene M Mitchell
Notary Public

MARLENE M. MITCHELL
Notary Public-Minnesota
My Commission Expires Jan 31, 2020

Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
$46.90 per column inch

Ad ID 787691

CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, March 15, 2018, at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: (1) Preliminary Plat for the Northbrook Center 3rd Addition, (2) Establishment of a Planned Unit Development, and (3) Site and Building Plan approval for the construction of a four-story, 112,000-square foot indoor storage building.

PETITIONER: Greg Hayes (Ebert Construction)

PROPERTY NAMED IN THE PETITION: 1950 57th Avenue North

PROPERTY ID:
02-118-21-13-0030

LEGAL DESCRIPTION: Lot 1, Block 1, Northbrook Center 2nd Addition

BRIEF STATEMENT OF CONTENTS OF PETITION:

The Applicant is requesting the following approvals:

1. Preliminary Plat of the Northbrook Center 3rd Addition, which would subdivide the existing lot into two (2) lots:
   a. Lot 1 (Ebert Construction) -2.60 acres
   b. Lot 2 (City of Brooklyn Center) -72 acres
2. Establishment of a Planned Unit Development
3. Site and Building Plan

These requests are associated with the Applicant's plans to construct a four-story, indoor commercial storage building, along with other associated improvements including, but not limited to: parking and drive areas, stormwater management, and landscaping.

Questions, comments, statements of support or objections should be directed to City Planner / Zoning Administrator Ginny Mcintosh at (763) 569-3319 or email to gmcintoshf@ci.brooklyn-center.mn.us.

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

Respectfully,
Ginny Mcintosh
Planning Commission Secretary

Published in the
Brooklyn Center Sun Post
March 1, 2018
787691

HENNEPIN COUNTY
MINNESOTA

March 7, 2018

Mr. Andrew Hogg
Assistant City Engineer
City of Brooklyn Center
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430

Re: Preliminary Plat Review – Northbrook Center 3rd Addition *(Received 02/22/18)*
57th Avenue North (CSAH 57) @ Logan Avenue North
Hennepin County Plat Review ID #3667 *(Reviewed 02/27/18)*
Proposes 112,000s.f. Self-Storage Facility on Lot 1 (2.5 acres). Nothing is currently being proposed for Lot 2 (4.8 acres).

Minnesota Statutes 505.03, 505.021, and 462.358, Plats and Surveys, allow up to 30 days for county review of preliminary plats abutting county roads.

Dear Mr. Hogg:

Please consider the following in your review of this proposal:

Access

Recommendations

We support the proposed access for 'Lot 1' directed to Logan Avenue. We highly recommend directing any and all future access for 'Lot 2' to Logan Avenue as well due to the following reasons:

- We would like to avoid introducing any additional points of conflict as this section of 57th Avenue is above our critical crash rate
- Our access spacing guidelines could not be met along this stretch of 57th Avenue
- We would support MnDOT if they were to pursue an extension of their existing access control along 57th Avenue
- Providing for future internal connections between 'Lot 1' and 'Lot 2' may benefit site circulation
- Access on Logan Avenue should be located a minimum of 250 feet north of the intersection with 57th Avenue

Right-of-Way

Request

We believe a dedication of 20 feet (up to 10 feet of which could be in the form of a sidewalk/trail/utility easement) is necessary along 57th Avenue (particularly east of Lilac Drive) in order to accommodate the following potential future roadway improvements:

- Extension of the existing median to the intersection with Logan Avenue
- Eastbound left-turn lane at the intersection with Logan Avenue (depending on trips generated to both the Self-Storage facility and 'Lot 2')

The existing corner clip of right-of-way at the intersection of Logan Avenue & 57th Avenue would thusly need to be shifted to the north

Storm Water and Drainage

Required

Please ensure discharge rates remain less than existing flow rates. The county storm water system will not take water from new drainage areas. Additional treatments may be necessary if flow rates cannot match existing.

Questions

Contact Drew McGovern at 612-596-0208, ***drew.mcgovern@hennepin.us.***

Permits

Required

Please inform the developer that all construction within county right-of-way requires an approved Hennepin County permit prior to beginning construction. This includes, but is not limited to; driveway and street access, drainage and utility construction, trail development, and landscaping.

Comment

Please remove and grade all existing curb cuts along 57th Avenue

Questions

Contact Michael Olmstead at 612-596-0336, ***michael.olmstead@hennepin.us.***

More information

Please contact us for any further discussion of these items.

- Bob Byers at (612) 596-0354, ***robert.byers@hennepin.us***
- Jason Gottfried at (612) 596-0394, ***jason.gottfried@hennepin.us***

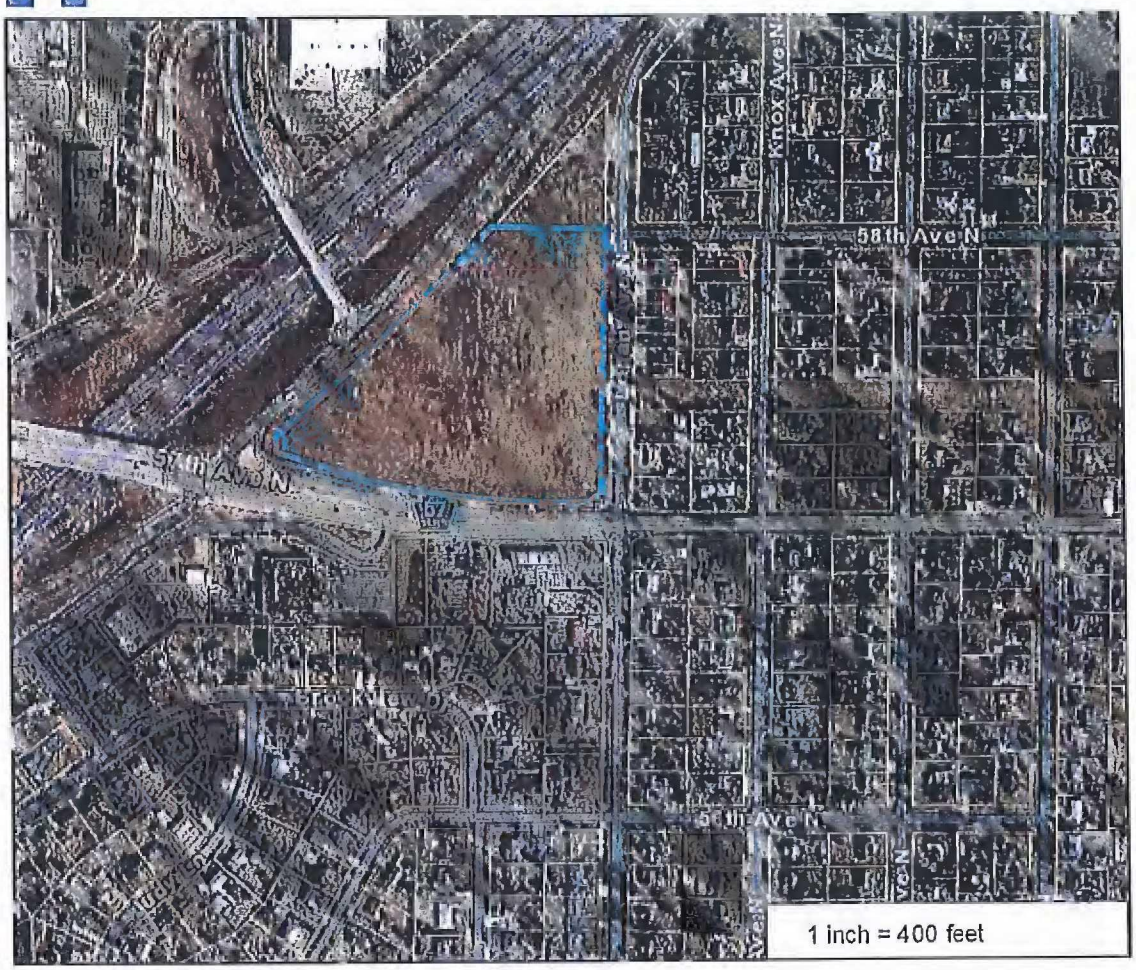
Sincerely,

Chad Ellos, PE
Division Manager, Transportation Planning

CE/JDG
cc: Tod Sherman, MnDOT; Mark Larsen, Hennepin County Survey Office; Plat Review Committee

Hennepin County Property Map

Date: 2/23/2018



PARCEL ID: 0211821130030

OWNER NAME: Econ Dev Auth Brooklyn Ctr

PARCEL ADDRESS: 1950 57th Ave N,
Brooklyn Center MN 55430

PARCEL AREA: 7.31 acres, 318,641 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

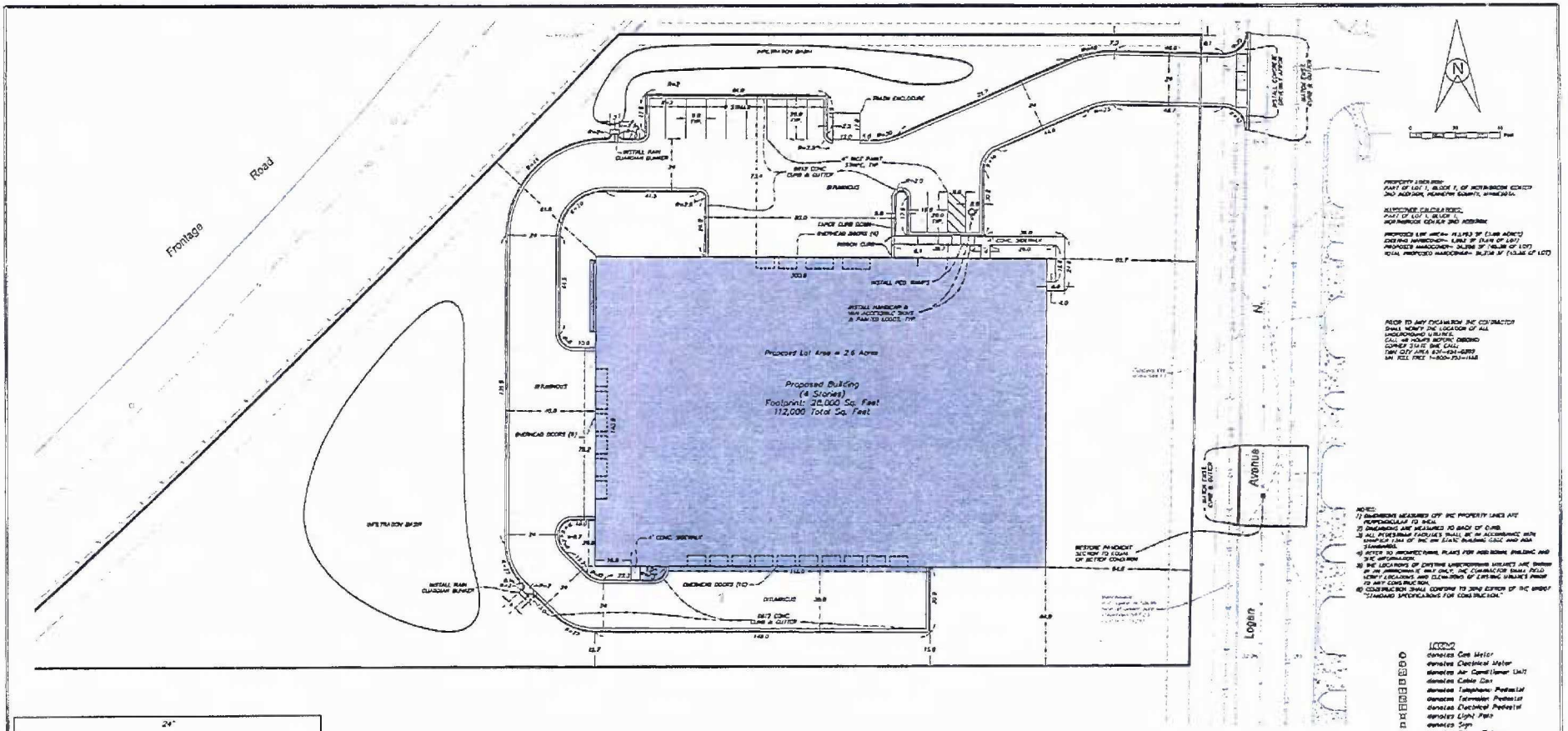
ASSESSED 2016, PAYABLE 2017
PROPERTY TYPE: Vacant Land-Commercial
HOMESTEAD: Non-Homestead
MARKET VALUE: $817,000
TAX TOTAL: $2,043.00

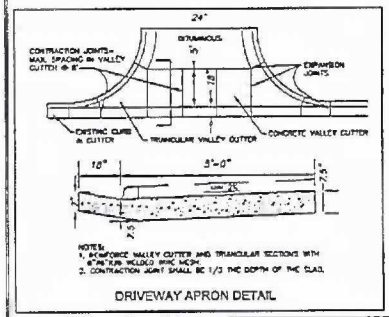
ASSESSED 2017, PAYABLE 2018
PROPERTY TYPE: Vacant Land-commercial
HOMESTEAD: Non-homestead
MARKET VALUE: $0

Comments:

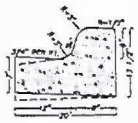
This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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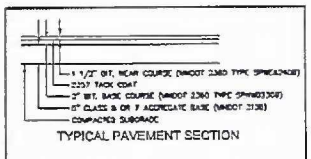




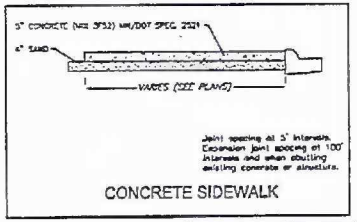
DRIVEWAY APRON DETAIL



B612 CONCRETE CURB AND GUTTER



TYPICAL PAVEMENT SECTION



CONCRETE SIDEWALK

LEGEND

- denotes Gas Meter
- denotes Electrical Meter
- denotes Air Conditioner Unit
- denotes Cable Box
- denotes Telephone Pedestal
- denotes Television Pedestal
- denotes Electrical Pedestal
- denotes Light Pole
- denotes Sign
- denotes Power Pole
- denotes Water Meter
- denotes Water Shutoff Valve
- denotes Gas Valve
- denotes Hydrant
- denotes Sanitary Manhole
- denotes Storm Manhole
- denotes Catch Basin
- denotes Deciduous Tree
- denotes Coniferous Tree
- denotes Water Line
- GAS denotes Gas Line
- E denotes Underground Electrical Line
- C denotes Underground Cable Line
- SS denotes Sanitary Sewer Line
- ST denotes Storm Sewer Line
- T denotes Underground Telephone Line
- OHC denotes Overhead Electric Line
- denotes Fence Line
- denotes Building Setback Line
- denotes Area to be Paved

REV NO.	DATE	BY	DESCRIPTION

DESIGNED DRAWN
P.E.O. J.J.S.
CHECKED
P.E.O.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Paul E. Otis
DATE: 2-13-18 LICENSE NO. 40083

TTO ASSOCIATES
Engineers & Land Surveyors, Inc.
9 West Division Street
Suite 320
Shakopee, MN 55379
(763)424-4727
Fax: (763)683-3573

SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

SITE PLAN

PROJECT NO. 17-0483

SHEET NO. C1 OF C6 SHEETS

DATE: 2-13-18

MEMORANDUM

DATE: March 6, 2018

TO: Ginny McIntosh, City Planner/ Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Site Plan Review –Logan & 57th Ave

Public Works Department staff reviewed the following documents submitted for review on February 13, 2018, for the proposed Logan & 57th development:

- Civil Site Plans dated February 13, 2018

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

Title Sheet

1. Provide title sheet

C1 – Site Plan

2. Use City details for driveway apron and B618.

C3 – Utility Plan

3. Coordinate site storm water outlet with MN Dot.

C3 – Grading Plan

4. Coordinate site storm water outlet with MN Dot.

C4 – Detail and Specifications Plan

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

Miscellaneous

6. See redlines for additional Site Plan comments.

7. Provide irrigation plan.

8. Upon project completion, the applicant must submit an as-built survey of the property, improvements and utility service lines and structures; and provide certified record drawings of all project plan sheets depicting any associated private and/or public improvements, revisions and adjustments prior to issuance of the certificate of occupancy. The as-built survey must also verify that all property corners have been established and are in place at the completion of the project as determined and directed by the City Engineer.

9. Inspection for the private site improvements must be performed by the developer's design/project engineer. Upon project completion, the design/project engineer must formally certify through a letter that the project was built in conformance with the approved plans and under the design/project engineer's immediate and direct supervision. The engineer must be certified in the state of Minnesota and must certify all required as- built drawings (which are separate from the as-built survey).

10. The total disturbed area exceeds one acre, an NPDES permit is required. In addition, the total disturbed area is less than 5 acres; applicant must submit plans to the City of Brooklyn Center for project review on behalf on the West Mississippi Watershed Commission. The MPCA reviewed the site and gave guidance The MPCA requested soil samples to be collected and analyzed. (Email date Feb 20, 2018 from Liz Kaufenberg, see attached). Applicant must meet requirements from the MPCA review. Should the testing determine possible soil contamination issues, applicant must work with city to address. Per watershed rules proposed runoff rates shall remain less than existing runoff rates. Watershed Rule D.3.h.2.vii. prohibits infiltration on sites containing contaminated soils or groundwater. Storm water shall be filtrated in the BMP's and discharge to the storm sewer.

11. The City has submitted the plans to MN Dot for review. Applicant must meet requirements from the MN Dot review.

12. The City has submitted the plans to Hennepin County for review. Applicant must meet requirements from the Hennepin County review.

13. Applicant must apply for a land disturbance permit.

14. Utility Facilities Easement Agreement required.

15. A 10-ft drainage and utility easement must be dedicated on the plat around the entire perimeter of the site and over the storm water BMP's treatment areas up to the 100 year event.

Prior to issuance of a Land Alteration

16. Final construction/demolition plans and specifications need to be received and approved by the City Engineer in form and format as determined by the City. The final plan must comply with the approved preliminary plan and/or as amended as required by the City Engineer.

17. A letter of credit or a cash escrow in the amount of 100% of the estimated cost as determined by City staff shall be deposited with the City.

18. A Construction Management Plan and Agreement is required that addresses general construction activities and management provisions, traffic control provisions, emergency management provisions, storm water pollution prevention plan provisions, tree protection provisions, general public welfare and safety provisions, definition of responsibility provisions, temporary parking provisions, overall site condition provisions and non- compliance provisions. A separate $2,500 deposit will be required as part of the non-compliance provision.

Anticipated Permitting:

19. A City of Brooklyn Center land disturbance permit is required.

20. A MPCA NPDES permit is required.

21. Conditions specified by the City to meet the requirements of the West Mississippi Watershed Commission must be met.

22. Other permits not listed may be required and is the responsibility of the developer to obtain and warranted.

23. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.

24. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

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

Andrew Hogg

From: Kaufenberg, Elizabeth (MPCA) <elizabeth.kaufenberg@state.mn.us>
Sent: Tuesday, February 20, 2018 2:51 PM
To: Andrew Hogg; Ginny McIntosh
Cc: Willy Miley; Greg Hayes; Lockrem, Timothy (MPCA); Scheer, Dave (MPCA)
Subject: Infiltration Basins for 58th and Logan Redevelopment Site
Attachments: BF0000612_Stormwater Report_20180212.pdf

Hi Andrew and Ginny,

Last week I met with Willy Miley, with Bay West, and Greg Hayes, with Ebert Construction, regarding the 58th and Logan redevelopment site in Brooklyn Center for a proposed self-storage facility. I was requested to review the stormwater report and proposed infiltration basins and provide comments back to you. Upon clarification of the stormwater report review request, MPCA understands Ebert Construction is not looking for a formal approval and understands all liability assumed with the creation of the infiltration basins per the Construction Stormwater permit and MS4 authority the Site is operating under. As such, MPCA requests the following samples be collected during excavation of the infiltrations basins and analyzed for VOCs and PAHs. In addition, please provide the height of the conveyance pipe in each infiltration basin and ensure someone will be present at all times to oversee excavation activities.

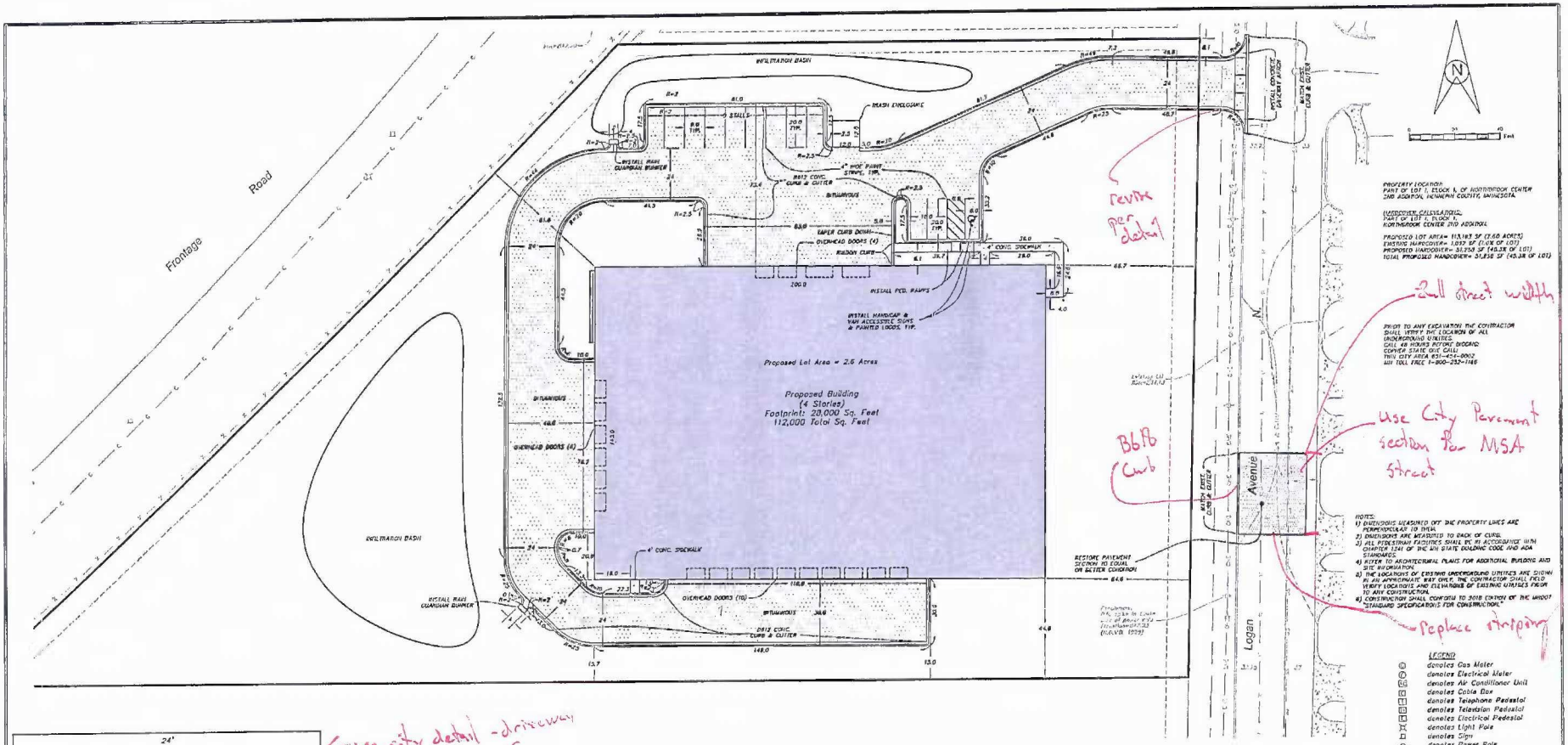
- Excavated soil collected from each infiltration basin either stockpiled or samples collected as you go
  - Samples should be collected at a rate of 1 sample per 1,500-2,000 cubic yards of soil excavated
- Two bottom soil samples collected for each infiltration basin
- If any water infiltrates, a water sample should be collected as well

Please feel free to contact me if you have any questions or would like to discuss this further.

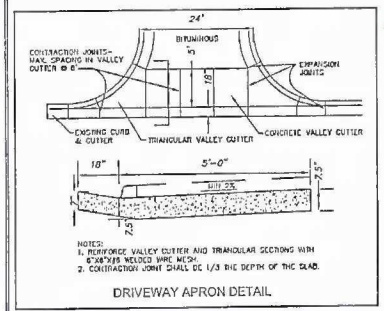
Thank you,
Liz

Liz Kaufenberg | Project Manager
Superfund
MPCA, Remediation Division
(651) 757-2481 | elizabeth.kaufenberg@state.mn.us

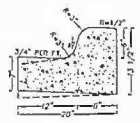
MINNESOTA POLLUTION CONTROL AGENCY
Our mission is to protect and improve the environment and enhance human health.



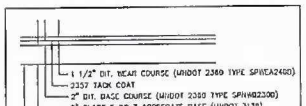
← use city detail - driveway + B6f6



DRIVEWAY APRON DETAIL



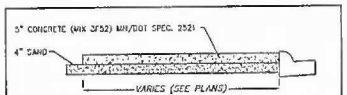
B612 CONCRETE CURB AND GUTTER



TYPICAL PAVEMENT SECTION

NOTES:
1. AGGREGATE SHALL BE PLACED UNDER CURB & 1' BEYOND BACK OF CURB.
2. SECTION & SUBGRADE SHALL BE VERIFIED BY A GEOTECHNICAL ENGINEER.

DENOTES AREA TO BE PAVED



Joint spacing at 5' intervals. Expansion joint spacing at 100' intervals and when abutting existing concrete or structure.

CONCRETE SIDEWALK

REV. NO.	DATE	BY	DESCRIPTION

DESIGNED DRAWN
P.E.D. J.J.S.
CHECKED
P.E.D.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Paul E. Otto
DATE: 2-13-18 LICENSE NO. 40082

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.
www.ottoassociates.com
11 West Eastern Street
Outlook, MN 57263
(763)907-4121
Fax: (763)907-3922

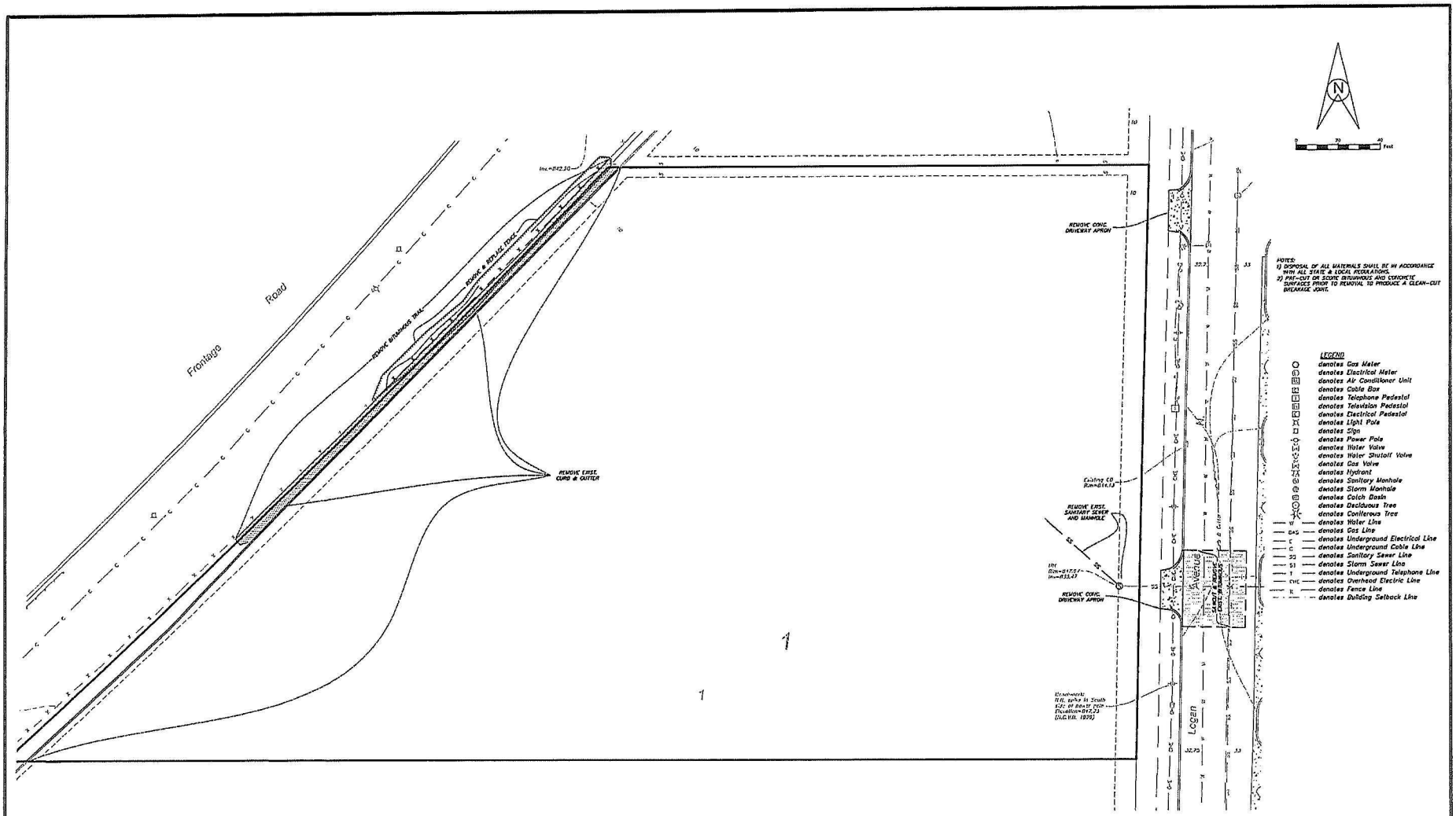
SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

SITE PLAN

SHEET NO. C1 OF C6 SHEETS

PROJECT NO. 17-0483

DATE: 2-13-18



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O. DRAWN J.J.S. CHECKED P.E.O.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Paul E. Otto

DATE: 2-13-18 LICENSE NO. 40002

OTTO ASSOCIATES Engineers & Land Surveyors, Inc.
www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

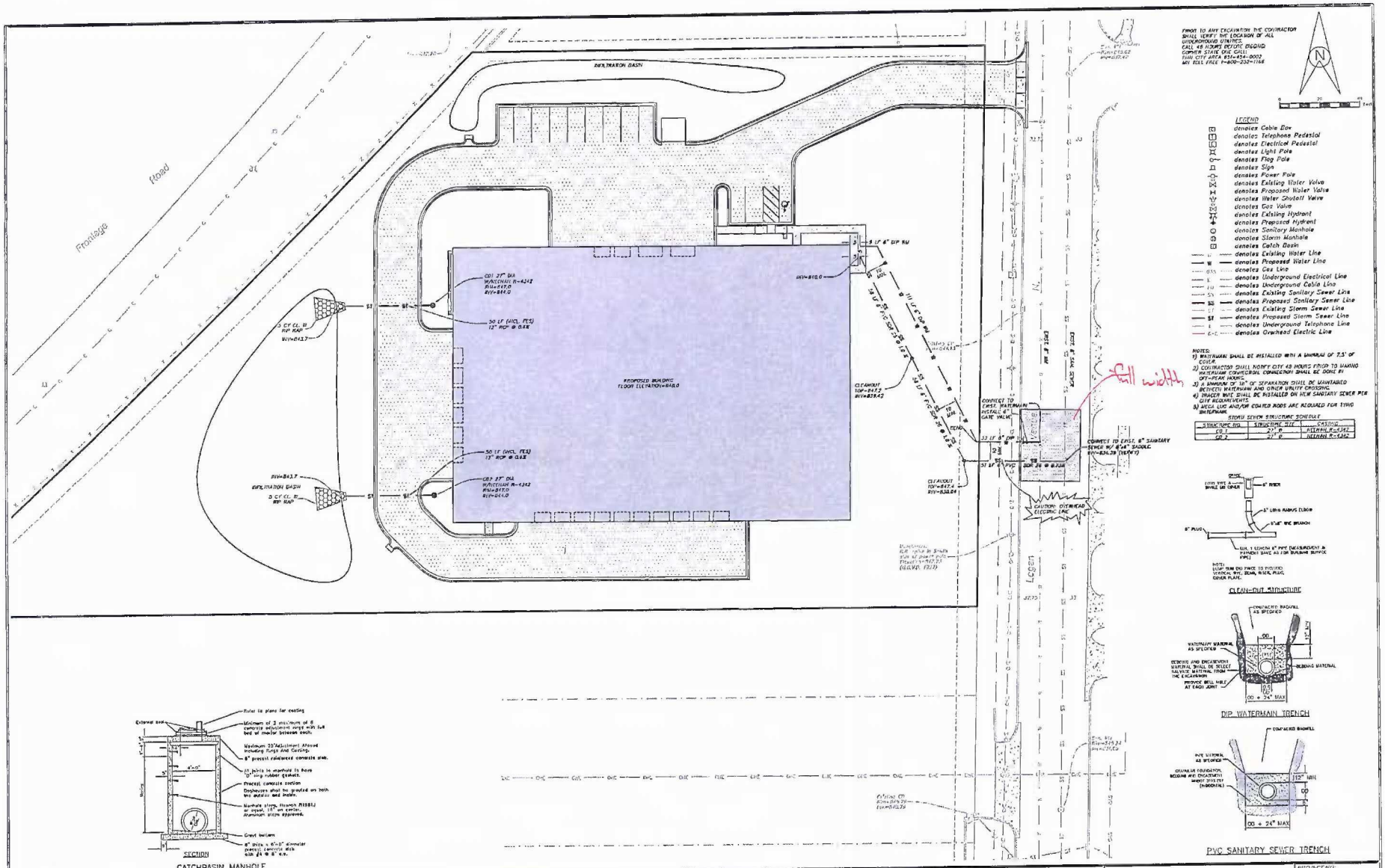
SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

REMOVAL PLAN

SHEET NO. C2 OF C6 SHEETS

PROJECT NO: 17-0483

DATE: 2-13-18



REV NO.	DATE	BY	DESCRIPTION

DESIGNED DRAWN
P.E.O. J.J.S.
CHECKED
P.E.O.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Paul E. Otto
DATE 2-13-18 LICENSE NO. 40083

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.
www.ottoassociates.com
11 West Division Street
Elk River, MN 55330
(763)241-4727
Fax (763)502-0522

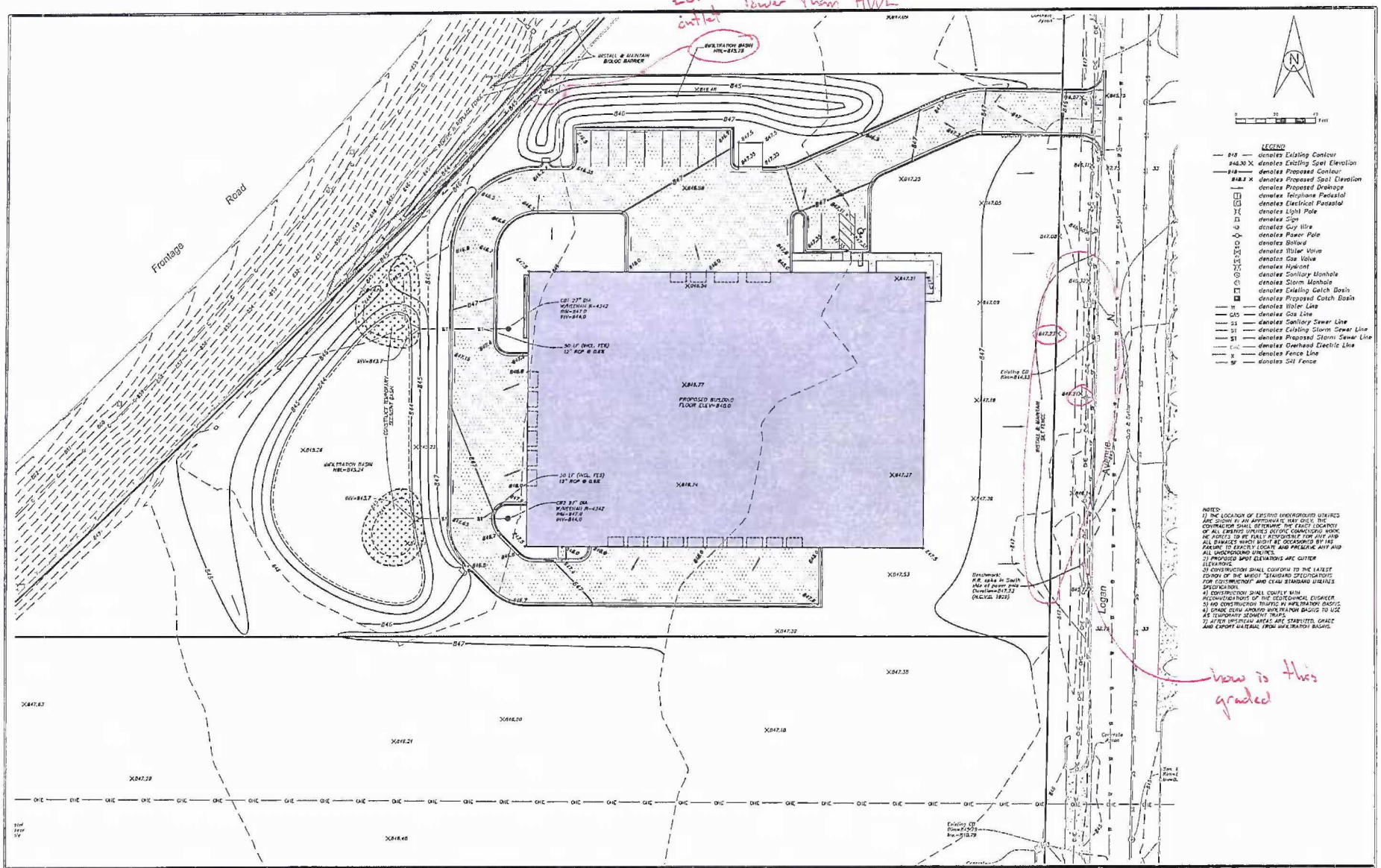
SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

UTILITY PLAN

PROJECT NO: 17-0483

SHEET NO. C3 OF C6 SHEETS

DATE: 2-13-18



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O. DRAWN J.J.S. CHECKED P.E.O.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Paul E. Otto DATE: 2-13-18 LICENSE NO. 40067

OTTO ASSOCIATES Engineers & Land Surveyors, Inc.
www.ottoassociates.com
11 West Division Street Suite 300 55313
(763)487-4727
Fax: (763)502-3522

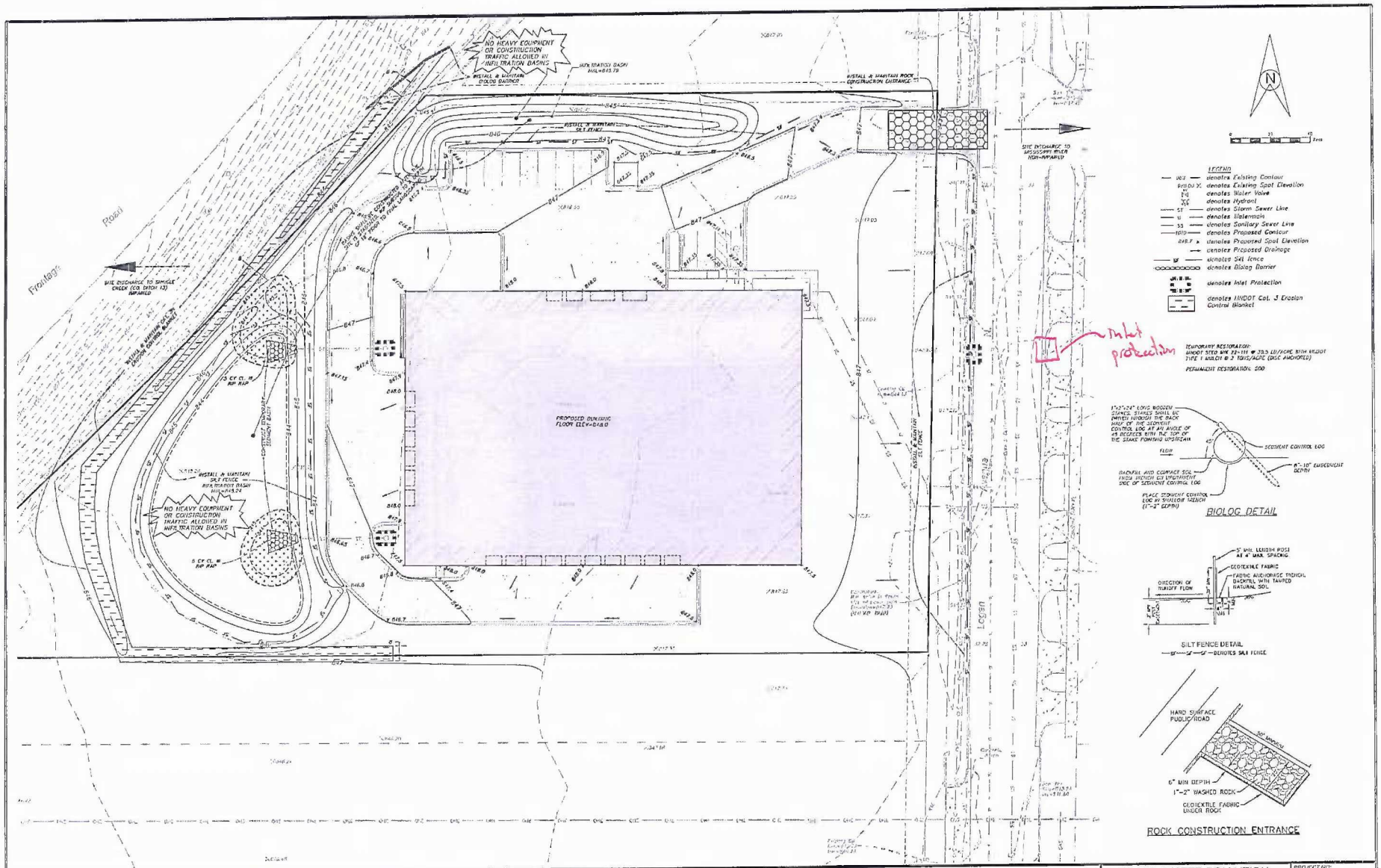
SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

GRADING PLAN

SHEET NO. C4 OF C6 SHEETS

PROJECT NO: 17-0483

DATE: 2-13-18



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O. DRAWN J.J.S. CHECKED P.E.O.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Peter E. Otto DATE: 2-13-18 LICENSE NO. 40062

OTTO ASSOCIATES Engineers & Land Surveyors, Inc.
www.ottoassociates.com
12 West Dickson Street Chaska, MN 55318
(763)824-4727 Fax: (763)862-3522

SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

STORMWATER POLLUTION PREVENTION PLAN

PROJECT NO: 17-0483

SHEET NO. C5 OF C6 SHEETS

DATE: 2-13-18

GENERAL PROJECT INFORMATION

PROJECT LOCATION AND NARRATIVE:

THIS PROJECT CONSISTS OF AN APPROXIMATELY 28,000 S.F. BUILDING CONSTRUCTION PROJECT IN BROOKLYN CENTER, MN. THE CENTER OF THE SITE IS LOCATED NEAR LONGITUDE -93.3050, LATITUDE 45.0597. THE SITE IS ACCESSED FROM LOGAN AVENUE N. AND ABUTS MN STATE HWY 100 ON THE WEST.

CONSTRUCTION ACTIVITIES INCLUDE GRADING, UTILITY SERVICE INSTALLATION, CURB & SIDEWALK INSTALLATION, BITUMINOUS INSTALLATION, BUILDING CONSTRUCTION, AND INFILTRATION BASIN CONSTRUCTION. CONSTRUCTION IS PLANNED TO BEGIN SPRING OF 2018 AND COMPLETED IN THE FALL OF 2018.

RESPONSIBLE PARTIES:

CONTRACTOR MUST BE TRAINED FOR BOTH CONSTRUCTION INSTALLER AND SITE MANAGEMENT PER REQUIREMENTS OF THE PERMIT, PART III.F.

EBERT CONSTRUCTION	GREG HAYES	763-498-7844
OWNER	CONTACT PERSON	PHONE
OTTO ASSOCIATES, INC.	PAUL OTTO	763-682-4727
PLAN PREPARER	CONTACT PERSON	PHONE

TRAINING: 1/20/2016 (EXPIRES 2019) U OF MN CERTIFICATION - DESIGN OF CONSTRUCTION SWPPP

CONTRACTOR (RESPONSIBLE FOR INSTALLATION & INSPECTION)	CONTACT PERSON	PHONE

TRAINING: _____

PARTY RESPONSIBLE FOR LONG TERM O&M OF THE PERMANENT STORMWATER MANAGEMENT SYSTEM

PROJECT AREAS:

PROJECT SIZE (DISTURBED FOR SITE DEVELOPMENT) = 2.60 ACRES

EXISTING AREA OF IMPERVIOUS SURFACE = 0.0 ACRES
POST-CONSTRUCTION AREA OF IMPERVIOUS SURFACE = 1.18 ACRES
TOTAL NEW IMPERVIOUS SURFACE AREA CREATED = 1.18 ACRES

STORMWATER MANAGEMENT:

THE SITE DRAINS IN TWO DIRECTIONS, NORTHWEST TO A CULVERT WITHIN MN STATE HWY 100 RIGHT-OF-WAY AND EAST TO STORM SEWER WITHIN LOGAN AVENUE NORTH.

VOLUME ABSTRACTION REQUIRED = 1.14 ACRES x 1" = 4,138 CF
VOLUME ABSTRACTION PROPOSED = 14,127 CF

THE HENNEPIN COUNTY NATURAL RESOURCE MAP INDICATES HYDROLOGIC GROUP A SOILS ARE PRESENT.

TWO INFILTRATION BASIN ARE PROPOSED TO MEET THE VOLUME REQUIREMENTS.

RECEIVING WATERS:
SURFACE WATERS AND WETLANDS THAT WILL RECEIVE STORM WATER RUNOFF FROM THE SITE AND ARE WITHIN ONE (1) MILE OF THE SITE ARE INDICATED WITH DIRECTION ARROW ON THE SWPPP PLAN SHEET AND ARE LISTED BELOW:

NAME OF WATER BODY	IMPAIRED WATER
SHINGLE CREEK (CO. DITCH 13)	YES
MISSISSIPPI RIVER	NO

THE OWNER SHALL SUBMIT A NOTICE OF TERMINATION (NOT) WITHIN 30 DAYS AFTER FINAL STABILIZATION IS COMPLETE.

CONSTRUCTION ACTIVITY NOTES

ALL CONSTRUCTION ACTIVITIES MUST MEET THE REQUIREMENTS OF THE MPCA'S NPDES GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY.

EROSION PREVENTION:

ALL EXPOSED SOIL AREAS (INCL. STOCKPILES) MUST BE STABILIZED. STABILIZATION MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION BUT COMPLETED NO CASE LATER THAN 7 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

TEMPORARY TURF RESTORATION SHALL BE MNDOT SEED MIX 22-111 @ 30.5 LB/ACRE WITH MNDOT TYPE 1 MULCH @ 2 TONS/ACRE (DISC ANCHORED). STABILIZATION MUST BE INITIATED IMMEDIATELY BUT IN NO CASE COMPLETED LATER THAN 7 DAYS AFTER THE ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

PERMANENT TURF RESTORATION SHALL BE SOD.

SEDIMENT CONTROL PRACTICES:
THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTROL SEDIMENT-LADEN SURFACE WATER FROM LEAVING THE CONSTRUCTION ZONE. ALL MOBILIZED SEDIMENT THAT HAS LEFT THE CONSTRUCTION ZONE SHALL BE COLLECTED BY THE CONTRACTOR AND PROPERLY DISPOSED OF AT NO ADDITIONAL COST TO THE OWNER.

ENTERING/EXITING THE SITE SHALL OCCUR ONLY AT TEMPORARY CONSTRUCTION ENTRANCES TO LIMIT TRACKING OF SEDIMENT ONTO STREETS.

SEDIMENT TRACKED ONTO STREETS DURING WORKING HOURS MUST BE RECLAIMED VIA SCRAPING AND SWEEPING AT END OF EACH WORKING DAY.

TEMPORARY SOIL STOCKPILES SHALL HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS INSTALLED AROUND THE PERIMETER.

DUST CONTROL MEASURES SHALL BE IMPLEMENTED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION, AND WITHIN 4 HOURS OF NOTIFICATION BY THE CITY.

CONSTRUCTION SEQUENCING:

1) PRECONSTRUCTION MEETING.
2) INSTALL PERIMETER SILT FENCE & CONSTRUCTION ENTRANCE.
3) INSTALL DOWNSTREAM INLET PROTECTION TO OFF-SITE CATCH BASINS.
4) ROUGH GRADE BUILDING PAD AND PARKING LOT.
5) BEGIN BUILDING CONSTRUCTION.
6) CONNECT TO SANITARY SEWER & WATER SERVICES.
7) INSTALL STORM SEWER.
8) INSTALL INLET PROTECTION DEVICES ON NEW CATCH BASINS.
9) COMPLETE PARKING LOT CONSTRUCTION.
10) TEMPORARY STABILIZE SITE.
11) COMPLETE BUILDING CONSTRUCTION.
12) CONSTRUCT INFILTRATION BASINS.
13) RESTORE SITE WITH PERMANENT RESTORATION.
14) REMOVE SEDIMENT CONTROL DEVICES & SUBMIT NOTICE OF TERMINATION (NOT) TO MPCA ONCE ALL DISTURBED AREAS HAVE 70% VEGETATIVE DENSITY.

EROSION & SEDIMENT CONTROL BMP ESTIMATED QUANTITIES:
QUANTITIES LISTED ARE APPROXIMATE. REFER TO CONTRACT DOCUMENTS FOR EXACT QUANTITIES.

BMP	QUANTITY
SILT FENCE	952 LF
ROCK CONST. ENTRANCE	1 EACH
MNDOT 3885 CAT 3 EROSION CONTROL BLANKET	426 SY
INLET PROTECTION	3 EACH
BIOLOG SEDIMENT BARRIER	55 LF
RAIN GUARDIAN BUNKER	2 EACH
MNDOT SEED MIX 22-111 W/ TYPE 1 MULCH	1.5 ACRE
SOD	1.6 ACRE
CL. 3 RIP RAP	10 CY

CONSTRUCTION NOTES

INSPECTIONS AND MAINTENANCE:
THE CONTRACTOR MUST ROUTINELY INSPECT THE CONSTRUCTION SITE ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS OF A RAINFALL EVENT GREATER THAN 0.5 INCHES IN A 24-HR PERIOD. INSPECTION LOGS SHALL INCLUDE ANY CORRECTIVE MEASURES TAKEN.

ALL INSPECTIONS MUST BE RECORDED AND RECORDS RETAINED WITH THE SWPPP ON SITE. THE SWPPP, ALONG WITH INSPECTIONS AND MAINTENANCE RECORDS, SHALL BE RETAINED FOR THREE YEARS AFTER SUBMITTAL OF THE NOTICE OF TERMINATION (NOT).

SILT FENCE MUST BE MAINTAINED WHEN ACCUMULATED SEDIMENT REACHES 1/3 OF THE DEVICE HEIGHT. INLET PROTECTION DEVICES SHALL BE CLEANED ON A ROUTINE BASIS SUCH THAT THE DEVICES ARE FULLY FUNCTIONAL FOR THE NEXT RAINSTORM EVENT. REMOVAL AND DISPOSAL OF THE SEDIMENT SHALL BE INCIDENTAL TO THE CONTRACT.

TEMPORARY CONSTRUCTION ENTRANCE(S) SHALL BE CLEANED AND REFRESHED AS NECESSARY TO CONFORM TO DETAIL.

OFF-SITE VEHICLE TRACKING SHALL BE REMOVED WITH 24 HOURS OF DISCOVERY.

POLLUTION PREVENTION:
ALL SOLID WASTE GENERATED BY/COLLECTED FROM THE CONSTRUCTION SITE MUST BE DEPOSITED IN A DUMPSTER.

NO CONSTRUCTION MATERIAL SHALL BE BURIED OR BURNED ONSITE.

ALL HAZARDOUS MATERIALS (OIL, GASOLINE, FUEL, PAINT, ETC) MUST BE PROPERLY STORED/CONTAINED TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGE. STORAGE AND DISPOSAL OF HAZARDOUS WASTE MUST BE IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL REGULATIONS. ALL VEHICLES LEFT ONSITE SHALL BE MONITORED FOR LEAKS TO REDUCE THE CHANCE OF CONTAMINATION.

EXTERNAL WASHING OF TRUCKS OR OTHER CONSTRUCTION VEHICLES, ENGINE DEGREASING, NOR CONCRETE WASHOUTS ARE ALLOWED ON SITE. TRUCKS ARE TO USE SELF-CONTAINED WASHOUT SYSTEM.

ALL SPILLS SHALL BE CLEANED IMMEDIATELY UPON DISCOVERY. SPILLS LARGE ENOUGH TO REACH THE STORM CONVEYANCE SYSTEM SHALL BE REPORTED TO THE MPCA STATE DUTY OFFICER AT 1-800-422-0798.

CONTRACTOR SHALL MONITOR AND PROVIDE DUST CONTROL COLLECTION WHEN NEEDED.

FINAL STABILIZATION:
THE CONTRACTOR MUST ENSURE FINAL STABILIZATION OF THE SITE. THE PERMITEE MUST SUBMIT A NOTICE OF TERMINATION WITHIN 30 DAYS AFTER FINAL STABILIZATION IS COMPLETE.

SUFFICIENT TOPSOIL (6") SHALL BE PLACED ON DISTURBED AREAS FOR RE-VEGETATION.

ALL TEMPORARY EROSION CONTROL MEASURES AND BMP'S MUST BE REMOVED AS PART OF THE FINAL SITE STABILIZATION.

TRAINING REQUIREMENTS:
CONTRACTOR MUST BE TRAINED FOR BOTH CONSTRUCTION INSTALLER AND SITE MANAGEMENT PER REQUIREMENTS OF THE PERMIT, PART III.F. DOCUMENTATION SHALL BE ADDED TO THE SWPPP DOCUMENTS LOCATED ONSITE.

REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O. DRAWN J.J.S. CHECKED P.E.O.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Paul E. Otto
DATE 2-13-18 LICENSE NO. 40002

OTTO ASSOCIATES Engineers & Land Surveyors, Inc.
www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

STORMWATER POLLUTION PREVENTION PLAN NARRATIVE

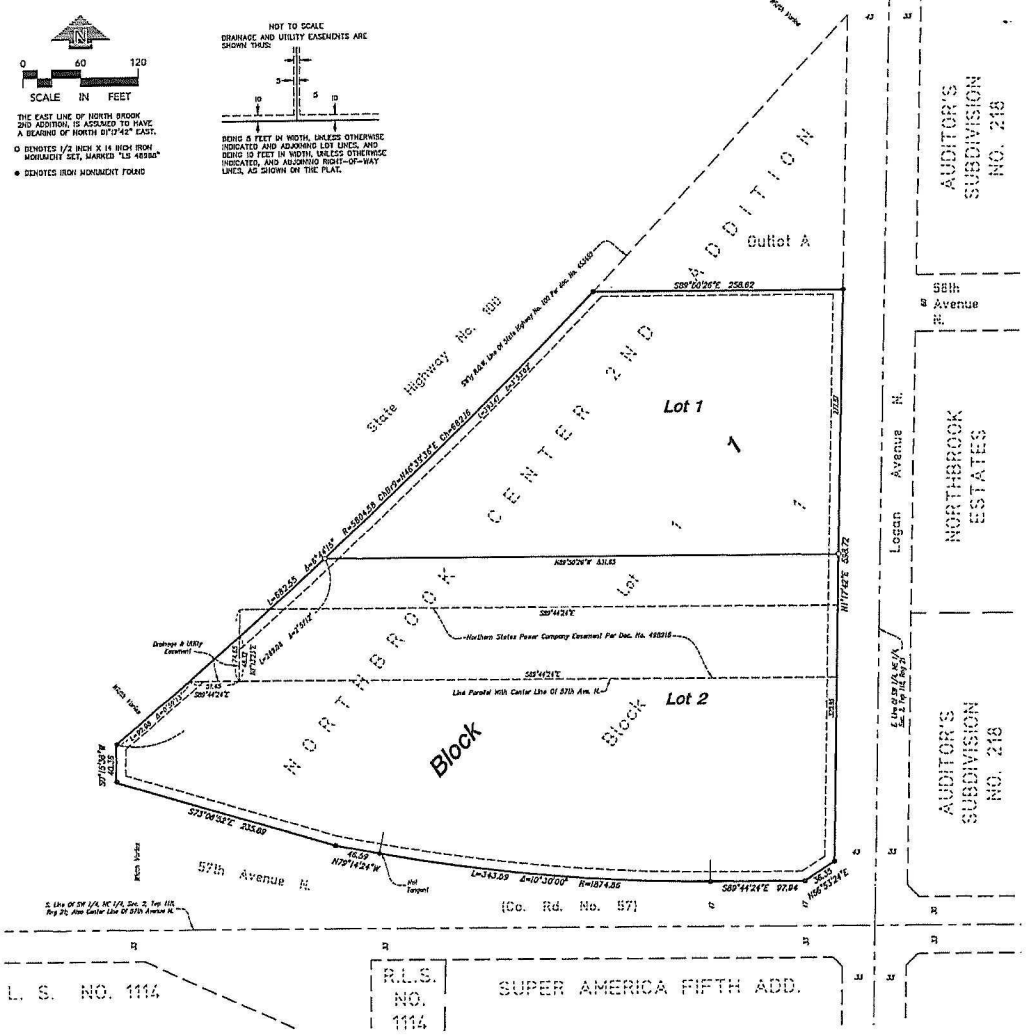
SHEET NO. C6 OF C6 SHEETS

PROJECT NO: 17-0483

DATE: 2-13-18

NORTHBROOK CENTER 3RD ADDITION

R.T. DOC. NO. _____



KNOW ALL PERSONS BY THESE PRESENTS: That Economic Development Authority of Brooklyn Center, a public body corporate and politic, of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lot 1, Block 1, NORTHBROOK CENTER 3RD ADDITION

Has caused the same to be surveyed and platted as NORTHBROOK CENTER 3RD ADDITION, and does hereby grant to the City of Brooklyn Center the easements for drainage and utility purposes as shown on this plat.

In witness whereof said Economic Development Authority of Brooklyn Center, a public body corporate and politic, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

ECONOMIC DEVELOPMENT AUTHORITY OF BROOKLYN CENTER

_____ Tim Willson, President

_____ Curt Boganey, Executive Director

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Tim Willson, as President and Curt Boganey, as Executive Director of Economic Development Authority of Brooklyn Center, a public body corporate and politic, on behalf of the public body.

_____ (Signature)

_____ (Printed Name)

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, Max L. Stanislowski, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this Plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

_____ Max L. Stanislowski, Licensed Land Surveyor, Minnesota License No. 48988

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Max L. Stanislowski, a Licensed Land Surveyor.

_____ (Signature)

_____ (Printed Name)

Notary Public, _____ County, Minnesota
My Commission Expires _____

BROOKLYN CENTER, MINNESOTA

This plat of NORTHBROOK CENTER 3RD ADDITION was approved and accepted by the City Council of Brooklyn Center, Minnesota, at a regular meeting thereof held this _____ day of _____, 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the Brooklyn Center or the prescribed 30-day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

City Council of Brooklyn Center, Minnesota

By: _____, Mayor By: _____, Clerk

RESIDENT AND REAL ESTATE DEPARTMENT, HENNEPIN COUNTY, MINNESOTA

I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

Mark V. Chaplin, County Auditor

By: _____, Deputy

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor

By: _____

REGISTRAR OF TITLES, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of NORTHBROOK CENTER 3RD ADDITION was filed in this office this _____ day of _____, 20____, at _____ o'clock ____M.

Martin McCormick, Registrar of Titles

By: _____, Deputy

LOUCKS

DEPARTMENT OF TRANSPORTATION

Metropolitan District
Waters Edge Building
1500 County Road B2 West
Roseville, MN 55113

March 14th, 2018

Andrew Hogg
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199

SUBJECT: Self-Storage
MnDOT Review # P18-010
East of MN 100 and North of 57th
Brooklyn Center, Hennepin County
Control Section 2755

Dear Andrew Hogg,

The Minnesota Department of Transportation (MnDOT) has reviewed the above referenced plat in compliance with Minnesota Statute 505.03, subdivision 2, Plats and has the following comments:

Planning:
To preserve safety and mobility at the MN 100 eastern ramp/57th Avenue, MnDOT recommends that all access to the Self-Storage site be from Logan Avenue.

For questions on these comments, please contact Josh Pansch (josh.pansch@state.mn.us or 651-234-7795) in MnDOT's Planning section.

Bike/Pedestrian:
There is a bus stop located on the southern edge of the site on 57th and Logan. MnDOT requests that both street and pedestrian access to the stop remain open and unobstructed.

For questions on these comments, please contact Cameron Muhic (cameron.muhic@state.mn.us or 651-234-7797) in MnDOT's Multimodal section.

Water Resources:
If drainage is directed to MnDOT right-of-way, a drainage permit will be needed. There cannot be any increase in drainage to MnDOT right-of-way. Drainage area maps and calculations will need to be submitted with the permit application. Calculations should show the 2, 10, 50, and 100 year events for existing and proposed conditions.

For questions on these comments, please contact Hailu Shekur (hailu.shekur@state.mn.us or 651-234-7521) in MnDOT's Water Resources section.

Permits:
Any use of or work within or affecting MnDOT right-of-way requires a permit. Permit forms are available from MnDOT's utility website at: http://www.dot.state.mn.us/utility/index.html

Please include one set of plans formatted to 11X17 with each permit application. Please submit/send all permit applications and 11X17plan sets to: metropermitapps.dot@state.mn.us

Please direct any questions regarding permit requirements to Buck Craig (651-234-7911) of MnDOT's Metro Permits Section.

Review Submittal Options:
MnDOT's goal is to complete the review of plans within 30 days. Submittals sent in electronically can usually be turned around faster. There are four submittal options. Please submit either:

1. One (1) electronic pdf version of the plans. MnDOT can accept the plans via e-mail at metrodevreviews.dot@state.mn.us provided that each separate e-mail is under 20 megabytes.
2. Three (3) sets of full size plans. Although submitting seven sets of full size plans will expedite the review process. Plans can be sent to:

   MnDOT – Metro District Planning Section
   Development Reviews Coordinator
   1500 West County Road B-2
   Roseville, MN 55113

3. One (1) compact disc.
4. Plans can also be submitted to MnDOT's External FTP Site. Please send files to: ftp://ftp2.dot.state.mn.us/pub/incoming/MetroWatersEdge/Planning Internet Explorer doesn't work using ftp so please use an FTP Client or your Windows Explorer (My Computer). Also, please send a note to metrodevreviews.dot@state.mn.us indicating that the plans have been submitted on the FTP site.

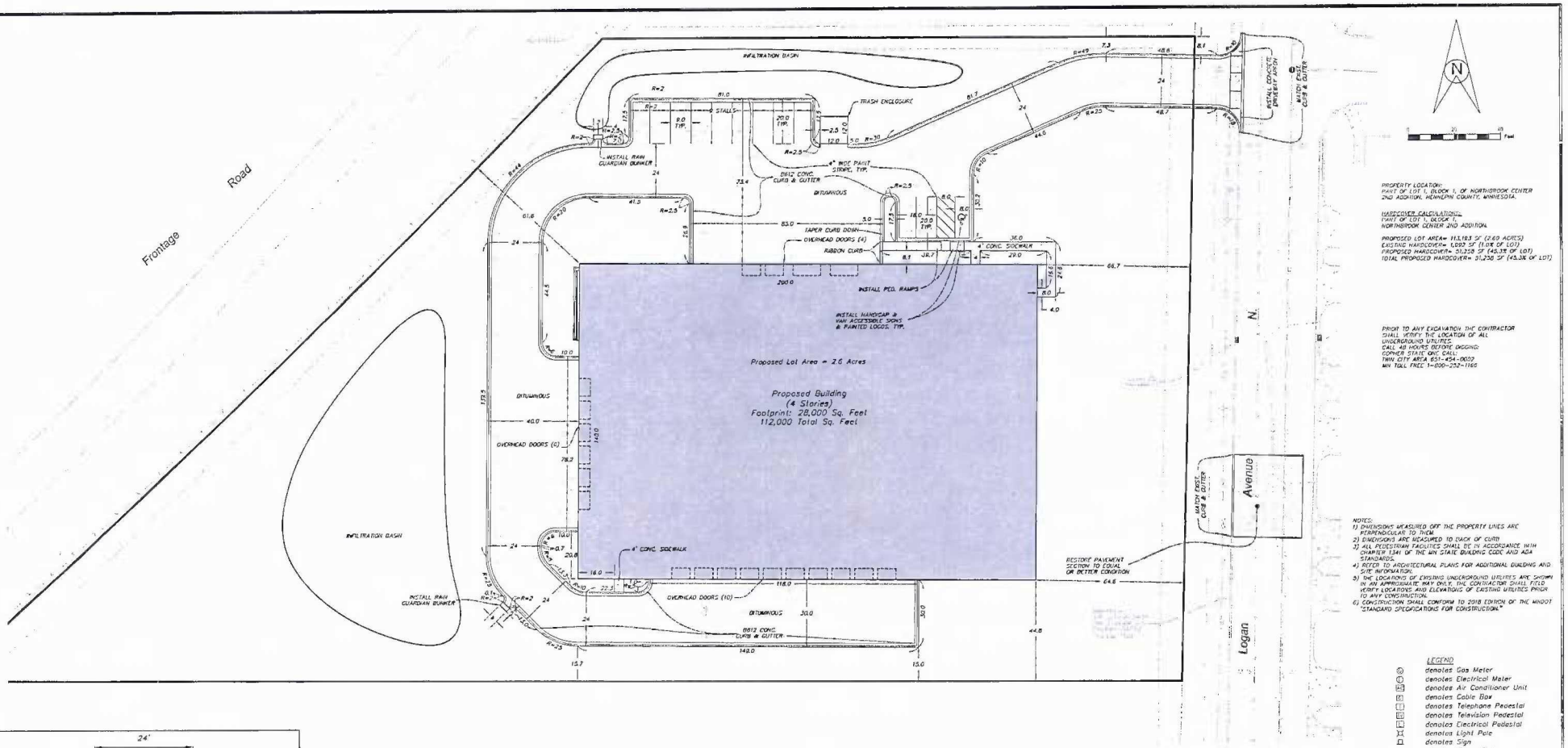
If you have any questions concerning this review, please contact me at (651) 234-7795.

Sincerely,

Josh Pansch
Senior Planner

Copy sent via E-Mail:
Buck Craig, Permits
Nancy Jacobson, Design
Cameron Muhic, Multimodal Planning

Hailu Shekur, Water Resources
Douglas Nelson, Right of Way
Chad Erickson, Traffic
Chris Hoberg, Area Engineer
Rick Bruss, Surveys
Russell Owen, Metropolitan Council
Jason Gottfried, Hennepin County



PROPERTY LOCATION:
PART OF LOT 1, BLOCK 1, OF NORTHBROOK CENTER 2ND ADDITION, HENNEPIN COUNTY, MINNESOTA.

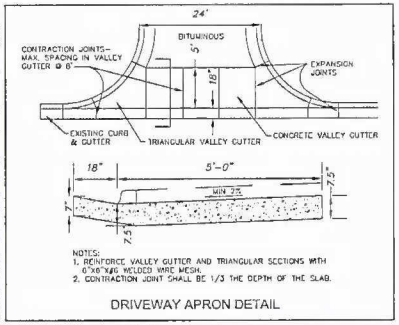
HARDCOVER CALCULATIONS:
PART OF LOT 1, BLOCK 1,
NORTHBROOK CENTER 2ND ADDITION.

PROPOSED LOT AREA= 113,183 SF (2.60 ACRES)
EXISTING HARDCOVER= 1,092 SF (1.0% OF LOT)
PROPOSED HARDCOVER= 51,258 SF (45.3% OF LOT)
TOTAL PROPOSED HARDCOVER= 51,258 SF (45.3% OF LOT)

PRIOR TO ANY EXCAVATION THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES.
CALL 48 HOURS BEFORE DIGGING:
COPHER STATE ONE CALL:
TWIN CITY AREA 651-454-0002
MN TOLL FREE 1-800-252-1166

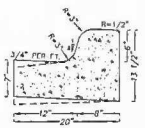
NOTES:
1) DIMENSIONS MEASURED OFF THE PROPERTY LINES ARE PERPENDICULAR TO THEM
2) ENGINEERS ARE MEASURED TO BACK OF CURB
3) ALL PEDESTRIAN FACILITIES SHALL BE IN ACCORDANCE WITH CHAPTER 1341 OF THE MN STATE BUILDING CODE AND ADA STANDARDS.
4) REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL BUILDING AND SITE INFORMATION.
5) THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION.
6) CONSTRUCTION SHALL CONFORM TO 2018 EDITION OF THE MNDOT "STANDARD SPECIFICATIONS FOR CONSTRUCTION."

LEGEND
- denotes Gas Meter
- denotes Electrical Meter
- denotes Air Conditioner Unit
- denotes Cable Box
- denotes Telephone Pedestal
- denotes Television Pedestal
- denotes Electrical Pedestal
- denotes Light Pole
- denotes Sign
- denotes Power Pole
- denotes Water Valve
- denotes Water Shutoff Valve
- denotes Gas Valve
- denotes Hydrant
- denotes Sanitary Manhole
- denotes Storm Manhole
- denotes Catch Basin
- denotes Deciduous Tree
- denotes Coniferous Tree
- W — denotes Water Line
- GAS — denotes Gas Line
- UE — denotes Underground Electrical Line
- UC — denotes Underground Cable Line
- SS — denotes Sanitary Sewer Line
- ST — denotes Storm Sewer Line
- UT — denotes Underground Telephone Line
- OHE — denotes Overhead Electric Line
- x — denotes Fence Line
- denotes Building Setback Line
- denotes Area to be Paved

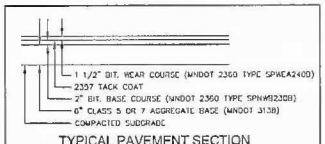


NOTES:
1. REINFORCE VALLEY GUTTER AND TRIANGULAR SECTIONS WITH 6"X6"X#6 WELDED WIRE MESH.
2. CONTRACTION JOINT SHALL BE 1/3 THE DEPTH OF THE SLAB.

DRIVEWAY APRON DETAIL



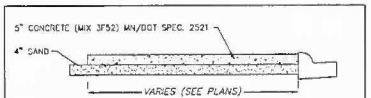
B612 CONCRETE CURB AND GUTTER



TYPICAL PAVEMENT SECTION

NOTES:
1. AGGREGATE SHALL BE PLACED UNDER CURB & 1' BEYOND BACK OF CURB.
2. SECTION & SUBGRADE SHALL BE VERIFIED BY A GEOTECHNICAL ENGINEER.

DENOTES AREA TO BE PAVED



Joint spacing at 5' intervals. Expansion joint spacing at 100' intervals and when abutting existing concrete or structure.

CONCRETE SIDEWALK

REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O. DRAWN J.J.S. CHECKED P.E.O.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Paul E. Otto
DATE: 2-13-18 LICENSE NO. 40062

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Fax: (763)682-3522

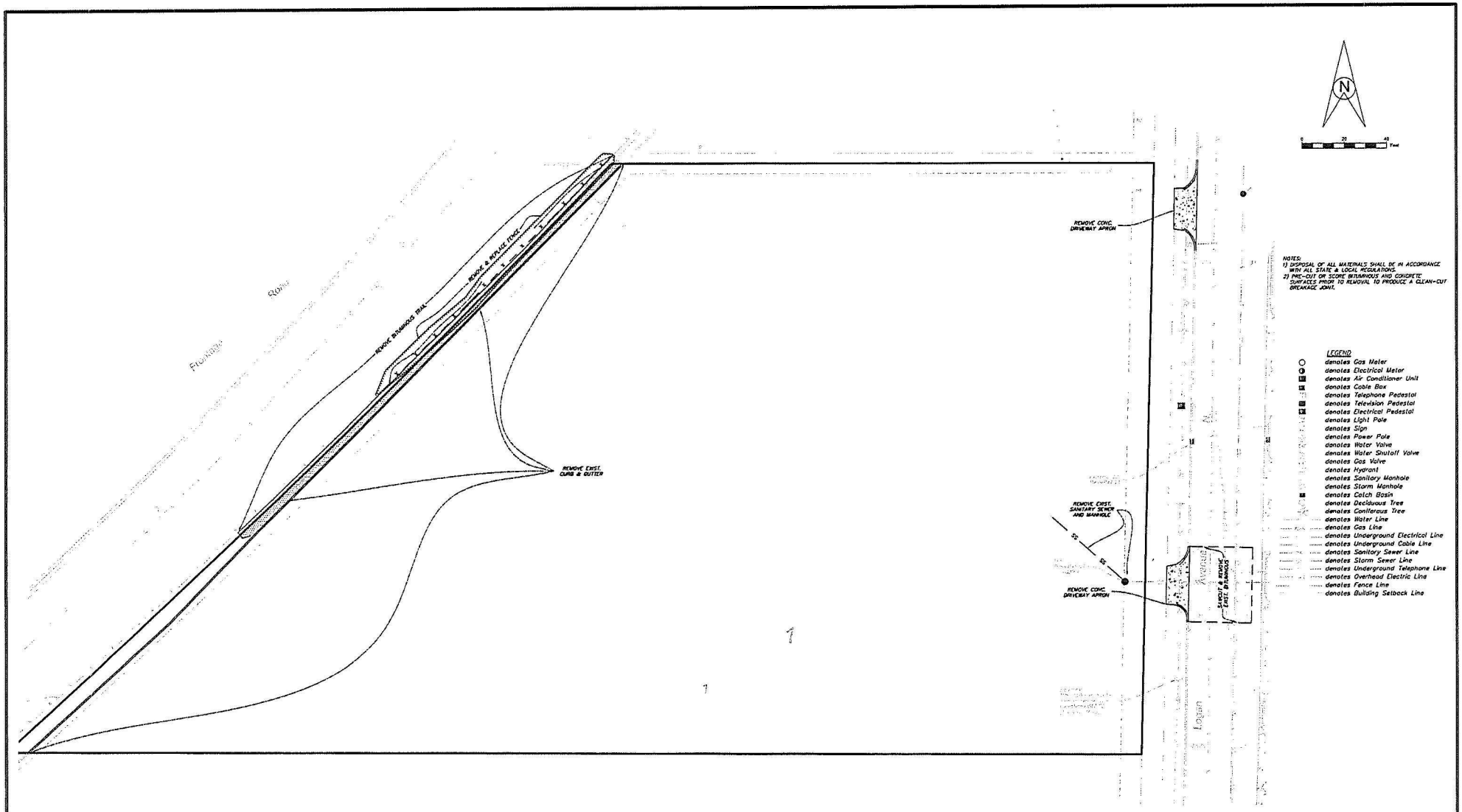
SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

SITE PLAN

SHEET NO. C1 OF C6 SHEETS

PROJECT NO: 17-0483

DATE: 2-13-18



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED DRAWN
P.E.O. J.J.S.
CHECKED
P.E.O.

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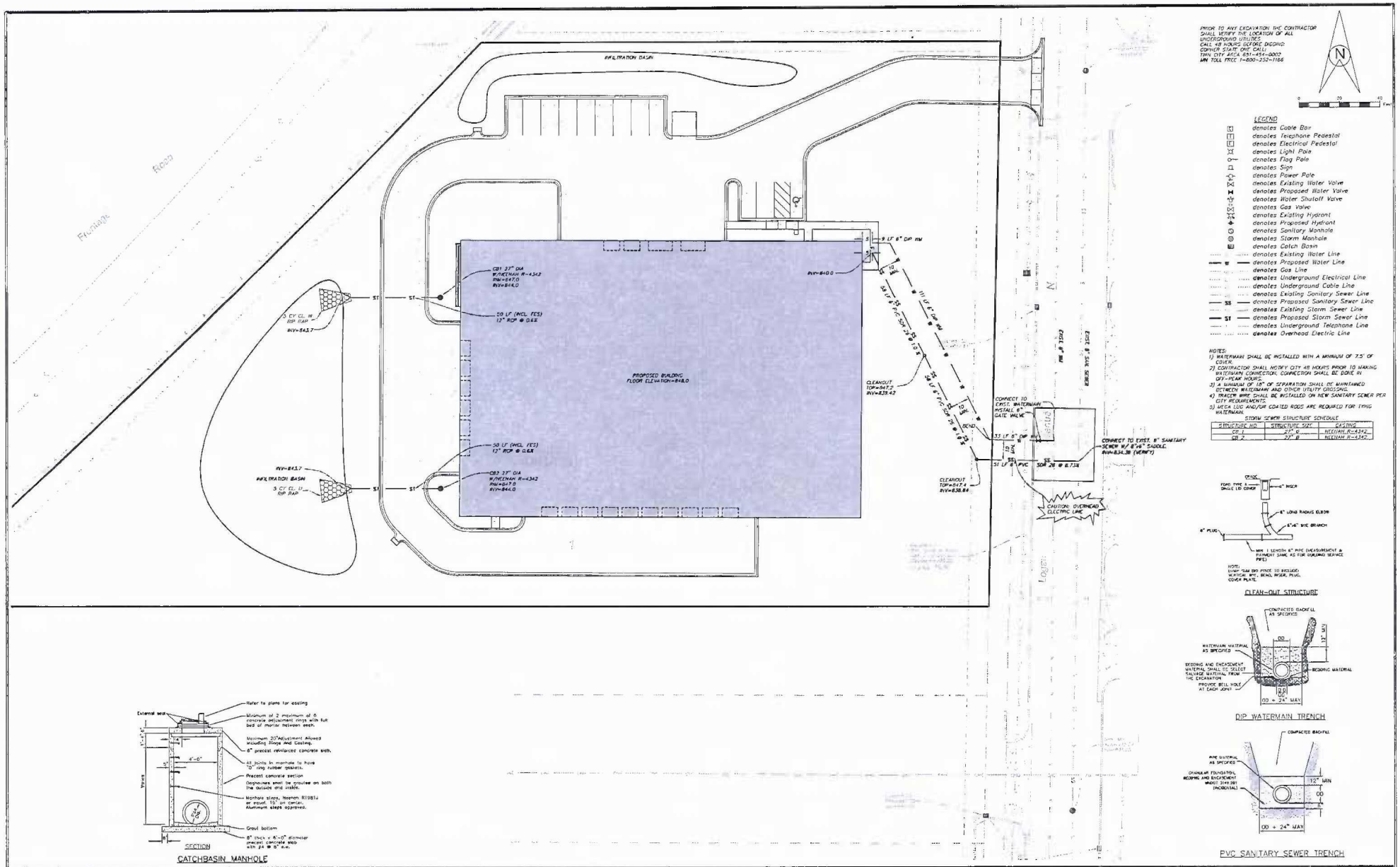
SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

REMOVAL PLAN

SHEET NO. C2 OF C6 SHEETS

PROJECT NO: 17-0483

DATE: 2-13-18



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N

0 20 40 Feet

LEGEND

- denotes Cable Box
- denotes Telephone Pedestal
- denotes Electrical Pedestal
- denotes Light Pole
- denotes Flag Pole
- denotes Sign
- denotes Power Pole
- denotes Existing Water Valve
- denotes Proposed Water Valve
- denotes Water Shutoff Valve
- denotes Gas Valve
- denotes Existing Hydrant
- denotes Proposed Hydrant
- denotes Sanitary Manhole
- denotes Storm Manhole
- denotes Catch Basin
- denotes Existing Water Line
- denotes Proposed Water Line
- denotes Gas Line
- denotes Underground Electrical Line
- denotes Underground Cable Line
- denotes Existing Sanitary Sewer Line
- denotes Proposed Sanitary Sewer Line
- denotes Existing Storm Sewer Line
- denotes Proposed Storm Sewer Line
- denotes Underground Telephone Line
- denotes Overhead Electric Line

NOTES:
1) WATERMAIN SHALL BE INSTALLED WITH A MINIMUM OF 7.5' OF COVER.
2) CONTRACTOR SHALL NOTIFY CITY 48 HOURS PRIOR TO MAKING WATERMAIN CONNECTION. CONNECTION SHALL BE DONE IN OFF-PEAK HOURS.
3) A MINIMUM OF 18" OF SEPARATION SHALL BE MAINTAINED BETWEEN WATERMAIN AND OTHER UTILITY CROSSING.
4) TRACER WIRE SHALL BE INSTALLED ON NEW SANITARY SEWER PER CITY REQUIREMENTS.
5) MEGA LUG AND/OR COATED RODS ARE REQUIRED FOR TYING WATERMAIN.

STORM SEWER STRUCTURE SCHEDULE

STRUCTURE NO.	STRUCTURE SIZE	CASTING
CB 1	27" ID	NEENAH R-4342
CB 2	27" ID	NEENAH R-4342

CLEAN-OUT STRUCTURE

DIP WATERMAIN TRENCH

PVC SANITARY SEWER TRENCH

SECTION

CATCHBASIN MANHOLE

REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O. DRAWN J.J.S. CHECKED P.E.O.

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Fax: (218)628-3522

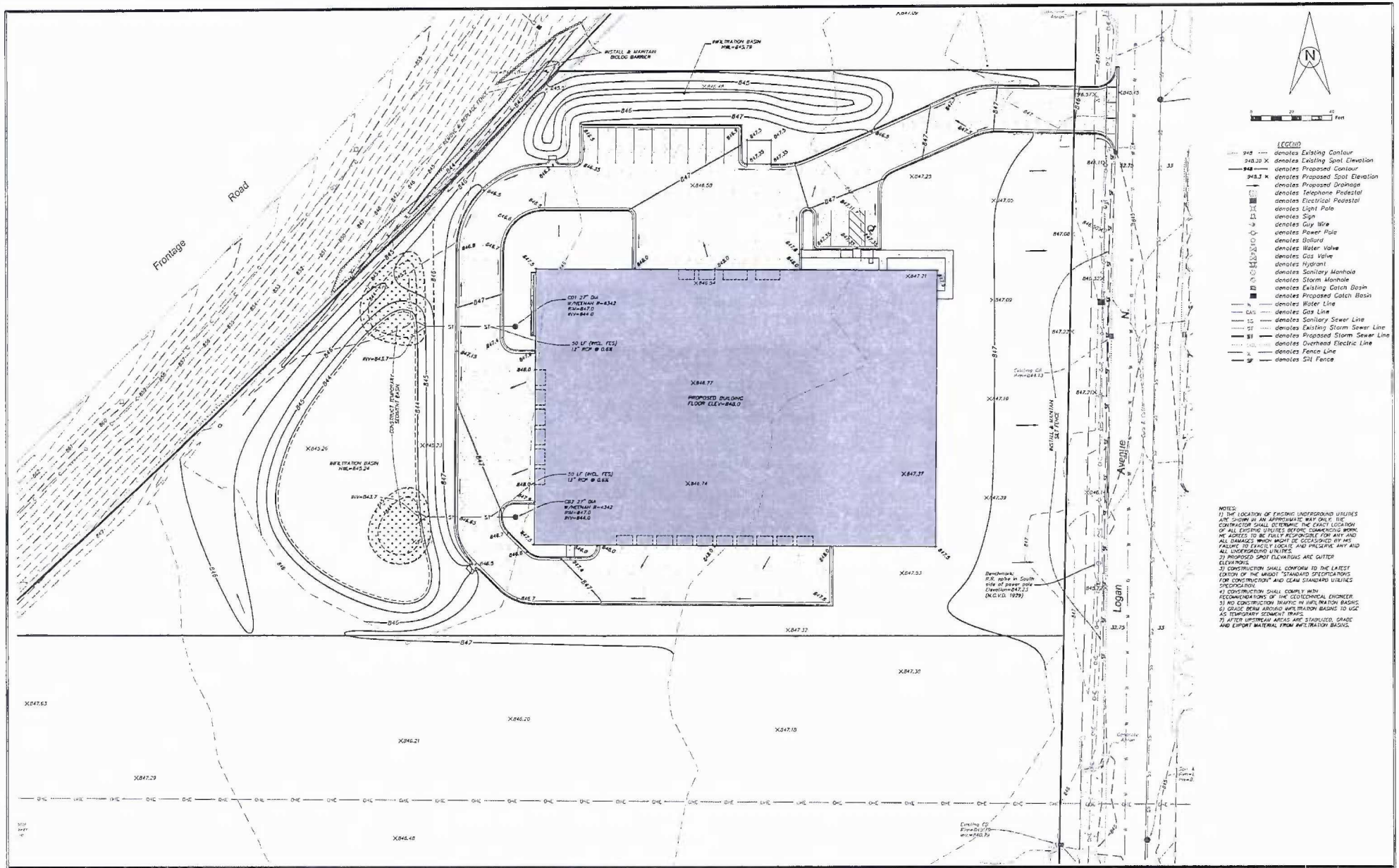
SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

UTILITY PLAN

SHEET NO. C3 OF C6 SHEETS

PROJECT NO: 17-0483

DATE: 2-13-18



NOTES:
1) THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2) PROPOSED SPOT ELEVATIONS ARE GUTTER ELEVATIONS.
3) CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF THE MNDOT "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND CLAM STANDARD UTILITIES SPECIFICATION.
4) CONSTRUCTION SHALL COMPLY WITH RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
5) NO CONSTRUCTION TRAFFIC IN INFILTRATION BASINS.
6) GRADE BERM AROUND INFILTRATION BASINS TO USE AS TEMPORARY SEDIMENT TRAPS.
7) AFTER UPSTREAM AREAS ARE STABILIZED, GRADE AND EXPORT MATERIAL FROM INFILTRATION BASINS.

REV. NO.	DATE	BY	DESCRIPTION

DESIGNED DRAWN
P.E.O. J.J.S.
CHECKED
P.E.O.

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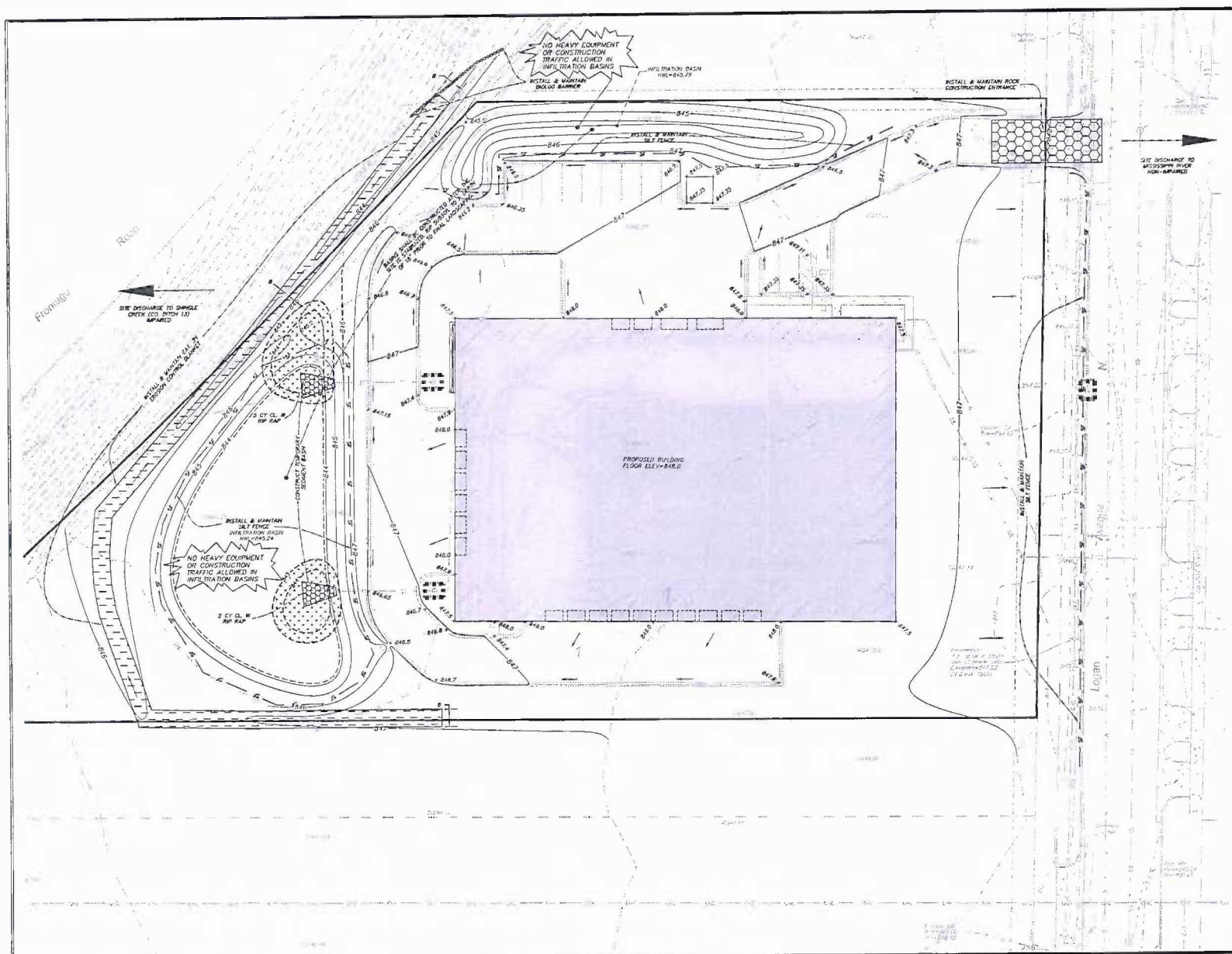
SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

GRADING PLAN

SHEET NO. C4 OF C6 SHEETS

PROJECT NO: 17-0483

DATE: 2-13-18



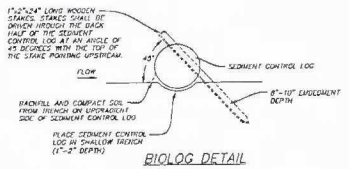
0 20 40 Feet

LEGEND

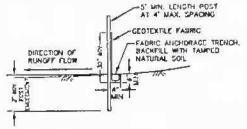
- 850 — denotes Existing Contour
- 853.63 × denotes Existing Spot Elevation
- denotes Water Valve
- denotes Hydrant
- SS — denotes Storm Sewer Line
- W — denotes Watermain
- SS — denotes Sanitary Sewer Line
- 1010 — denotes Proposed Contour
- 849.7 × denotes Proposed Spot Elevation
- denotes Proposed Drainage
- SF — denotes Silt fence
- denotes Biolog Barrier
- denotes Inlet Protection
- denotes MNDOT Cat. 3 Erosion Control Blanket

TEMPORARY RESTORATION: MNDOT SEED MIX 22-111 @ 30.5 LB/ACRE WITH MNDOT TYPE 1 MULCH @ 2 TONS/ACRE (DISC ANCHORED)

PERMANENT RESTORATION: SOD

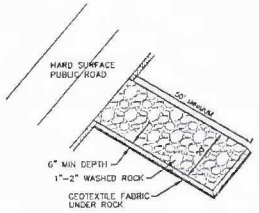


BIOLOG DETAIL



SILT FENCE DETAIL

— SF — DENOTES SILT FENCE



ROCK CONSTRUCTION ENTRANCE

REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O. DRAWN J.J.S. CHECKED P.E.O.

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Paul E. Otto
DATE: 2-13-18 LICENSE NO. 40062

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11 West Division Street
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(763)682-4177
Fax: (763)682-3522

SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

STORMWATER POLLUTION PREVENTION PLAN

SHEET NO. C5 OF C6 SHEETS

PROJECT NO: 17-0483

DATE: 2-13-18

GENERAL PROJECT INFORMATION

PROJECT LOCATION AND NARRATIVE:

THIS PROJECT CONSISTS OF AN APPROXIMATELY 28,000 S.F. BUILDING CONSTRUCTION PROJECT IN BROOKLYN CENTER, MN. THE CENTER OF THE SITE IS LOCATED NEAR LONGITUDE -93.3050, LATITUDE 45.0597. THE SITE IS ACCESSED FROM LOGAN AVENUE N. AND ABUTS MN STATE HWY 100 ON THE WEST.

CONSTRUCTION ACTIVITIES INCLUDE GRADING, UTILITY SERVICE INSTALLATION, CURB & SIDEWALK INSTALLATION, BITUMINOUS INSTALLATION, BUILDING CONSTRUCTION, AND INFILTRATION BASIN CONSTRUCTION. CONSTRUCTION IS PLANNED TO BEGIN SPRING OF 2018 AND COMPLETED IN THE FALL OF 2018.

RESPONSIBLE PARTIES:

CONTRACTOR MUST BE TRAINED FOR BOTH CONSTRUCTION INSTALLER AND SITE MANAGEMENT PER REQUIREMENTS OF THE PERMIT, PART III.F.

EBERT CONSTRUCTION	GREG HAYES	763-498-7844
OWNER	CONTACT PERSON	PHONE
OTTO ASSOCIATES, INC.	PAUL OTTO	763-682-4727
PLAN PREPARER	CONTACT PERSON	PHONE

TRAINING: 1/20/2016 (EXPIRES 2019) U OF MN CERTIFICATION - DESIGN OF CONSTRUCTION SWPPP

CONTRACTOR (RESPONSIBLE FOR INSTALLATION & INSPECTION)	CONTACT PERSON	PHONE

TRAINING: _____

PARTY RESPONSIBLE FOR LONG TERM O&M OF THE PERMANENT STORMWATER MANAGEMENT SYSTEM

PROJECT AREAS:

PROJECT SIZE (DISTURBED FOR SITE DEVELOPMENT) = 2.60 ACRES

EXISTING AREA OF IMPERVIOUS SURFACE = 0.0 ACRES
POST-CONSTRUCTION AREA OF IMPERVIOUS SURFACE = 1.18 ACRES
TOTAL NEW IMPERVIOUS SURFACE AREA CREATED = 1.18 ACRES

STORMWATER MANAGEMENT:

THE SITE DRAINS IN TWO DIRECTIONS, NORTHWEST TO A CULVERT WITHIN MN STATE HWY 100 RIGHT-OF-WAY AND EAST TO STORM SEWER WITHIN LOGAN AVENUE NORTH.

VOLUME ABSTRACTION REQUIRED = 1.14 ACRES x 1" = 4,138 CF
VOLUME ABSTRACTION PROPOSED = 14,127 CF

THE HENNEPIN COUNTY NATURAL RESOURCE MAP INDICATES HYDROLOGIC GROUP A SOILS ARE PRESENT.

TWO INFILTRATION BASIN ARE PROPOSED TO MEET THE VOLUME REQUIREMENTS.

RECEIVING WATERS:
SURFACE WATERS AND WETLANDS THAT WILL RECEIVE STORM WATER RUNOFF FROM THE SITE AND ARE WITHIN ONE (1) MILE OF THE SITE ARE INDICATED WITH DIRECTION ARROW ON THE SWPPP PLAN SHEET AND ARE LISTED BELOW:

NAME OF WATER BODY	IMPAIRED WATER
SHINGLE CREEK (CO. DITCH 13)	YES
MISSISSIPPI RIVER	NO

THE OWNER SHALL SUBMIT A NOTICE OF TERMINATION (NOT) WITHIN 30 DAYS AFTER FINAL STABILIZATION IS COMPLETE.

CONSTRUCTION ACTIVITY NOTES

ALL CONSTRUCTION ACTIVITIES MUST MEET THE REQUIREMENTS OF THE MPCA'S NPDES GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY.

EROSION PREVENTION:

ALL EXPOSED SOIL AREAS (INCL. STOCKPILES) MUST BE STABILIZED. STABILIZATION MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION BUT COMPLETED NO CASE LATER THAN 7 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

TEMPORARY TURF RESTORATION SHALL BE MNDOT SEED MIX 22-111 @ 30.5 LB/ACRE WITH MNDOT TYPE 1 MULCH @ 2 TONS/ACRE (DISC ANCHORED). STABILIZATION MUST BE INITIATED IMMEDIATELY BUT IN NO CASE COMPLETED LATER THAN 7 DAYS AFTER THE ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

PERMANENT TURF RESTORATION SHALL BE SOD.

SEDIMENT CONTROL PRACTICES:
THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTROL SEDIMENT-LADEN SURFACE WATER FROM LEAVING THE CONSTRUCTION ZONE. ALL MOBILIZED SEDIMENT THAT HAS LEFT THE CONSTRUCTION ZONE SHALL BE COLLECTED BY THE CONTRACTOR AND PROPERLY DISPOSED OF AT NO ADDITIONAL COST TO THE OWNER.

ENTERING/EXITING THE SITE SHALL OCCUR ONLY AT TEMPORARY CONSTRUCTION ENTRANCES TO LIMIT TRACKING OF SEDIMENT ONTO STREETS.

SEDIMENT TRACKED ONTO STREETS DURING WORKING HOURS MUST BE RECLAIMED VIA SCRAPING AND SWEEPING AT END OF EACH WORKING DAY.

TEMPORARY SOIL STOCKPILES SHALL HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS INSTALLED AROUND THE PERIMETER.

DUST CONTROL MEASURES SHALL BE IMPLEMENTED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION, AND WITHIN 4 HOURS OF NOTIFICATION BY THE CITY.

CONSTRUCTION SEQUENCING:
1) PRECONSTRUCTION MEETING.
2) INSTALL PERIMETER SILT FENCE & CONSTRUCTION ENTRANCE.
3) INSTALL DOWNSTREAM INLET PROTECTION TO OFF-SITE CATCH BASINS.
4) ROUGH GRADE BUILDING PAD AND PARKING LOT.
5) BEGIN BUILDING CONSTRUCTION.
6) CONNECT TO SANITARY SEWER & WATER SERVICES.
7) INSTALL STORM SEWER.
8) INSTALL INLET PROTECTION DEVICES ON NEW CATCH BASINS.
9) COMPLETE PARKING LOT CONSTRUCTION.
10) TEMPORARY STABILIZE SITE.
11) COMPLETE BUILDING CONSTRUCTION.
12) CONSTRUCT INFILTRATION BASINS.
13) RESTORE SITE WITH PERMANENT RESTORATION.
14) REMOVE SEDIMENT CONTROL DEVICES & SUBMIT NOTICE OF TERMINATION (NOT) TO MPCA ONCE ALL DISTURBED AREAS HAVE 70% VEGETATIVE DENSITY.

EROSION & SEDIMENT CONTROL BMP ESTIMATED QUANTITIES:
QUANTITIES LISTED ARE APPROXIMATE. REFER TO CONTRACT DOCUMENTS FOR EXACT QUANTITIES.

BMP	QUANTITY
SILT FENCE	952 LF
ROCK CONST. ENTRANCE	1 EACH
MNDOT 3885 CAT 3 EROSION CONTROL BLANKET	426 SY
INLET PROTECTION	3 EACH
BIOLOG SEDIMENT BARRIER	55 LF
RAIN GUARDIAN BUNKER	2 EACH
MNDOT SEED MIX 22-111 W/ TYPE 1 MULCH	1.5 ACRE
SOD	1.6 ACRE
CL. 3 RIP RAP	10 CY

CONSTRUCTION NOTES

INSPECTIONS AND MAINTENANCE:
THE CONTRACTOR MUST ROUTINELY INSPECT THE CONSTRUCTION SITE ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS OF A RAINFALL EVENT GREATER THAN 0.5 INCHES IN A 24-HR PERIOD. INSPECTION LOGS SHALL INCLUDE ANY CORRECTIVE MEASURES TAKEN.

ALL INSPECTIONS MUST BE RECORDED AND RECORDS RETAINED WITH THE SWPPP ON SITE. THE SWPPP, ALONG WITH INSPECTIONS AND MAINTENANCE RECORDS, SHALL BE RETAINED FOR THREE YEARS AFTER SUBMITTAL OF THE NOTICE OF TERMINATION (NOT).

SILT FENCE MUST BE MAINTAINED WHEN ACCUMULATED SEDIMENT REACHES 1/3 OF THE DEVICE HEIGHT. INLET PROTECTION DEVICES SHALL BE CLEANED ON A ROUTINE BASIS SUCH THAT THE DEVICES ARE FULLY FUNCTIONAL FOR THE NEXT RAINSTORM EVENT. REMOVAL AND DISPOSAL OF THE SEDIMENT SHALL BE INCIDENTAL TO THE CONTRACT.

TEMPORARY CONSTRUCTION ENTRANCE(S) SHALL BE CLEANED AND REFRESHED AS NECESSARY TO CONFORM TO DETAIL.

OFF-SITE VEHICLE TRACKING SHALL BE REMOVED WITH 24 HOURS OF DISCOVERY.

POLLUTION PREVENTION:
ALL SOLID WASTE GENERATED BY/COLLECTED FROM THE CONSTRUCTION SITE MUST BE DEPOSITED IN A DUMPSTER.

NO CONSTRUCTION MATERIAL SHALL BE BURIED OR BURNED ONSITE.

ALL HAZARDOUS MATERIALS (OIL, GASOLINE, FUEL, PAINT, ETC) MUST BE PROPERLY STORED/CONTAINED TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGE. STORAGE AND DISPOSAL OF HAZARDOUS WASTE MUST BE IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL REGULATIONS. ALL VEHICLES LEFT ONSITE SHALL BE MONITORED FOR LEAKS TO REDUCE THE CHANCE OF CONTAMINATION.

EXTERNAL WASHING OF TRUCKS OR OTHER CONSTRUCTION VEHICLES, ENGINE DEGREASING, NOR CONCRETE WASHOUTS ARE ALLOWED ON SITE. TRUCKS ARE TO USE SELF-CONTAINED WASHOUT SYSTEM.

ALL SPILLS SHALL BE CLEANED IMMEDIATELY UPON DISCOVERY. SPILLS LARGE ENOUGH TO REACH THE STORM CONVEYANCE SYSTEM SHALL BE REPORTED TO THE MPCA STATE DUTY OFFICER AT 1-800-422-0798.

CONTRACTOR SHALL MONITOR AND PROVIDE DUST CONTROL COLLECTION WHEN NEEDED.

FINAL STABILIZATION:
THE CONTRACTOR MUST ENSURE FINAL STABILIZATION OF THE SITE. THE PERMITEE MUST SUBMIT A NOTICE OF TERMINATION WITHIN 30 DAYS AFTER FINAL STABILIZATION IS COMPLETE.

SUFFICIENT TOPSOIL (6") SHALL BE PLACED ON DISTURBED AREAS FOR RE-VEGETATION.

ALL TEMPORARY EROSION CONTROL MEASURES AND BMP'S MUST BE REMOVED AS PART OF THE FINAL SITE STABILIZATION.

TRAINING REQUIREMENTS:
CONTRACTOR MUST BE TRAINED FOR BOTH CONSTRUCTION INSTALLER AND SITE MANAGEMENT PER REQUIREMENTS OF THE PERMIT, PART III.F. DOCUMENTATION SHALL BE ADDED TO THE SWPPP DOCUMENTS LOCATED ONSITE.

REV. NO	DATE	BY	DESCRIPTION

DESIGNED P.E.O. DRAWN J.J.S. CHECKED P.E.O.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

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DATE: 2-13-18 LICENSE NO. 40062

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SELF-STORAGE
EBERT CONSTRUCTION
BROOKLYN CENTER, MN

STORMWATER POLLUTION PREVENTION PLAN NARRATIVE

SHEET NO. C6 OF C6 SHEETS

PROJECT NO: 17-0483

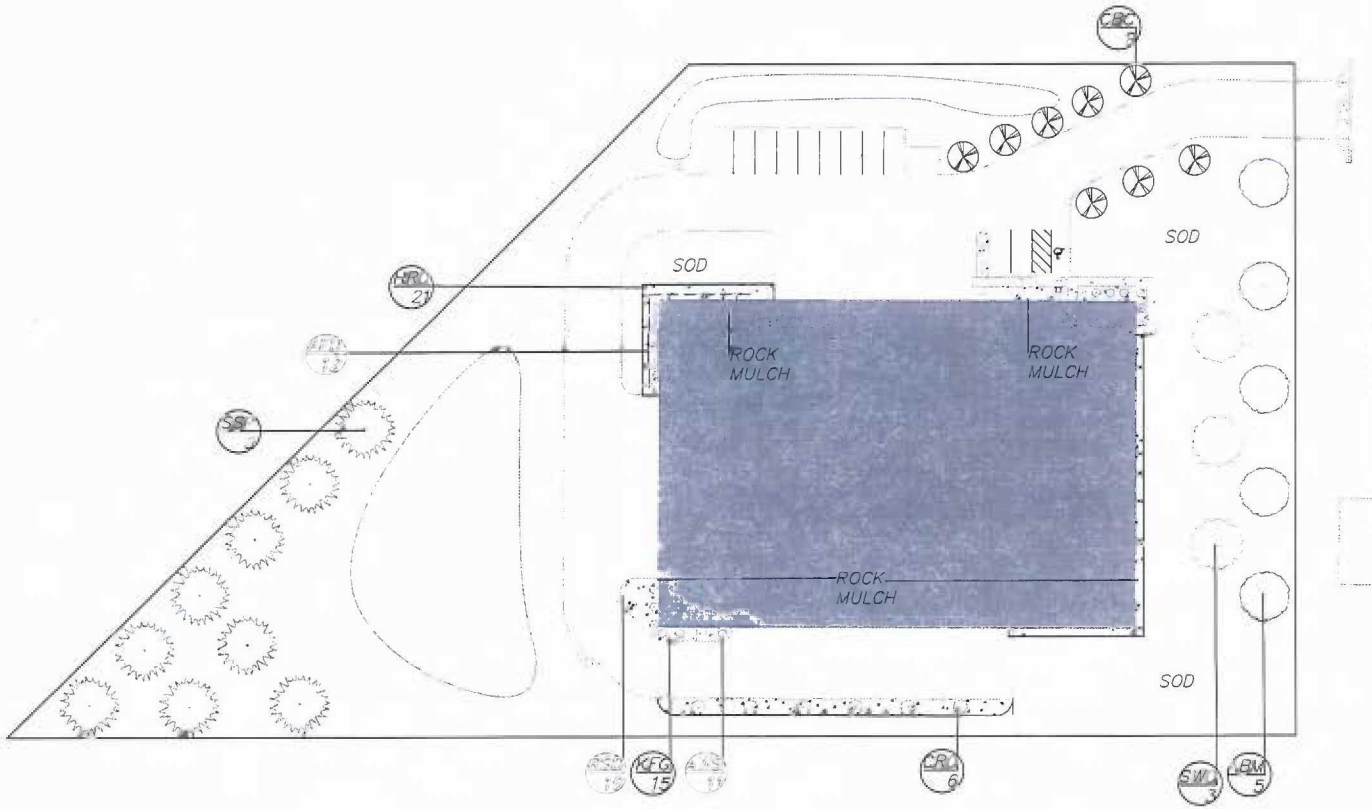
DATE: 2-13-18

Notes

1. Clanis and Associates, Inc does not assume responsibility for the interpretation of this calculation, or compliance to local or state lighting and ordinances.
2. All readings/calculations are shown @ grade.
3. Fixtures are 20' 0" A.F.F., Pole is 20'.

Logan Ave Brooklyn Center

Drawn By: AR
Date: 3/1/2018
Scale: As noted
Drawing No.:
Summary



PLANT SCHEDULE

QTY	CODE	COMMON NAME / *Botannical Name*	SIZE	Notes
5	ABM	MAPLE AUTUMN BLAZE/*Acer x freemanii 'Jeffersred'*	2.5"	50 Points
3	SWO	OAK SWAMP WHITE/*Quercus bicolor*	2.5"	30 Points
9	SSP	PINE SWISS STONE/*Pinus cembra*	5'	54 Points
8	CBC	CRABAPPLE CORALBURST/*Malus 'Coralcole'*	1.5"	12 Points
16	RSD	DAYLILY RUBY STELLA/*Hemerocallis 'Ruby Stella'*	#1	8 Points
21	HRD	DAYLILY HAPPY RETURNS/*Hemerocallis 'Happy Returns'*	#1	10.5 Points
12	AFD	DOGWOOD ARCTIC FIRE/*Cornus stolonifera 'Farrow'*	#2	6 Points
11	AWS	ANTHONY WATERER SPIREA/*Spiraea x bumalda 'Anthony Waterer'*	#2	5.5 Points
16	KFG	GRASS KARL FOERSTER/*Calamagrostis x acutiflora 'Karl Foerster'*	#1	7 Points
6	CRD	CARDINAL DOGWOOD/*Cornus sericea 'Cardinal'*	#5	3 Points

*NOTE: In case of descrepancy, plan quantities supercede Plant Schedule listed quantities

N

0 25 50 Feet

REV. NO	DATE	BY	DESCRIPTION
2	022618	ALD	STAFF & CLIENT COMMENTS

DESIGNED ALD | DRAWN ALD | CHECKED DAL

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Doren M. Laberee
DATE: 02-26-18 LICENSE NO. 43233

Lan-De-Con
P.O. BOX 203
EXCELSIOR, MN 55331
PH: (952) 474-2200
FAX: (952) 474-0158

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SELF-STORAGE
EBERT CONSTRUCTION
Brooklyn Center, MN

PRELIM LANDSCAPE PLAN

PROJECT NO: 17-0555

SHEET NO. L1 OF L2 SHEETS

DATE: 02-26-18

PLANTING NOTES

All plantings shall be true to name and size in accordance with American Nurserymar's Standards.

Planting soil, where specified, shall be a 1–1–1 mixture with 1 part peat, 1 part soil, and 1 part sand.

All plantings shall be guaranteed for one year (365 days) from date of acceptance. Landscape Contractor shall replace any dead or damaged plants at no additional cost to Owner during the guarantee period.

All trees that are not plumb shall be staked and wrapped.

Sod shall be cultured Kentucky Bluegrass, free of weeds and clumps. Landscape Contractor will water at time of installation and roll all sod as needed to assure a smooth turf. All slopes greater than 3 to 1 shall be staked. Any sliding of sod shall be replaced by Landscape Contractor.

Foundation and parking lot plantings beds shall receive a 3"–4" layer of 1 1/2" – 3" washed river rock over 4 mil. black poly for first.

With the exception of individual tree rings, all areas where sod and mulch touch shall have commercial grade black poly edger as shown in details.

Landscape Contractor shall be responsible for locating all utilities by actual location in the field prior to any planting operation.

Irrigation shall be provided to all sodded areas. Irrigation system will be design build by irrigation contractor (by others). Upon request, irrigation plans shall be submitted to owner or landscape architect for review and approval.

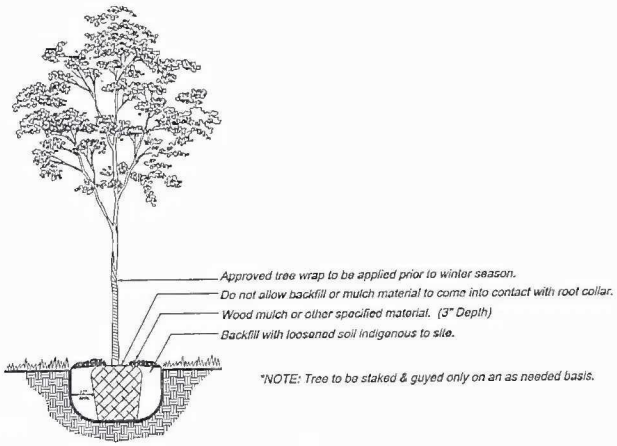
PLANTING REQUIREMENT CALCULATIONS

Light Industrial

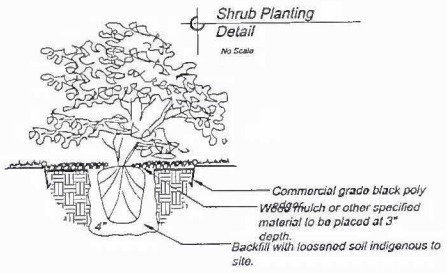
2 Acres @ 75 Points	150 Points	Max 50% Shade Tree	Max 90 Points
0.6 Acres @ 60 Points	36 Points	Max 40% Evergreen Tree	Max 74 Points
2.6 Acres	**186 Total Points**	Max 35% Ornamental Tree	Max 65 Points
		Max 25% Shrubs	Maz 46 points

Total Site Area (sf)	**112,000.00**
Minimum Required Landscape Area (25%)	**28,000.00**
Landscape Area Provided (sf)	**28,850 (25.7%)**

PLANTING DETAILS



Shade Tree Planting Detail
Level Location - No Scale



Shrub Planting Detail
No Scale

REV NO	DATE	BY	DESCRIPTION
2	022619	ALD	STAFF & CLIENT COMMENTS

DESIGNED ALD | DRAWN ALD | CHECKED DK

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Doren M. Laberee
DATE: 02-26-18 LICENSE NO. 43233

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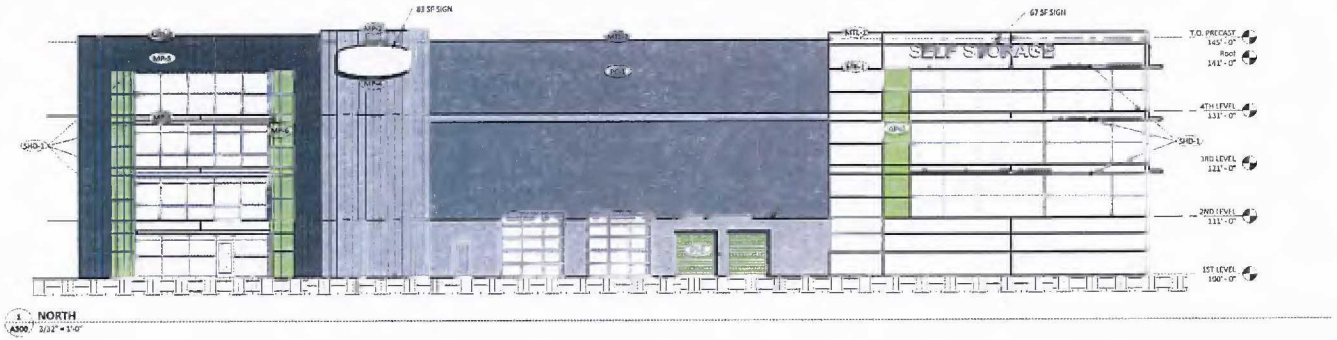
SELF-STORAGE
EBERT CONSTRUCTION
Brooklyn Center, MN

PRELIM LANDSCAPE PLAN

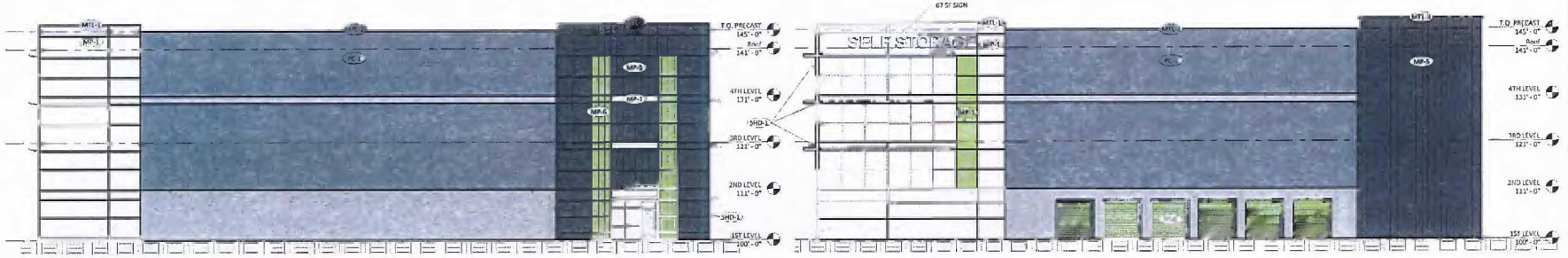
PROJECT NO: 17-0555

SHEET NO. L2 OF L2 SHEETS

DATE: 02-26-18

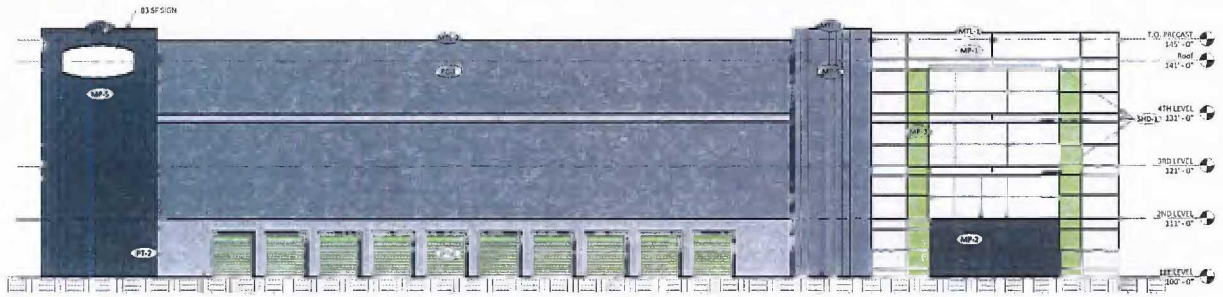


1 A300 NORTH 3/32" = 1'-0"



2 A300 EAST 3/32" = 1'-0"

3 A300 WEST 3/32" = 1'-0"



4 A300 SOUTH 3/32" = 1'-0"

EXTERIOR MATERIALS LEGEND

PC-1	INSULATED ARCHITECTURAL PRECAST PANEL - 1 FINISH: MEDIUM GRAY AGGREGATE AND LIGHT GRAY AGGREGATE
MP-1	METAL PANEL - 1: FLAT INSULATED METAL PANEL COLOR: LIGHT GREY
MP-2	METAL PANEL - 2: FLAT INSULATED METAL PANEL COLOR: DARK GREY
MP-3	METAL PANEL - 4: FLAT INSULATED METAL PANEL COLOR: EXR WASABI
MP-4	METAL PANEL - 5: VERTICAL RIBBED INSULATED METAL PANEL COLOR: MEDIUM GREY
MP-5	METAL PANEL - 6: VERTICAL RIBBED INSULATED METAL PANEL COLOR: DARK GREY
MP-6	METAL PANEL - 7: VERTICAL RIBBED INSULATED METAL PANEL COLOR: EXR WASABI
MTL-1	PREFINISHED METAL TRIM - 1 COLOR: LIGHT GREY
MTL-2	PREFINISHED METAL TRIM - 2 COLOR: MEDIUM GREY
MTL-3	PREFINISHED METAL TRIM - 3 COLOR: DARK GREY
SHD-1	PREFINISHED METAL SHADE DEVICE - 1 COLOR: DARK GREY
PT-1	PAINT COLOR: EXR WASABI
PT-2	PAINT COLOR: DARK GREY

EXTERIOR MATERIAL PERCENTAGES

WEST EXTERIOR ELEVATION MATERIAL PERCENTAGES

MATERIAL	MATERIAL CLASS	TOTAL SF	% OF TOTAL
ARCHITECTURAL PRECAST	CLASS I	3,184 SF	51.0%
ARCHITECTURAL METAL PANEL	CLASS I	2,330 SF	37.3%
INSULATED GLASS	CLASS I	710 SF	11.7%
TOTAL		6,300 SF	100.0%

NORTH EXTERIOR ELEVATION MATERIAL PERCENTAGES

MATERIAL	MATERIAL CLASS	TOTAL SF	% OF TOTAL
ARCHITECTURAL PRECAST	CLASS I	2,039 SF	32.6%
ARCHITECTURAL METAL PANEL	CLASS I	3,810 SF	47.4%
INSULATED GLASS	CLASS I	2,252 SF	25.0%
TOTAL		10,607 SF	100.0%

EAST EXTERIOR ELEVATION MATERIAL PERCENTAGES

MATERIAL	MATERIAL CLASS	TOTAL SF	% OF TOTAL
ARCHITECTURAL PRECAST	CLASS I	3,956 SF	62.4%
ARCHITECTURAL METAL PANEL	CLASS I	2,298 SF	36.2%
INSULATED GLASS	CLASS I	83.14 SF	1.3%
TOTAL		6,505 SF	100.0%

SOUTH EXTERIOR ELEVATION MATERIAL PERCENTAGES

MATERIAL	MATERIAL CLASS	TOTAL SF	% OF TOTAL
ARCHITECTURAL PRECAST	CLASS I	5,414 SF	58.5%
ARCHITECTURAL METAL PANEL	CLASS I	3,206 SF	34.7%
INSULATED GLASS	CLASS I	629 SF	6.8%
TOTAL		9,250 SF	100.0%

EBERT CONSTRUCTION

LOGAN AVENUE
SELF-STORAGE
NEW CONSTRUCTION
57XX LOGAN AVENUE
NORTH
BROOKLYN CENTER, MN
55430

MH MICHAELS HANSEN ARCHITECTURE
1660 Twelve Oaks Center Dr.
Suite 200
Wayzata MN 55391
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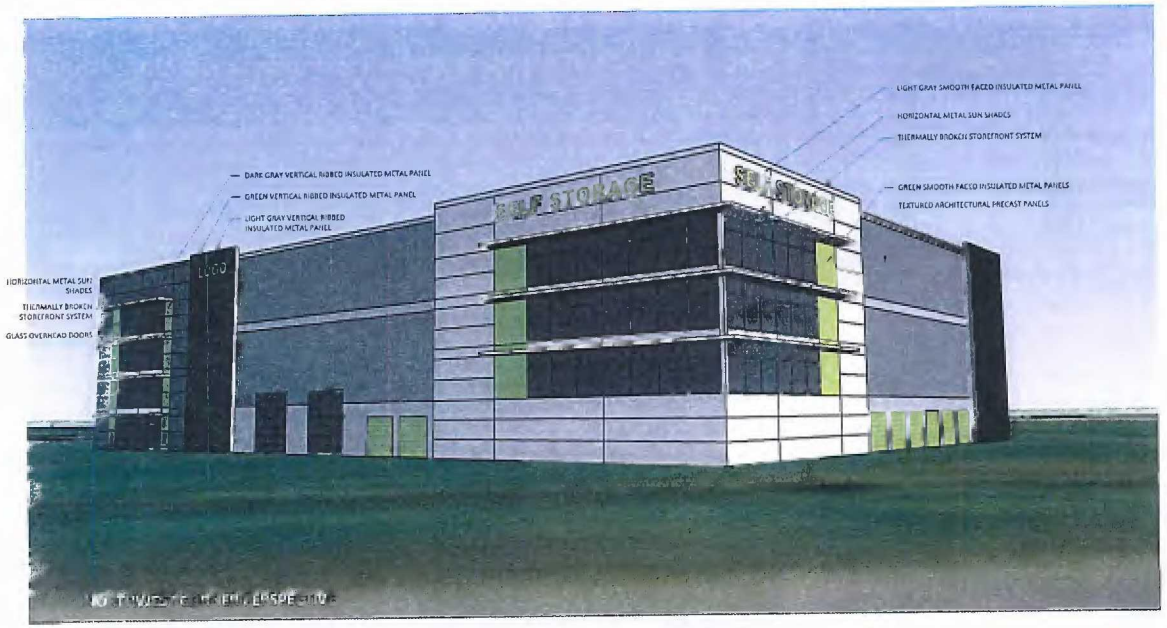
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DRAWN BY: Author
CHECKED BY: Checker
DATE: JANUARY 29, 2018
COMPUTER DIRECTORY:
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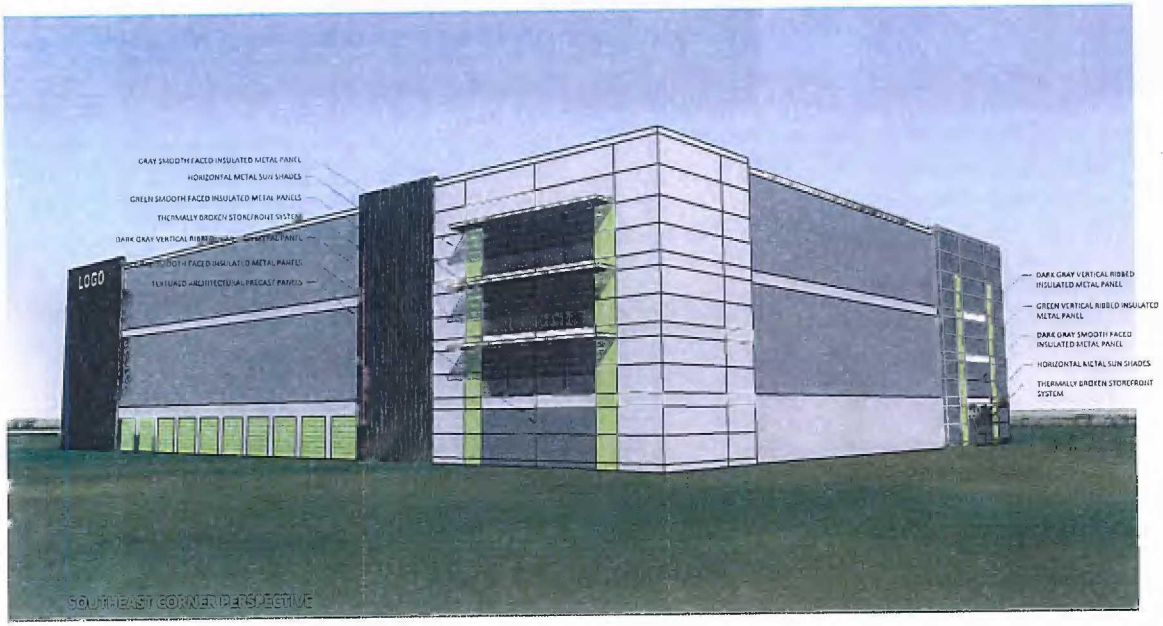
EXTERIOR BUILDING ELEVATIONS

CITY SUBMITTAL

A300

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EXTERIOR MATERIAL PERCENTAGES

WEST EXTERIOR ELEVATION MATERIAL PERCENTAGES

MATERIAL	MATERIAL CLASS	TOTAL SF	% OF TOTAL
ARCHITECTURAL PRECAST	CLASS I	3,184 SF	51.0%
ARCHITECTURAL METAL PANEL	CLASS I	2,330 SF	37.3%
INSULATED GLASS	CLASS I	730 SF	11.7%
TOTAL		6,300 SF	100.0%

NORTH EXTERIOR ELEVATION MATERIAL PERCENTAGES

MATERIAL	MATERIAL CLASS	TOTAL SF	% OF TOTAL
ARCHITECTURAL PRECAST	CLASS I	2,930 SF	32.6%
ARCHITECTURAL METAL PANEL	CLASS I	3,830 SF	42.4%
INSULATED GLASS	CLASS I	2,252 SF	25.0%
TOTAL		10,007 SF	100.0%

EAST EXTERIOR ELEVATION MATERIAL PERCENTAGES

MATERIAL	MATERIAL CLASS	TOTAL SF	% OF TOTAL
ARCHITECTURAL PRECAST	CLASS I	3,956 SF	62.4%
ARCHITECTURAL METAL PANEL	CLASS I	2,258 SF	36.3%
INSULATED GLASS	CLASS I	83.16 SF	1.3%
TOTAL		6,305 SF	100.0%

SOUTH EXTERIOR ELEVATION MATERIAL PERCENTAGES

MATERIAL	MATERIAL CLASS	TOTAL SF	% OF TOTAL
ARCHITECTURAL PRECAST	CLASS I	5,414 SF	58.5%
ARCHITECTURAL METAL PANEL	CLASS I	3,206 SF	34.7%
INSULATED GLASS	CLASS I	631 SF	6.8%
TOTAL		9,250 SF	100.0%

EBERT CONSTRUCTION

LOGAN AVENUE
SELF-STORAGE
NEW CONSTRUCTION
57XX LOGAN AVENUE NORTH
BROOKLYN CENTER, MN
55430

MH HAMMEL HANSEN Architecture | Interiors
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DATE: JANUARY 25, 2018
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Path:

EXTERIOR PERSPECTIVES

CITY SUBMITTAL

A310

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STORMWATER REPORT
BROOKLYN CENTER SELF STORAGE

Brooklyn Center, Minnesota
February 12, 2018
Otto Project No. 17-0483

This project includes developing a 2.6 parcel that is being split from an 8.17 acre parcel. This site was previously fully developed (91-100% impervious) but the buildings and parking lots were removed and seeded until redevelopment occurs. A 28,000 square foot building footprint is being proposed for a 4-story storage facility, along with a parking lot and access drives.

The Hennepin County Natural Resources map indicates hydrologic group A soils are present. The design infiltration rate from the Minnesota Stormwater Manual for HSG A soils was used for this design. Onsite infiltration tests will be performed in the Spring.

The site drains in two directions, northwest to a culvert within State Highway 100 right-of-way and east to storm sewer within Logan Avenue North.

Proposed Impervious Area = 1.18 acres
Volume Abstraction Required = 1.18 ac x 1" = 4,283 cf
Volume Abstraction Proposed = 15,234 cf

The MIDS calculator results show the proposed design provides 89.6% TP removal and 89.6% TSS removal.

Peak runoff flow rates are as follows:

RUNOFF (cfs)

	1 Year	2 Year	10 Year	100 Year
Existing to MnDOT ROW	0	0	0.03	2.44
Proposed to MnDOT ROW	0	0	0.00	2.37
Existing to Logan Avenue No.	0	0	0.01	0.62
Proposed to Logan Avenue No.	0	0	0.01	0.90

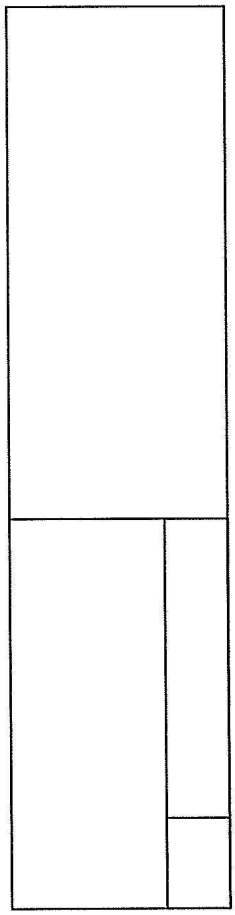
I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

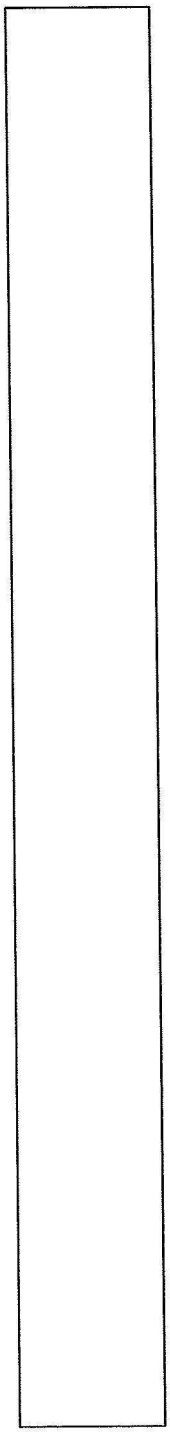
Cara Schwahn Otto Cara S Otto

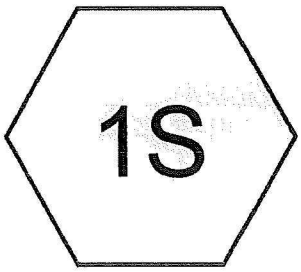
Reg. No. 40433 Date February 12, 2018

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.

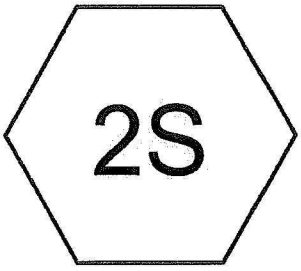
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E1



E2

Subcat Reach Pond Link

Routing Diagram for 17-0483 Existing
Prepared by Microsoft, Printed 2/8/2018
HydroCAD® 10.00-20 s/n 03113 © 2017 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
2.600	39	>75% Grass cover, Good, HSG A (1S, 2S)
2.600	**39**	**TOTAL AREA**

Summary for Subcatchment 1S: E1

Runoff = 0.00 cfs @ 1.00 hrs, Volume= 0.000 af, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 1-Year Rainfall=2.48"

Area (ac)	CN	Description
2.070	39	>75% Grass cover, Good, HSG A
2.070		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 2S: E2

Runoff = 0.00 cfs @ 1.00 hrs, Volume= 0.000 af, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 1-Year Rainfall=2.48"

Area (ac)	CN	Description
0.530	39	>75% Grass cover, Good, HSG A
0.530		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 1S: E1

Runoff = 0.00 cfs @ 1.00 hrs, Volume= 0.000 af, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 2-Year Rainfall=2.86"

Area (ac)	CN	Description
2.070	39	>75% Grass cover, Good, HSG A
2.070		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 2S: E2

Runoff = 0.00 cfs @ 1.00 hrs, Volume= 0.000 af, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 2-Year Rainfall=2.86"

Area (ac)	CN	Description
0.530	39	>75% Grass cover, Good, HSG A
0.530		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 1S: E1

Runoff = 0.03 cfs @ 13.24 hrs, Volume= 0.013 af, Depth= 0.08"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 10-Year Rainfall=4.26"

Area (ac)	CN	Description
2.070	39	>75% Grass cover, Good, HSG A
2.070		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 2S: E2

Runoff = 0.01 cfs @ 13.24 hrs, Volume= 0.003 af, Depth= 0.08"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 10-Year Rainfall=4.26"

Area (ac)	CN	Description
0.530	39	>75% Grass cover, Good, HSG A
0.530		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 1S: E1

Runoff = 2.44 cfs @ 12.15 hrs, Volume= 0.153 af, Depth= 0.89"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 100-Year Rainfall=7.32"

Area (ac)	CN	Description
2.070	39	>75% Grass cover, Good, HSG A
2.070		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

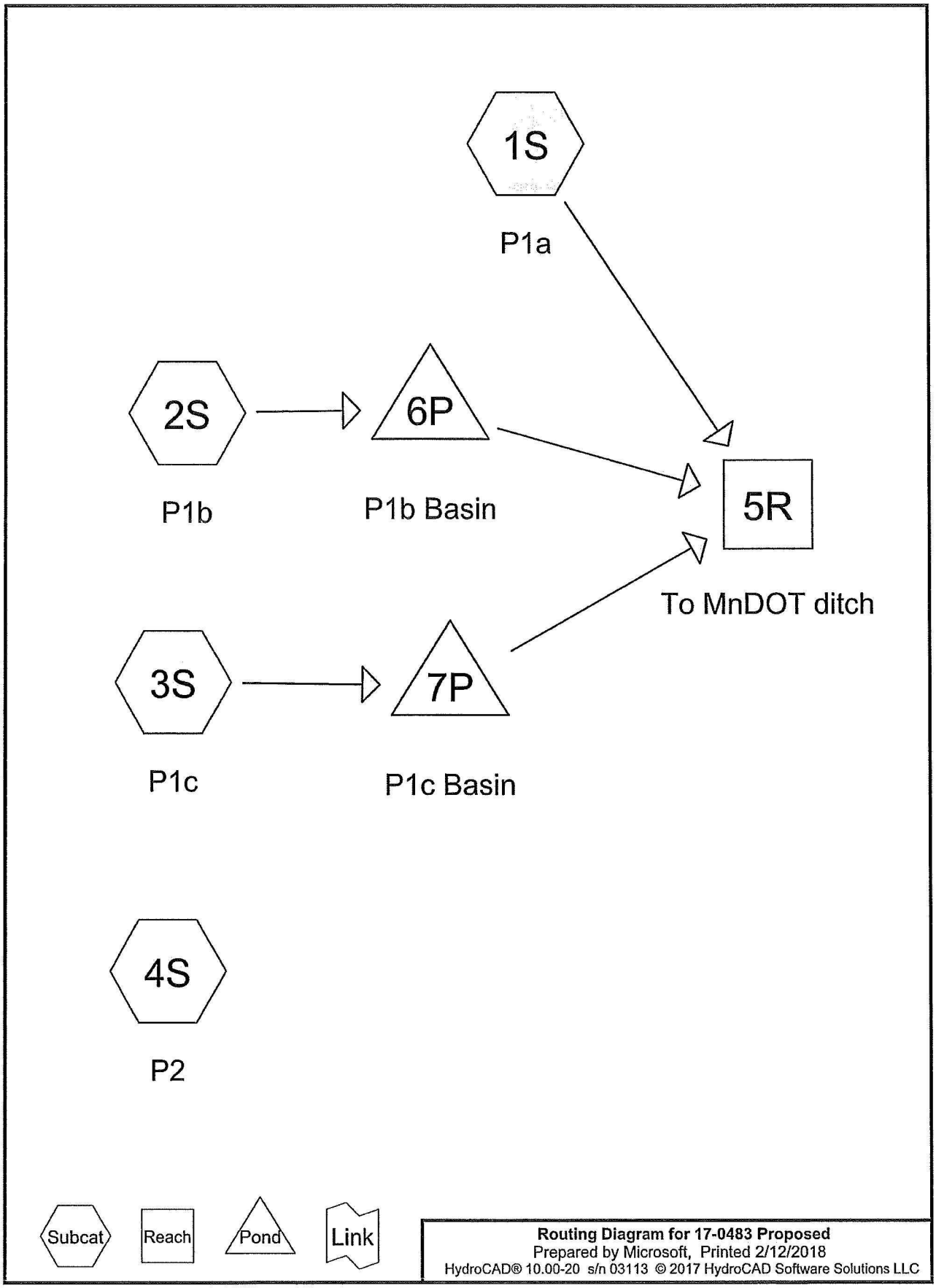
Summary for Subcatchment 2S: E2

Runoff = 0.62 cfs @ 12.15 hrs, Volume= 0.039 af, Depth= 0.89"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 100-Year Rainfall=7.32"

Area (ac)	CN	Description
0.530	39	>75% Grass cover, Good, HSG A
0.530		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**



Routing Diagram for 17-0483 Proposed
Prepared by Microsoft, Printed 2/12/2018
HydroCAD® 10.00-20 s/n 03113 © 2017 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
1.420	39	>75% Grass cover, Good, HSG A (1S, 2S, 3S, 4S)
1.180	98	Paved parking, HSG A (2S, 3S, 4S)
2.600	**66**	**TOTAL AREA**

Summary for Subcatchment 1S: P1a

Runoff = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 1-Year Rainfall=2.48"

Area (ac)	CN	Description
0.280	39	>75% Grass cover, Good, HSG A
0.280		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 2S: P1b

Runoff = 1.69 cfs @ 12.13 hrs, Volume= 0.078 af, Depth= 0.73"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 1-Year Rainfall=2.48"

Area (ac)	CN	Description
0.840	98	Paved parking, HSG A
0.450	39	>75% Grass cover, Good, HSG A
1.290	77	Weighted Average
0.450		34.88% Pervious Area
0.840		65.12% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 3S: P1c

Runoff = 0.49 cfs @ 12.13 hrs, Volume= 0.024 af, Depth= 0.52"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 1-Year Rainfall=2.48"

Area (ac)	CN	Description
0.310	98	Paved parking, HSG A
0.250	39	>75% Grass cover, Good, HSG A
0.560	72	Weighted Average
0.250		44.64% Pervious Area
0.310		55.36% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 4S: P2

Runoff = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 1-Year Rainfall=2.48"

Area (ac)	CN	Description
0.440	39	>75% Grass cover, Good, HSG A
0.030	98	Paved parking, HSG A
0.470	43	Weighted Average
0.440		93.62% Pervious Area
0.030		6.38% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Reach 5R: To MnDOT ditch

Inflow Area = 2.130 ac, 53.99% Impervious, Inflow Depth = 0.00" for 1-Year event
Inflow = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af
Outflow = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs

Summary for Pond 6P: P1b Basin

Inflow Area = 1.290 ac, 65.12% Impervious, Inflow Depth = 0.73" for 1-Year event
Inflow = 1.69 cfs @ 12.13 hrs, Volume= 0.078 af
Outflow = 0.28 cfs @ 12.54 hrs, Volume= 0.078 af, Atten= 83%, Lag= 24.9 min
Discarded = 0.28 cfs @ 12.54 hrs, Volume= 0.078 af
Primary = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
Peak Elev= 843.85' @ 12.54 hrs Surf.Area= 7,646 sf Storage= 1,108 cf

Plug-Flow detention time= 33.3 min calculated for 0.078 af (100% of inflow)
Center-of-Mass det. time= 33.3 min (865.3 - 832.0)

Volume	Invert	Avail.Storage	Storage Description
#1	843.70'	21,360 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
843.70	7,430	0	0
844.00	7,870	2,295	2,295
845.00	9,530	8,700	10,995
846.00	11,200	10,365	21,360

Device	Routing	Invert	Outlet Devices
#1	Discarded	843.70'	**1.600 in/hr Exfiltration over Surface area**
#2	Primary	845.20'	**127.0 deg x 4.0' long x 1.00' rise Sharp-Crested Vee/Trap Weir** Cv= 2.48 (C= 3.10)

Discarded OutFlow Max=0.28 cfs @ 12.54 hrs HW=843.85' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.28 cfs)

Primary OutFlow Max=0.00 cfs @ 5.00 hrs HW=843.70' (Free Discharge)
└**2=Sharp-Crested Vee/Trap Weir** (Controls 0.00 cfs)

Summary for Pond 7P: P1c Basin

Inflow Area = 0.560 ac, 55.36% Impervious, Inflow Depth = 0.52" for 1-Year event
Inflow = 0.49 cfs @ 12.13 hrs, Volume= 0.024 af
Outflow = 0.05 cfs @ 13.30 hrs, Volume= 0.024 af, Atten= 91%, Lag= 70.1 min
Discarded = 0.05 cfs @ 13.30 hrs, Volume= 0.024 af
Primary = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
Peak Elev= 844.55' @ 13.30 hrs Surf.Area= 1,219 sf Storage= 442 cf

Plug-Flow detention time= 109.0 min calculated for 0.024 af (100% of inflow)
Center-of-Mass det. time= 108.9 min (956.6 - 847.6)

Volume	Invert	Avail.Storage	Storage Description
#1	844.00'	3,850 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
844.00	400	0	0
845.00	1,900	1,150	1,150
846.00	3,500	2,700	3,850

Device	Routing	Invert	Outlet Devices
#1	Discarded	844.00'	**1.600 in/hr Exfiltration over Surface area**
#2	Primary	845.50'	**127.0 deg x 4.0' long x 1.00' rise Sharp-Crested Vee/Trap Weir** Cv= 2.48 (C= 3.10)

Discarded OutFlow Max=0.05 cfs @ 13.30 hrs HW=844.55' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.05 cfs)

Primary OutFlow Max=0.00 cfs @ 5.00 hrs HW=844.00' (Free Discharge)
└**2=Sharp-Crested Vee/Trap Weir** (Controls 0.00 cfs)

Summary for Subcatchment 1S: P1a

Runoff = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 2-Year Rainfall=2.86"

Area (ac)	CN	Description
0.280	39	>75% Grass cover, Good, HSG A
0.280		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 2S: P1b

Runoff = 2.29 cfs @ 12.13 hrs, Volume= 0.105 af, Depth= 0.98"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 2-Year Rainfall=2.86"

Area (ac)	CN	Description
0.840	98	Paved parking, HSG A
0.450	39	>75% Grass cover, Good, HSG A
1.290	77	Weighted Average
0.450		34.88% Pervious Area
0.840		65.12% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 3S: P1c

Runoff = 0.72 cfs @ 12.13 hrs, Volume= 0.034 af, Depth= 0.73"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 2-Year Rainfall=2.86"

Area (ac)	CN	Description
0.310	98	Paved parking, HSG A
0.250	39	>75% Grass cover, Good, HSG A
0.560	72	Weighted Average
0.250		44.64% Pervious Area
0.310		55.36% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 4S: P2

Runoff = 0.00 cfs @ 20.36 hrs, Volume= 0.000 af, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 2-Year Rainfall=2.86"

Area (ac)	CN	Description
0.440	39	>75% Grass cover, Good, HSG A
0.030	98	Paved parking, HSG A
0.470	43	Weighted Average
0.440		93.62% Pervious Area
0.030		6.38% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Reach 5R: To MnDOT ditch

Inflow Area = 2.130 ac, 53.99% Impervious, Inflow Depth = 0.00" for 2-Year event
Inflow = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af
Outflow = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs

Summary for Pond 6P: P1b Basin

Inflow Area = 1.290 ac, 65.12% Impervious, Inflow Depth = 0.98" for 2-Year event
Inflow = 2.29 cfs @ 12.13 hrs, Volume= 0.105 af
Outflow = 0.29 cfs @ 12.62 hrs, Volume= 0.105 af, Atten= 87%, Lag= 29.6 min
Discarded = 0.29 cfs @ 12.62 hrs, Volume= 0.105 af
Primary = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
Peak Elev= 843.93' @ 12.62 hrs Surf.Area= 7,764 sf Storage= 1,729 cf

Plug-Flow detention time= 52.3 min calculated for 0.105 af (100% of inflow)
Center-of-Mass det. time= 52.3 min (877.4 - 825.2)

Volume	Invert	Avail.Storage	Storage Description
#1	843.70'	21,360 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
843.70	7,430	0	0
844.00	7,870	2,295	2,295
845.00	9,530	8,700	10,995
846.00	11,200	10,365	21,360

Device	Routing	Invert	Outlet Devices
#1	Discarded	843.70'	**1.600 in/hr Exfiltration over Surface area**
#2	Primary	845.20'	**127.0 deg x 4.0' long x 1.00' rise Sharp-Crested Vee/Trap Weir** Cv= 2.48 (C= 3.10)

Discarded OutFlow Max=0.29 cfs @ 12.62 hrs HW=843.93' (Free Discharge)
↑—**1=Exfiltration** (Exfiltration Controls 0.29 cfs)

Primary OutFlow Max=0.00 cfs @ 5.00 hrs HW=843.70' (Free Discharge)
↑—**2=Sharp-Crested Vee/Trap Weir** (Controls 0.00 cfs)

Summary for Pond 7P: P1c Basin

Inflow Area = 0.560 ac, 55.36% Impervious, Inflow Depth = 0.73" for 2-Year event
Inflow = 0.72 cfs @ 12.13 hrs, Volume= 0.034 af
Outflow = 0.06 cfs @ 13.38 hrs, Volume= 0.034 af, Atten= 92%, Lag= 74.9 min
Discarded = 0.06 cfs @ 13.38 hrs, Volume= 0.034 af
Primary = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
Peak Elev= 844.73' @ 13.38 hrs Surf.Area= 1,493 sf Storage= 689 cf

Plug-Flow detention time= 145.1 min calculated for 0.034 af (100% of inflow)
Center-of-Mass det. time= 145.0 min (983.6 - 838.6)

Volume	Invert	Avail.Storage	Storage Description
#1	844.00'	3,850 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
844.00	400	0	0
845.00	1,900	1,150	1,150
846.00	3,500	2,700	3,850

Device	Routing	Invert	Outlet Devices
#1	Discarded	844.00'	**1.600 in/hr Exfiltration over Surface area**
#2	Primary	845.50'	**127.0 deg x 4.0' long x 1.00' rise Sharp-Crested Vee/Trap Weir** Cv= 2.48 (C= 3.10)

Discarded OutFlow Max=0.06 cfs @ 13.38 hrs HW=844.73' (Free Discharge)
↑—**1=Exfiltration** (Exfiltration Controls 0.06 cfs)

Primary OutFlow Max=0.00 cfs @ 5.00 hrs HW=844.00' (Free Discharge)
↑—**2=Sharp-Crested Vee/Trap Weir** (Controls 0.00 cfs)

Summary for Subcatchment 1S: P1a

Runoff = 0.00 cfs @ 13.24 hrs, Volume= 0.002 af, Depth= 0.08"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 10-Year Rainfall=4.26"

Area (ac)	CN	Description
0.280	39	>75% Grass cover, Good, HSG A
0.280		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 2S: P1b

Runoff = 4.80 cfs @ 12.12 hrs, Volume= 0.217 af, Depth= 2.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 10-Year Rainfall=4.26"

Area (ac)	CN	Description
0.840	98	Paved parking, HSG A
0.450	39	>75% Grass cover, Good, HSG A
1.290	77	Weighted Average
0.450		34.88% Pervious Area
0.840		65.12% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 3S: P1c

Runoff = 1.69 cfs @ 12.12 hrs, Volume= 0.077 af, Depth= 1.65"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 10-Year Rainfall=4.26"

Area (ac)	CN	Description
0.310	98	Paved parking, HSG A
0.250	39	>75% Grass cover, Good, HSG A
0.560	72	Weighted Average
0.250		44.64% Pervious Area
0.310		55.36% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 4S: P2

Runoff = 0.03 cfs @ 12.37 hrs, Volume= 0.007 af, Depth= 0.17"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 10-Year Rainfall=4.26"

Area (ac)	CN	Description
0.440	39	>75% Grass cover, Good, HSG A
0.030	98	Paved parking, HSG A
0.470	43	Weighted Average
0.440		93.62% Pervious Area
0.030		6.38% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Reach 5R: To MnDOT ditch

Inflow Area = 2.130 ac, 53.99% Impervious, Inflow Depth = 0.01" for 10-Year event
Inflow = 0.00 cfs @ 13.24 hrs, Volume= 0.002 af
Outflow = 0.00 cfs @ 13.24 hrs, Volume= 0.002 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs

Summary for Pond 6P: P1b Basin

Inflow Area = 1.290 ac, 65.12% Impervious, Inflow Depth = 2.02" for 10-Year event
Inflow = 4.80 cfs @ 12.12 hrs, Volume= 0.217 af
Outflow = 0.31 cfs @ 13.29 hrs, Volume= 0.217 af, Atten= 94%, Lag= 70.5 min
Discarded = 0.31 cfs @ 13.29 hrs, Volume= 0.217 af
Primary = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
Peak Elev= 844.30' @ 13.29 hrs Surf.Area= 8,375 sf Storage= 4,765 cf

Plug-Flow detention time= 144.9 min calculated for 0.217 af (100% of inflow)
Center-of-Mass det. time= 144.8 min (954.3 - 809.5)

Volume	Invert	Avail.Storage	Storage Description
#1	843.70'	21,360 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
843.70	7,430	0	0
844.00	7,870	2,295	2,295
845.00	9,530	8,700	10,995
846.00	11,200	10,365	21,360

Device	Routing	Invert	Outlet Devices
#1	Discarded	843.70'	**1.600 in/hr Exfiltration over Surface area**
#2	Primary	845.20'	**127.0 deg x 4.0' long x 1.00' rise Sharp-Crested Vee/Trap Weir** Cv= 2.48 (C= 3.10)

Discarded OutFlow Max=0.31 cfs @ 13.29 hrs HW=844.30' (Free Discharge)
↑—**1=Exfiltration** (Exfiltration Controls 0.31 cfs)

Primary OutFlow Max=0.00 cfs @ 5.00 hrs HW=843.70' (Free Discharge)
↑—**2=Sharp-Crested Vee/Trap Weir** (Controls 0.00 cfs)

Summary for Pond 7P: P1c Basin

Inflow Area = 0.560 ac, 55.36% Impervious, Inflow Depth = 1.65" for 10-Year event
Inflow = 1.69 cfs @ 12.12 hrs, Volume= 0.077 af
Outflow = 0.09 cfs @ 13.52 hrs, Volume= 0.077 af, Atten= 95%, Lag= 83.9 min
Discarded = 0.09 cfs @ 13.52 hrs, Volume= 0.077 af
Primary = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
Peak Elev= 845.34' @ 13.52 hrs Surf.Area= 2,438 sf Storage= 1,879 cf

Plug-Flow detention time= 256.0 min calculated for 0.077 af (100% of inflow)
Center-of-Mass det. time= 256.0 min (1,075.4 - 819.4)

Volume	Invert	Avail.Storage	Storage Description
#1	844.00'	3,850 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
844.00	400	0	0
845.00	1,900	1,150	1,150
846.00	3,500	2,700	3,850

Device	Routing	Invert	Outlet Devices
#1	Discarded	844.00'	**1.600 in/hr Exfiltration over Surface area**
#2	Primary	845.50'	**127.0 deg x 4.0' long x 1.00' rise Sharp-Crested Vee/Trap Weir** Cv= 2.48 (C= 3.10)

Discarded OutFlow Max=0.09 cfs @ 13.52 hrs HW=845.34' (Free Discharge)
↑—**1=Exfiltration** (Exfiltration Controls 0.09 cfs)

Primary OutFlow Max=0.00 cfs @ 5.00 hrs HW=844.00' (Free Discharge)
↑—**2=Sharp-Crested Vee/Trap Weir** (Controls 0.00 cfs)

Summary for Subcatchment 1S: P1a

Runoff = 0.33 cfs @ 12.15 hrs, Volume= 0.021 af, Depth= 0.89"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 100-Year Rainfall=7.32"

Area (ac)	CN	Description
0.280	39	>75% Grass cover, Good, HSG A
0.280		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 2S: P1b

Runoff = 10.86 cfs @ 12.12 hrs, Volume= 0.500 af, Depth= 4.65"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 100-Year Rainfall=7.32"

Area (ac)	CN	Description
0.840	98	Paved parking, HSG A
0.450	39	>75% Grass cover, Good, HSG A
1.290	77	Weighted Average
0.450		34.88% Pervious Area
0.840		65.12% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 3S: P1c

Runoff = 4.21 cfs @ 12.12 hrs, Volume= 0.191 af, Depth= 4.10"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 100-Year Rainfall=7.32"

Area (ac)	CN	Description
0.310	98	Paved parking, HSG A
0.250	39	>75% Grass cover, Good, HSG A
0.560	72	Weighted Average
0.250		44.64% Pervious Area
0.310		55.36% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Subcatchment 4S: P2

Runoff = 0.90 cfs @ 12.14 hrs, Volume= 0.048 af, Depth= 1.22"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 100-Year Rainfall=7.32"

Area (ac)	CN	Description
0.440	39	>75% Grass cover, Good, HSG A
0.030	98	Paved parking, HSG A
0.470	43	Weighted Average
0.440		93.62% Pervious Area
0.030		6.38% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Summary for Reach 5R: To MnDOT ditch

Inflow Area = 2.130 ac, 53.99% Impervious, Inflow Depth = 0.58" for 100-Year event
Inflow = 2.37 cfs @ 12.21 hrs, Volume= 0.103 af
Outflow = 2.37 cfs @ 12.21 hrs, Volume= 0.103 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs

Summary for Pond 6P: P1b Basin

Inflow Area = 1.290 ac, 65.12% Impervious, Inflow Depth = 4.65" for 100-Year event
Inflow = 10.86 cfs @ 12.12 hrs, Volume= 0.500 af
Outflow = 0.46 cfs @ 13.53 hrs, Volume= 0.500 af, Atten= 96%, Lag= 85.1 min
Discarded = 0.37 cfs @ 13.53 hrs, Volume= 0.495 af
Primary = 0.09 cfs @ 13.53 hrs, Volume= 0.006 af

Routing by Stor-Ind method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
Peak Elev= 845.24' @ 13.53 hrs Surf.Area= 9,925 sf Storage= 13,298 cf

Plug-Flow detention time= 363.8 min calculated for 0.500 af (100% of inflow)
Center-of-Mass det. time= 363.7 min (1,156.4 - 792.6)

Volume	Invert	Avail.Storage	Storage Description
#1	843.70'	21,360 cf	**Custom Stage Data (Prismatic)**Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
843.70	7,430	0	0
844.00	7,870	2,295	2,295
845.00	9,530	8,700	10,995
846.00	11,200	10,365	21,360

Device	Routing	Invert	Outlet Devices
#1	Discarded	843.70'	**1.600 in/hr Exfiltration over Surface area**
#2	Primary	845.20'	**127.0 deg x 4.0' long x 1.00' rise Sharp-Crested Vee/Trap Weir** Cv= 2.48 (C= 3.10)

Discarded OutFlow Max=0.37 cfs @ 13.53 hrs HW=845.24' (Free Discharge)
↑—**1=Exfiltration** (Exfiltration Controls 0.37 cfs)

Primary OutFlow Max=0.09 cfs @ 13.53 hrs HW=845.24' (Free Discharge)
↑—**2=Sharp-Crested Vee/Trap Weir** (Weir Controls 0.09 cfs @ 0.59 fps)

Summary for Pond 7P: P1c Basin

Inflow Area = 0.560 ac, 55.36% Impervious, Inflow Depth = 4.10" for 100-Year event
Inflow = 4.21 cfs @ 12.12 hrs, Volume= 0.191 af
Outflow = 2.27 cfs @ 12.22 hrs, Volume= 0.191 af, Atten= 46%, Lag= 5.9 min
Discarded = 0.12 cfs @ 12.22 hrs, Volume= 0.114 af
Primary = 2.15 cfs @ 12.22 hrs, Volume= 0.077 af

Routing by Stor-Ind method, Time Span= 5.00-100.00 hrs, dt= 0.05 hrs
Peak Elev= 845.79' @ 12.22 hrs Surf.Area= 3,164 sf Storage= 3,150 cf

Plug-Flow detention time= 181.6 min calculated for 0.191 af (100% of inflow)
Center-of-Mass det. time= 181.8 min (982.2 - 800.4)

Volume	Invert	Avail.Storage	Storage Description
#1	844.00'	3,850 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
844.00	400	0	0
845.00	1,900	1,150	1,150
846.00	3,500	2,700	3,850

Device	Routing	Invert	Outlet Devices
#1	Discarded	844.00'	**1.600 in/hr Exfiltration over Surface area**
#2	Primary	845.50'	**127.0 deg x 4.0' long x 1.00' rise Sharp-Crested Vee/Trap Weir** Cv= 2.48 (C= 3.10)

Discarded OutFlow Max=0.12 cfs @ 12.22 hrs HW=845.78' (Free Discharge)
↑—**1=Exfiltration** (Exfiltration Controls 0.12 cfs)

Primary OutFlow Max=2.05 cfs @ 12.22 hrs HW=845.78' (Free Discharge)
↑—**2=Sharp-Crested Vee/Trap Weir** (Weir Controls 2.05 cfs @ 1.60 fps)

Minnesota MIDS Calculator -- Version 3: January 2017

Notes:
1) Make sure macros are enabled. If not, click Microsoft Office Button in upper left hand corner.
Click "Excel Options". Click "Trust Center", click "Trust Center Settings" and then click "Macro Settings". Set Macro Settings to "Enable All Macros" and restart Excel.

2) Enter Site Information in blue cells below

3) Go to MIDS BMP Calculator tab and follow instruction on top of that page

Project Name:	Brooklyn Center Self-Storage
User Name / Company Name:	Otto Associates, Inc.
Date:	2/8/18
Project Description:	
Are you using the calculator to determine compliance with a Construction Stormwater permit? (Yes/No)	Yes

Legend

User input cells
Calculation cells
Constant values
Value obtained from another sheet

Site Information

Retention Requirment (inches):	1	This value has been changed from the recommended value of 1.1 ins
Site's Zip code:	55430	
Annual Rainfall (inches):	31.1	
Phosphorus EMC (mg/L):	0.3	
TSS EMC (mg/L):	54.5	
Fraction of annual rainfall events that produce runoff:	0.9	

Total Watershed Area

Land Cover (acres)	A soils	B Soils	C Soils	D Soils	Totals (acres)
Forest/Open Space (acres) -- undisturbed, protected forest/open space or reforested land					0
Managed Turf (acres) -- disturbed, graded for yards or other turf to be mowed/managed	1.42				1.42
Impervious Cover (acres)					1.18
				Total:	2.6

Watershed Area Routed to BMPs (Summary of "MIDS BMP Calculator" Tab)

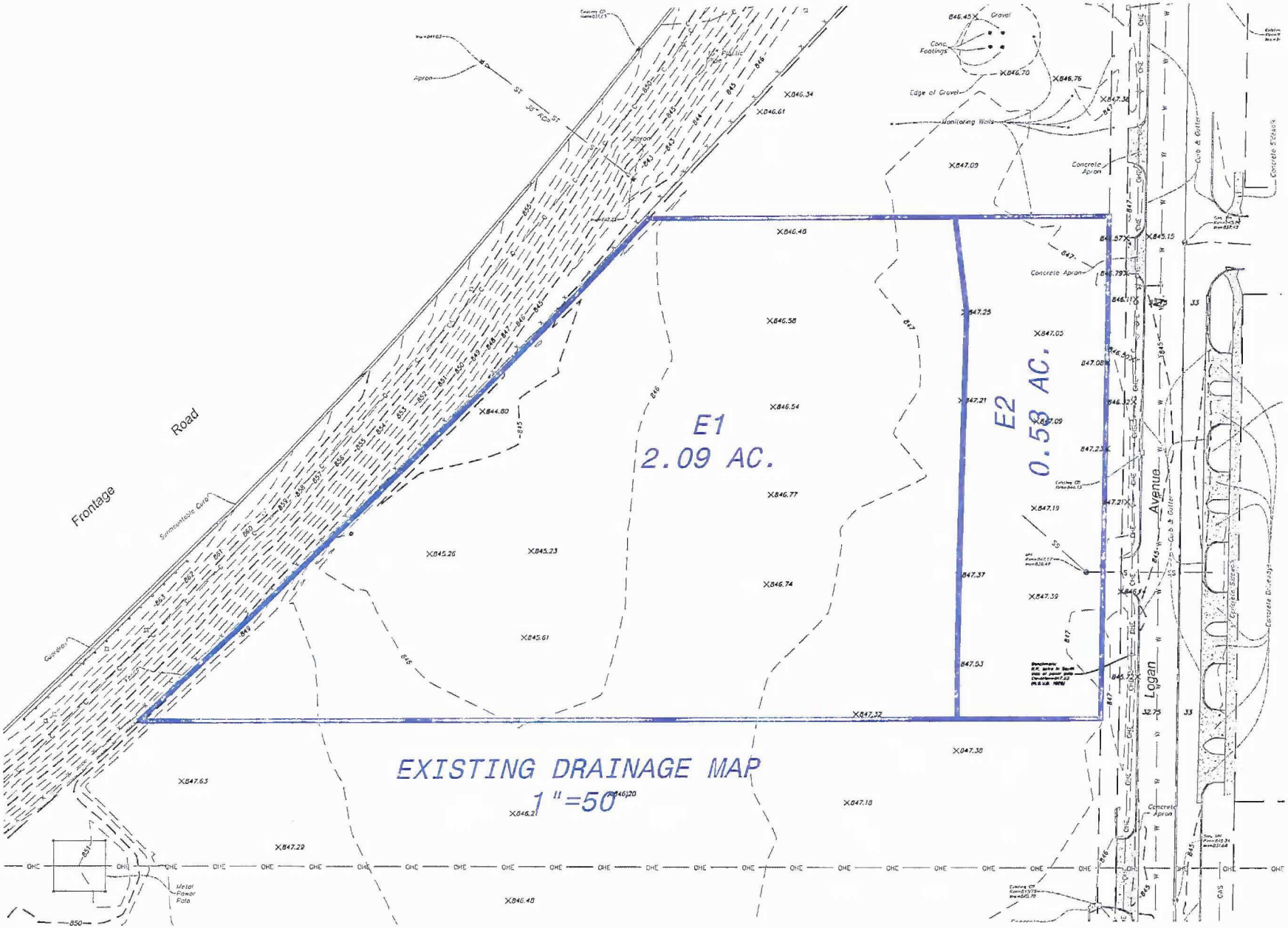
Land Cover (acres)	A soils	B Soils	C Soils	D Soils	Totals (acres)
Forest/Open Space (acres) -- undisturbed, protected forest/open space or reforested land					0
Managed Turf (acres) -- disturbed, graded for yards or other turf to be mowed/managed	0.7				0.7
Impervious Cover (acres)					1.15
				Total:	1.85

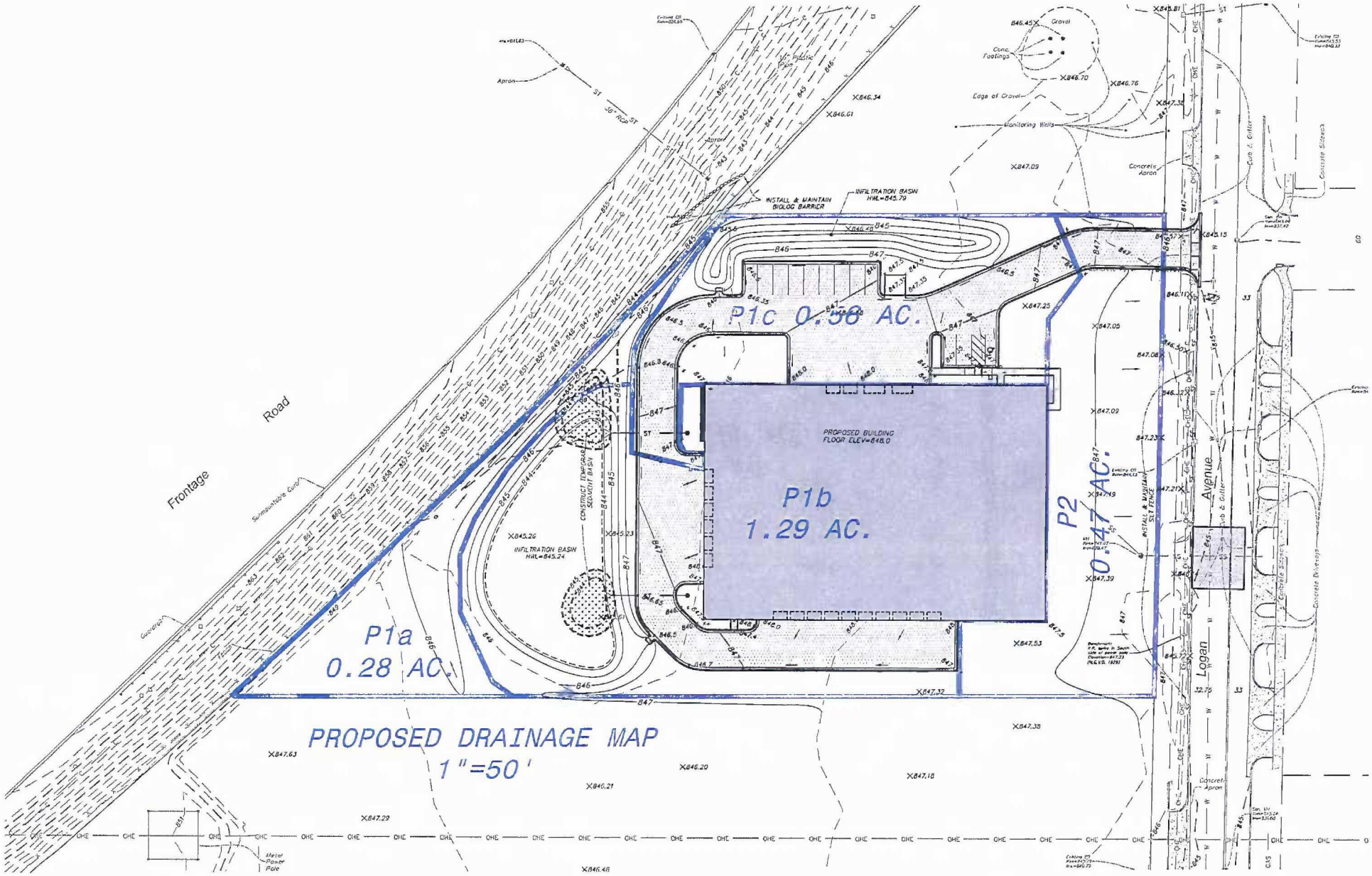
Summary Information

Total impervious cover (acres)	1.18
Total watershed area (acres)	2.60
Site runoff coefficient, Rv	0.51
% Impervious	45%
Development volume retention requirement (cubic feet)	**4,283**
Volume removed by BMPs (cubic feet)	4,174
Additional volume removal needed to meet requirement (cubic feet)	109
Percent volume removed	97.46%
Post-developoment annual volume (acre-ft)	3.11
Annual volume removed by BMPs (acre-ft)	2.79
Percent annual volume removed	89.61%
Post-development annual Particulate P load (lb/yr)	1.40
Annual Particulate load removed by BMPs (lb/yr)	1.25
Post-development annual Dissolved P load (lb/yr)	1.14
Annual Dissolved P load removed by BMPs (lb/yr)	1.02
Percent annual TP removed	89.60%
Post-development annual TSS load (lb/yr)	461
Annual TSS load removed by BMPs (lb/yr)	413
Percent annual TSS removed	89.61%

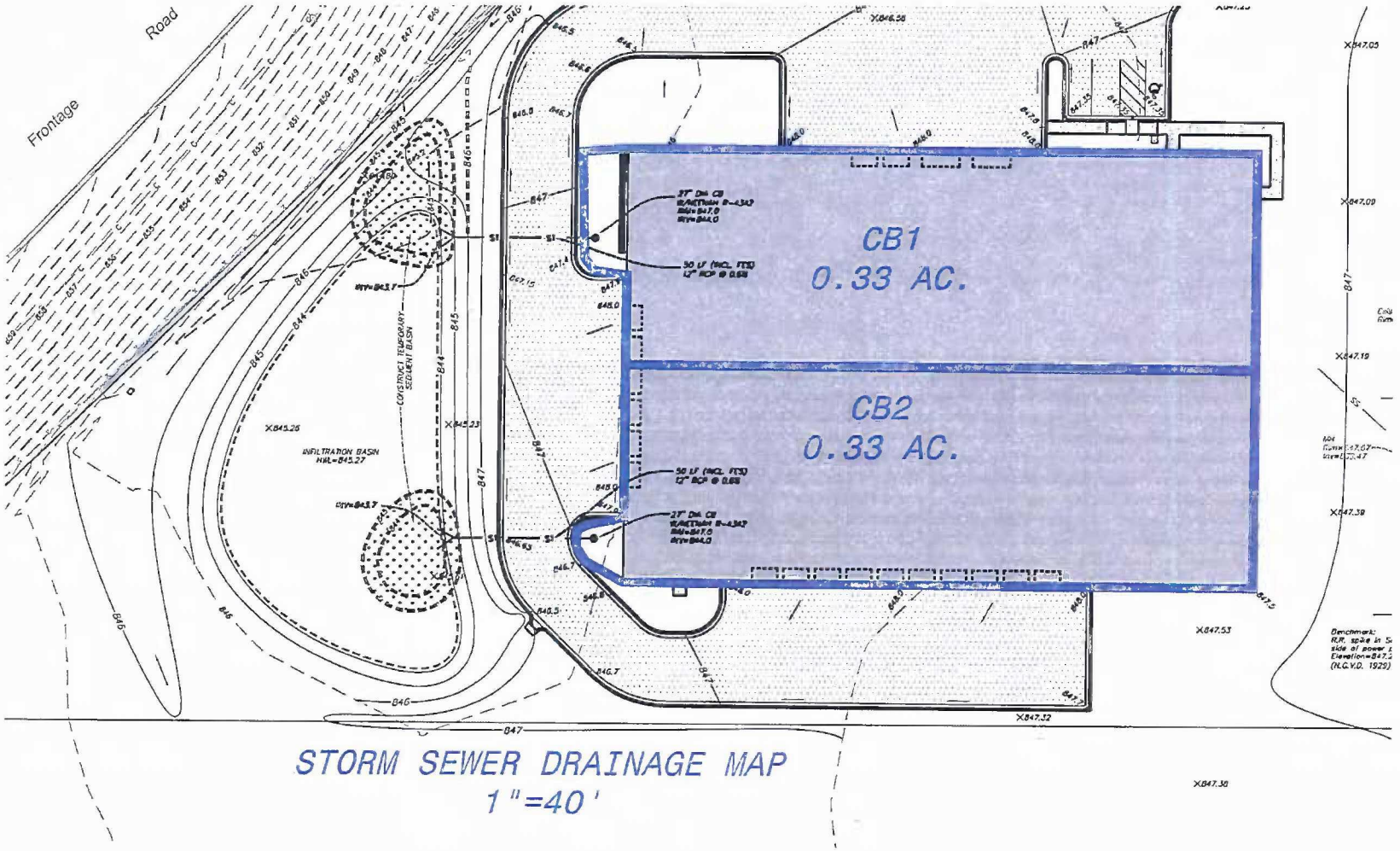
Note:
Green cells will fill in when MIDS BMP Calculator tab is complete

Grey Cells are calculated using Site Information entered above


E1
2.09 AC.
E2
0.53 AC.
EXISTING DRAINAGE MAP
1"=50'
Frontage
Road
Logan
Avenue
Gravel
Conc Footings
Edge of Gravel
Monitoring Wells
Concrete Apron
Curb & Gutter
Concrete Sidewalk
Metal Power Pole
OHE



PROPOSED DRAINAGE MAP
1"=50'



STORM SEWER DRAINAGE MAP
1"=40'

STORM SEWER DESIGN

Project: Brooklyn Center Storage - Ebert Const.
Job No: 17-0483

Year Storm: 10
Mannings "N": 0.013

Designed By: CSO
Date: 2/08/18

MH No.		Length	Area (Acres)		Flow Time (Min)		"C" Of	New	"I"	Runoff	Slope	Pipe	Capacity (Full)		Upper C.B.		Lower CB	
From	To	(feet)	Increase	Total	To Inlet	In Pipe	Increase	"C"	(IN/HR)	(CFS)	(ft/ft)	Size (IN)	Q (CFS)	V(FT/S)	Inlet	Invert	Inlet	Invert
CB1	FES	50	0.33	0.33	5.0	0.22	0.88	0.88	7.69	2.2	0.0060	12	3.0	3.8	847.00	844.00		843.70
CB2	FES	50	0.33	0.33	5.0	0.22	0.88	0.88	7.69	2.2	0.0060	12	3.0	3.8	847.00	844.00		843.70

Commissioner Koenig introduced the following resolution and moved its adoption:

PLANNING COMMISSION RESOLUTION NO. 2018-001

RESOLUTION REGARDING RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-001 SUBMITTED BY GREG HAYES OF EBERT CONSTRUCTION, REQUESTING APPROVAL OF THE PRELIMINARY PLAT OF NORTHBROOK CENTER 3RD ADDITION (LOCATED AT 1950 57TH AVENUE NORTH)

WHEREAS, Planning Commission Application No. 2018-001 was submitted by Greg Hayes of Ebert Construction, requesting approval of a Preliminary Plat of a new subdivision to be titled NORTHBROOK CENTER 3RD ADDITION, which would subdivide an existing 7.32 acre lot into two lots, and

WHEREAS, on March 15, 2018, the Planning Commission held a duly called public hearing, whereby this item was given due consideration, a staff report was presented, and a public hearing was opened to allow for public testimony regarding the preliminary plat of Northbrook Center 3rd Addition, which were received and noted for the record; and

WHEREAS, the Planning Commission has determined during its review of the preliminary plat materials submitted with Planning Application No. 2018-001, that said plat is in general conformance with City of Brooklyn Center's City Code Chapter 15 – Platting; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Advisory Commission of the City of Brooklyn Center does hereby recommend to the City Council that Application No. 2018-001, as submitted by Greg Hayes of Ebert Construction, and requesting Preliminary Plat consideration of a new subdivision to be titled NORTHBROOK CENTER 3RD ADDITION, may be approved based upon the following conditions:

1. The proposed subdivision is as follows:
   Lot 1, Block 1, Northbrook Center 3rd Addition
   (Ebert Construction) –approximately 2.6 acres

   Lot 2, Block 1, Northbrook Center 3rd Addition
   (City of Brooklyn Center) –approximately 4.72 acres

2. All recommendations and conditions as noted in the Assistant City Engineer's review memorandum (dated March 6, 2018), review by MnDOT (dated March 14, 2018), and comments provided by Hennepin County in their review (dated March 7, 2018), shall be complied with or completed as part of any final plat approvals.

3. Approval of this plat will be subject to approval of the site and building plan for an indoor commercial storage building, and establishment of a new Planned Unit Development, also filed under Planning Application No. 2018-001.

4. Any easements that need to be vacated under this platting process as determined by the City Engineer must be considered under separate and formal City easement vacation process, with all documentations, descriptions, and exhibits singed by a licensed surveyor.

5. The final plat shall be subject to review and final approvals by the City Engineer, prior to release by the City for recording purposes.

6. The final plat shall be subject to the provisions of Chapter 15 of the City Ordinances.

7. An updated certified abstract of title or registered property report must be provided to the City Attorney and City Engineer for review at the time of the final plat application (within 30 days of release of the final plat).

March 15, 2018
Date

Randall Christensen, Chair

ATTEST: Ginny McIntosh
Ginny McIntosh, Secretary

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

Alexander Koenig, John MacMillan, Stephen Schonning, Rochelle Sweeney, Susan Tade, Abraham Rizvi, and Randall Christensen

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Commissioner Koenig introduced the following resolution and moved its adoption:

PLANNING COMMISSION RESOLUTION NO. 2018-002

RESOLUTION REGARDING THE DISPOSITION OF PLANNING APPLICATION NO. 2018-001 SUBMITTED BY GREG HAYES OF EBERT CONSTRUCTION FOR APPROVAL OF A NEW PLANNED UNIT DEVELOPMENT WITH NEW ZONING CLASSIFICATION OF PUD-C2 (PLANNED UNIT DEVELOPMENT - COMMERCE) & DEVELOPMENT SITE PLAN FOR AN INDOOR COMMERCIAL STORAGE BUILDING (LOCATED AT 1950 57TH AVENUE NORTH)

WHEREAS, Planning Application No. 2018-001, submitted by the Greg Hayes of Ebert Construction, requests establishment of a new Planned Unit Development with a Zoning Classification of PUD-C2 (Planned Unit Development - Commerce), and approval of a Development Site Plan for a new indoor commercial storage building, to be located at 1950 57th Avenue North; and

WHEREAS, the proposal comprehends the rezoning of the Subject Property to facilitate the planned and future redevelopment of the site with a proposed four-story, 112,000-square foot indoor commercial storage building, along with other associated improvements including, but not limited to parking and drive areas, stormwater management, and landscaping; and

WHEREAS, the subject property is identified and guided in the 2030 Comprehensive Plan as TH/MF/OS/RB/PS ("Townhome,", "Multi-Family,", "Office/Service Business," "Retail Business", "Public and Semi-Public"), and the proposed PUD-C2 zoning designation comprehended under this application would be consistent with this underlying land use category; and

WHEREAS, on March 15, 2018, the Planning Commission held a duly called public hearing, whereby a planning report was presented and public testimony regarding this proposed planned unit development was received and noted for the official record, and the request was duly considered in light of all testimony received; and

WHEREAS, the Planning Commission considered the rezoning comprehended under this Planned Unit Development (PUD) request in light of all testimony received, the guidelines for evaluating rezoning contained in Section 35-208 of the City's Zoning Ordinance, along with the provisions and standards of the C2 (Commerce) District, as contained in Section 35-322, along with the provisions and standards of the Planned Unit Development District contained in Section 35-355 of the City's Zoning Ordinance; and

WHEREAS, on March 15, 2018, the Planning Commission reviewed and considered the proposed new PUD development plans, which included the new site and building plans for the new four story, 112,000-square foot indoor commercial storage building, elevation plans, and civil plans completed by Mohagen Hansen and Otto Associates, and found the plans to be in order and approved for the Subject Property.

WHEREAS, the Planning Advisory Commission of the City of Brooklyn Center recommends to the City Council that the rezoning element comprehended under the proposed Planned Unit Development and submitted under Application No. 2018-001 by Greg Hayes of Ebert Construction, may be approved based upon the following findings:

a. The proposed rezoning appears to demonstrate a clear and public need or benefit to the community and regional area, as it will improve the appearance of the city and enhance the quality of life, property values, and civic pride in this neighborhood area; and provide an opportunity for the currently vacant 57th and Logan site to be invested in;

b. The rezoning and its related development proposal will not be a detriment to the neighborhood, and should provide a positive effect on the community;

c. The rezoning will facilitate the redevelopment of this site as an indoor commercial storage building, which will be compatible with the goals and policies of the City's Comprehensive Plan and underlying land use plan, which designates the Subject Property for a mixed range of uses, including OS ("Office/Service Business,") and RB ("Retail Business");

d. The proposed zoning is consistent and compatible with the surrounding land use classifications;

e. The proposed rezoning will provide an opportunity for the Subject Property to maintain its underlying C2 (Commerce) District zoning classification with the flexibility of a Planned Unit Development (PUD), allow an approximately 2.6 acre portion of vacant land to be redeveloped into an indoor commercial storage building, and stimulate new investment in the neighborhood and community;

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

g. The Development/Site and Building Plan, in relation to the Planned Unit Development proposed on the Subject Property, will facilitate the redevelopment and improvement of the site, will allow for the utilization of the land in question in a manner which is compatible with, complementary to, and of comparable intensity to adjacent land uses as well as those permitted on surrounding land;

h. The improvements and utilization of the Subject Property as proposed under the planned redevelopment of this site is considered a reasonable use of the

property and will conform with ordinance standards; and

i. The Development/Site and Building Plan proposal is considered consistent with the recommendations of the City's Comprehensive Plan for this area of the city, appears to be a good long range use of the existing land, and can be considered an asset to the community.

AND WHEREAS, upon due and proper consideration of this matter, and in light of all testimony received, utilizing the guidelines for evaluating rezoning contained in Section 35-208 of the City's Zoning Ordinance and the provisions of the Planned Unit Development ordinance contained in Section 35-355 of the City's Zoning Ordinance and the City's Comprehensive Plan, the Planning Advisory Commission formulated a favorable and unanimous recommendation of approval be forwarded to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Planning Advisory Commission of the City of Brooklyn Center to recommend to the City Council that Planning Application No. 2018-001, submitted by Greg Hayes of Ebert Construction, which proposes a new Planned Unit Development with a Zoning Classification of PUD-C2 (Planned Unit Development - Commerce) and a Development Site Plan for a new indoor commercial storage building, located at 1950 57th Avenue North, be approved based on the following conditions:

1. **Plat and PUD approval:** Approval of the plat and establishment of the new Planned Unit Development are contingent upon final plat approval and successful recording of said plat. No separation of Lot 1, Block 1, Northbrook Center 2nd Addition, may occur without separate approval of a subdivision as provided under Chapter 15 of the City Code of Ordinances.
    a. The proposed subdivision is as follows:
        Lot 1, Block 1, Northbrook Center 3rd Addition
        (Ebert Construction) –approximately 2.6 acres
        Lot 2, Block 1, Northbrook Center 3rd Addition
        (City of Brooklyn Center) –approximately 4.72 acres
    b. All recommendations and conditions as noted in the Assistant City Engineer's review memorandum, dated March 6, 2018, shall be complied with or completed as part of any final plat approvals.
    c. The final plat shall be subject to the provisions of Chapter 15 (*Platting* Ordinance).

2. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.
    b. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

3. **Agreements:**
   a. The Property Owner/Developer shall enter into a PUD agreement with the City of Brooklyn Center to be reviewed and approved by the City Attorney prior to the issuance of building permits. Said agreement shall be filed with the title to the property and shall acknowledge the specific modifications to the C-2 underlying zoning district as well as other conditions of approval. The agreement shall further assure compliance with the development plans submitted with this application.
   b. The owner of the property shall enter into a utility, facilities, and easement agreement for maintenance and inspection of utility and storm drainage systems as approved by the City Engineer prior to the issuance of building permits.
      a. A 10-foot drainage and utility easement must be dedicated on the plat around the entire perimeter of the site and over the storm water BMPS treatment areas up to the 100-year event.
   c. The Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications and standards comprehended under this Site and Building Plan.
   d. The Developer shall submit an as-built survey of the property, improvements and utility service lines prior to release of the performance guarantee.

4. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated March 6, 2018 (Exhibit D).
   a. A land disturbance (alteration) permit is required.
   b. Final grading, drainage, utility and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.
   c. Applicant shall meet all requirements as identified by the Minnesota Pollution Control Agency (MPCA).
   d. The Applicant shall meet all applicable requirements as identified by Hennepin County in the review dated March 7, 2018 (Exhibit C).
   e. The Applicant shall meet all applicable requirements as identified in the review by MnDOT dated March 14, 2018 (Exhibit E).
   f. The Applicant shall meet all applicable requirements identified as part of the review by the West Mississippi Watershed Commission.

5. **Construction Standards:**
   a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.
   b. The Applicant shall obtain an NPDES construction site erosion permit from the Minnesota Pollution Control Agency prior to disturbing the site.
   c. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

6. **Facilities and Equipment:**
   a. Any outside trash disposal facilities and roof top or on ground mechanical equipment shall be appropriately screened from view.
   b. The building shall be equipped with automatic fire extinguishing systems meeting NFPA standards and shall be connected to a central monitoring device in accordance with Chapter 5 of the City Ordinances.
   c. The proposed 12-foot by 12-foot trash enclosure shall be constructed with building materials that are complementary to the principal building (proposed indoor commercial storage building).

7. **Landscaping:** All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.
   a. Per City requirements, an irrigation system is required.
   b. The contractor shall submit irrigation shop drawings for review and approval prior to installation.

8. **Signage:** The Applicant shall submit a Building Permit application for any proposed signage as part of the development proposal. Signage is subject to the Chapter 34 (*Sign Ordinance*).

March 15, 2018
Date

Randall Christensen, Chair

ATTEST: _____
Ginny McIntosh, Secretary

The motion for the adoption of the foregoing resolution was duly seconded by member Tade and upon vote being taken thereon, the following voted in favor thereof:
Alexander Koenig, Susan Tade, John MacMillan, Rochelle Sweeney, and Randall Christensen

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

Ebert Construction



REQUEST:

(1) Preliminary Plat

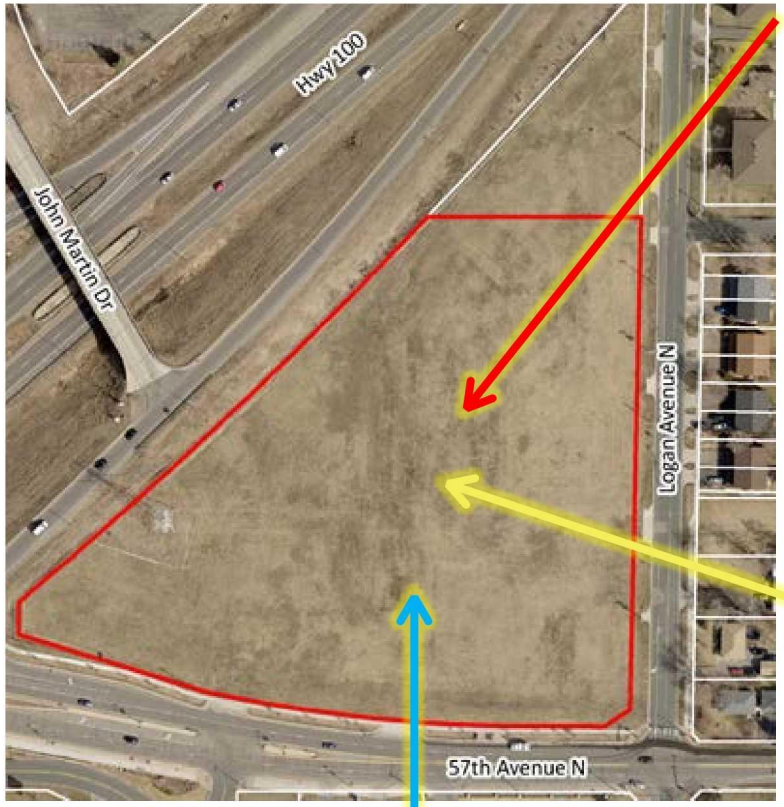
(2) Establishment of new PUD

(3) Site and Building Plan

Item 9.a

City Council Meeting of 03/26/2018

Existing Conditions





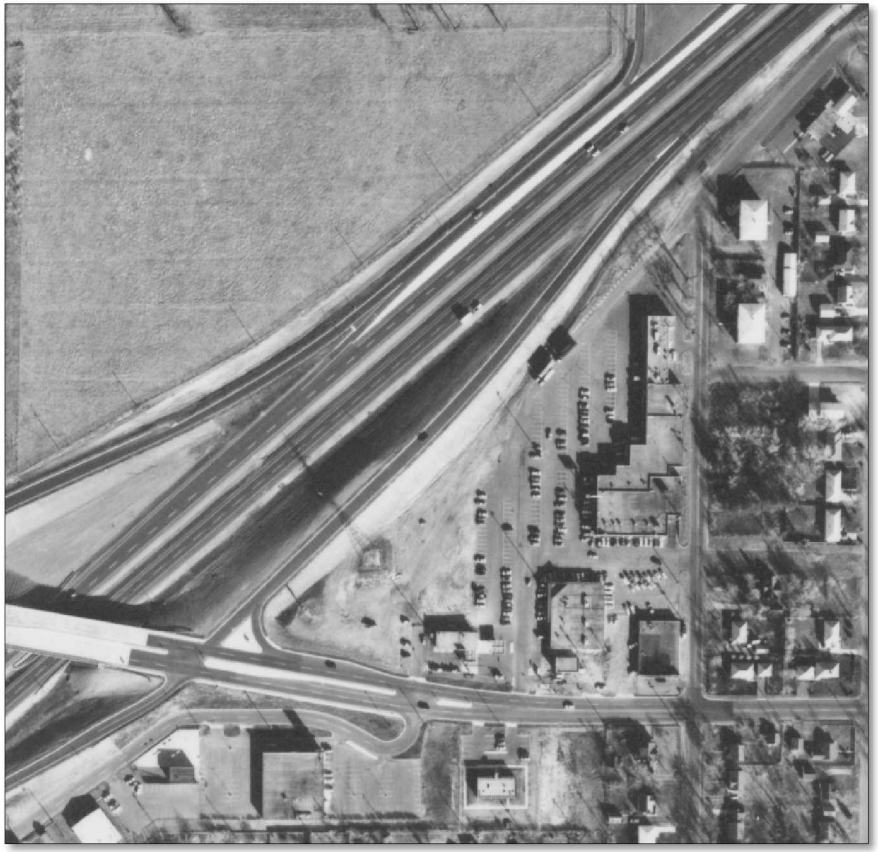




Source: Google Maps

Subject Property History

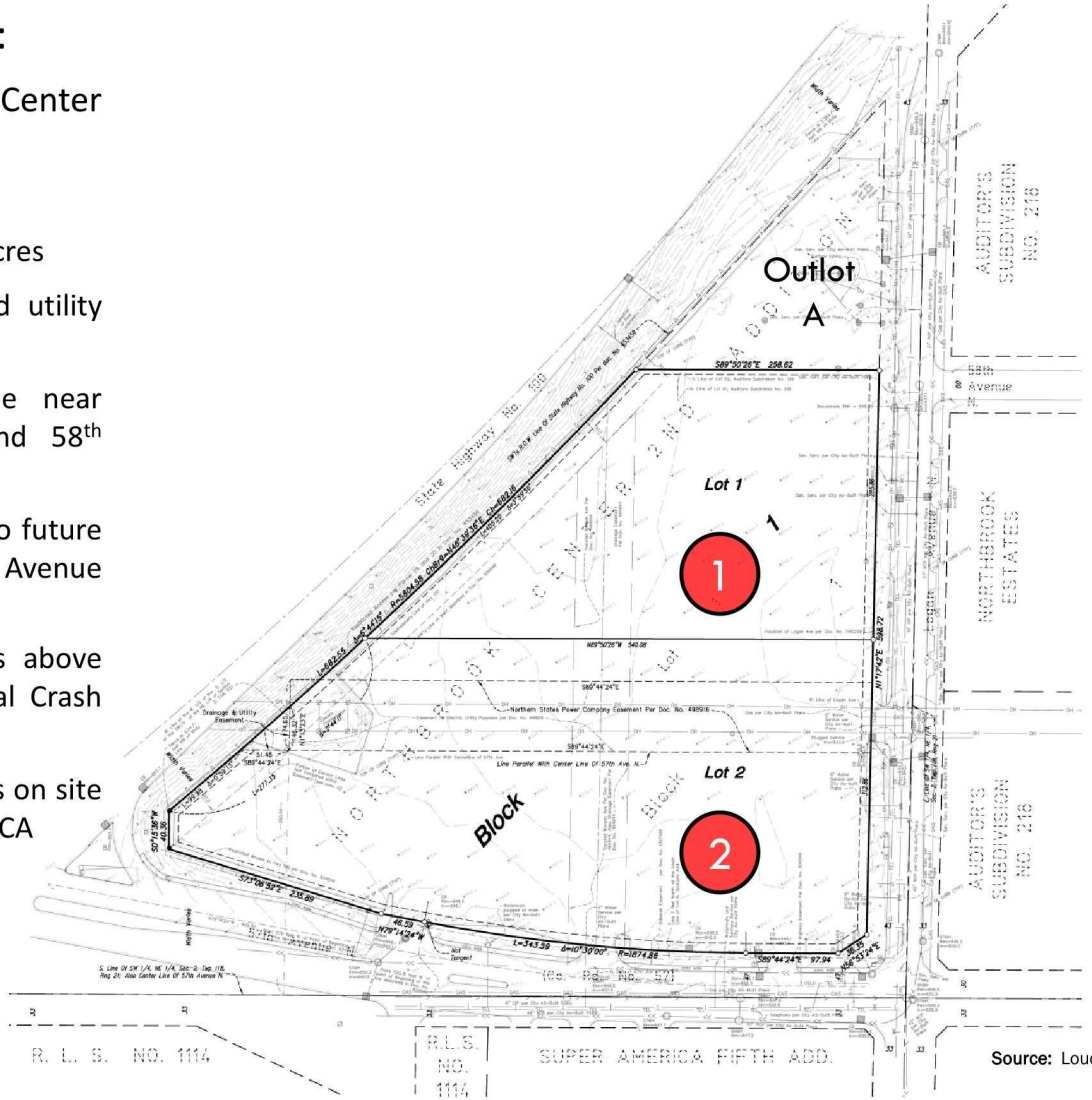
- Property was formerly home to Northbrook Center (shopping complex), and later on, the Hmong-American Shopping Center.
- Environmental investigations were completed in 2003 and 2004, with additional assessments in 2005
  - Funding was received from Hennepin County and the Federal Environmental Protection Agency (EPA)
  - Tank was discovered in floor of former dry cleaner site—tank was later removed as part of clean up operations.
- City/EDA acquired the property in 2005
  - Filed a Petition in Condemnation and Motion for Transfer of Title and Possessions (MN Statute 117.042) with Hennepin County District Court
  - Property was vacated and tenants were provided with relocation expenses
- LOI was received by EDA from Ebert Construction in 2017
- EDA approved Resolution Nos. 2017-11 and 2017-19, which approved a Purchase Agreement and conveyance for approximately 2.5 acres of Subject Property



Source: MHAPO

Background & Request

- Applicant is requesting approval of:
  - **(1)** Preliminary Plat of Northbrook Center 3rd Addition
    - Lot 1 (Ebert Construction)—2.6 acres
    - Lot 2 (City of Brooklyn Center) —4.72 acres
  - Approximately 75 foot wide drainage and utility easement runs between two proposed lots
  - Access to north lot (Lot 1) would be near intersection of Logan Avenue North and 58th Avenue North
  - Per Hennepin County and MnDOT, access to future development on Lot 2 would be via Logan Avenue North
    - This section of 57th Avenue North is above Hennepin County's established "Critical Crash Rate"
  - Outlot A (to the north) has monitoring wells on site for contamination identified in 2000s by MPCA



Background & Request (Cont.)

- Applicant is requesting approval of:
  - **(2)** Approval of a new Planned Unit Development
    - Allow construction of a 112,000-square foot indoor commercial storage building
      - Proposed office hours: 9 a.m. until 6 p.m. (Monday through Friday), and 10 a.m. until 4 p.m. (Saturday)
      - Customer access hours: 7 days per week, 6 a.m. until 10 p.m.
    - PUD Rezoning
      - Property currently zoned C2 (Commerce) District
        - Applicant is requesting re-zoning to **PUD/**C2 to allow flexibility in the defining of:
          - **The proposed use (indoor commercial storage building)—**as it is currently not defined in the Zoning Ordinance
            - Emergence of new style "self-storage" units utilizing climate-controlled, indoor environments, and key card access.
          - **Establishing minimum parking standards for the proposed use**

- Per Section 35-355 (*Planned Unit Development*) of the City Zoning Ordinance, the purpose of the Planned Unit Development (PUD) district is to,

  "Promote flexibility in land development and redevelopment, preserve aesthetically significant and environmentally sensitive site features, conserve energy, and ensure a high quality of design."

- The section further explains that,

  "Parking provided for uses within a PUD shall be consistent with the parking requirements contained in Section 35-704 of this ordinance unless the developer can demonstrate to the City's satisfaction that a lesser standard should be permitted on the grounds of complementarity of peak parking demands by the uses within the PUD."

Background & Request (Cont.)

- Approval of a PUD requires that the proposed uses are **consistent** with the City's Comprehensive Plan and that implementation of said PUD be controlled by the submitted development plan.

  2030 Comprehensive Plan identifies the site as:

  TH/MF/OS/RB/PS- Mixed (Townhome, Multi-Family, **Office/Service Business, Retail Business**, Public and Semi-Public)

- In accordance with Section 35-355, the City Council shall base its actions on the PUD rezoning using the following criteria:
  - **Compatibility of the plan with the standards, purposes and intent of this section**
  - **Consistency of the plan with the goals and policies of the Comprehensive Plan**
  - **The impact of the plan on the neighborhood on which it is to be located**
  - **The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, and buffering and landscaping**

Background & Request (Cont.)

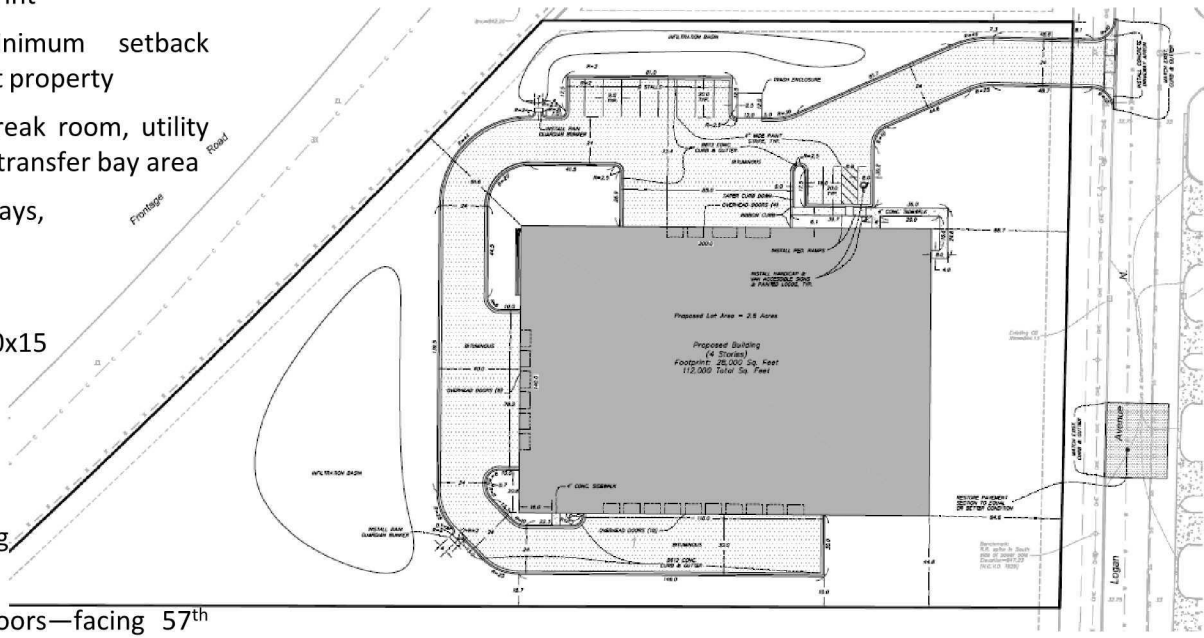
- Applicant is requesting approval of:
  - **(3) Site and Building Plan**
    - Four story, 112,000-square foot building
      - 28,000-square foot building footprint
    - As proposed, would meet all minimum setback requirements for a C2 (Commerce) District property
    - **1st floor-** office area (open to public), break room, utility room, restrooms, and ~1,600-square foot transfer bay area
    - **2nd through 4th floors-** storage units, hallways, stair and elevator access

Top Unit Breakdown (784 units total):

- 5x10 (199 units), 10x10 (154 units), and 10x15 (133 units)

Overhead Door Breakdown (20 total):

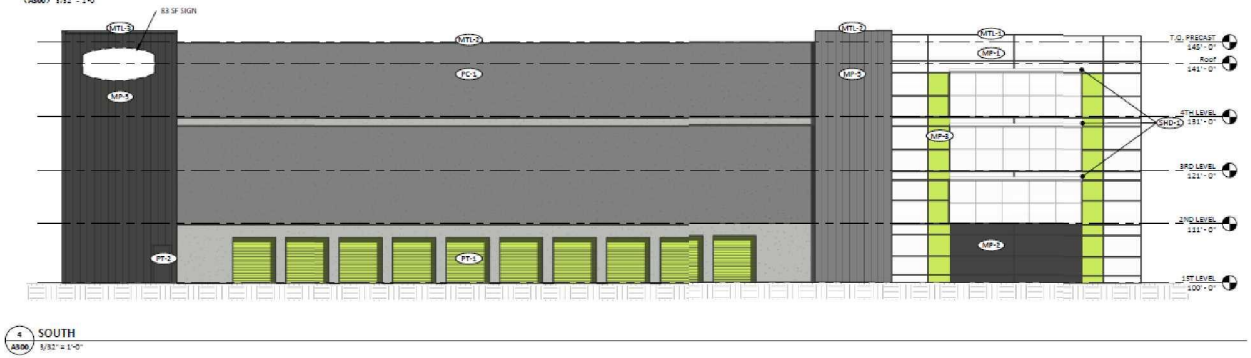
- ***North Elevation:*** Four (4) overhead doors
- ***East Elevation:*** No overhead doors—facing Logan Avenue North and residential area
- ***South Elevation:*** Ten (10) overhead doors—facing 57th Avenue North and commercial properties
- ***West Elevation:*** Six (6) overhead doors—facing Highway 100



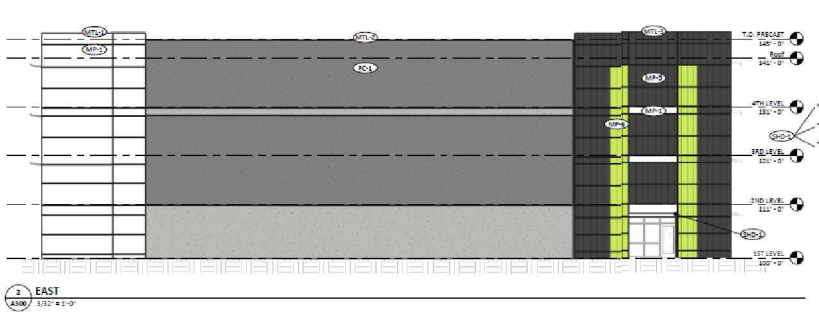
Building Materials



North Elevation



South Elevation



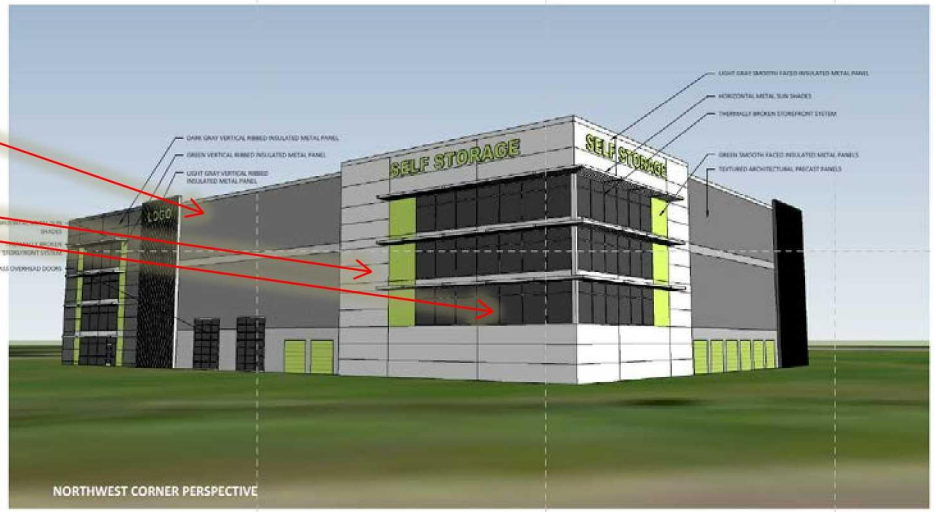
East Elevation

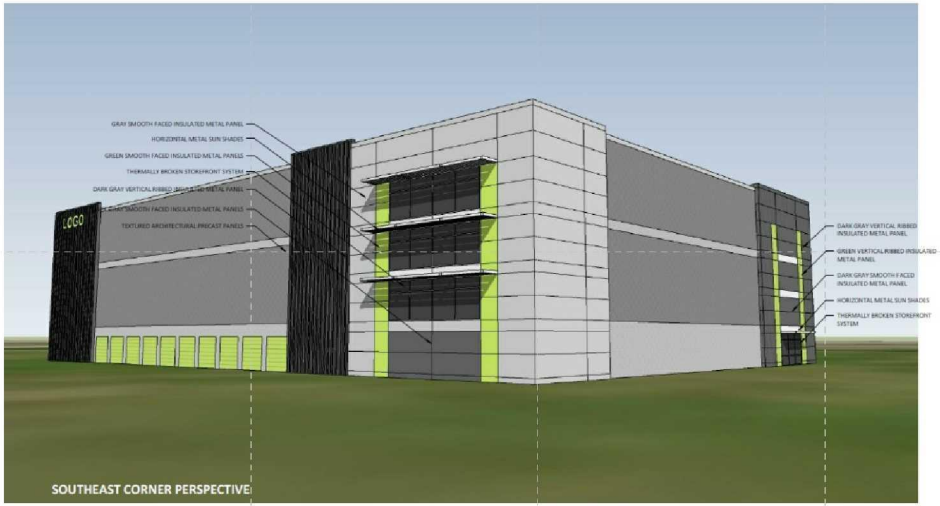


West Elevation

Building Materials

- Applicant intends to use mixture of Class I type exterior building materials
  - Textured architectural pre-cast concrete panels
  - Architectural Metal (ACM) panels
  - Insulated glass/Thermally Broken Storefront System
- Accented with horizontal metal sun shades over windows (Thermally Broken Storefront System)
- 20 overhead doors





Source: Mohagen Hansen

Access and Parking

- Access
  - Proposed driveway access off Logan Avenue North and 58th Avenue North
  - No drive aisle is proposed for the east elevation of the building (facing residential properties)
  - Minimum green strip of 15 feet along Logan Avenue is met per plans
    - Applicant altered plans to provide additional green stripping along south end of property—both Hennepin County and MnDOT recommended that any development on Lot 2 (City of Brooklyn Center) be routed via internal access road to Logan Avenue North, rather than 57th Avenue North.
- Parking
  - Part of request to establish PUD is to determine minimum parking requirements for the proposed use
  - Applicant provided addresses of like indoor commercial storage buildings in Twin Cities. Per research by staff, the following was determined:

Indoor Commercial Storage Building Location	Provided Parking Spaces (in bold)	Square Feet	Parking Required per 1,000 SF
8570 Aspen Lane North—Brooklyn Park	8—Per Brooklyn Park Staff Report dated 09/13/2017	105,444 SF	0.076
1315 Cope Avenue North—Maplewood	6—Per Maplewood Staff Report dated 10/19/2016	108,150 SF	0.055
2960 Empire Lane—Plymouth	11—Per Google Maps	76,430 SF	0.144
12995 Valley View Road—Eden Prairie	13—Per example reference in Minnetonka Staff Report dated October 20, 2016	75,000 SF	0.173
6250 Olson Memorial Highway—Golden Valley	10—Per Google Maps	~85,000 SF*	0.118
4370 Fountain Hills Drive NE—Prior Lake	12—Per reference in Prior Lake Staff Report dated March 6, 2017	95,000 SF	0.126
MN ADA Parking Requirement (1 to 25 spaces)	1 space required	--	
Average (Above Locations)	10 spaces (90,837 SF x 0.115 ÷ 1,000)	90,837 SF	0.115

Based on the calculations:

Average of 10 spaces for a 90,837-square foot building (0.115 spaces per 1,000 SF).

Required per Parking Standard:

12.88 spaces

As proposed:

12 parking spaces

Lighting | Trash | Screening

- **Lighting**
  - Per City Code, lighting is to be down-cast, with cut-off style fixtures.
  - Maximum foot-candles permitted at property lines abutting residentially-zoned properties is:

    3 foot-candles
  - As proposed, the average estimated foot-candles throughout site is **0.4.** The maximum noted foot-candles are **3.8.**
  - One (1) light pole is proposed north of parking area at a height of 20 feet
  - Seven (7) wall-mounted building lights would be mounted along the north, west, and east sides of the building. No lighting is proposed along Logan Avenue North (facing residential).
- **Trash**
  - One 12-foot by 12-foot trash enclosure is proposed east of the parking area (30 feet south of the north property line).
  - Enclosure must be fully screened.
- **Screening**
  - Trash enclosure and any other ground mounted equipment shall be screened from public right-of-way, as well as any roof-mounted equipment (visible from public right-of-way).

Landscaping

- Minimum landscaping requirements were identified utilizing the City's Landscape Point System Policy.
  - Staff made determination to base calculations of "light industrial" use, given that the proposed use will not operate as "retail, restaurant, service, entertainment, hotels," "office," or "heavy industrial."
  - A 2.6 acre site requires that a minimum of 60 points be achieved.

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees	2 ½" diameter	10	50% or 30 points	30 (8 trees x 10 = 80)
Coniferous Trees	5' height	6	40% or 24 points	24 (9 trees x 6 = 54)
Decorative Trees	1" diameter	1.5	35% or 21 points	12 (8 trees x 1.5 = 12)
Shrubs	12" diameter	0.5	25% or 15 points	14.5 29 shrubs x 0.5 = 26.5)
Total			100% or **60 points**	**80.5 points**

- The submitted Landscape Plan meets and exceeds all requirements under this Policy.
- An irrigation system is required to be installed—shop drawings of the proposed system are to be submitted to the City for review.

Findings

- **Request #1: Preliminary Plat (Northbrook Center 3rd Addition) –**
  - Proposed Plat is in general conformance with the Chapter 15 (*Platting*) of the City Code.

- **Request #2: Establishment of a Planned Unit Development–**
  - As evaluated as per Section 35-355 (*Planned Unit Development*), Section 35-208 (*Rezoning*), and City's Comprehensive Plan:
    - The rezoning will facilitate the redevelopment of this site as an indoor commercial storage building and is compatible with the goals and policies of the City's Comprehensive Plan and underlying land use plan, which designates the Subject Property for a mix of uses, including: "office/service business," and "retail business."
    - The proposed zoning is consistent and compatible with the surrounding land use classifications to the south and west;
    - The proposed rezoning will provide an opportunity for the Subject Property to maintain its underlying C2 (Commerce) District zoning classification with the flexibility of a Planned Unit Development (PUD), and allow a portion of the City-owned 57th and Logan site to be redeveloped as an indoor commercial storage facility, which will have less of a traffic impact on the neighboring residential neighborhoods located east of the Subject Property, while stimulating new investment in the neighborhood and community;
    - The improvements and utilization of the Subject Property as proposed under the planned redevelopment of this site is considered a reasonable use of the property, particularly given Outlot A (to the north), and will conform with ordinance standards

- **Request #3: Site and Building Plan—** In general conformance with Chapter 35 (*Zoning*) of the City Code regarding proposed setbacks and green strips. The proposed use and minimum identified parking standards are outlined in above Request #2.

Summary

- A Public Hearing was held at the Planning Commission meeting on March 15th for the three requests
  - A public notice was published in the Brooklyn Center *Sun Post* on March 1, 2018
  - Notices were mailed to surrounding property owners
  - No comments or objections were received from the public regarding the preliminary plat, however, concerns were relayed by a resident regarding the proposed construction of the indoor commercial storage building. Specifically, there were concerns relating to:
    - Increased traffic and overall safety of pedestrians in vicinity of 57th Avenue North and Logan Avenue North
    - The best use of the Subject Property
      - Alternate use as a nature or dog park (lower traffic use)
        - Discussion was held regarding proposed use and identified soil contamination

- The Planning Commission recommended approval of the preliminary plat to the City Council in a 7-0 (unanimous) vote—PC Resolution No. 2018-001
- The Planning Commission recommended approval of the establishment of Planned Unit Development (PUD) and site and building plan to the City Council in a 5-2 vote—PC Resolution No. 2018-002

Recommendation

Based on the aforementioned findings the Planning Commission recommends City Council adopt the resolutions regarding the recommended disposition of Planning Application No. 2018-001 submitted by Greg Hayes of Ebert Construction, for approval of:

1. The Preliminary Plat for Northbrook Center 3rd Addition (Located at 1950 57th Avenue North);
2. A New Planned Unit Development with New Zoning Classification of PUD/C2 (Planned Unit Development/Commerce); and
3. Site and Building Approval for the as proposed indoor commercial storage building and other site improvements.

City Council Agenda Item No. 9b

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner/Zoning Administrator

SUBJECT: Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2018-002, Submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC., for Approval of a Site and Building Plan and Issuance of a Special Use Permit to Convert a Former Bowling Alley and Restaurant into an Event Center in the C2 (Commerce) District (Located at 6440 James Circle North)

Recommendation:
It is recommended that the City Council, following consideration of this planning application item, adopt the resolution regarding the disposition of Planning Commission Application No. 2018-002, submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC., for the requested issuance of a Special Use Permit and approval of the site and building plan for an event center. Approval is subject to the Applicant/Property Owner complying with the conditions outlined in the Site Plan and Documents Approval Section of the Planning Commission Staff Report dated March 15, 2018 (attached).

Background:
On March 15, 2018, the Planning Commission conducted a public hearing on Planning Commission Application No. 2018-002, submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC., for the requested issuance of Special Use Permit and approval of site and building plans for an event center with ancillary restaurant and bar and other associated exterior improvements in an existing 35,462-square foot building.

Full consideration was given under a duly noticed public hearing and mail notifications were sent to surrounding property owners in accordance with the public hearing requirements. One resident in attendance at the meeting expressed support of the proposed event center, and noted that it would provide an additional amenity to the community. Upon close of the public hearing, the Planning Commission voted unanimously in favor of the recommendation.

Attached for your review are copies of the Planning Commission Staff Report and exhibits dated March 15, 2018, a copy of Planning Commission Resolution No. 2018-003 (*Resolution Regarding the Disposition of Planning Application No. 2018-002 Submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC., for Approval of a Site and Building Plan and Issuance of a Special Use Permit to Convert a Former Bowling Alley and Restaurant into an Event Center in the C2 (Commerce) District (Located at 6440 James Circle North))*, and a draft copy of the Council resolution.

COUNCIL ITEM MEMORANDUM

Budget Issues:
There are no budget issues to consider.

Strategic Priorities:
- Targeted Redevelopment

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-002 SUBMITTED BY TASHITAA TUFAA OF MISSISSIPPI VALLEY PROPERTIES, LLC, FOR APPROVAL OF A SITE AND BUILDING PLAN AND ISSUANCE OF A SPECIAL USE PERMIT TO CONVERT A FORMER BOWLING ALLEY AND RESTAURANT INTO AN EVENT CENTER IN THE C2 (COMMERCE) DISTRICT (LOCATED AT 6440 JAMES CIRCLE NORTH)

WHEREAS, Planning Commission Application No. 2018-002, submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC ("Applicant/Owner") requests approval of a site and building plan and issuance of a special use permit allowing a former bowling alley and restaurant to be converted into an event center, with ancillary restaurant and bar, and other associated exterior improvements, in an existing 35,462-square foot building located at 6440 James Circle North ("Subject Property"); and

WHEREAS, the Subject Property is situated in the C2 (Commerce) District and pursuant to City Code Section 35-322; Subpart 3, "Eating establishments offering live entertainment; recreation and amusement places such as motion picture theaters and legitimate theater; sports arenas; bowling alleys, skating rinks, and gymnasiums, all provided they do not abut an R1, R2, or R3 district, including abutment at the street line" are only allowed by means of special use permit in the C2 District, and the Applicant has submitted such application to the City of Brooklyn Center for official consideration under Planning Application No. 2018-002; and

WHEREAS, the Planning Commission held a duly noticed and called public hearing on March 15, 2018, whereby a planning staff report was presented and public testimony regarding the site and building plan and special use permit were received; and

WHEREAS, the Planning Commission considered the Special Use Permit request in light of all testimony received, the guidelines and standards for evaluating this special use permit contained in Section 35-222 (*C2 Commerce District*) of the City's Zoning Ordinance, and the request complies with the general goals and objectives of the City's 2030 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Application No. 2018-002, submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC, be approved based upon the following considerations:

A. The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.

B. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

C. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

D. Adequate measures have been or will be taken to provide ingress, egress and parking so designed as to minimize traffic congestion in the public streets.

E. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Application No. 2018-002 be approved subject to the following conditions and considerations:

1. **Building and Site Plan Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
    a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.
    b. The Applicant should evaluate whether angled parking along the north end of the parking lot (west of proposed porte-cochère) would allow for more intuitive traffic circulation.
        i. The driving aisle west of the porte-cochère shall maintain the same direction as traffic under porte-cochère. Directional signage is to be installed as part of this condition.
    c. The Applicant shall work with the City/Fire Department to address installation of fire hydrants where necessary and maximum distance requirements so as to meet code requirements.
    d. The Applicant shall verify that the proposed building and site has met City Code requirements.
    e. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

2. **Agreements:**
    a. The Property Owner/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under this Site and Building Plan.
    b. The Applicant shall adhere to the maximum occupancies outlined in the submitted plans in order to conform with maximum allowable parking on site of the Subject Property. Should issues arise concerning clientele parking on City streets or adjacent parking lots, staff may request the Applicant complete a *Travel Demand Management Plan*.
    c. The Developer shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to release of the performance guarantee.

3. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated March 5, 2018 (Exhibit E):
    a. Final grading, drainage, utility, irrigation, erosion control, and as-built plans, and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.

4. **Fire Inspector Review:** The Applicant agrees to comply with all conditions or provisions required

per Fire and Building Code. These include, but are not limited to:

a. Installation of a Knox-Box on the north end of the building to allow for emergency access to the proposed riser/utility room.
b. Removal of existing conifers along the north end of the building as specified by the Fire Inspector upon visit to the site in January 2018. This is to allow for emergency access to the proposed riser/utility room.
c. Compliance with minimum height and width requirements for the as proposed porte-cochère.
d. Verification of minimum turn-radius required for fire truck apparatus as part of parking lot approval.

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

6. **Facilities and Equipment:**
   a. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
   b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building.
   c. The maximum level of 10-foot candles or less will be maintained at the property line for lighting in accordance with Section 35-712 (*Lighting*) of the City Zoning Ordinance.
   d. The Applicant shall furnish fixture specifications and imagery of proposed light installations as part of the Building Permit submittal.

7. **Landscaping:**
   a. All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance. Per Sheet L1.0 (*Landscape Plan*), the "entire site shall be fully irrigated. The contractor shall submit irrigation shop drawings for review and approval by the landscape architect prior to installation."
   b. Irrigation shop drawings shall be provided to the City for review and approval prior to installation.

8. **Signage:** The Applicant shall submit a Building Permit application for any proposed signage as part of the development proposal. Signage is subject to the provisions of Chapter 34 (*Sign Ordinance*).

RESOLUTION NO. 2018-

March 26, 2018
Date

Mayor

ATTEST: _____
City Clerk

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

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

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

ITEM 6.b

- Application Filed: 02/13/2018
- Review Period (60-day) Deadline: 04/14/2018
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Planning Commission Report

Meeting Date: March 15, 2018

Application No.	2018-002
Applicant:	Tashitaa Tufaa (Mississippi Valley Properties, LLC)
Location:	6440 James Circle North
Request:	Site and Building Plan Approval with Special Use Permit for an Event Center

INTRODUCTION

Tashitaa Tufaa of Mississippi Valley Properties, LLC (the "Applicant") is requesting consideration and approval of a Site and Building Plan and issuance of a Special Use Permit for the property located at 6440 James Circle North (the "Subject Property"). The Subject Property was formerly home to the AMF Earle Brown Lanes, which closed in 2015. The building and site subsequently sat vacant until 2017, when the Applicant purchased the Subject Property.

Although the site plan does not require a public hearing, the request for issuance of a Special Use Permit requires that a public hearing be scheduled. An Affidavit of Publication was received, confirming publication of a public hearing notice in the Brooklyn Center *Sun Post* on March 1, 2018 (Exhibit A). Mail notices were also sent out to property owners in accordance with Section 35-220 (*Special Use Permits*) of the Brooklyn Center Zoning Ordinance.

COMPREHENSIVE PLAN AND ZONING STANDARDS

Land Use Plan:	RB - Retail Business
Neighborhood:	Shingle Creek
Current Zoning:	C2 (Commerce) District
Surrounding Zoning:	North: I1 (Industrial Park) District East: C2 (Commerce) District South: C2 (Commerce) District West: C2 (Commerce) District
Site Area:	Approximately 4.03 acres

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

Front Yard: 35 feet **Rear Yard:** 40 feet **Side Interior Yard:** 10 feet **Corner Side Yard:** 25 feet

The existing building setbacks are proposed to remain the same, with the exception of the installation of a porte-cochère (covered entrance) to allow for drop-offs by vehicle at the front entrance. As the Subject Property is located on a loop road, with one side fronting Freeway Boulevard, and two sides

fronting James Circle North, this property would be considered a "triple frontage" lot. If viewing the Subject Property as having three frontages, the setbacks would be:

Front Yard #1: 49.9 feet **Front Yard #2:** 232.1 feet **Front Yard #3:** 108.4 feet **Side Interior Yard:** 10 feet

Conformity to:

Land Use Plan:	Yes
Zoning Ord.:	Yes (C2 District)
Subdivision Ord.:	Yes
Sign Ord.:	Unknown or not under consideration at this time.

Variance Needed for Request: No

BACKGROUND

The approximately 35,462-square foot building was originally approved for and constructed in 1978 for use as the Earle Brown Bowl (bowling alley) under Planning Application Nos. 78023 and 78024 following site/building plan and Special Use Permit approvals by the Planning Commission and City Council. The approval of the Special Use Permits under these applications allowed for live entertainment and a bowling alley in what was then zoned I1 (Industrial Park) District. This allowed for the Subject Property to function as a bowling alley, restaurant, and game room/recreational facility. Additional Planning Commission applications were subsequently approved by the City for:

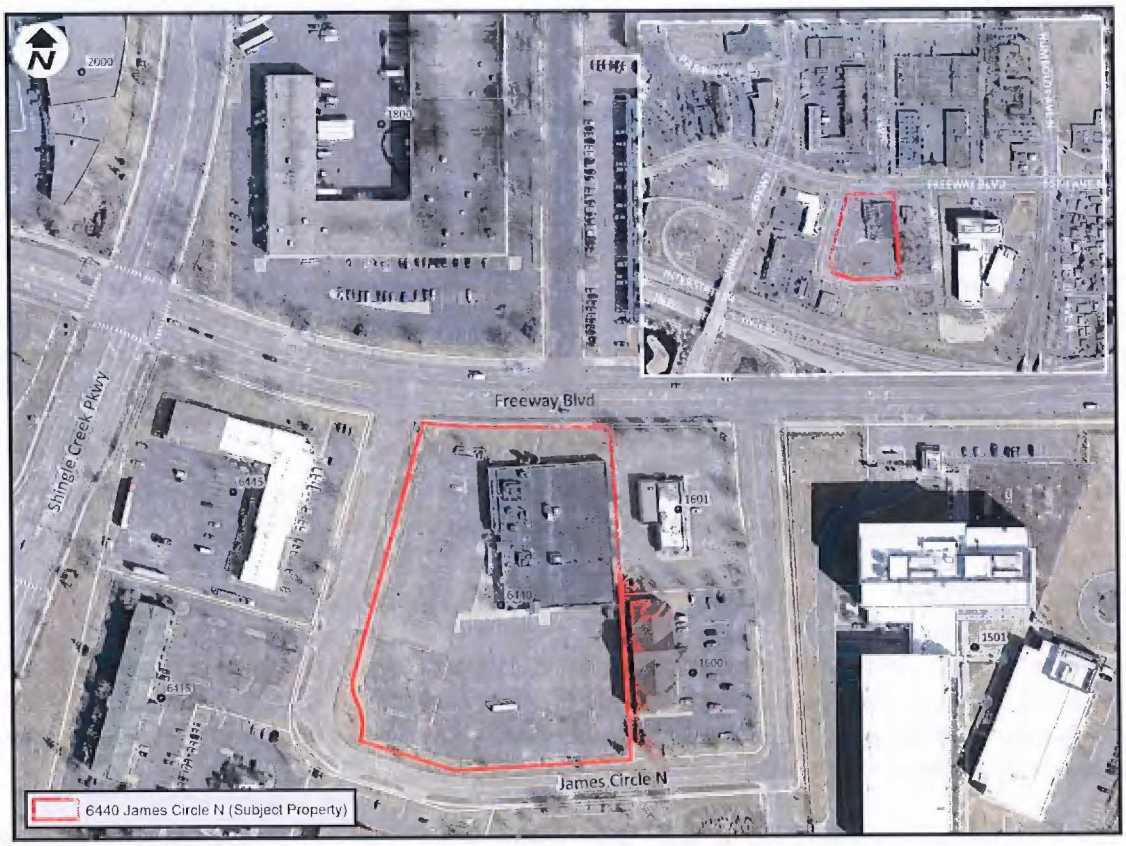
1. Expansion of lounge area and exterior remodeling of Earle Brown Bowl (1982);
2. Addition to café for new cooler storage service area and waiting room (1987); and
3. Requests to build a temporary outdoor patio, and outdoor sand volleyball courts for summer league (1991).

The bowling alley and restaurant closed in April 2015 and sat vacant until 2017 when the Applicant purchased the property. The Applicant is proposing to redevelop the former bowling alley and restaurant into an event center with a focus on weddings and other special events. As part of this proposal, the reestablishment of a permanent restaurant and bar within the facility is proposed, along with accessory kitchen, bathrooms, bridal suites, and office facilities.

BUILDING AND SITE PLAN REVIEW

Building

The proposal calls for the renovation of the existing approximately 35,462-square foot one-story building located at 6440 James Circle North. The building is located on approximately 4.03 acres and would be in close proximity to the City's hotel establishments and freeway access via Interstates 94 and 694, and Trunk Highway 252. A civil set, containing site, utility, grading and drainage, landscaping, and photometric plans, have been provided by the Applicant and are attached hereto as Exhibit B.



Map 1. *Subject Property Location.*

As part of the proposal, the interior of the existing building would undergo significant interior demolition and remodeling, whereas the major exterior improvements would be limited to cosmetic improvements to the façade of the building, installation of a porte-cochère and canopies comprised of steel, and alterations to the parking lot (Exhibit C). During a site visit in January 2018, staff identified current and potential deficiencies relating to building and fire safety, and zoning matters. This information was relayed to Architect Peter Hill, who is working for the Applicant, and who was on site for the tour. Photos of the existing site and interior have been attached for reference as Exhibit D.

Although unofficial, the City does reference a set of design guidelines when reviewing site and building plan applications. These guidelines are based on the *Shingle Creek Crossing Architectural Design Guidelines*, which were approved in 2011. These guidelines strive to have *at least* 50-percent of all four sides (wall surfaces) of new buildings constructed with Class I materials, with the remaining surfaces to be constructed of Class II materials. Given that the building was constructed in 1978, it is not expected of the Applicant to necessarily achieve these minimum requirements; however, it is stressed that the Applicant be thoughtful in the redesign of the building and site.

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

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

Per Architect Peter Hill, it is anticipated that all existing non-masonry construction would be removed to reveal the existing structure. The concrete masonry unit (CMU) façade would be pressure washed and tuck-pointed where required, before being primed and finished with paint in colors similar to those presented in Exhibit C. The porte-cochère ceiling structure, comprised of steel, will be painted in a darker color, along with building and site accents (e.g., exterior doors, door and window frames, and light fixtures). The porte-cochère column surrounds will be encased in a masonry construction similar to the main body of the building.

The Applicant also proposes to push the existing trash enclosure back so as to minimize its view from the parking lot. This enclosure should utilize materials complementary to the building.

ACCESS AND PARKING

Vehicular Access/Parking

The Applicant intends to maintain the existing driveway access off James Circle North in consideration of the parking requirements needed to achieve the minimum parking standards for a combination of uses. Ingress and egress would be via a 29-foot wide full access driveway. Access to Freeway Boulevard would be achievable by heading either south or north on James Circle North.

The proposed driveway aisles would meet and exceed the minimum drive aisle depth requirement of 24 feet, which would allow for two-way, 90-degree parking. Per conversations with Peter Hill (Architect), the construction of the porte-cochère will require that the drive aisle be restricted to two one-way drive aisles heading in the same direction. Per discussions with staff, the Applicant should consider potentially angling the parking along the north end of the parking lot, as this may provide better intuition and guidance as to the direction of traffic and potentially allow for some additional parking. The Applicant will need to provide directional signage signifying the one way access restrictions for this portion of the lot in either scenario.

As shown in Table 1 (*Parking Requirements*) below, the Applicant intends to provide 281 parking spaces. This would result in a loss of five parking spaces, as there are 286 spaces currently on site. Per the proposal, the 90-degree spaces would need to meet the minimum 18 foot depth and 8 foot, 8 inch width requirements per the Zoning Ordinance.

The City Zoning Ordinance requires that off-street parking and perimeter parking lot driveways be prohibited within 15 feet of the street right-of-way, allowing this area to be maintained as a green strip. The Applicant has no plans to expand the existing parking lot and has indicated through the submitted plans that this green strip will be maintained with landscaping.

Table 1. *Parking Requirements.*

Parking Use	Minimum Required Parking Spaces	Provided Parking Spaces (in bold)
Places of Assembly (i.e. banquet halls)	*1 parking space per every 3 seats* (578 occupants max/3 seats = 193 spaces required)	**193 spaces**
Restaurant and Bar	*1 parking space per every 2 seats* (101 occupants max/2 seats = 51 spaces required)	**51 spaces**
Office/Conference Rooms	*1 space for every 200 gross floor area* (2,733 GFA/200 GFA = 14 spaces required)	**14 spaces**
Kitchen and Catering Staff	*1 space for every 2 employees on maximum shift* (38 staff max per average maximum shift/2 employees = 19 spaces required)	**20 spaces**
Storage and Mechanical Rooms	--	**3 spaces**
ADA	*7 (for 201 to 300 parking space requirement-minimum stall requirement of 279 stalls per Zoning Ordinance)*	**8 spaces**
Total Required Parking	**277 spaces (ADA spaces incorporated into total)**	
Total Provided Parking		**281 spaces (ADA spaces incorporated into total)**

Source: Brooklyn Center Zoning Ordinance, 2015 Minnesota Accessibility Code Parking Requirements.

LIGHTING | TRASH | SCREENING

Lighting

The Applicant furnished a photometric plan of the Subject Property, which indicates 21 LED wall pack style building lights with full cutoff lenses on all four sides of the existing building. Ten LED light posts would be provided for illumination throughout the parking lot at a mounting height of 28 feet.

Per the City Zoning Ordinance, "all exterior lighting shall be provided with lenses, reflectors, or shades, so as to concentrate illumination on the property of the owner or operator of said illumination devices." Additionally, glare shall not emanate from or be visible beyond the boundaries of the illuminated premises. Section 35-712 (*Lighting*) of the City Zoning Ordinance further specifies that lighting shall not exceed ten (10) foot candles when measured at the property lines abutting the street right-of-way or non-residentially zoned properties.

A review of the provided photometric plan, dated February 6, 2018, noted 1.01 foot candles as the average illuminance. The maximum foot candles noted along the property lines is 0.6, well within the maximum 10 foot candles for adjacent non-residentially zoned properties. Although commercially-zoned, the maximum foot candles are also well within the maximum three foot candle requirement for residential uses. The maximum foot candles along the adjacent-to-the-east Quality Inn (hotel) is 0.4 foot candles.

Per the unofficial City architectural design guidelines, light poles, fixtures, and bases should maintain a consistent dark color (i.e., bronze, black, or brown), and feature dark sky-friendly or cutoff style fixtures. As proposed, the lighting fixtures would meet these guidelines. As part of the building permit submittal, the Applicant will need to provide imagery of the proposed lighting, as well as fixture specifications.

Trash

The existing trash enclosure is located along the north end of the property and juts out from building, providing clear view of the enclosure. As proposed, the enclosure would be pushed back to align with the west face of the building, thereby obscuring view from the parking lot. The enclosure would be reconstructed in an approximately 23 by 40 foot footprint and of materials complementary to the building. The enclosure would be attached to the building and provided with a concrete walk so as to provide direct access off the kitchen. The enclosure would require reinforcement through installation of a retaining wall and interior bollards.

Screening

The trash enclosure and any other ground mounted equipment (e.g., transformers, mechanical) shall be effectively screened from adjacent public rights-of-way and adjacent properties by a solid wall or fence constructed of wood, masonry, or other durable materials that are complementary to the materials used on the primary building. Per Chapter 12 (*Building Maintenance and Occupancy*) of the City Code, roof-mounted equipment shall also be screened from view through use of parapets, wall/fencing materials, or paint to match surrounding colors when visible from the public right-of-way.

DRAINING | GRADING | UTILITIES

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

As proposed, the Applicant will conduct a full depth mill and overlay of the bituminous pavement, and removal of select curb and gutter, trees, fencing, footings, and trash enclosure walls.

Unless otherwise approved by the City Engineer, the perimeters of all driving and parking areas shall be bounded by type B6-12 curb and gutter. As proposed, the Applicant intends to replace all removed curbing with this style of curbing and would therefore meet this requirement.

The Applicant should refer to the City Assistant Engineer's memorandum to determine what other approvals are required (Exhibit E).

LANDSCAPING

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

As the proposed event center would be located on approximately four (4) acres, the development would need to achieve a minimum of 60 points, assuming a development use category of "Restaurant/Retail/Service/ Entertainment/Hotels."

Table 2. Landscape Point System Policy

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees	2 ½" diameter	10	50% or 30 points	**30 points accrued** (12 trees x 10 = 120)
Coniferous Trees	5' height	6	40% or 24 points	**24 points accrued** (14 trees x 6 = 84)
Decorative Trees	1" diameter	1.5	35% or 21 points	**21 points accrued** (14 trees x 1.5 = 21)
Shrubs	12" diameter	0.5	25% or 15 points	**15 points accrued** (65 shrubs x 0.5 = 32.5)
Total			100% = 60 points	**90 points**

As summarized in Table 2 above, the submitted landscape plan meets and exceeds the minimum required 60 points required given the development use by 30 points, based on the maximum points allowed for allocation. If reviewing the site purely based on points and without regard to maximum points allowed, the Applicant would be providing 257.5 points based on "Points per Planting" calculations. As part of the proposal, perennials and grasses, including Blue Heaven Little Blue Stem, Pardon Me Daylily, and Plum Pudding Coral Bells, are proposed for planting as foundational landscaping around the Subject Property. These plantings do not count towards the Landscape Point System total.

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

CITY ENGINEER REVIEW

Assistant City Engineer Andrew Hogg conducted a review of the application submittal and documents. Comments regarding this application can be found in the memorandum to city staff dated March 5, 2018, and attached hereto (Exhibit E). It should be noted that some of the outlined conditions may be applicable at time of approval for future land disturbance (alteration) or building permits.

FIRE INSPECTOR REVIEW

Fire Inspector Brandon Gautsch conducted a review of the application submittal and documents and an on-site review of the site and building in January 2018. As part of the on-site visit, requests were conveyed to Project Architect Peter Hill as to the City's Fire Code requirements. These include the removal of conifers located on the north end of the property near the entrance to the proposed riser/utility room, as emergency access is currently hindered by these trees. Additionally, the Fire Department requires installation of a Knox-Box for emergency access purposes, and achievement of minimum height requirements for the proposed porte-cochère. As this is not an all-encompassing list of requirements, the Applicant shall work with the Fire Inspector and Building Official to ensure all aspects of the site meet Fire Code and Building Code requirements.

SIGNAGE

Although wall signage is identified in the submitted architectural renderings, no formal requests for approval were made as part of the application submittal. As there is no record of special approvals for signage, any new signage, including wall and monument signs, would require conformance with Chapter 34 of the City Code (*Sign Ordinance*). Any requests beyond the allowances identified in the Sign Ordinance would require that the Applicant apply for and receive approval to deviate from the Sign Ordinance. The Applicant will need to file a separate Building Permit application for any proposed

signage.

Based on staff findings, staff recommends Planning Commission recommendation of the requested site and building plans for the Subject Property, located at 6440 James Circle North; subject to the Applicant receiving approval of a Special Use Permit for the use of an event center and complying with the comments outlined in the Site Plan and Document Approval Conditions noted below.

SPECIAL USE PERMIT REVIEW

As part of the Site and Building Plan approval, the Applicant is also requesting approval of a Special Use Permit to allow for an event center. According to Section 35-220 (*Special Use Permits*) of the City's Zoning Ordinance,

> *"Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must be granted by the City Council."*

Section 35-322 (*C2 Commerce District*) notes that "eating establishments offering live entertainment; recreation and amusement places such as motion picture theaters and legitimate theater; sports arenas, bowling alleys, skating rinks, and gymnasiums, all provided they do not abut an R1, R2, or R3 district, including an abutment at a street line," are allowed through approval and issuance of a Special Use Permit. It should be noted that the Subject Property, located at 6440 James Circle North, does *not* abut any R1, R2, or R3 properties. The Subject Property is currently surrounded by three hotels (Super 8, Norwood Suites, and Quality Inn), the former Oriental Market, a Denny's Restaurant, a vacant City EDA-owned property, and the FBI building. Light industrial properties lie to the north of the Subject Property (across Freeway Boulevard).

Per the *Standards of Special Use Permits*, a Special Use Permit may be granted by the City Council after demonstration by evidence that all of the following are met:

1. ***The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.***

   The former use of the Subject Property was through issuance of two Special Use Permits. These Special Use Permits (for the uses of "bowling alley" and "live entertainment") were en force for a period of 37 years before the ultimate closing of the Earle Brown Lanes in 2015. Given the intent of the Applicant to establish a "premier" event center, and "upscale" restaurant and bar, staff is to the understanding that it is not the intent of the Applicant to establish a use that would be detrimental to the overall public health, safety, morals, and comfort of the general public. It is hoped that the establishment of the proposed uses would provide an enhancement to the surrounding uses.

2. ***The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.***

   The Subject Property was home to the Earle Brown Lanes (bowling alley), a restaurant/bar, and game room from 1978 until its closing in 2015. Earle Brown Lanes was approved by issuance of

Special Use Permits for the use of a bowling alley and allowance of live entertainment. Although the Subject Property has not been open to the public for nearly three years, the 37 previous years were spent catering to residents and visitors as a place of entertainment and dining.

The Applicant intends to overhaul the interior of the Subject Property for reuse as an entertainment center, although in a slightly different capacity. The Applicant intends for the majority of the event center business to emphasize wedding events, although the facility would also provide an alternative location for hosting proms, private parties, and corporate, community, and educational events.

As proposed, the facility would feature bridal suites, ancillary office and meeting space, and a "full-service, upscale" restaurant and bar. Approval of the bar and serving of liquor by staff of the facility for events would be contingent upon issuance of a City liquor license.

It is not anticipated that the proposed event center will be injurious to the use of properties in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood.

3. ***The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.***

It is not anticipated that the establishment of the requested special use would impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the district. The Subject Property is currently surrounded by like-zoned C2 (Commerce) District properties. With the exception of the City EDA-owned property (vacant land) and the currently vacant, former Oriental Market, the surrounding land is currently developed. It is hoped that issuance of a Special Use Permit for the event center would allow for improvements at the surrounding properties.

With regard to the City's Earle Brown Heritage Center (EBHC), located across Interstates 94/694 and to the south, the Applicant has emphasized that his intent is to provide services that are complementary to EBHC, rather than competitive. At maximum, the three banquet rooms combined would provide occupancy of no more than 578 persons. The proposed restaurant and bar would be open to the public and would provide seating for 101 persons. To provide oversight of the operation, the Applicant intends to hire a building manager, a chef and restaurant manager, and bridal consultant.

4. ***Adequate measurements have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets.***

Staff met multiple times with the Applicant's architect and real estate broker to work through the proposed uses and overall business plan for the site. Given the numerous uses of an event center, restaurant and bar, office space, and kitchen and catering staff, concerns were initially presented by staff regarding the ability to provide sufficient on-site parking.

The Applicant explored potential alternatives to provide off-site parking, however, it was determined that there were no alternatives to provide for off-site parking that would meet the minimum requirements of the Zoning Ordinance. These requirements stipulated that any off-

street parking be located a maximum of 800 feet from the principal building, and that the land on which the off-site parking was located be used solely for parking, among other requirements.

The Applicant inquired as to whether the City's EDA-owned property (4.92 acres) would be an option, however, it was determined by staff that this would not be the highest and best use for the property. As the Applicant owns a bus company, it was also suggested by the Applicant that perhaps employees could shuttle from the Applicant's property in Minneapolis, located six minutes by car, during higher use events, however, this would not meet the Zoning Ordinance requirement that the property used for off-site parking be used solely for parking. Staff eventually worked with Architect Peter Hill to revise the proposed plans to alter the banquet room layouts and lower the maximum occupancy of the rooms.

In order to meet the minimum parking requirements, the Applicant has retained the existing ingress and egress on the site, rather than adding an additional driveway. This access would still allow for full access to Freeway Boulevard by turning south or north onto James Circle North, as it is a loop road. As Special Use Permits allow for conditions to be placed in conjunction with issuance of a Special Use Permit, staff recommends that the Applicant adhere to the maximum occupancies outlined in the submitted plans. Should issues arise concerning clientele parking on City streets or adjacent parking lots (e.g., Super 8, Norwood Suites, Denny's), staff may request the Applicant complete a *Travel Demand Management Plan*.

5. ***The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.***

   Per the submitted plans, the Applicant has no plans to alter the exterior of the building in such a way to render the building or site non-conforming. With regard to the minimum parking requirements, the Applicant has worked with staff to revise the site and interior plans as necessary to address the parking requirements for the multiple uses proposed. Other than the request for a Special Use Permit to allow for eating establishments in conjunction with live entertainment, the proposed restaurant and office uses are generally permitted within the C2 (Commerce) District. As previously mentioned, the serving of liquor will require issuance of a City liquor license.

Based on staff findings, staff recommends Planning Commission recommendation of the requested Special Use Permit for an event center for the property located at 6440 James Circle North (Subject Property); subject to the Applicant complying with the comments outlined in the Site Plan and Document Approval Conditions noted below.

SITE AND BUILDING PLAN APPROVAL CONDITIONS:
Staff recommends the following conditions be attached to any positive recommendation on the approval of Application No. 2018-002 for 6440 James Circle North (Subject Property):

1. **Building and Site Plan Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
   a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City

Council.

b. The Applicant should evaluate whether angled parking along the north end of the parking lot (west of proposed porte-cochère) would allow for more intuitive traffic circulation.
    i. The driving aisle west of the porte-cochère shall maintain the same direction as traffic under porte-cochère. Directional signage is to be installed as part of this condition.
c. The Applicant shall work with the City/Fire Department to address installation of fire hydrants where necessary and maximum distance requirements so as to meet code requirements.
d. The Applicant shall verify that the proposed building and site has met City Code requirements.
e. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

2. **Agreements:**
    a. The Property Owner/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under this Site and Building Plan.
    b. The Applicant shall adhere to the maximum occupancies outlined in the submitted plans in order to conform with maximum allowable parking on site of the Subject Property. Should issues arise concerning clientele parking on City streets or adjacent parking lots, staff may request the Applicant complete a *Travel Demand Management Plan*.
    c. The Developer shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to release of the performance guarantee.

3. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated March 5, 2018 (Exhibit E):
    a. Final grading, drainage, utility, irrigation, erosion control, and as-built plans, and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.

4. **Fire Inspector Review:** The Applicant agrees to comply with all conditions or provisions required per Fire and Building Code. These include, but are not limited to:
    a. Installation of a Knox-Box on the north end of the building to allow for emergency access to the proposed riser/utility room.
    b. Removal of existing conifers along the north end of the building as specified by the Fire Inspector upon visit to the site in January 2018. This is to allow for emergency access to the proposed riser/utility room.
    c. Compliance with minimum height and width requirements for the as proposed porte-cochère.
    d. Verification of minimum turn-radius required for fire truck apparatus as part of parking lot approval.

5. **Construction Standards:**
    a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.

b. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

6. **Facilities and Equipment:**
   a. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
   b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building.
   c. The maximum level of 10-foot candles or less will be maintained at the property line for lighting in accordance with Section 35-712 (*Lighting*) of the City Zoning Ordinance.
   d. The Applicant shall furnish fixture specifications and imagery of proposed light installations as part of the Building Permit submittal.

7. **Landscaping:**
   a. All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance. Per Sheet L1.0 (*Landscape Plan*), the "entire site shall be fully irrigated. The contractor shall submit irrigation shop drawings for review and approval by the landscape architect prior to installation."
   b. Irrigation shop drawings shall be provided to the City for review and approval prior to installation.

8. **Signage:** The Applicant shall submit a Building Permit application for any proposed signage as part of the development proposal. Signage is subject to the provisions of Chapter 34 (*Sign Ordinance*).

RECOMMENDATION

Based on the above-noted findings, Planning Staff recommends the Planning Commission recommends City Council approval of Planning Commission Application No. 2018-002, Site and Building Plan and Special Use Permit for an event center for the Subject Property located at 6440 James Circle North, subject to the Applicant complying with the Site and Building Plan Approval Conditions.

Should the Planning Commission accept this recommendation, the Commission may elect to adopt the draft resolution which memorializes the findings in granting site and building plan and Special Use Permit approval, subject to the Applicant complying with the above-mentioned conditions of approval.

Attachments

Exhibit A- Affidavit of Publication for Notice of Hearing (6440 James Circle North), published March 1, 2018, in *Brooklyn Center Sun Post*.

Exhibit B- Selected Plans from 6440 James Circle North Civil Set, prepared by the CivilSite Group, dated February 13, 2018.

Exhibit C- Select Architectural and 3D Renderings of Proposed Event Center (6440 James Circle North), prepared by Peter Lindsay Hill, Architect, undated.

Exhibit D- Interior Photos of Existing Building and Site (6440 James Circle North), taken by Ginny McIntosh, dated January 11, 2018.

Exhibit E- Review Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated March 5, 2018.

EXHIBIT A

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN

Darlene MacPherson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SP Brooklyn Ctr/Brooklyn Park

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 03/01/2018 and the last insertion being on 03/01/2018.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: D. MacPherson
Designated Agent

Subscribed and sworn to or affirmed before me on 03/01/2018 by Darlene MacPherson.

Marlene M Mitchell
Notary Public

MARLENE M. MITCHELL
Notary Public-Minnesota
My Commission Expires Jan 31, 2020

Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
$46.90 per column inch

Ad ID 787685

CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, March 15, 2018, at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Site and Building Plan with Special Use Permit for an Event Center

PETITIONER: Tashitaa Tufaa (Mississippi Valley Properties, LLC)

PROPERTY NAMED IN THE PETITION: 6440 James Circle North

PROPERTY ID:
35-119-21-41-0008

LEGAL DESCRIPTION: Registered Land Survey No. 1482, Hennepin County, Minnesota

BRIEF STATEMENT OF CONTENTS OF PETITION:

The Applicant is requesting approval of a Special Use Permit to allow for the development of an event center with ancillary restaurant and bar, and other associated exterior improvements, in an existing 35,462-square foot building.

Questions, comments, statements of support or objections should be directed to City Planner/Zoning Administrator Ginny McIntosh at (763) 569-3319 or email to gmcintosh@ci.brooklyn-center.mn.us.

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

Respectfully,
Ginny McIntosh
Planning Commission Secretary

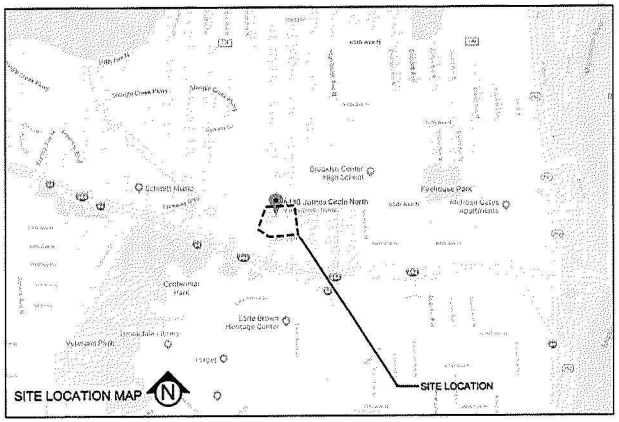
Published in the
Brooklyn Center Sun Post
March 1, 2018
787685

EXHIBIT B

6440 JAMES CIRCLE

BROOKLYN CENTER, MINNESOTA

ISSUED FOR: CITY SUBMITTAL



ARCHITECT:
PETER LINDSAY HILL, ARCHITECT
13212 MCGINTY ROAD EAST
MINNETONKA, MN 55305

DEVELOPER / PROPERTY OWNER:
MISSISSIPPI VALLEY PROPERTIES
1165 HERITAGE LANE
ORONO, MN 55391

ENGINEER / LANDSCAPE ARCHITECT:
CIVIL SITE GROUP
4931 W 35TH STREET
SUITE 200
ST LOUIS PARK, MN 55416
612-615-0060

SURVEYOR:
CARLSON & CARLSON, INC.
8713 DUPONT AVE. S.
BLOOMINGTON, MN 55420
952-888-2084

GEOTECHNICAL ENGINEER:
TBD

MASTER LEGEND:

- EX. 1' CONTOUR ELEVATION INTERVAL
- EXISTING SPOT GRADE ELEVATION
- 1.0' CONTOUR ELEVATION INTERVAL
- SPOT GRADE ELEVATION (GUTTER/FLOW LINE UNLESS OTHERWISE NOTED)
- SPOT GRADE ELEVATION TOP OF CURB (GUTTER TOP)
- SPOT GRADE ELEVATION TOP OF WALL
- SPOT GRADE ELEVATION BOTTOM OF WALL
- DRAINAGE ARROW
- EMERGENCY OVERFLOW
- SILT FENCE / BIOROLL - GRADING LIMIT
- INLET PROTECTION
- STABILIZED CONSTRUCTION ENTRANCE
- SOIL BORING LOCATION
- CURB AND GUTTER (T.G + TIP OUT)
- PROPOSED MANHOLE STORM
- PROPOSED CATCH BASIN OR CATCH BASIN MANHOLE STORM
- PROPOSED GATE VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED MANHOLE SANITARY
- PROPOSED SIGN
- PROPOSED LIGHT
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING WATER MAIN
- EXISTING GAS MAIN
- EXISTING UNDERGROUND ELECTRIC
- EXISTING UNDERGROUND CABLE
- EXISTING MANHOLE
- EXISTING CATCH BASIN
- EXISTING HYDRANT
- EXISTING STOPBOX
- EXISTING GATE VALVE
- EXISTING ELECTRIC BOX
- EXISTING LIGHT
- EXISTING GAS METER
- EXISTING GAS VALVE

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

SHEET INDEX

SHEET NUMBER	SHEET TITLE
C0.0	TITLE SHEET
C0.1	SITE SURVEY
C1.0	REMOVALS PLAN
C2.0	SITE PLAN
C3.0	GRADING PLAN
C4.0	NOT USED
C5.0	DETAILS
L1.0	LANDSCAPE PLAN
L1.1	LANDSCAPE PLAN NOTES & DETAILS
SW1.0	SWPPP - EXISTING CONDITIONS
SW1.1	SWPPP - PROPOSED CONDITIONS
SW1.2	SWPPP - DETAILS
SW1.3	SWPPP - NARRATIVE

CivilSite GROUP
Civil Engineering • Surveying • Landscape Architecture
4931 W. 35th Street, Suite 200
St. Louis Park, MN 55416
civilsitegroup.com 612-615-0060

Peter Lindsay Hill
Architect
13212 McGinty Road East
Minnetonka MN 55305
petehill@visionz.com • 612-332-4181

PROJECT
6440 JAMES CIRCLE NORTH
6440 JAMES CIRCLE N. BROOKLYN CENTER, MN 55430
MISSISSIPPI VALLEY PROPERTIES
1165 HERITAGE LANE, ORONO, MN 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Pavek
DATE 02/13/19 LICENSE NO. 44203

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NUMBER 17272

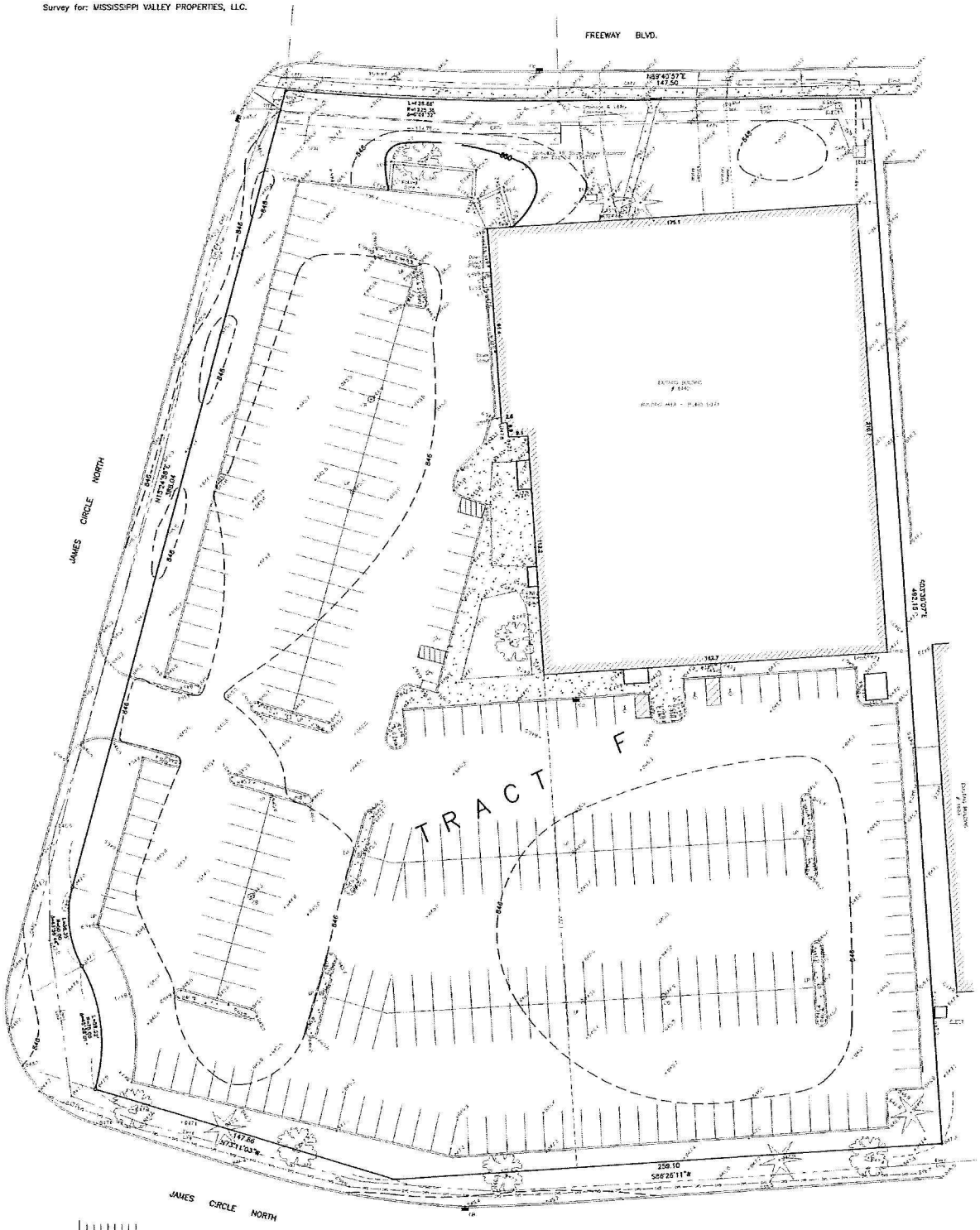
TITLE SHEET

C0.0

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CERTIFICATE OF SURVEY

Survey for: MISSISSIPPI VALLEY PROPERTIES, LLC.



C0.1

SITE SURVEY

DATE	DESCRIPTION
	REVISION SUMMARY

CARLSON & CARLSON, INC.
LAND SURVEYORS

357-48R

N

SCALE: 1" = 20'

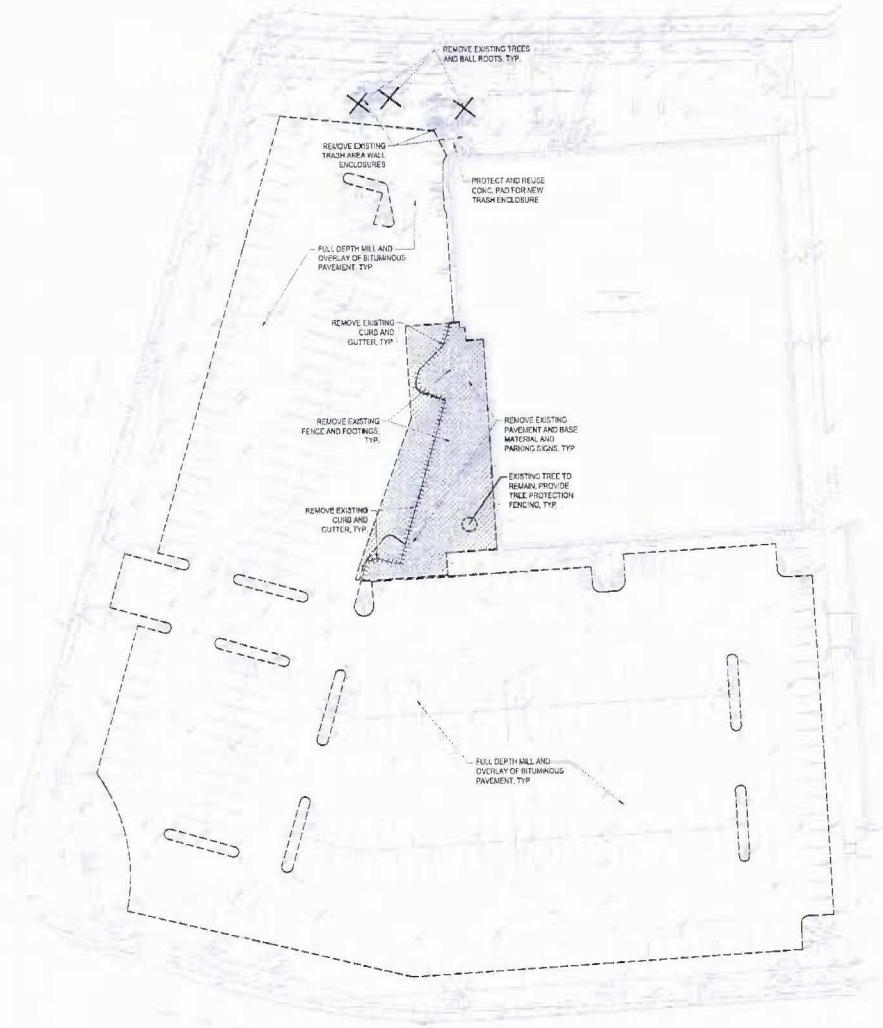
● Denotes Iron Monument Found
○ Denotes Iron Monument Set

DESCRIPTION: TRACT F, R.L.S. NO. 1482
LOT AREA = 175,635 SQ.FT. OR 4.03 ACRES

I hereby certify that this survey was prepared by me or under my direct supervision, and that I am a registered land surveyor under the laws of the State of Minnesota. Dated this 13th day of December, 2017.

CARLSON & CARLSON, INC.
LAND SURVEYORS
Tele No. (952) 888-2284

BY _____
Lotty P. Couture, Land Surveyor
Minnesota License No. 9018



TREE REMOVAL CALCULATIONS:

EXISTING PLANT MATERIAL

NO	SIZE (CAL IN.)	SPECIES	POINTS	REMOVE
ON-SITE				
T1	6	PINE	6	
T2	6	MAPLE	10	
T3	8	PINE	6	
T4	16	ASH	10	X
T5	8	CEDAR	6	
T6	6	CEDAR	6	
T7	12	CRAB	3.5	
T8	4	ASH	10	X
T9	6	CRAB	3.5	X
	TOTAL		20.5	
	REMOVE		21.5	
OFF-SITE (SHOWN FOR REFERENCE ONLY, NOT USED IN CALCULATION)				
TOS1	4	MAPLE	10	
TOS2	6	PINE	6	
TOS3	6	MAPLE	10	
TOS4	6	MAPLE	10	
	TOTAL		36	

REMOVAL NOTES:

1. SEE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) PLAN FOR CONSTRUCTION STORM WATER MANAGEMENT PLAN.
2. REMOVAL OF MATERIALS NOTED ON THE DRAWINGS SHALL BE IN ACCORDANCE WITH MNDOT, STATE AND LOCAL REGULATIONS
3. REMOVAL OF PRIVATE UTILITIES SHALL BE COORDINATED WITH UTILITY OWNER PRIOR TO CONSTRUCTION ACTIVITIES.
4. EXISTING PAVEMENTS SHALL BE SAWCUT IN LOCATIONS AS SHOWN ON THE DRAWINGS OR THE NEAREST JOINT FOR PROPOSED PAVEMENT CONNECTIONS.
5. REMOVED MATERIALS SHALL BE DISPOSED OF TO A LEGAL OFF-SITE LOCATION AND IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.
6. ABANDON, REMOVAL, CONNECTION, AND PROTECTION NOTES SHOWN ON THE DRAWINGS ARE APPROXIMATE. COORDINATE WITH PROPOSED PLANS
7. EXISTING ON-SITE FEATURES NOT NOTED FOR REMOVAL SHALL BE PROTECTED THROUGHOUT THE DURATION OF THE CONTRACT
8. PROPERTY LINES SHALL BE CONSIDERED GENERAL CONSTRUCTION LIMITS UNLESS OTHERWISE NOTED ON THE DRAWINGS. WORK WITHIN THE GENERAL CONSTRUCTION LIMITS SHALL INCLUDE STAGING, DEMOLITION AND CLEAN-UP OPERATIONS AS WELL AS CONSTRUCTION SHOWN ON THE DRAWINGS.
9. MINOR WORK OUTSIDE OF THE GENERAL CONSTRUCTION LIMITS SHALL BE ALLOWED AS SHOWN ON THE PLAN AND PER CITY REQUIREMENTS.
10. DAMAGE BEYOND THE PROPERTY LIMITS CAUSED BY CONSTRUCTION ACTIVITY SHALL BE REPAIRED IN A MANNER APPROVED BY THE ENGINEER,LANDSCAPE ARCHITECT OR IN ACCORDANCE WITH THE CITY.
11. PROPOSED WORK (BUILDING AND CIVIL) SHALL NOT DISTURB EXISTING UTILITIES UNLESS OTHERWISE SHOWN ON THE DRAWINGS AND APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
12. SITE SECURITY MAY BE NECESSARY AND PROVIDED IN A MANNER TO PROHIBIT VANDALISM, AND THEFT DURING AND AFTER NORMAL WORK HOURS, THROUGHOUT THE DURATION OF THE CONTRACT. SECURITY MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY.
13. VEHICULAR ACCESS TO THE SITE SHALL BE MAINTAINED FOR DELIVERY AND INSPECTION ACCESS DURING NORMAL OPERATING HOURS. AT NO POINT THROUGHOUT THE DURATION OF THE CONTRACT SHALL CIRCULATION OF ADJACENT STREETS BE BLOCKED WITHOUT APPROVAL BY THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.
14. ALL TRAFFIC CONTROLS SHALL BE PROVIDED AND ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MNUTCD) AND THE CITY. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, SIGNAGE, BARRICADES, FLASHERS, AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL REMAIN OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT APPROVAL BY THE CITY.
15. SHORING FOR BUILDING EXCAVATION MAY BE USED AT THE DISCRETION OF THE CONTRACTOR AND AS APPROVED BY THE OWNERS REPRESENTATIVE AND THE CITY PRIOR TO CONSTRUCTION ACTIVITIES
16. STAGING, DEMOLITION, AND CLEAN-UP AREAS SHALL BE WITHIN THE PROPERTY LIMITS AS SHOWN ON THE DRAWINGS AND MAINTAINED IN A MANNER AS REQUIRED BY THE CITY.

CITY OF BROOKLYN CENTER REMOVAL NOTES:

1. RESERVED FOR CITY SPECIFIC REMOVAL NOTES

EROSION CONTROL NOTES:

SEE SWPPP ON SHEETS SW1.0-SW1.5

REMOVALS LEGEND:

- Ex. 1' CONTOUR ELEVATION INTERVAL
- REMOVAL OF PAVEMENT AND ALL BASE MATERIAL, INCLUDING BIT., CONC., AND GRAVEL PVMTS
- FULL DEPTH MILL AND OVERLAY OF BITUMINOUS PAVEMENT
- REMOVE CURB AND GUTTER. IF IN RIGHT-OF-WAY, COORDINATE WITH LOCAL GOVERNING UNIT.
- TREE PROTECTION
- TREE REMOVAL - INCLUDING ROOTS AND STUMPS

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(651) 454-0002 LOCAL

1" = 30'-0"

CivilSite GROUP
Civil Engineering · Surveying · Landscape Architecture
4931 W. 35th Street, Suite 200
St. Louis Park, MN 55416
civilsitegroup.com 612-615-0060

Peter Lindsay Hill
Architect
15212 McGinty Road East
Minnetonka MN 55305
petehill@comcast.net • 612-332-6161

PROJECT

6440 JAMES CIRCLE NORTH

6440 JAMES CIRCLE N, BROOKLYN CENTER, MN 55430

MISSISSIPPI VALLEY PROPERTIES

1165 HERITAGE LANE, ORONO, MN 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

Matthew H. Pavek
DATE 02/13/18 LICENSE NO. 44203

ISSUE/SUBMITTAL SUMMARY

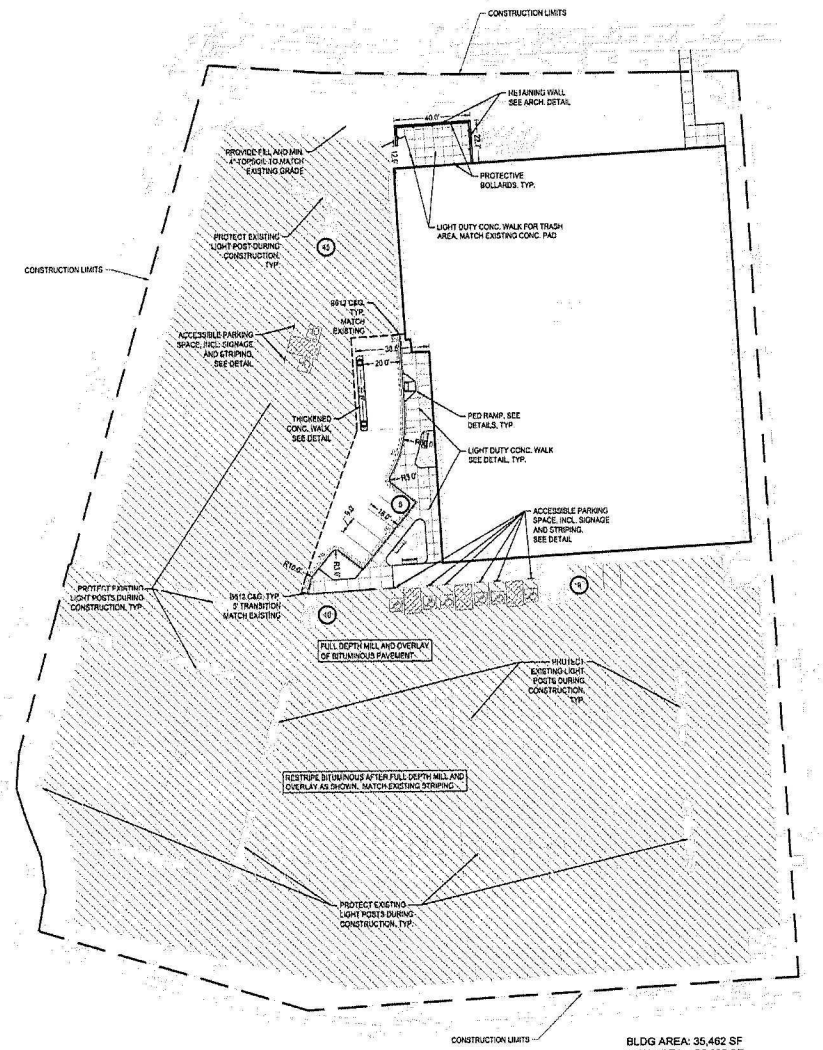
DATE	DESCRIPTION

REVISION SUMMARY

DATE	DESCRIPTION

REMOVALS PLAN

C1.0



BLDG AREA: 35,462 SF
SITE AREA: 175,685 SF
281 PARKING STALLS

SITE LAYOUT NOTES:

1. CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS FOR THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION, DUE TO LOCATIONAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND STREET OPENING PERMIT.
3. THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
4. CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
5. LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
6. CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
7. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING, FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
8. PEDESTRIAN CURB RAMPS SHALL BE CONSTRUCTED WITH TRUNCATED DOME LANDING AREAS IN ACCORDANCE WITH A.D.A. REQUIREMENTS-SEE DETAIL.
9. CROSSWALK STRIPING SHALL BE 24" WIDE WHITE PAINTED LINE, SPACED 48" ON CENTER PERPENDICULAR TO THE FLOW OF TRAFFIC. WIDTH OF CROSSWALK SHALL BE 5' WIDE. ALL OTHER PAVEMENT MARKINGS SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED OR REQUIRED BY ADA OR LOCAL GOVERNING BODIES.
10. SEE SITE PLAN FOR CURB AND GUTTER TYPE. TAPER BETWEEN CURB TYPES-SEE DETAIL.
11. ALL CURB RADII ARE MINIMUM 3' UNLESS OTHERWISE NOTED.
12. CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, NUMBERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
13. FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
14. PARKING IS TO BE SET PARALLEL OR PERPENDICULAR TO EXISTING BUILDING UNLESS NOTED OTHERWISE.
15. ALL PARKING LOT PAINT STRIPPING TO BE WHITE, 4" WIDE TYP.
16. BITUMINOUS PAVING TO BE "LIGHT DUTY" UNLESS OTHERWISE NOTED. SEE DETAIL SHEETS FOR PAVEMENT SECTIONS.
17. ALL TREES THAT ARE TO REMAIN ARE TO BE PROTECTED FROM DAMAGE WITH A CONSTRUCTION FENCE AT THE DRIP LINE. SEE LANDSCAPE DOCUMENTS

CITY OF BROOKLYN CENTER SITE SPECIFIC NOTES:

1. RESERVED FOR CITY SPECIFIC NOTES.

SITE AREA TABLE:

SITE AREA CALCULATIONS	EXISTING		PROPOSED LOT	
BUILDING COVERAGE	35,462 SF	20.2%	35,462 SF	20.2%
ALL PAVEMENTS	110,460 SF	62.9%	110,977 SF	63.2%
ALL NON-PAVEMENTS	29,763 SF	16.9%	29,246 SF	16.6%
TOTAL SITE AREA	175,685 SF	100.0%	175,685 SF	100.0%
IMPERVIOUS SURFACE				
EXISTING CONDITION	145,922 SF	83.1%		
PROPOSED CONDITION LOT	146,439 SF	83.4%		
DIFFERENCE (EX. VS PROP.)	517 SF	0.3%		
IMPERVIOUS TOTAL	146,439 SF	83.4%		

PARKING STALLS:

PARKING STALLS	
EXISTING	PROPOSED
286	281

SITE PLAN LEGEND:

- FULL DEPTH MILL AND OVERLAY OF BITUMINOUS PAVEMENT
- LIGHT DUTY BITUMINOUS PAVEMENT, SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH, SEE DETAIL
- CONCRETE PAVEMENT AS SPECIFIED (PAD OR WALK) SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS, SEE DETAIL.
- PROPERTY LINE
- CONSTRUCTION LIMITS
- CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT GUTTER WHERE APPLICABLE-SEE PLAN
- TRAFFIC DIRECTIONAL ARROW PAVEMENT MARKINGS
- SIGN AND POST ASSEMBLY. SHOP DRAWINGS REQUIRED. HC = ACCESSIBLE SIGN; NP = NO PARKING FIRE LANE; ST = STOP; CP = COMPACT CAR PARKING ONLY

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WWW.GOPHERSTATEONECALL.ORG
(651) 454-0002 LOCAL

1" = 30'-0"

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PROJECT
6440 JAMES CIRCLE NORTH
6440 JAMES CIRCLE N, BROOKLYN CENTER, MN 55430
MISSISSIPPI VALLEY PROPERTIES
1165 HERITAGE LANE, ORONO, MN 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew H. Proves
DATE 02/13/18 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

REVISION SUMMARY

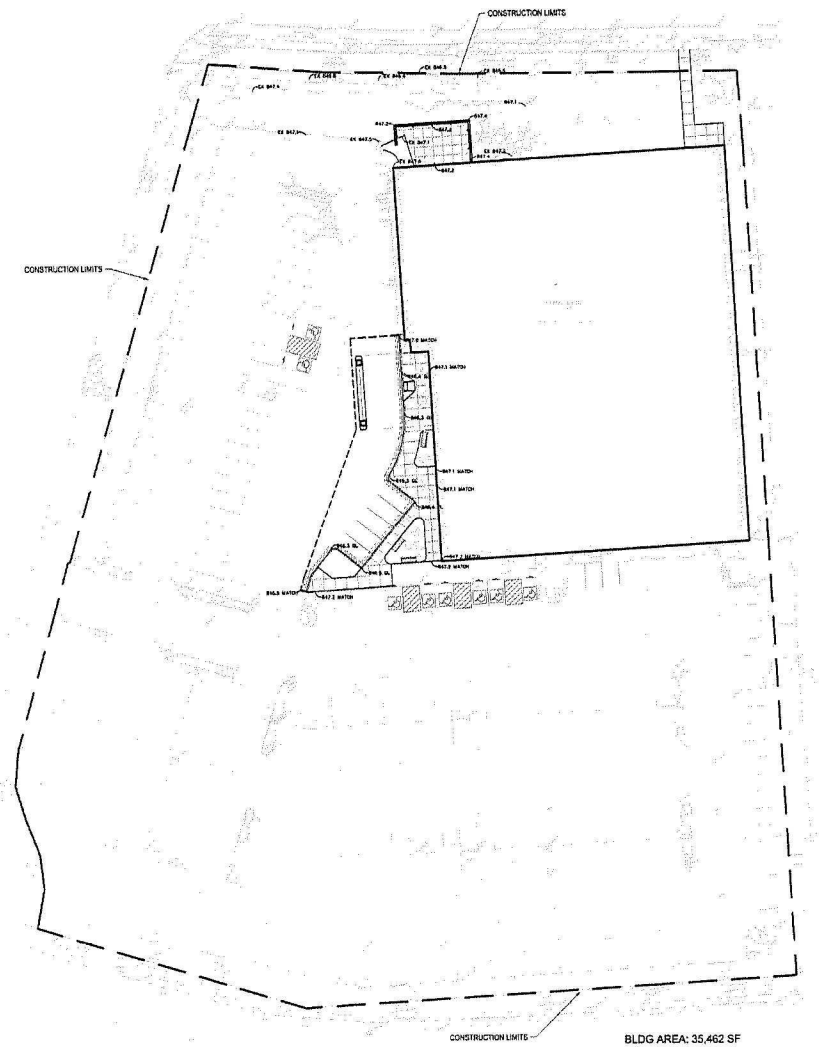
DATE	DESCRIPTION

PROJECT NUMBER: 17272

SITE PLAN

C2.0

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BLDG AREA: 35,462 SF
SITE AREA: 175,685 SF
281 PARKING STALLS

EROSION CONTROL NOTES:

SEE SWPPP ON SHEETS SW1.0-SW1.3

GROUNDWATER INFORMATION:

PER GEOTECHNICAL REPORT BY XXXXX, INC., DATED XX-XX-XX GROUNDWATER WAS OBSERVED AT ELEVATIONS RANGING FROM XXX.XX TO XXX.XX

THE BORINGS & GROUNDWATER ARE AS FOLLOWS:

B-1	XXX.XX
B-2	XXX.XX
B-3	XXX.XX
B-4	XXX.XX

PROPOSED FOOTING DRAIN TILE INVERT ELEVATION = XXX.XX

CITY OF BROOKLYN CENTER GRADING NOTES:

1. RESERVED FOR CITY SPECIFIC GRADING NOTES.

GENERAL GRADING NOTES:

1. SEE SITE PLAN FOR HORIZONTAL LAYOUT & GENERAL GRADING NOTES.
2. THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION (INCLUDING BUT NOT LIMITED TO SITE PREPARATION, SOIL CORRECTION, EXCAVATION, EMBANKMENT, ETC.) IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
3. GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
4. PROPOSED SPOT GRADES ARE FLOW-LINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
5. GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
6. PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS. MAXIMUM SLOPES IN MAINTAINED AREAS IS 4:1
7. PROPOSED RETAINING WALLS, FREESTANDING WALLS, OR COMBINATION OF WALL TYPES GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED AND ENGINEERED BY A REGISTERED RETAINING WALL ENGINEER. DESIGN DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOPSOIL AND SODDING ACTIVITIES.
9. IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
10. EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADS, ROADWAYS AND PARKING AREAS. THE CONTRACTOR SHALL SUBCUT CUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 8 INCHES. RESPREAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
11. FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS. PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISH GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME RUTTED BY TRAFFIC OR ERODED BY WATER OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
12. PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL WILL BE REQUIRED ON THE STREET AND/OR PARKING AREA SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS OF THE STREET OR PARKING AREA ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER. NO TEST ROLL SHALL OCCUR WITHIN 10' OF ANY UNDERGROUND STORM RETENTION/DETENTION SYSTEMS.
13. TOLERANCES
    - 13.1. THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.30 FOOT ABOVE, OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
    - 13.2. THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
    - 13.3. AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
    - 13.4. TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
14. MAINTENANCE
    - 14.1. THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.
    - 14.2. CONTRACTOR SHALL REPAIR AND REESTABLISH GRADES IN SETTLED, ERODED AND RUTTED AREAS TO SPECIFIED TOLERANCES. DURING THE CONSTRUCTION, IF REQUIRED, AND DURING THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDED AND MULCHED.
    - 14.3. WHERE COMPLETED COMPACTED AREAS ARE DISTURBED BY SUBSEQUENT CONSTRUCTION OPERATIONS OR ADVERSE WEATHER, CONTRACTOR SHALL SCARIFY, SURFACE, RESHAPE, AND COMPACT TO REQUIRED DENSITY PRIOR TO FURTHER CONSTRUCTION.

GRADING PLAN LEGEND:

	EX. 1' CONTOUR ELEVATION INTERVAL
1137	1.0' CONTOUR ELEVATION INTERVAL
41.26	SPOT GRADE ELEVATION (GUTTER/FLOW LINE UNLESS OTHERWISE NOTED)
891.00 G	SPOT GRADE ELEVATION GUTTER
891.00 TC	SPOT GRADE ELEVATION TOP OF CURB
891.00 BS/TS	SPOT GRADE ELEVATION BOTTOM OF STAIRS/TOP OF STAIRS
	CURB AND GUTTER (T.O = TIP OUT)
EOF=1135.52	EMERGENCY OVERFLOW

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(651) 454-0002 LOCAL

1" = 30'-0"
15'-0" 0 30'-0"

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Matthew H. Pavek
DATE 02/13/10 LICENSE NO. 44260

ISSUE/SUBMITTAL SUMMARY

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REVISION SUMMARY

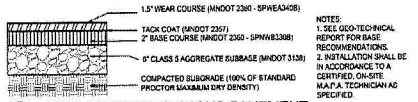
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PROJECT NUMBER 17272

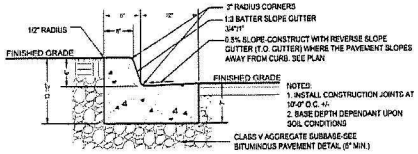
GRADING PLAN

C3.0

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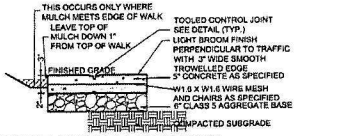


1 LIGHT DUTY BITUMINOUS PAVEMENT
NTS

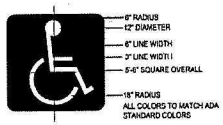


2 B-612 CONCRETE CURB AND GUTTER
NTS

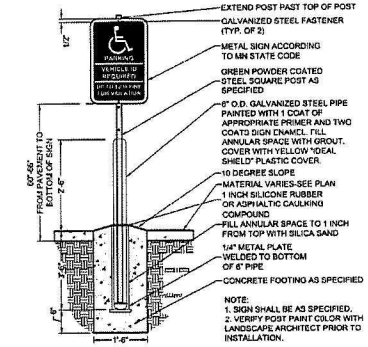
NOTES:
1. INSTALLATION AND REINFORCEMENT SHALL BE CERTIFIED AND IN ACCORDANCE TO AN ON-SITE A.C.I. TECHNICIAN AS SPECIFIED.
2. SEE GEO-TECHNICAL RECOMMENDATIONS FOR GROSS WEIGHT REQUIREMENTS.
3. SEE LAYOUT DRAWINGS FOR LIMITS OF WALKS.
4. SEE CONCRETE JOINT DETAIL FOR REQUIREMENTS.
5. 1/2" WIDE EXPANSION JOINT AND SEALANT AT ALL CURBS.
6. WIRE MESH AND CHAIRS REQUIRED FOR ALL WALKS OR IN LOCATIONS FOR VEHICULAR TRAFFIC.



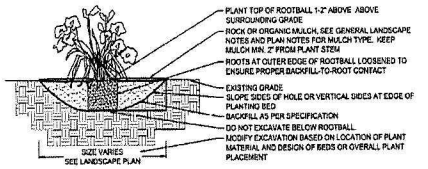
3 LIGHT DUTY CONCRETE WALK/PAD
NTS



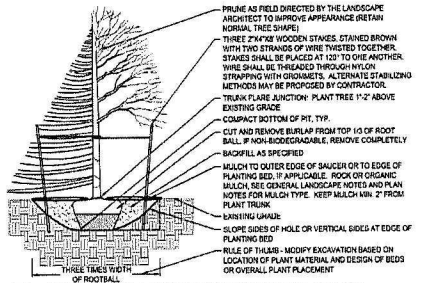
4 ACCESSIBLE PARKING PAVEMENT MARKING
NTS



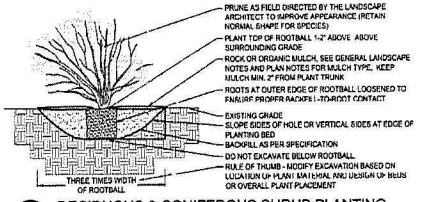
5 ACCESSIBLE SIGN AND POST
NTS



6 PERENNIAL BED PLANTING
NTS



7 DECIDUOUS & CONIFEROUS TREE PLANTING
NTS



8 DECIDUOUS & CONIFEROUS SHRUB PLANTING
NTS

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Matthew R. Pavek
DATE 05/13/16 LICENSE NO. 44203

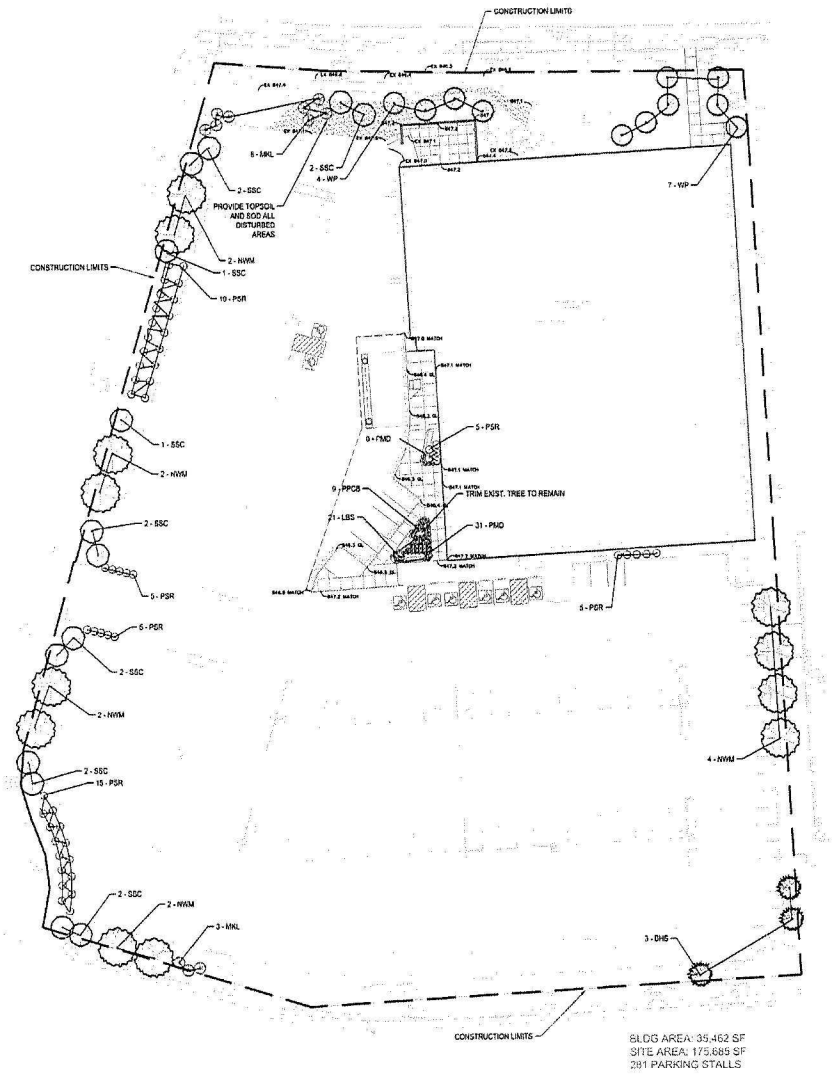
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REVISION SUMMARY
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PROJECT NUMBER 17272

CIVIL DETAILS

C5.2



BLDG AREA: 35,462 SF
SITE AREA: 175,685 SF
281 PARKING STALLS

PLANT SCHEDULE - ENTIRE SITE

SYM	QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	COMMENTS
		DECIDUOUS TREES				
NWM	3	NORTHWOOD RED MAPLE	Acer rubrum 'Northwood'	2.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
	(12)	TOTAL				
		EVERGREEN TREES				
BHS	3	BLACK HILLS SPRUCE	Picea glauca 'Densata'	8' ht.	B&B	STRAIGHT LEADER, FULL FORM
WP	11	White Pine	Pinus strobus	8' ht.	B&B	STRAIGHT LEADER, FULL FORM
	(14)	TOTAL				
		ORNAMENTAL TREES				
SSC	14	SPRING SNOW FLOWERING CRAB	Malus 'Spring Snow'	1.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
	(14)	TOTAL				
		SHRUBS - CONIFEROUS & EVERGREEN				
PSR	54	PAVEMENT SNOW ROSE	Rosa 'Snow Pavement'	24" HT.	CONT.	
MKL	11	Miss Kim Lilac	Syringa patula 'Miss Kim'	30" HT.	CONT.	
	(65)	TOTAL				
		PERENNIALS & GRASSES				
LBS	21	Blue Heaven Little Blue Stem	Schizachyrium scoparium 'Blue Heaven'	#1	CONT.	
PMD	37	PARDON ME DAYLILLY	Hemerocallis 'Pardon Me'	#1	CONT.	
PPCB	9	PLUM PUDDING CORAL BELLS	Heuchera 'Plum Pudding'	#1	CONT.	

IRRIGATION NOTES:

1. ENTIRE SITE SHALL BE FULLY IRRIGATED. THE CONTRACTOR SHALL SUBMIT IRRIGATION SHOP DRAWINGS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
2. SEE MECHANICAL AND ELECTRICAL PLANS AND SPECIFICATIONS FOR IRRIGATION WATER, METER, AND POWER CONNECTIONS.
3. CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND/ABOVE GROUND FACILITIES PRIOR TO ANY EXCAVATION/INSTALLATION. ANY DAMAGE TO UNDERGROUND/ABOVE GROUND FACILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND COSTS ASSOCIATED WITH CORRECTING DAMAGES SHALL BE BORNE ENTIRELY BY THE CONTRACTOR.
4. SERVICE EQUIPMENT AND INSTALLATION SHALL BE PER LOCAL UTILITY COMPANY STANDARDS AND SHALL BE PER NATIONAL AND LOCAL CODES. EXACT LOCATION OF SERVICE EQUIPMENT SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT OR EQUIVALENT AT THE JOB SITE.
5. CONTRACTOR SHALL COORDINATE WITH LOCAL UTILITY COMPANY FOR THE PROPOSED ELECTRICAL SERVICE AND METERING FACILITIES.
6. IRRIGATION WATER LINE CONNECTION SIZE IS 1-½" AT BUILDING. VERIFY WITH MECHANICAL PLANS.COVAGE.
7. ALL MAIN LINES SHALL BE 18" BELOW FINISHED GRADE.
8. ALL LATERAL LINES SHALL BE 12" BELLOW FINISHED GRADE.
9. ALL EXPOSED PVC RISERS, IF ANY, SHALL BE GRAY IN COLOR.
10. CONTRACTOR SHALL LAY ALL SLEEVES AND CONDUIT AT 2'-0" BELOW THE FINISHED GRADE OF THE TOP OF PAVEMENT. EXTEND SLEEVES TO 2'-0" BEYOND PAVEMENT
11. CONTRACTOR SHALL MARK THE LOCATION OF ALL SLEEVES AND CONDUIT WITH THE SLEEVING MATERIAL "ELLED" TO 2'-0" ABOVE FINISHED GRADE AND CAPPED.
12. FABRICATE ALL PIPE TO MANUFACTURER'S SPECIFICATIONS WITH CLEAN AND SQUARE CUT JOINTS. USE QUALITY GRADE PRIMER AND SOLVENT CEMENT FORMULATED FOR INTENDED TYPE OF CONNECTION.
13. BACKFILL ALL TRENCHES WITH SOIL FREE OF SHARP OBJECTS AND DEBRIS.
14. ALL VALVE BOXES AND COVERS SHALL BE BLACK IN COLOR.
15. GROUP VALVE BOXES TOGETHER FOR EASE WHEN SERVICE IS REQUIRED. LOCATE IN PLANT BED AREAS WHENEVER POSSIBLE.
16. IRRIGATION CONTROLLER LOCATION SHALL BE VERIFIED ON-SITE WITH OWNER'S REPRESENTATIVE.
17. CONTROL WIRES: 14 GAUGE DIRECT BURIAL, SOLID COPPER IRRIGATION WIRE. RUN UNDER MAIN LINE. USE MOISTURE-PROOF SPLICES AND SPLICE ONLY AT VALVES OR PULL BOXES. RUN SEPARATE HOT AND COMMON WIRE TO EACH VALVE AND ONE (1) SPARE WIRE AND GROUND TO FURTHEST VALVE FROM CONTROLLER. LABEL OR COLOR CODE ALL WIRES
18. AVOID OVER SPRAY ON BUILDINGS, PAVEMENT, WALLS AND ROADWAYS BY INDIVIDUALLY ADJUSTING RADIUS OR ARC ON SPRINKLER HEADS AND FLOW CONTROL ON AUTOMATIC VALVE.
19. ADJUST PRESSURE REGULATING VALVES FOR OPTIMUM PRESSURE ON SITE.
20. USE SCREENS ON ALL HEADS.
21. A SET OF AS-BUILT DRAWINGS SHALL BE MAINTAINED ON-SITE AT ALL TIMES IN AN UPDATED CONDITION.
22. ALL PIPE 3" AND OVER SHALL HAVE THRUST BLOCKING AT EACH TURN.
23. ALL AUTOMATIC REMOTE CONTROL VALVES WILL HAVE 3" MINIMUM DEPTH OF 3/4" WASHED GRAVEL UNDERNEATH VALVE AND VALVE BOX. GRAVEL SHALL EXTENT 3" BEYOND PERIMETER OF VALVE BOX.
24. THERE SHALL BE 3" MINIMUM SPACE BETWEEN BOTTOM OF VALVE BOX COVER AND TOP OF VALVE STRUCTURE.

LANDSCAPE NOTES:

1. WHERE SHOWN, SHRUB BEDS SHALL BE MULCHED WITH 4" DEPTH (MINIMUM AFTER INSTALLATION AND/OR TOP DRESSING OPERATIONS) OF SHREDDED CYPRESS MULCH.
2. ALL TREES SHALL BE MULCHED WITH SHREDDED CYPRESS MULCH TO OUTER EDGE OF SAUCER OR TO EDGE OF PLANTING BED, IF APPLICABLE. ALL MULCH SHALL BE KEPT WITHIN A MINIMUM OF 2" FROM TREE TRUNK.
3. IF SHOWN ON PLAN, RANDOM SIZED LIMESTONE BOULDERS COLOR AND SIZE TO COMPLIMENT NEW LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLES PRIOR TO INSTALLATION.
4. PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMPNESS OF PLANT MATERIAL FOR DURATION OF ACCEPTANCE PERIOD.
5. UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
6. CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR ONE (1) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.
7. ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" LAYER TOPSOIL LOAM AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
8. COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
9. ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
10. REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTORS ACTIVITIES.
11. SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
12. REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES.
13. PROVIDE SITE WIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE FULLY PROGRAMMABLE AND CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD OR DRIP COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PAVEMENT/BACK OF CURB.
14. CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.

LANDSCAPE CALCULATIONS:

AREA OF SITE 175538.4 SF	4.0 AC	PROPOSED PLANTS (SEE PLANT SCHEDULE)	QUANT	PTS	SUBTOTAL
REQUIRED LANDSCAPE POINTS					
4.0 = 2 AC @ 80 + 2 AC @ 60 =	280.0 PTS	SHADE TREES	12	10	120
		CONIFEROUS TREES	14	6	84
PTS REQUIRED	280.0 PTS	DECORATIVE TREES	14	1.5	21
EXIST. TREES TO REMAIN (PNTS)	35.5 PTS	SHRUBS	65	0.5	32.5
NET PTS REQUIRED	244.5 PTS	TOTAL			257.5

LEGEND

- ALL SHRUB BEDS SHALL BE MIN. 3" SHREDDED CYPRESS MULCH. SAMPLES REQUIRED PROVIDE EDGING AS SHOWN ON PLAN
- SOD
- PROPOSED CANOPY & EVERGREEN TREE SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED DECIDUOUS AND EVERGREEN SHRUB SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED PERENNIAL PLANT SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- DECORATIVE BOULDERS, 18"-30" DIA. - IF APPLICABLE

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(651) 454-0002 LOCAL

1" = 30'-0"
15'-0" 0 30'-0"

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4931 W. 35th Street, Suite 200
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civilsitegroup.com 612-615-0060

Peter Lindsay Hill
Architect
13212 McGinty Road East
Minnetonka MN 55305
petehill@visi.com • 612-332-6181

PROJECT
6440 JAMES CIRCLE NORTH
6440 JAMES CIRCLE N, BROOKLYN CENTER, MN 55430
MISSISSIPPI VALLEY PROPERTIES
1185 HERITAGE LANE, ORONO, MN 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Patrick J. Garvey
DATE 02/13/18 LICENSE NO. 24904

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

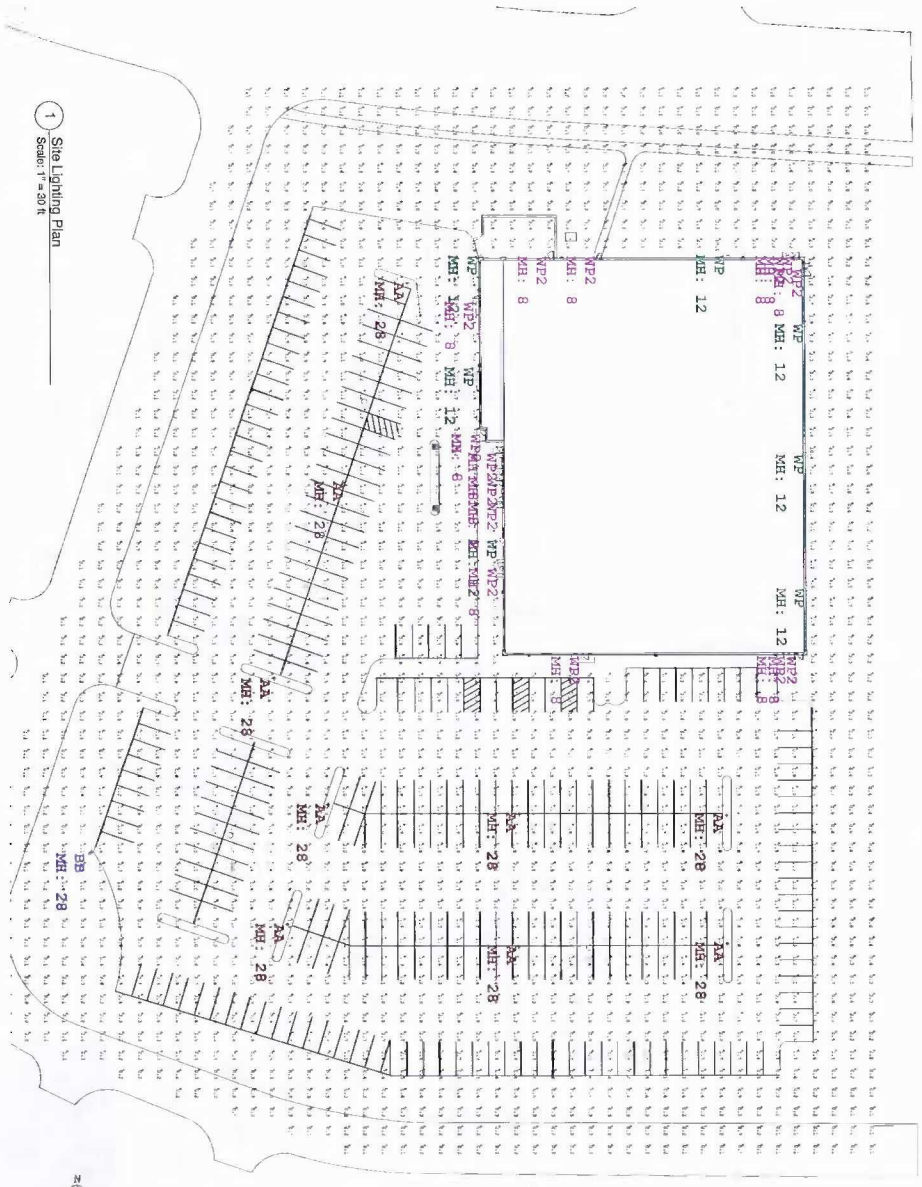
REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NUMBER 17272

LANDSCAPE PLAN

L1.0



Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Ground_Planar	Illuminance	Fc	1.01	12.0	0.0	N.A.	N.A.

Luminaire Schedule

Symbol	Qty	Label	Arrangement	LLF	Description	Lum. Lumens
	9	AA	SINGLE	0.910	PRV-A60-D-UNV-T5-BZ	19610
	1	BB	SINGLE	0.910	PRV-A15-D-UNV-T2-BZ	6139
	7	WP	SINGLE	0.910	XTOR6B	6129
	14	WP2	SINGLE	0.910	XTOR2B	2135

Page M of 1

Event Center 6440 James

Drawn By: Dan Budke
Checked By:
Date:2/6/2018

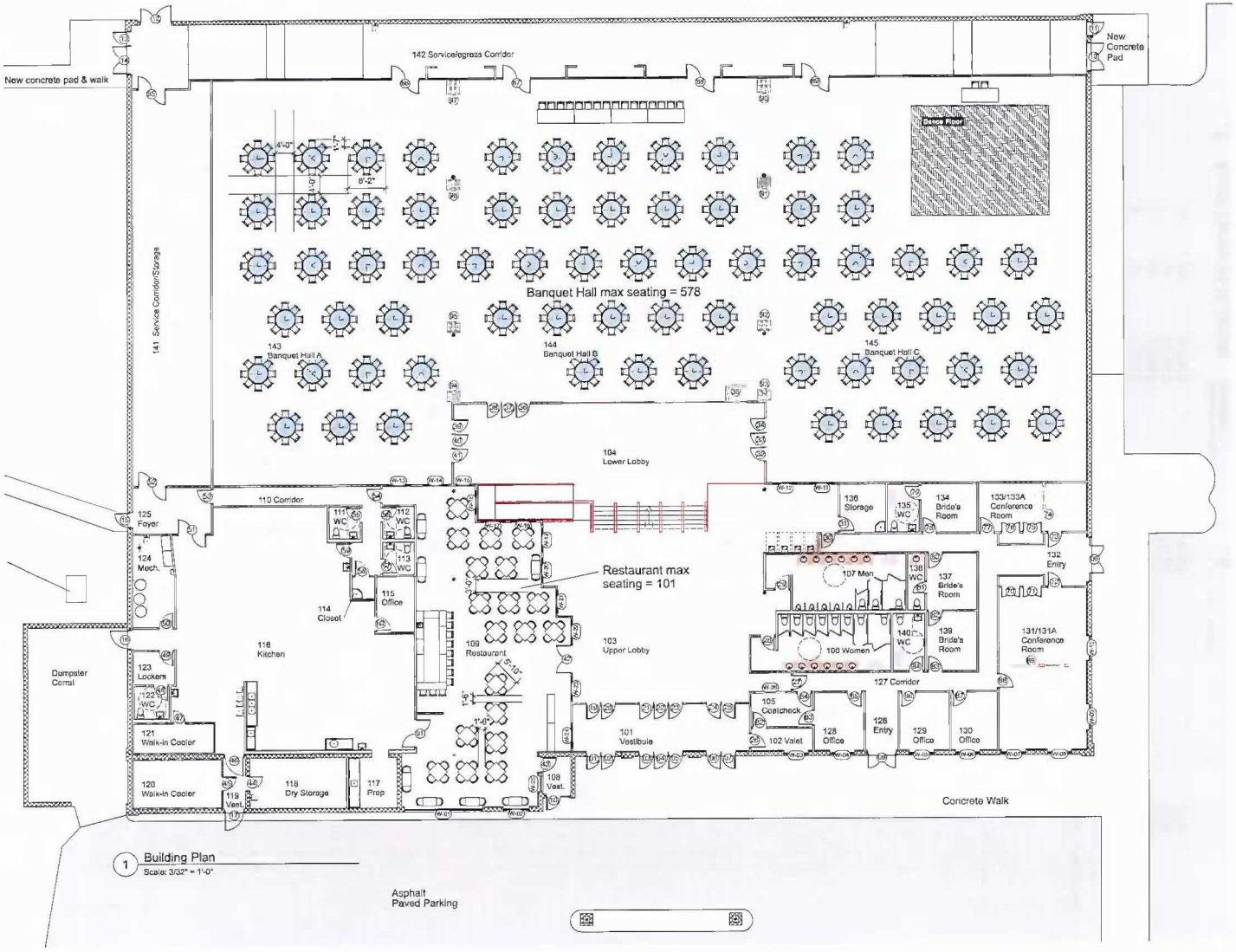
Scale:

Revisions

#	Date	Comments

Project Title	Event Center 6440 James Circle North Brooklyn Center, Minnesota	
Sheet No.	E-01	
Sheet Title	Site Lighting Plan	
Scale	1" = 30'	
Design Firm	Peter Lindsay Hill, Architect Minnesota License 20104 13212 McGinty Rd, Minnetonka MN 55305 peterh@vizionz.com • 612-332-6161	
Consultant	Brite Lite Electric Company 2475 Maplewood Drive #112 Maplewood MN 55109	
Designed By		
Drawn By		
Checked By		
Reviewed By		
Submitted By		
Project Manager	Patch Contracting	
Date		
Revision		
Project ID	6440 James	
Drawing Code		
CAD File Name	6440 James 11	
Print Date		

No.	Date	Issue Notes	No.	Date	Revision Notes	Zone	Appr
A	02/12/2018	Issued for Site & Building Plan Review					



No.	Date	Issue Notes	Revision Notes	Zone	Appr
A	02/12/2018	Issued for Site & Building Plan Review			

Designed By
Drawn By
Checked By
Reviewed By
Submitted By
Permit Number

Date
Scale
Project No.
Sheet No.

Designer Name
Peter Lindsay Hill, Architect
Minnesota License 20104
13212 McGinty Rd. Minnetonka MN 55305
petehill@visionz.com • 612-332-6161

Project Title
Event Center
6440 James Circle North
Brooklyn Center, Minnesota

Sheet Title
Banquet Hall Seating Plan
Restaurant Seating Plan

Drawing No.
Project No.
Sheet No.
Scale
3/32" = 1'-0"
Sheet No.
A-11
of
12

Owner
Owner's Name
6440 James 11
Permit Date
Permit Number
Plan Contracting

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EXHIBIT C



The Center
Main Entry After Dark
6440 James Circle North, Brooklyn Center, Minnesota
12 February 2018
no scale

peterhill@frizionz.com • 612-207-6161 • ©2017

The Center
Peter Lindsay Hall
Architect

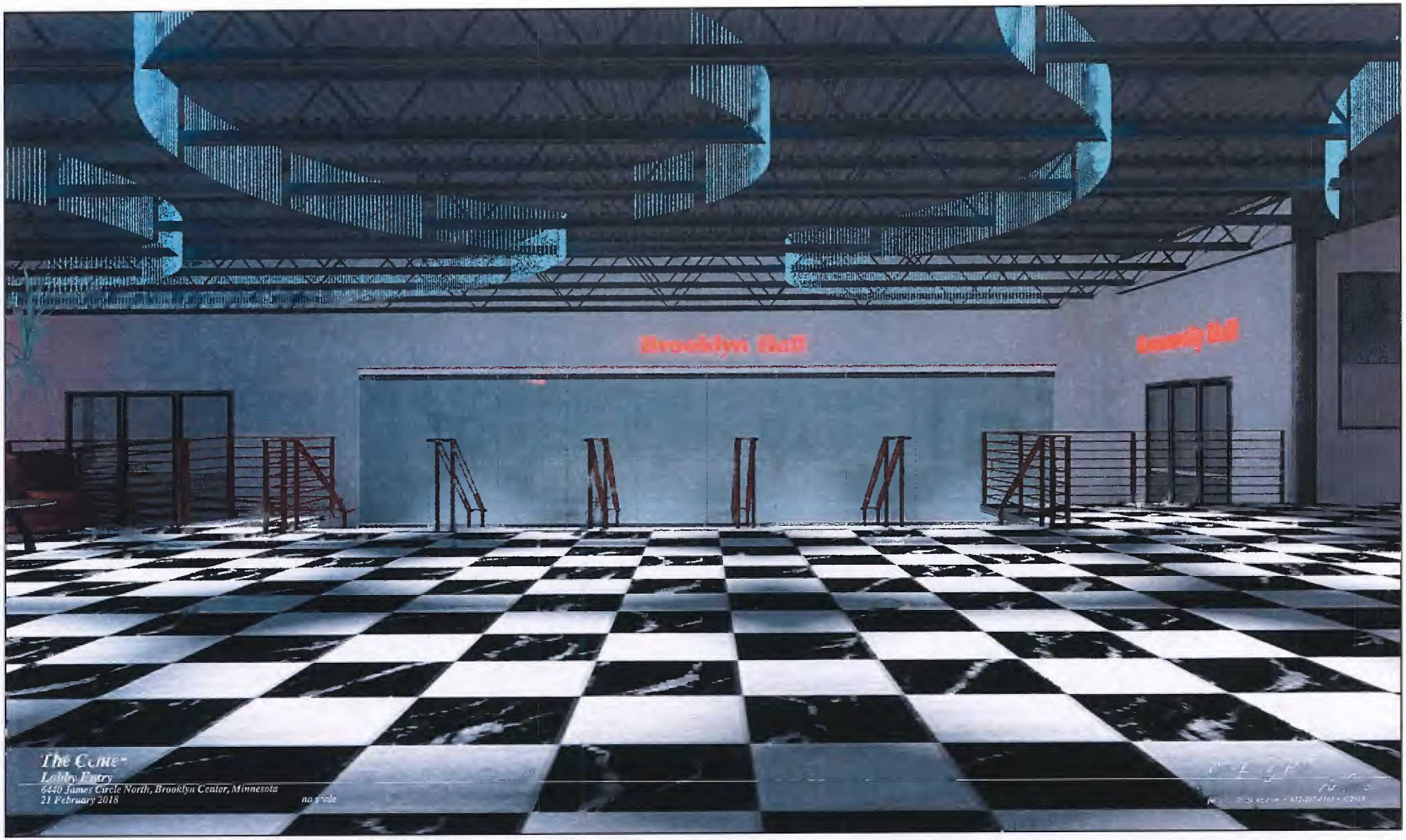

The Center
The Center
Birdseye View SE
6440 James Circle North, Brooklyn Center, Minnesota
12 February 2018
no scale
Peter Lindsay Hall
Architect



The Center
Freeway Boulevard View
6440 James Circle North, Brooklyn Center, Minnesota
12 February 2018 *no scale*

Peter Lindsay Hill
Architect
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Lobby Fireplace
6440 James Ave. North, Brooklyn Center, Minnesota
February 2018



The Cone
Lobby Entry
6440 James Circle North, Brooklyn Center, Minnesota
21 February 2018
no scale

EXHIBIT E

MEMORANDUM

DATE: March 5, 2018

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Site Plan Review –6440 James Circle

Public Works Department staff reviewed the following documents submitted for review on February 16, 2018, for the proposed 6440 James Circle:

- Civil Site Plans dated February 13, 2018

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

C2.0 – Site Plan

1. Label accessible ramps.
2. Traffic lane dimension.

C5.2 – Detail and Specifications Plan

3. Add current MN Dot plates for ADA accessibility ramps

L1.0 – Landscape Plan

4. Provide irrigation plan.

Miscellaneous

5. See redlines for additional Site Plan comments
6. Remove "City of Brooklyn Center Site Specific Notes" from all sheets.
7. Upon project completion, the applicant must submit an as-built survey of the property, improvements and utility service lines and structures; and provide certified record drawings of all project plan sheets depicting any associated private and/or public improvements, revisions and adjustments prior to issuance of the certificate of occupancy. The as-built survey must also verify that all property corners have been established and are in place at the completion of the project as determined and directed by the City Engineer.
8. Inspection for the private site improvements must be performed by the developer's design/project engineer. Upon project completion, the design/project engineer must formally certify through a letter that the project was built in conformance with the approved plans and under the design/project engineer's immediate and direct supervision. The engineer must be certified in the state of Minnesota and must certify all required as- built drawings (which are separate from the as-built survey).

9. The total disturbed area is less than one acre, an NPDES permit is not required.

Prior to issuance of a Land Alteration

10. Final construction/demolition plans and specifications need to be received and approved by the City Engineer in form and format as determined by the City. The final plan must comply with the approved preliminary plan and/or as amended as required by the City Engineer.

11. A letter of credit or a cash escrow in the amount of 100% of the estimated cost as determined by City staff shall be deposited with the City.

12. A Construction Management Plan and Agreement is required that addresses general construction activities and management provisions, traffic control provisions, emergency management provisions, storm water pollution prevention plan provisions, tree protection provisions, general public welfare and safety provisions, definition of responsibility provisions, temporary parking provisions, overall site condition provisions and non- compliance provisions. A separate $2,500 deposit will be required as part of the non-compliance provision.

Anticipated Permitting:

11. Other permits not listed may be required and is the responsibility of the developer to obtain and warranted.

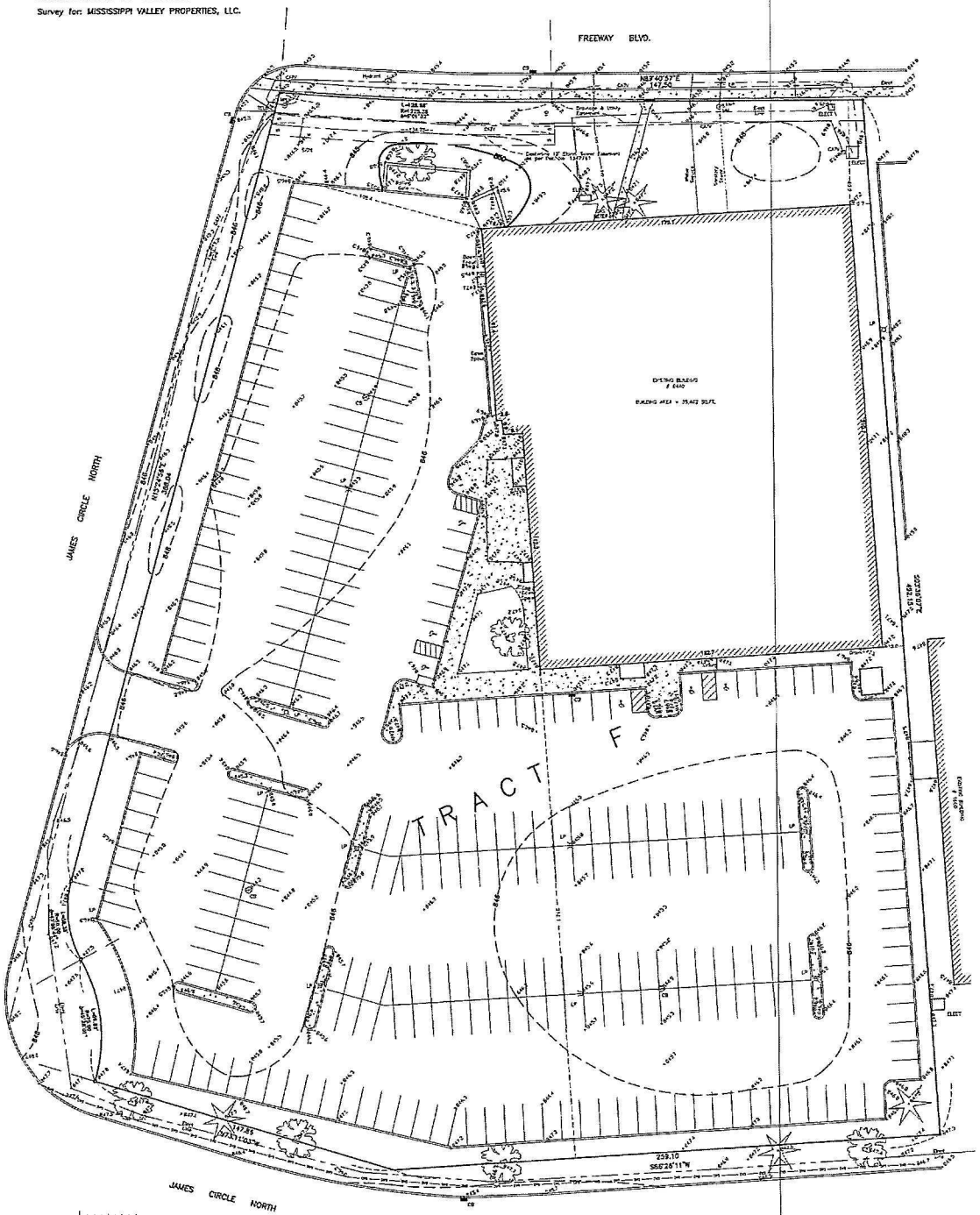
12. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.

13. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

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

CERTIFICATE OF SURVEY

Survey for: MISSISSIPPI VALLEY PROPERTIES, LLC.



SITE SURVEY

C0.1

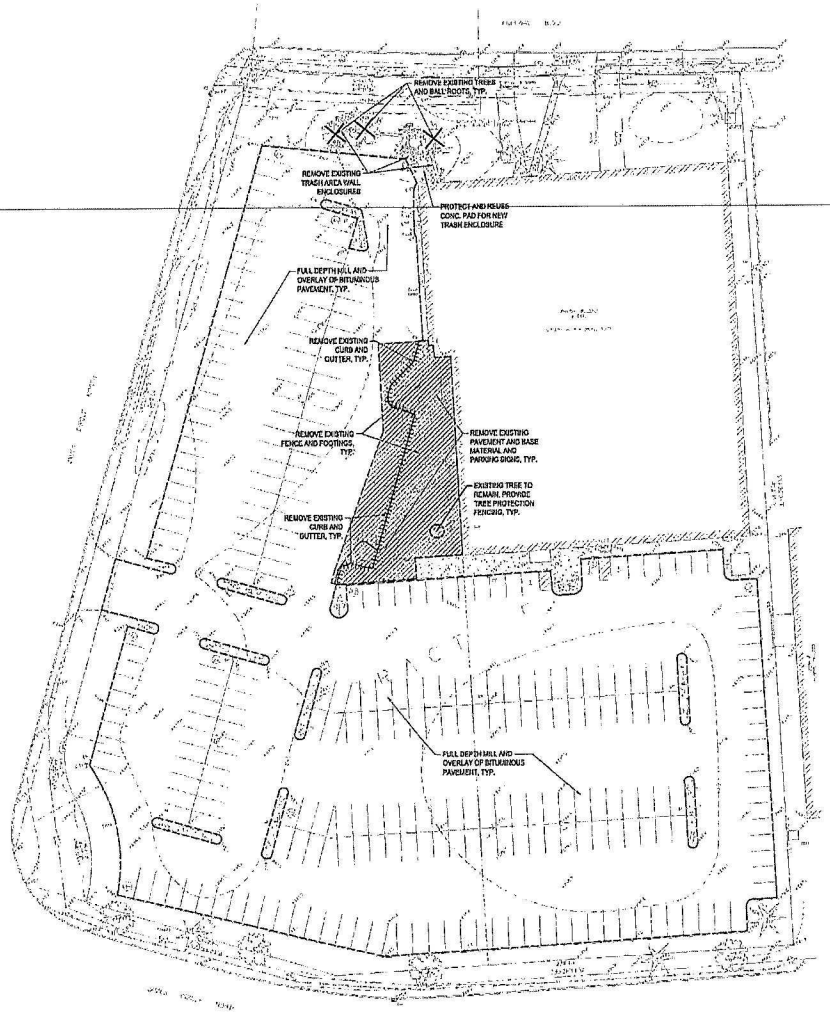
SCALE: 1" = 20'

DESCRIPTION: TRACT F, R.L.S. NO. 1482
LOT AREA = 175,665 SQ.FT. OR 4.03 ACRES

I hereby certify that this survey was prepared by me or under my direct supervision, and that I am a registered land surveyor under the laws of the State of Minnesota. Dated this 13th day of December, 2017.

CARLSON & CARLSON, INC.
LAND SURVEYORS
Tele. No. (952) 858-2024

BY _____
Larry R. Carlson, Land Surveyor
Minnesota License No. 9018



TREE REMOVAL CALCULATIONS:

EXISTING PLANT MATERIAL

NO	SIZE (CAL. IN.)	SPECIES	POINTS	REMOVE
ON-SITE				
T1	6	PINE	6	
T2	6	MAPLE	10	
T3	8	PINE	6	
T4	16	ASH	10	X
T5	8	CEDAR	6	
T6	6	CEDAR	6	
T7	12	CRAB	1.5	
T8	4	ASH	10	X
T9	6	CRAB	1.5	X
	TOTAL		35.5	
	REMOVE		21.5	
OFF-SITE (SHOWN FOR REFERENCE/CLARITY, NOT USED IN CALCULATION)				
TOS1	4	MAPLE	10	
TOS2	6	PINE	6	
TOS3	6	MAPLE	10	
TOS4	6	MAPLE	10	
	TOTAL		36	

REMOVAL NOTES:

1. SEE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) PLAN FOR CONSTRUCTION STORM WATER MANAGEMENT PLAN.
2. REMOVAL OF MATERIALS NOTED ON THE DRAWINGS SHALL BE IN ACCORDANCE WITH MNDOT, STATE AND LOCAL REGULATIONS.
3. REMOVAL OF PRIVATE UTILITIES SHALL BE COORDINATED WITH UTILITY OWNER PRIOR TO CONSTRUCTION ACTIVITIES.
4. EXISTING PAVEMENTS SHALL BE SAWCUT IN LOCATIONS AS SHOWN ON THE DRAWINGS OR THE NEAREST JOINT FOR PROPOSED PAVEMENT CONNECTIONS.
5. REMOVED MATERIALS SHALL BE DISPOSED OF TO A LEGAL OFF-SITE LOCATION AND IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.
6. ABANDON, REMOVAL, CONNECTION, AND PROTECTION NOTES SHOWN ON THE DRAWINGS ARE APPROXIMATE. COORDINATE WITH PROPOSED PLANS.
7. EXISTING ON-SITE FEATURES NOT NOTED FOR REMOVAL SHALL BE PROTECTED THROUGHOUT THE DURATION OF THE CONTRACT.
8. PROPERTY LINES SHALL BE CONSIDERED GENERAL CONSTRUCTION LIMITS UNLESS OTHERWISE NOTED ON THE DRAWINGS. WORK WITHIN THE GENERAL CONSTRUCTION LIMITS SHALL INCLUDE STAGING, DEMOLITION AND CLEAN-UP OPERATIONS AS WELL AS CONSTRUCTION SHOWN ON THE DRAWINGS.
9. MINOR WORK OUTSIDE OF THE GENERAL CONSTRUCTION LIMITS SHALL BE ALLOWED AS SHOWN ON THE PLAN AND PER CITY REQUIREMENTS.
10. DAMAGE BEYOND THE PROPERTY LINES CAUSED BY CONSTRUCTION ACTIVITY SHALL BE REPAIRED IN A MANNER APPROVED BY THE ENGINEER AND/CAPE ARCHITECT OR IN ACCORDANCE WITH THE CITY.
11. PROPOSED WORK (BUILDING AND CIVIL) SHALL NOT DISTURB EXISTING UTILITIES UNLESS OTHERWISE SHOWN ON THE DRAWINGS AND APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
12. SITE SECURITY MAY BE NECESSARY AND PROVIDED IN A MANNER TO PROHIBIT VANDALISM, AND THEFT, DURING AND AFTER NORMAL WORK HOURS, THROUGHOUT THE DURATION OF THE CONTRACT. SECURITY MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY.
13. VEHICULAR ACCESS TO THE SITE SHALL BE MAINTAINED FOR DELIVERY AND INSPECTION ACCESS DURING NORMAL OPERATING HOURS. AT NO POINT THROUGHOUT THE DURATION OF THE CONTRACT SHALL CIRCULATION OF ADJACENT STREETS BE BLOCKED WITHOUT APPROVAL BY THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.
14. ALL TRAFFIC CONTROLS SHALL BE PROVIDED AND ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CITY. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, SIGNAGE, BARRICADES, FLASHERS, AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL REMAIN OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT APPROVAL BY THE CITY.
15. SHORING FOR BUILDING EXCAVATION MAY BE USED AT THE DISCRETION OF THE CONTRACTOR AND AS APPROVED BY THE OWNERS REPRESENTATIVE AND THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.
16. STAGING, DEMOLITION, AND CLEAN-UP AREAS SHALL BE WITHIN THE PROPERTY LIMITS AS SHOWN ON THE DRAWINGS AND MAINTAINED IN A MANNER AS REQUIRED BY THE CITY.

CITY OF BROOKLYN CENTER REMOVAL NOTES:

1. RESERVED FOR CITY SPECIFIC REMOVAL NOTES.

EROSION CONTROL NOTES:

SEE SWPPP ON SHEETS SW1.0-SW1.3

REMOVALS LEGEND:

- EX. 1' CONTOUR ELEVATION INTERVAL
- REMOVAL OF PAVEMENT AND ALL BASE MATERIAL, INCLUDING BIT., CONC., AND GRAVEL PVMTS.
- FULL DEPTH MILL AND OVERLAY OF BITUMINOUS PAVEMENT
- REMOVE CURB AND GUTTER. IF IN RIGHT-OF-WAY, COORDINATE WITH LOCAL GOVERNING UNIT.
- TREE PROTECTION
- TREE REMOVAL - INCLUDING ROOTS AND STUMPS

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(651) 454-0002 LOCAL

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1" = 30'-0"
15'-0" 0 30'-0"

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civilsitegroup.com 612-615-0060

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Architect
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peterlh@q.com • 612-337-6161

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6440 JAMES CIRCLE N, BROOKLYN CENTER, MN 55430

MISSISSIPPI VALLEY PROPERTIES
1165 HERITAGE LANE, ORONO, MN 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Fowle
DATE 07/13/18 LICENSE NO. 44283

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

REVISION SUMMARY

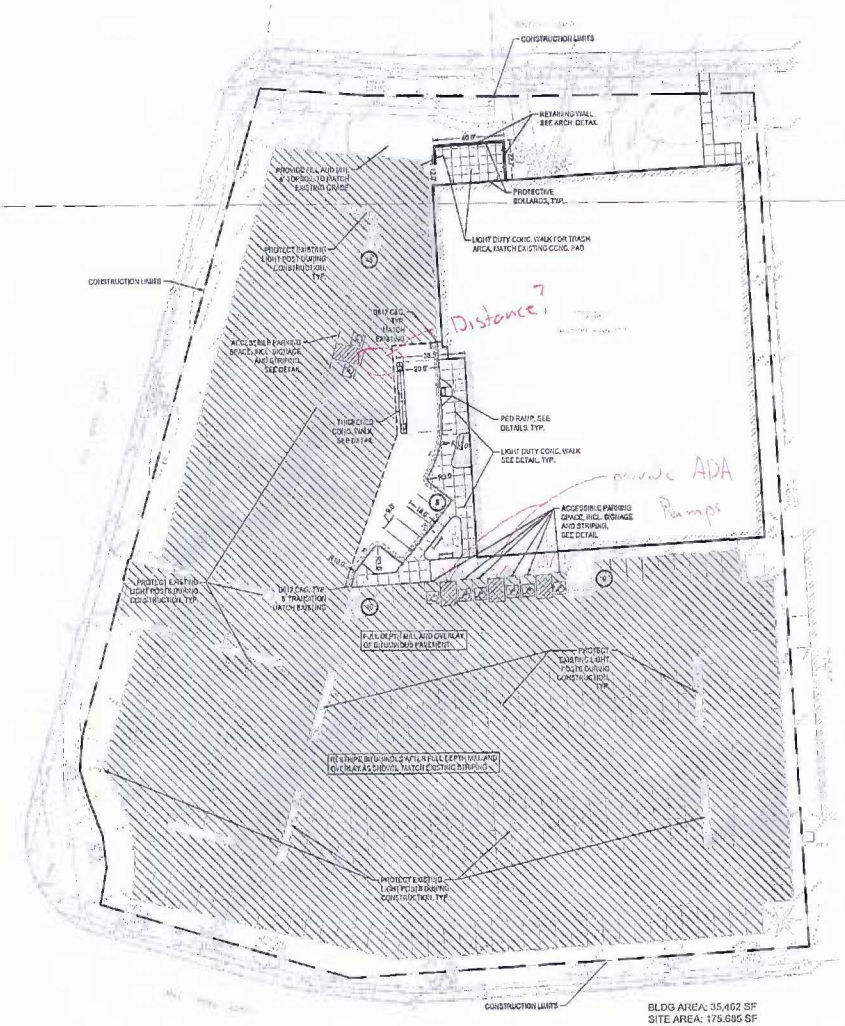
DATE	DESCRIPTION

PROJECT NUMBER: 17272

REMOVALS PLAN

C1.0

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BLDG AREA: 35,462 SF
SITE AREA: 175,685 SF
281 PARKING STALLS

SITE LAYOUT NOTES:

1. CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS SHOWN ON THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION DUE TO LOCATIONAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO THE OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND EXCAVATION PERMIT.
3. THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
4. CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
5. LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
6. CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
7. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
8. PEDESTRIAN CURB RAMPS SHALL BE CONSTRUCTED WITH TRUNCATED DOME LANDING AREAS IN ACCORDANCE WITH A.D.A. REQUIREMENTS SEE DETAIL.
9. CROSSWALK STRIPING SHALL BE 24" WIDE WHITE PAINT IN LINE, SPACED 48" ON CENTER PERPENDICULAR TO THE FLOW OF TRAFFIC. WIDTH OF CROSSWALK SHALL BE 8' WIDE. ALL OTHER PAVEMENT MARKINGS SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED OR REQUIRED BY ADA OR LOCAL GOVERNING BODIES.
10. SEE SITE PLAN FOR CURB AND GUTTER TYPE. TAPER BETWEEN CURB TYPES-SEE DETAIL.
11. ALL CURB RADII ARE 10' UNLESS OTHERWISE NOTED.
12. CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, RUNNERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
13. FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
14. PARKING IS TO BE SET PARALLEL OR PERPENDICULAR TO EXISTING BUILDING UNLESS NOTED OTHERWISE.
15. ALL PARKING LOT PAINT STRIPPING TO BE WHITE, 4" WIDE TYP.
16. BITUMINOUS PAVING TO BE "LIGHT DUTY" UNLESS OTHERWISE NOTED. SEE DETAIL SHEETS FOR PAVEMENT SECTIONS.
17. ALL TREES THAT ARE TO REMAIN ARE TO BE PROTECTED FROM DAMAGE WITH A CONSTRUCTION FENCE AT THE DRIP LINE. SEE LANDSCAPE DOCUMENTS.

CITY OF BROOKLYN CENTER SITE SPECIFIC NOTES:

1. RESERVED FOR CITY SPECIFIC NOTES

SITE AREA TABLE:

SITE AREA CALCULATIONS	EXISTING		PROPOSED LOT	
BUILDING COVERAGE	35,462 SF	20.2%	35,462 SF	20.2%
ALL PAVEMENTS	110,469 SF	62.9%	110,977 SF	63.2%
ALL NON-PAVEMENTS	29,753 SF	16.9%	29,246 SF	16.6%
TOTAL SITE AREA	175,685 SF	100.0%	175,685 SF	100.0%
IMPERVIOUS SURFACE				
EXISTING CONDITION	145,922 SF	83.1%		
PROPOSED CONDITION LOT	146,439 SF	83.4%		
DIFFERENCE (EX. VS PROP.)	517 SF	0.3%		
IMPERVIOUS TOTAL	146,439 SF	83.4%		

PARKING STALLS:

PARKING STALLS	
EXISTING	PROPOSED
306	281

SITE PLAN LEGEND:

- FULL DEPTH MILL AND OVERLAY OF BITUMINOUS PAVEMENT
- LIGHT DUTY BITUMINOUS PAVEMENT, SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH, SEE DETAIL.
- CONCRETE PAVEMENT AS SPECIFIED (PCP OR WALK) SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS. SEE DETAIL.
- PROPERTY LINE
- CONSTRUCTION LIMITS
- CURB AND GUTTER-SEE NOTES (T O) TIP OUT GUTTER WHERE APPLICABLE-SEE PLAN
- TRAFFIC DIRECTIONAL ARROW PAVEMENT MARKINGS
- SIGN AND POST ASSEMBLY. SHOP DRAWINGS REQUIRED. HC = ACCESSIBLE SIGN NP = NO PARKING FIRE LANE ST = STOP CP = COMPACT CAR PARKING ONLY

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N

1" = 30'-0"
15'-0" 0 30'-0"

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MISSISSIPPI VALLEY PROPERTIES
1185 HERITAGE LANE, CROMO, MN 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew M. Parrell
DATE: 09/13/18 LICENSE NO. 44292

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

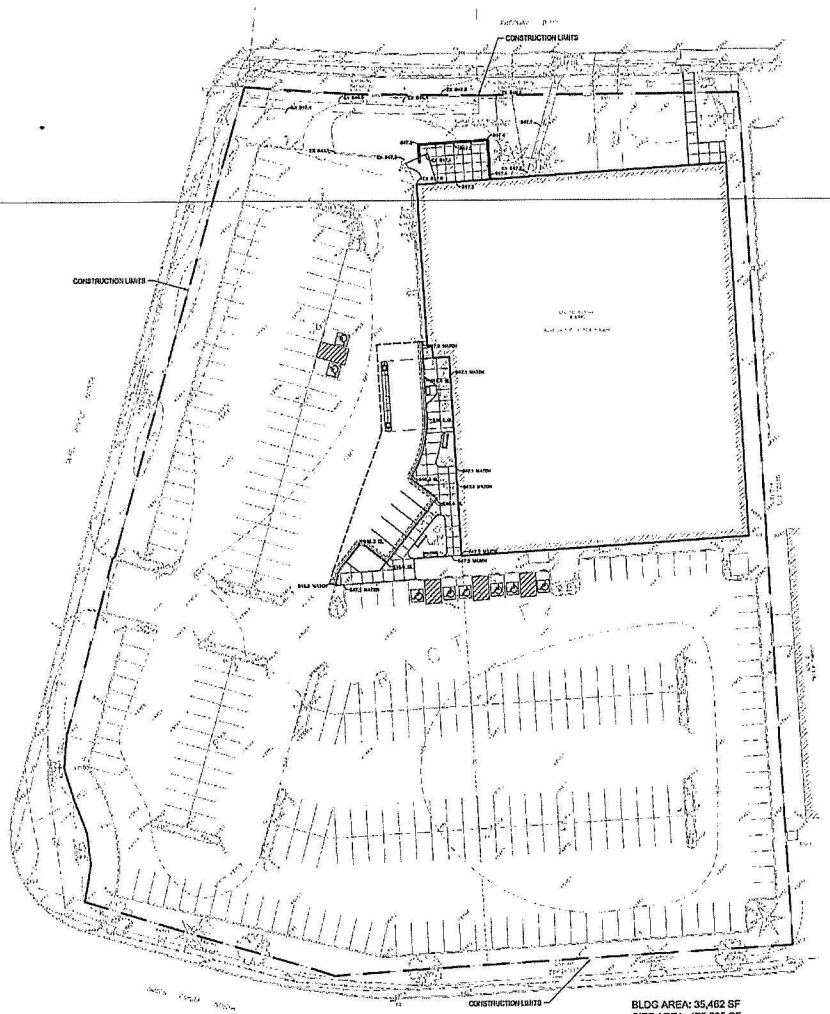
REVISION SUMMARY

DATE OF REVISION

PROJECT NUMBER: 17272

SITE PLAN

C2.0



BLDG AREA: 35,462 SF
SITE AREA: 175,685 SF
281 PARKING STALLS

EROSION CONTROL NOTES:

SEE SWPPP ON SHEETS SW1.0-SW1.3

GROUNDWATER INFORMATION:

PER GEOTECHNICAL REPORT BY XXXXX, INC., DATED XX.XX.XX GROUNDWATER WAS OBSERVED AT ELEVATIONS RANGING FROM XXX.XX TO XXX.XX

THE BORINGS & GROUNDWATER ARE AS FOLLOWS:

B-1	XXX.XX
B-2	XXX.XX
B-3	XXX.XX
B-4	XXX.XX

PROPOSED FOOTING DRAIN TILE INVERT ELEVATION = XXX.XX

CITY OF BROOKLYN CENTER GRADING NOTES:

1. RESERVED FOR CITY SPECIFIC GRADING NOTES.

GENERAL GRADING NOTES:

1. SEE SITE PLAN FOR HORIZONTAL LAYOUT & GENERAL GRADING NOTES.
2. THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION (INCLUDING BUT NOT LIMITED TO SITE PREPARATION, SOIL CORRECTION, EXCAVATION, EMBANKMENT, ETC.) IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
3. GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
4. PROPOSED SPOT GRADES ARE FLOW-LINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
5. GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
6. PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS. MAXIMUM SLOPES IN MAINTAINED AREAS IS 4:1
7. PROPOSED RETAINING WALLS, FREESTANDING WALLS, OR COMBINATION OF WALL TYPES GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED AND ENGINEERED BY A REGISTERED RETAINING WALL ENGINEER. DESIGN DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOPSOIL AND SODDING ACTIVITIES.
9. IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
10. EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADS, ROADWAYS AND PARKING AREAS. THE CONTRACTOR SHALL SUBCUT CUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 8 INCHES. RESPREAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
11. FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS. PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISH GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME RUTTED BY TRAFFIC OR ERODED BY WATER OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTORS OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
12. PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL WILL BE REQUIRED ON THE STREET AND/OR PARKING AREA SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 20 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS OF THE STREET OR PARKING AREA ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER. NO TEST ROLL SHALL OCCUR WITHIN 10' OF ANY UNDERGROUND STORM RETENTION/DETENTION SYSTEMS.
13. TOLERANCES
    - 13.1. THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.30 FOOT ABOVE, OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
    - 13.2. THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.35 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
    - 13.3. AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
    - 13.4. TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
14. MAINTENANCE
    - 14.1. THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.
    - 14.2. CONTRACTOR SHALL REPAIR AND REESTABLISH GRADES IN SETTLED, ERODED AND RUTTED AREAS TO SPECIFIED TOLERANCES. DURING THE CONSTRUCTION, IF REQUIRED, AND DURING THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDED AND MULCHED.
    - 14.3. WHERE COMPLETED COMPACTED AREAS ARE DISTURBED BY SUBSEQUENT CONSTRUCTION OPERATIONS OR ADVERSE WEATHER, CONTRACTOR SHALL SCARIFY, SURFACE, RESHAPE, AND COMPACT TO REQUIRED DENSITY PRIOR TO FURTHER CONSTRUCTION.

GRADING PLAN LEGEND:

	EX. 1' CONTOUR ELEVATION INTERVAL
1137	1.0' CONTOUR ELEVATION INTERVAL
41.25	SPOT GRADE ELEVATION (GUTTER/FLOW LINE UNLESS OTHERWISE NOTED)
891.00 G	SPOT GRADE ELEVATION GUTTER
891.00 TC	SPOT GRADE ELEVATION TOP OF CURB
891.00 BS/TS	SPOT GRADE ELEVATION BOTTOM OF STAIRS/TOP OF STAIRS
	CURB AND GUTTER (T.O = TIP OUT)
EOF=1135.82	EMERGENCY OVERFLOW

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

1" = 30'-0"
15'-0" 0 30'-0"

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Peter Lindsay Hill
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Minnetonka MN 55305
peterh2@visland.com • 612.332.6781

PROJECT
6440 JAMES CIRCLE NORTH
6440 JAMES CIRCLE N, BROOKLYN CENTER, MN 55430
MISSISSIPPI VALLEY PROPERTIES
1165 HERITAGE LANE, ORONO, MN 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Fowler
DATE 02/15/19 LICENSE NO. 41703

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

REVISION SUMMARY

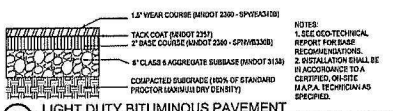
DATE	DESCRIPTION

PROJECT NUMBER: 17272

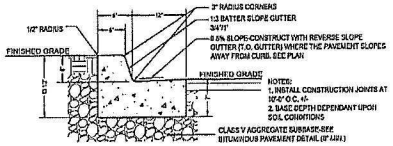
GRADING PLAN

C3.0

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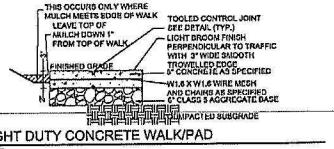


1 LIGHT DUTY BITUMINOUS PAVEMENT
NTS



2 B-612 CONCRETE CURB AND GUTTER
NTS

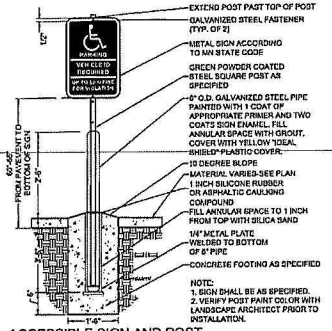
NOTES:
1. INSTALLATION AND REINFORCEMENT SHALL BE CERTIFIED AND IN ACCORDANCE TO AN ON-SITE A.C.I. TECHNICIAN AS SPECIFIED.
2. SEE GEO-TECHNICAL RECOMMENDATIONS FOR GROSS WEIGHT REQUIREMENTS.
3. SEE LAYOUT DRAWINGS FOR LIMITS OF WALKS.
4. SEE CONCRETE JOINT DETAIL FOR REQUIREMENTS.
5. 1/2" WIDE EXPANSION JOINT AND SEALANT AT ALL CURBS.
6. WIRE MESH AND CHAIRS REQUIRED FOR ALL WALKS OR IN LOCATIONS FOR VEHICULAR TRAFFIC.



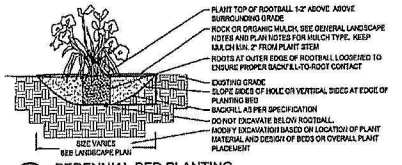
3 LIGHT DUTY CONCRETE WALK/PAD
NTS



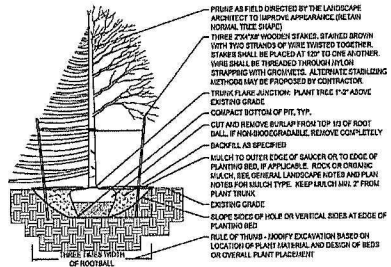
4 ACCESSIBLE PARKING PAVEMENT MARKING
NTS



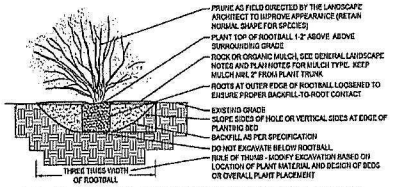
5 ACCESSIBLE SIGN AND POST
NTS



6 PERENNIAL BED PLANTING
NTS



7 DECIDUOUS & CONIFEROUS TREE PLANTING
NTS



8 DECIDUOUS & CONIFEROUS SHRUB PLANTING
NTS

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PROJECT
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MISSISSIPPI VALLEY PROPERTIES
1165 HERITAGE LANE, CROMO, MN 55391

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Matthew R. Flavel
DATE 7/27/16 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

REVISION SUMMARY

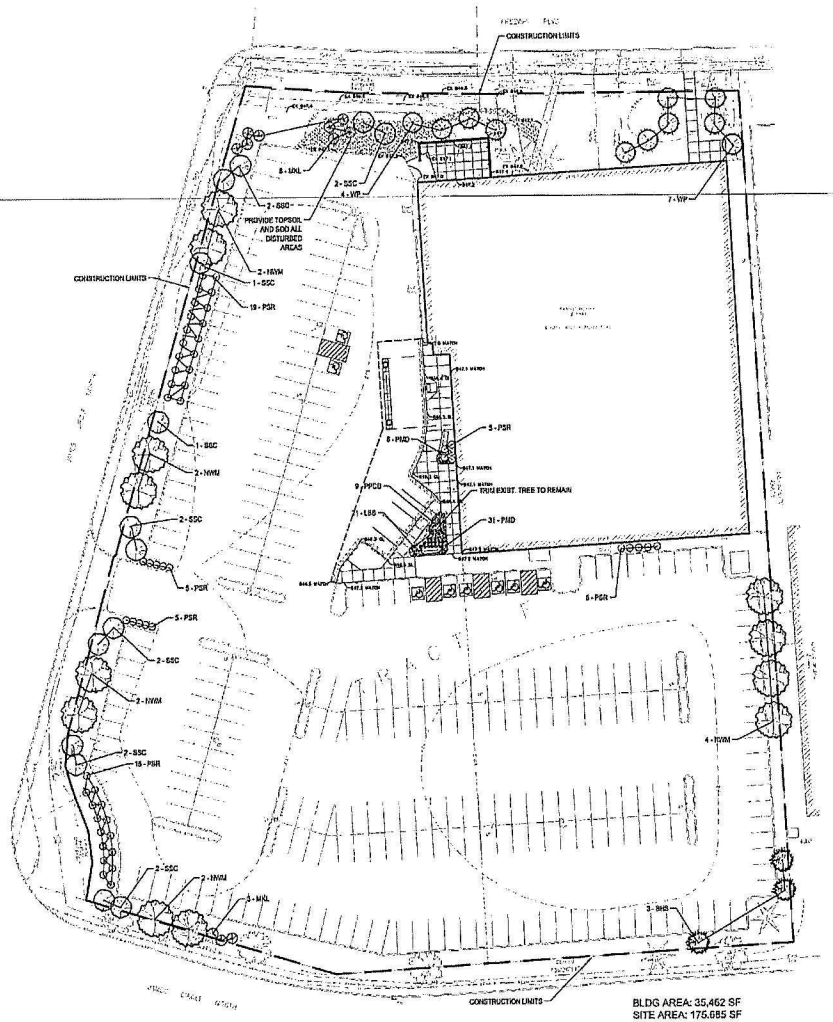
DATE	DESCRIPTION

PROJECT NUMBER: 1372

CIVIL DETAILS

C5.2

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BLDG AREA: 35,462 SF
SITE AREA: 175,685 SF
281 PARKING STALLS

PLANT SCHEDULE - ENTIRE SITE

SYM	QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	COMMENTS
		DECIDUOUS TREES				
NWM	3	NORTHWOOD RED MAPLE	Acer rubrum 'Northwood'	2.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
	(12)	TOTAL				
		EVERGREEN TREES				
BHS	3	BLACK HILLS SPRUCE	Picea glauca 'Densata'	6' ht.	B&B	STRAIGHT LEADER, FULL FORM
WP	11	White Pine	Pinus strobus	6' ht.	B&B	STRAIGHT LEADER, FULL FORM
	(14)	TOTAL				
		ORNAMENTAL TREES				
SSC	14	SPRING SNOW FLOWERING CRAB	Malus 'Spring Snow'	1.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
	(14)	TOTAL				
		SHRUBS - CONIFEROUS & EVERGREEN				
PSR	54	PAVEMENT SNOW ROSE	Rosa 'Snow Pavement'	24" HT.	CONT.	
MVL	11	Kim Kim Lilac	Syringa palula 'Miss Kim'	36" HT.	CONT.	
	(65)	TOTAL				
		PERENNIALS & GRASSES				
LBB	21	Blue Heaven Little Blue Stem	Schizachyrium scoparium 'Blue Heaven'	#1	CONT.	
PMD	37	PARDON ME DAYLILY	Hemerocallis 'Pardon Me'	#1	CONT.	
PPCD	9	PLUM PUDDING CORAL BELLS	Heuchera 'Plum Pudding'	#1	CONT.	

IRRIGATION NOTES:

1. ENTIRE SITE SHALL BE FULLY IRRIGATED. THE CONTRACTOR SHALL SUBMIT IRRIGATION SHOP DRAWINGS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION
2. SEE MECHANICAL AND ELECTRICAL PLANS AND SPECIFICATIONS FOR IRRIGATION WATER, METER, AND POWER CONNECTIONS.
2. CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND/ABOVE GROUND FACILITIES PRIOR TO ANY EXCAVATION/INSTALLATION. ANY DAMAGE TO UNDERGROUND/ABOVE GROUND FACILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND COSTS ASSOCIATED WITH CORRECTING DAMAGES SHALL BE BORNE ENTIRELY BY THE CONTRACTOR.
4. SERVICE EQUIPMENT AND INSTALLATION SHALL BE PER LOCAL UTILITY COMPANY STANDARDS AND SHALL BE PER NATIONAL AND LOCAL CODES. EXACT LOCATION OF SERVICE EQUIPMENT SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT OR EQUIVALENT AT THE JOB SITE.
5. CONTRACTOR SHALL COORDINATE WITH LOCAL UTILITY COMPANY FOR THE PROPOSED ELECTRICAL SERVICE AND METERING FACILITIES.
6. IRRIGATION WATER LINE CONNECTION SIZE IS 1½" AT BUILDING. VERIFY WITH MECHANICAL PLANS/CONAGE.
7. ALL MAIN LINES SHALL BE 18" BELOW FINISHED GRADE.
8. ALL LATERAL LINES SHALL BE 12" BELOW FINISHED GRADE.
9. ALL EXPOSED PVC RISERS, IF ANY, SHALL BE GRAY IN COLOR.
10. CONTRACTOR SHALL LAY ALL SLEEVES AND CONDUIT AT 2'-0" BELOW THE FINISHED GRADE OF THE TOP OF PAVEMENT. EXTEND SLEEVES TO 2'-0" BEYOND PAVEMENT.
11. CONTRACTOR SHALL MARK THE LOCATION OF ALL SLEEVES AND CONDUIT WITH THE SLEEVING MATERIAL "KILLED" TO 2'-0" ABOVE FINISHED GRADE AND CAPPED
12. FABRICATE ALL PIPE TO MANUFACTURERS SPECIFICATIONS WITH CLEAN AND SQUARE CUT JOINTS. USE QUALITY GRADE PRIMER AND SOLVENT CEMENT FORMULATED FOR INTENDED TYPE OF CONNECTION.
13. BACKFILL ALL TRENCHES WITH SOIL FREE OF SHARP OBJECTS AND DEBRIS
14. ALL VALVE BOXES AND COVERS SHALL BE BLACK IN COLOR.
15. GROUP VALVE BOXES TOGETHER FOR EASE WHEN SERVICE IS REQUIRED. LOCATE IN PLANT BED AREAS WHENEVER POSSIBLE.
16. IRRIGATION CONTROLLER LOCATION SHALL BE VERIFIED ON-SITE WITH OWNER'S REPRESENTATIVE.
17. CONTROL WIRES: 14 GAUGE DIRECT BURIAL, SOLID COPPER IRRIGATION WIRE. RUN UNDER MAIN LINE. USE MOISTURE-PROOF SPLICES AND SPLICE ONLY AT VALVES OR PULL BOXES. RUN SEPARATE HOT AND COMMON WIRE TO EACH VALVE AND ONE (1) SPARE WIRE AND GROUND TO FURTHEST VALVE FROM CONTROLLER. LABEL OR COLOR CODE ALL WIRES.
18. AVOID OVER SPRAY ON BUILDINGS, PAVEMENT, WALLS AND ROADWAYS BY INDIVIDUALLY ADJUSTING RADIUS OR ARC ON SPRINKLER HEADS AND FLOW CONTROL ON AUTOMATIC VALVE.
19. ADJUST PRESSURE REGULATING VALVES FOR OPTIMUM PRESSURE ON SITE.
20. USE SCREENS ON ALL HEADS.
21. A SET OF AS-BUILT DRAWINGS SHALL BE MAINTAINED ON-SITE AT ALL TIMES IN AN UPDATED CONDITION.
22. ALL PIPE 3" AND OVER SHALL HAVE THRUST BLOCKING AT EACH TURN.
23. ALL AUTOMATIC REMOTE CONTROL VALVES WILL HAVE 3" MINIMUM DEPTH OF 3/4" WASHED GRAVEL UNDERNEATH VALVE AND VALVE BOX. GRAVEL SHALL EXTEND 3" BEYOND PERIMETER OF VALVE BOX.
24. THERE SHALL BE 3" MINIMUM SPACE BETWEEN BOTTOM OF VALVE BOX COVER AND TOP OF VALVE STRUCTURE.

LANDSCAPE NOTES:

1. WHERE SHOWN, SHRUB BEDS SHALL BE MULCHED WITH 4" DEPTH (MINIMUM AFTER INSTALLATION AND/OR TOP DRESSING OPERATIONS) OF SHREDDED CYPRESS MULCH.
2. ALL TREES SHALL BE MULCHED WITH SHREDDED CYPRESS MULCH TO OUTER EDGE OF SAUCER OR TO EDGE OF PLANTING BED, IF APPLICABLE. ALL MULCH SHALL BE KEPT WITHIN A MINIMUM OF 3" FROM TREE TRUNK.
3. IF SHOWN ON PLAN, RANDOM SIZED LIMESTONE BOULDERS COLOR AND SIZE TO COMPLIMENT NEW LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLES PRIOR TO INSTALLATION.
4. PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMPNESS OF PLANT MATERIAL FOR DURATION OF ACCEPTANCE PERIOD.
5. UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
6. CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR ONE (1) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.
7. ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" LAYER TOPSOIL LOAM AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
8. COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
9. ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
10. REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTORS ACTIVITIES.
11. SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTORS ACTIVITIES.
12. REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES
13. PROVIDE SITE WIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE FULLY PROGRAMMABLE AND CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD OR DRIP COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PAVEMENT/BACK OF CURB.
14. CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.

LANDSCAPE CALCULATIONS:

AREA OF SITE	175538.4 SF	4.0 AC	PROPOSED PLANTS (SEE PLANT SCHEDULE)	QUANT	PTS	SUBTOTAL
REQUIRED LANDSCAPE POINTS						
4.0 = 2 AC @ 80 + 2 AC @ 60 =		200.0 PTS	SHADE TREES	12	10	120
			CONIFEROUS TREES	14	6	84
PTS REQUIRED		200.0 PTS	DECORATIVE TREES	14	1.5	21
EXIST. TREES TO REMAIN (PNTS)		55.5 PTS	SHRUBS	65	0.5	32.5
NET PTS REQUIRED		244.5 PTS	TOTAL			257.5

LEGEND

- ALL SHRUB BEDS SHALL BE MIN. 3" SHREDDED CYPRESS MULCH, SAMPLES REQUIRED PROVIDE EDGING AS SHOWN ON PLAN
- SOD
- PROPOSED CANOPY & EVERGREEN TREE SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED DECIDUOUS AND EVERGREEN SHRUB SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED PERENNIAL PLANT SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- DECORATIVE BOULDERS, 18"-30" DIA. - IF APPLICABLE

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(651) 454-0002 LOCAL

1" = 20'-0"
10'-0" 0 30'-0"

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Architect
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Minnetonka MN 55305
peterh@cybera.com • 612-232-6161

PROJECT
6440 JAMES CIRCLE NORTH
6440 JAMES CIRCLE N, BROOKLYN CENTER, MN 55430
MISSISSIPPI VALLEY PROPERTIES
1165 HERITAGE LANE, CHOMO, MN 55391

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Peter J. Berrier
DATE 02/13/18 LICENSE NO. 24964

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

REVISION SUMMARY

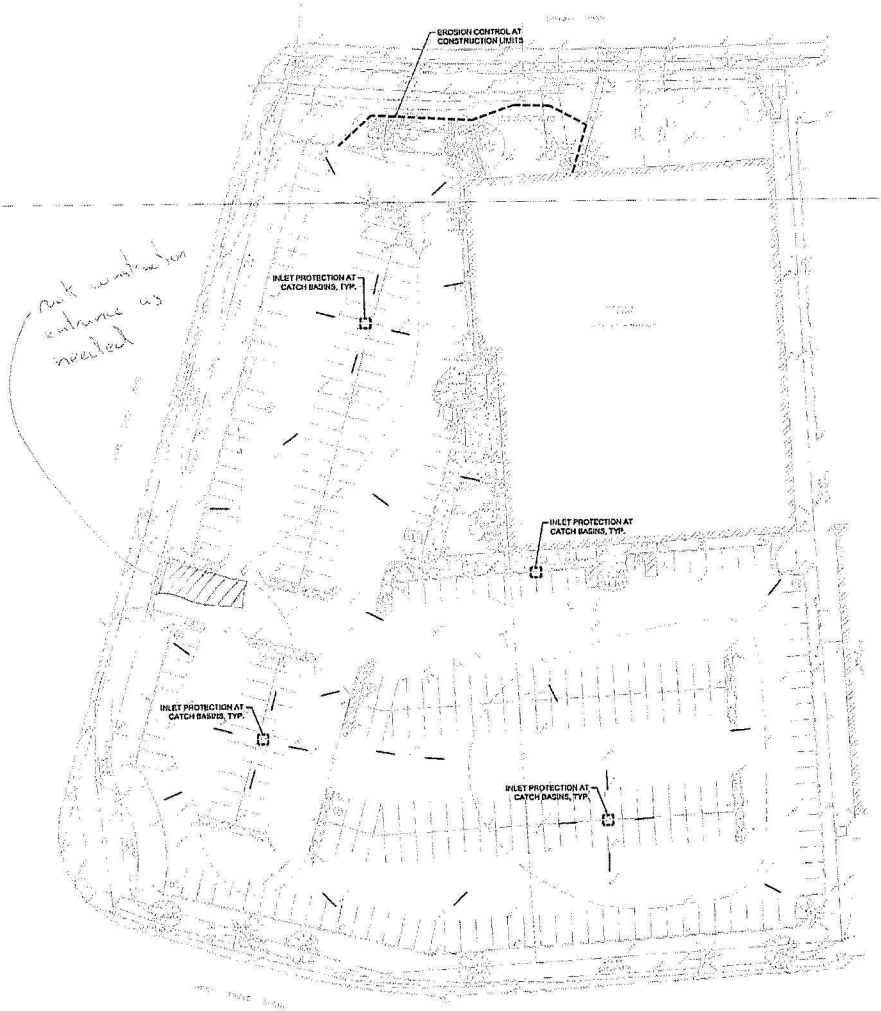
DATE	DESCRIPTION

PROJECT NUMBER 17772

LANDSCAPE PLAN

L1.0

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ALL SPECIFIED EROSION AND SEDIMENT CONTROL PRACTICES, AND MEASURES CONTAINED IN THIS SWPPP ARE THE MINIMUM REQUIREMENTS. ADDITIONAL PRACTICES MAY BE REQUIRED DURING THE COURSE OF CONSTRUCTION.

SWPPP NOTES:

1. THIS PROJECT IS GREATER THAN ONE ACRE AND WILL REQUIRE AN MPCA NPDES PERMIT. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY EROSION CONTROL PERMITS REQUIRED BY THE CITY.
2. SEE SHEETS SW1.0 - SW1.3 FOR ALL EROSION CONTROL NOTES, DESCRIPTIONS, AND PRACTICES.
3. SEE GRADING PLAN FOR ADDITIONAL GRADING AND EROSION CONTROL NOTES.
4. CONTRACTOR IS RESPONSIBLE FOR SWPPP IMPLEMENTATION, INSPECTIONS, AND COMPLIANCE WITH NPDES PERMIT.

CITY OF BROOKLYN CENTER EROSION CONTROL NOTES:

1. RESERVED FOR CITY SPECIFIC EROSION CONTROL NOTES.

LEGEND:

- EX. 1' CONTOUR ELEVATION INTERVAL
- 1132 — 1' CONTOUR ELEVATION INTERVAL
- DRAINAGE ARROW
- SILT FENCE / BIOROLL - GRADING LIMIT
- INLET PROTECTION
- STABILIZED CONSTRUCTION ENTRANCE
- EROSION CONTROL BLANKET

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(651) 454-0002 LOCAL.

1" = 20'-0"
15'-0" 0 30'-0"

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PROJECT

6440 JAMES CIRCLE NORTH

6440 JAMES CIRCLE N, BROOKLYN CENTER, MN 55430

MISSISSIPPI VALLEY PROPERTIES

1165 HERITAGE LANE, ORONO, MN 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Parrell
DATE 6/21/16 LICENSE NO. 44241

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

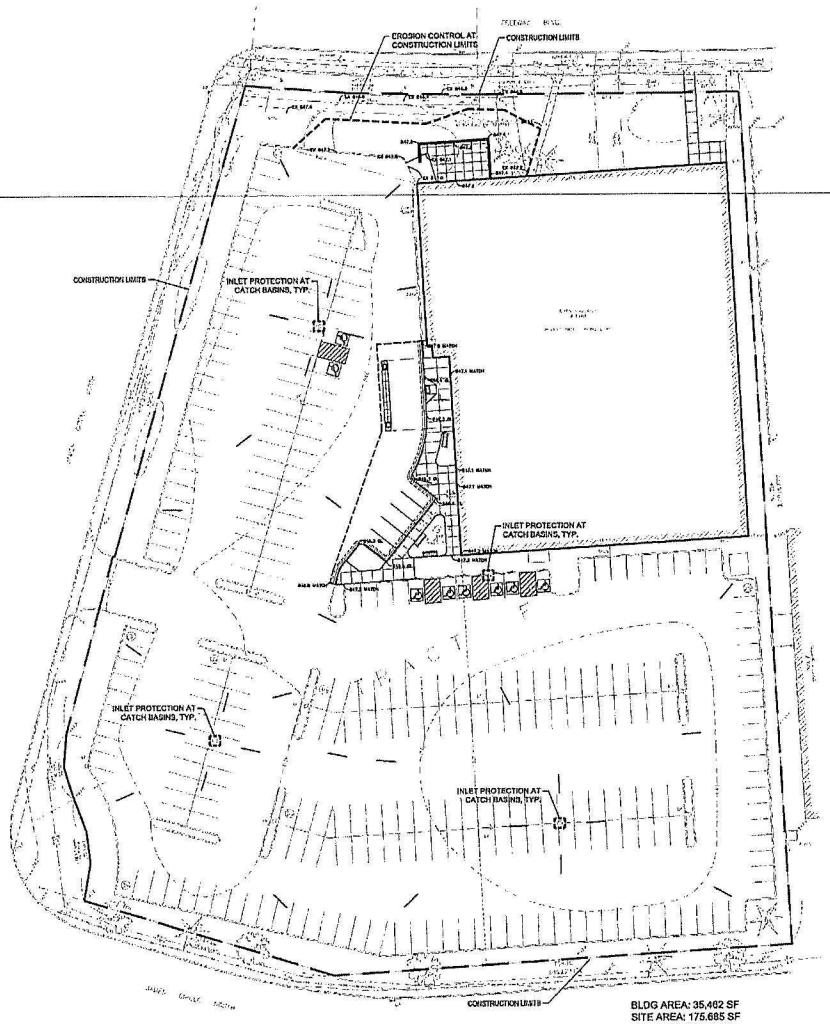
REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NUMBER: 17272

SWPPP - EXISTING CONDITIONS

SW1.0



BLDG AREA: 35,462 SF
SITE AREA: 175,685 SF
281 PARKING STALLS

ALL SPECIFIED EROSION AND SEDIMENT CONTROL PRACTICES, AND MEASURES CONTAINED IN THIS SWPPP ARE THE MINIMUM REQUIREMENTS. ADDITIONAL PRACTICES MAY BE REQUIRED DURING THE COURSE OF CONSTRUCTION.

SWPPP NOTES:

1. THIS PROJECT IS GREATER THAN ONE ACRE AND WILL REQUIRE AN MPCA NPDES PERMIT. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY EROSION CONTROL PERMITS REQUIRED BY THE CITY.
2. SEE SHEETS SW1.0 - SW1.3 FOR ALL EROSION CONTROL NOTES, DESCRIPTIONS, AND PRACTICES.
3. SEE GRADING PLAN FOR ADDITIONAL GRADING AND EROSION CONTROL NOTES.
4. CONTRACTOR IS RESPONSIBLE FOR SWPPP IMPLEMENTATION, INSPECTIONS, AND COMPLIANCE WITH NPDES PERMIT.

CITY OF BROOKLYN CENTER EROSION CONTROL NOTES:

1. RESERVED FOR CITY SPECIFIC EROSION CONTROL NOTES.

LEGEND:

- EX. 1' CONTOUR ELEVATION INTERVAL
- 1127 — 1.0' CONTOUR ELEVATION INTERVAL
- DRAINAGE ARROW
- SILT FENCE / BIOROLL - GRADING LIMIT
- INLET PROTECTION
- STABILIZED CONSTRUCTION ENTRANCE
- EROSION CONTROL BLANKET

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1" = 30'-0"
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Matthew R. Peters
DATE 07/19/19 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

REVISION SUMMARY

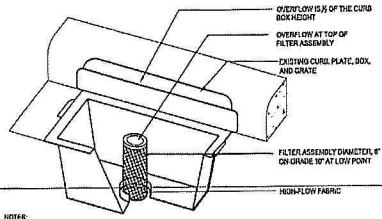
DATE	DESCRIPTION

PROJECT NUMBER: 17212

SWPPP - PROPOSED CONDITIONS

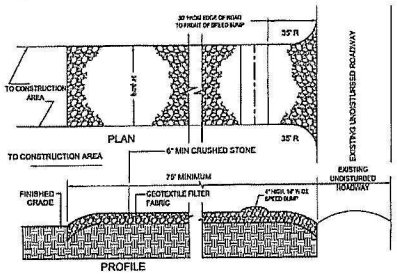
SW1.1

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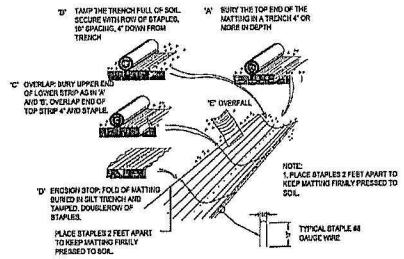
NOTES:
1. REPLACE INLET GRATE UPON COMPLETE INSTALLATION OF INLET PROTECTION FABRIC.
2. CONTRACTOR SHALL REMOVE ALL ACCUMULATED SEDIMENT AND DEBRIS FROM THE SURFACE OF THE SYSTEM AFTER EACH STORM EVENT AND AT THE COMPLETION OF THE CONTRACT.
3. REFERENCE APPLE VALLEY STANDARD PLATE ERO-4C.

1 CURB INLET FILTER
NTS

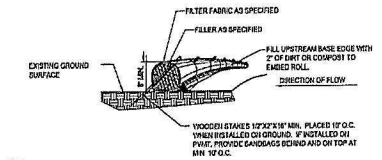


NOTES:
1. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION ENTRANCE AND UNDISTURBED ROADWAY.
2. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO UNDISTURBED ROADWAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDING STONE TO THE LENGTH OF THE ENTRANCE.
3. REPAIR AND CLEANOUT MEASURES USED TO TRAP SEDIMENT.
4. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO UNDISTURBED ROADWAY SHALL BE REMOVED AS DIRECTED BY THE ENGINEER.
5. FINAL LOCATION AND INSTALLATION SHALL BE COORDINATED WITH THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.
6. CRUSHED STONE SHALL BE 1-1/2" DIA. CLOSE GRADED, AND IN ACCORDANCE TO MNDOT SECTION 2118.

2 STABILIZED CONSTRUCTION ACCESS
NTS

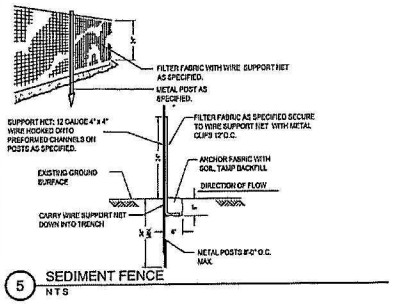


3 EROSION BLANKET
NTS



NOTE:
1. COMPOST FILTER LOGS (BIO ROLLS) SHALL BE FILTREXX EROSION CONTROL SOXX OR APPROVED EQUAL.
2. COMPOST FILLER TO BE IMAGE FROM A COMPOST BLEND 30%-40% GRADE 2 (SPEC 3890) AND 60%-70% PARTIALLY DECOMPOSED WOOD CHIPS, PER MNDOT SPEC 3897.
3. FILTER FABRIC SHALL BE GEOTEXTILE KNITTED MATERIAL WITH MAX. OPENINGS OF 3/8".
4. IF MULTIPLE ROLLS NEEDED, OVERLAP BY MIN. 12" AT ENDS AND STAKE.
5. SILT SHALL BE REMOVED ONCE IT REACHES 50% OF THE HEIGHT OF THE ROLL OR AS DEEMED NECESSARY BY SITE CONTRACTOR TO MAINTAIN PROPER FUNCTION.

4 SEDIMENT BIO-ROLL / COMPOST FILTER LOG
NTS



5 SEDIMENT FENCE
NTS

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Matthew R. Pavek
DATE 02/13/19 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NUMBER 17272

SWPPP - DETAILS

SW1.2

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GENERAL SWPPP REQUIREMENTS AND NOTES:

THE CONTRACTOR ACTING AS A RESPONSIBLE AGENT AND EMPLOYER OF A CONSTRUCTION ACTIVITY THAT DISTURBS SOIL ON ONE OR MORE OF A POLLUTANT CONTROL MEASURE OUTLINED IN THE STORM WATER POLLUTION CONTROL PLAN (SWPPP) MUST COMPLY WITH THE REQUIREMENTS OF THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT DATED AUG. 1, 2013 (REFERENCE IN PAGES 1-29) AND ANY LOCAL OR MEMS AGENCY HAVING JURISDICTION OVER LAND DISTURBANCE CONTROL.

PART III STORMWATER DISCHARGE DESIGN REQUIREMENTS

SWPPP (PART III.A)

THE NATURE OF THE PROJECT WILL BE CONSISTENT WITH WHAT IS REFLECTED IN THIS SET OF CONSTRUCTION PLANS AND SPECIFICATIONS. SEE THE SWPPP PLAN SHEETS AND SWPPP NARRATIVE CONTAINED HEREIN. A CONSTRUCTION SWPPP TEMPLATE FOR GENERAL THE PROJECT GRID LOCATIONS AND TYPES OF ALL TEMPORARY AND PERMANENT EROSION PREVENTION AND SEDIMENT CONTROL BMPS. STANDARD DETAILS ARE ATTACHED TO THIS SWPPP DOCUMENT.

THE OVERALL SEQUENCING OF MAJOR CONSTRUCTION ACTIVITIES IS AS FOLLOWS:
1. INSTALL STABILIZED ROCK CONSTRUCTION ENTRANCE
2. INVESTIGATION OF INLET PROTECTION AREAS
3. INSTALL CURB OR CONSTRUCTION CURB AROUND DEWATERING AREAS
4. CLEAR AND GRUB FOR TEMPORARY BASIN AT SMALL POND INSTALL
5. CONSTRUCT TEMPORARY SEDIMENT BASIN (POND) (PART III.B)
6. CLEAR AND GRUB REMAINDER OF SITE
7. STRIP AND STOCKPILE TOPSOIL
8. ROUGH GRADING OF SITE
9. STABILIZE CLEARED AREAS AND STOCKPILES
10. INSTALL SANITARY SEWER, WATER, STORM SEWER AND STRUCTURES
11. INSTALL INLET PROTECTION AROUND CURB
12. INSTALL STREET SECTION
13. INSTALL CURB AND GUTTER
14. BITUMINOUS OR CONCRETE
15. FINAL GRADE BOULEVARD, INSTALL SOD AND MULCH
16. REMOVE ACCUMULATED SEDIMENT FROM BASIN / PONDS
17. FINAL GRADE POND / DETENTION BASINS (DO NOT CONVERT EXISTING DETENTION AREAS) (PART IV.C)
18. WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETE AND THE SITE IS STABILIZED (PERMANENT COVER ON ALL DISTURBED AREAS), REMOVE SILT FENCE AND RESEED ANY AREAS DISTURBED BY THE REMOVAL.

RECORDS RETENTION (PART III.E):

THE SWPPP (ORIGINAL OR OF CONSTRUCTION), ALL CHANGES TO IT, AND INSPECTIONS AND MAINTENANCE RECORDS MUST BE KEPT AT THE SITE DURING CONSTRUCTION BY THE PERMITTEE OVERSEE OPERATIONAL CONTROL OF THAT PORTION OF THE SITE. THE SWPPP CAN BE KEPT EITHER THE FIELD OFFICE OR MAIN ON SITE VEHICLE DURING NORMAL WORKING HOURS.

ALL OWNERS MUST KEEP THE SWPPP, ALONG WITH THE FOLLOWING ADDITIONAL RECORDS, ON FILE FOR THREE (3) YEARS AFTER SUBMITTAL OF THE NOT AS OUTLINED IN PART III.C. THIS DOES NOT INCLUDE ANY UPDATES AFTER SUBMITTAL OF THE NOI.

1. THE FINAL SWPPP;
2. ANY OTHER STORMWATER RELATED REPORTS PREPARED FOR THE PROJECT;
3. RECORDS OF ALL INSPECTIONS AND MAINTENANCE CONDUCTED DURING CONSTRUCTION (SEE PART IV.E - INSPECTIONS AND MAINTENANCE);
4. ALL REPORTING OR MONITORING ACTIVITIES THAT HAVE BEEN PERFORMED, INCLUDING ALL RIGHT OF WAY CONTRACTS - COVENANTS AND OTHER ENGINEERING DOCUMENTS PERTAINING TO HYDROLOGY; AND
5. ALL RECORDED CALCULATIONS FOR DESIGN OF THE TEMPORARY AND PERMANENT STORMWATER MANAGEMENT SYSTEMS.

SWPPP IMPLEMENTATION RESPONSIBILITIES:

1. THE OWNER AND CONTRACTOR ARE PERMITTED (AS APPLICABLE) BY THE NPDES PERMIT
2. CONSTRUCTION SHALL BE IN PHASES, NOT AS ALL ON SITE DISTURBANCE AT ONCE. THIS SHALL INCLUDE THE ACTIVITIES OF ALL OF THE CONTRACTORS SUBCONTRACTORS
3. CONTRACTOR SHALL PROVIDE A PERSON TO MAINTAIN DAILY LOGS AND RECORDS AS THE APPLICATION OF EROSION AND CONTROL AND SEDIMENT CONTROL DEVICES TO OVERSEE ALL INSTALLATION AND MAINTENANCE OF BMPS AND IMPLEMENTATION OF THE SWPPP.
4. CONTRACTOR SHALL PROVIDE PERSONNEL WHO IS A TRAINED PROFESSIONAL OF THE NPDES PERMIT TO CONDUCT INSPECTION AS DIRECTED OF ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PERMIT. ONE OF THESE INDIVIDUALS MUST BE AVAILABLE FOR AN ON SITE INSPECTION WITHIN 72 HOURS NOTIFICATION BY EMAIL, COMMUNICATION, TELEPHONE, INPUTS TO SUBCONTRACTORS OR THESE SWPPP CHANGES AS REQUIRED BY THE NPDES PERMIT. THIS TRAINING DOCUMENTATION SHALL BE RECORDED AND KEPT WITH THE SWPPP BEFORE THE START OF CONSTRUCTION OR AS SOON AS THE FOREMAN(S) FOR THE PROJECT HAVE BEEN DETERMINED. SUCH IDENTIFY CHANGES SUCH AS:
   4.1. BASINS OF THE PERMITTEE ASSOCIATED WITH THE PROJECT THAT ARE REQUIRED TO BE TRAINED PER PART III.F.3 OF THE PERMIT.
   4.2. DATES OF TRAINING AS PER DAYS OF OPERATION AS DETERMINED BY THE NPDES PERMIT OR HOURS OF TRAINING
   4.3. CONTENT OF TRAINING COURSE OR WORKSHOP INCLUDING THE NUMBER OF HOURS OF TRAINING
5. FOLLOWING FINAL STABILIZATION OF CONSTRUCTION ACTIVITIES, THE OWNER IS EXPECTED TO ENSURE LONG TERM OPERATION AND MAINTENANCE OF ALL OF THE PERMANENT STORM WATER MANAGEMENT SYSTEM

PART IV. CONSTRUCTION ACTIVITY REQUIREMENTS

CONSTRUCTION ACTIVITY FIELD REQUIREMENTS:

1. ALL FIELD PERSONNEL INVOLVED SHALL BE TRAINED TO ACCORDANCE WITH THE REQUIREMENTS OF THE NPDES PERMIT AND STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
2. THE CONTRACTOR MUST IMPLEMENT THE SWPPP AND ENSURE SYSTEMS WITHIN THE SWPPP PLAN AFFORDABLE AND FUNCTIONAL WHEN
3. THE CONTRACTOR SHALL RESPOND TO CHANGING SITE CONDITIONS AND IMPLEMENT ADDITIONAL EROSION PREVENTION AND SEDIMENT CONTROL PRACTICES AS NEEDED TO PREVENT ON AND OFF SITE IMPACTS. ON CRITICAL SITES WHERE DOWN STREAM RESOURCES ARE AT RISK, THE CONTRACTOR SHALL INSTALL ADDITIONAL BMPS AS DIRECTED BY THE OWNER'S REPRESENTATIVE OR AS REQUIRED BY LOCAL CONSTRUCTION SITE STORMWATER ORDINANCES AND PERMITS.

EROSION PREVENTION (PART IV.D):

THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING APPROPRIATE CONSTRUCTION BMPS TO STABILIZE EXPOSED SOIL AREAS, INCLUDING TEMPORARY SEEDING, MULCHING, EROSION CONTROL BLANKETS, AND OTHER CONSTRUCTION PRACTICES THAT PREVENT EROSION, SO THAT THE NPDES PERMIT AND STORMWATER REQUIREMENTS OF PART IV.A.1 ARE COMPLIED WITH. THE LOCATION OF AREAS NOT TO BE DISTURBED MUST BE DELINEATED (E.G. WITH FLAGS, STAKES, SNOW FENCE, ETC.) ON THE GROUND PRIOR TO BEGINNING WORK.

ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS QUICKLY AS POSSIBLE TO LIMIT SOIL EROSION BUT NO LATER THAN THE END OF THE NEXT WORK DAY WHICH EARLIEST DISTURBED ACTIVITIES HAVE TEMPORARILY CEASED. TEMPORARY STOCKPILES (WITHOUT LIMITATION SILT FENCE, BERM OR DIVERSION, E.G. CLEAN AGGREGATE STOCKPILES, EXCAVATION CONTRACTS, STOCKPILES, ROAD STOCKPILES) AND THE CONSTRUCTED BASE COMPONENTS OF ROADS, PARKING LOTS AND SIMILAR SURFACES ARE EXEMPT FROM THIS REQUIREMENT (SEE PART IV.D.4 FOR ADDITIONAL PRACTICES).

SOIL STOCKPILES MUST BE LOCATED A MINIMUM OF 50 FEET FROM ANY STORM WATER INLET OR DITCH AND NOT IN ANY WETLANDS.

THE MINIMUM NUMBER AND PLACEMENT OF ANY TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE THAT DRAINS WATER FROM ANY PORTION OF THE CONSTRUCTION SITE, OR DIVERTS WATER AROUND THE SITE, MUST BE CALCULATED WITH THE PEAK FLOW FROM THE POINT OF DISCHARGE AND ANY SWALES, WATER STABILIZATION OF THE LAST 200 LINEAL FEET MUST BE COMPLETED WITHIN 24 HOURS AFTER CONNECTING TO A SURFACE WATER.

STABILIZATION OF THE REMAINING PORTIONS OF ANY TEMPORARY OR PERMANENT DITCHES OR SWALES THAT MUST BE COMPLETE WITHIN 14 DAYS AFTER CONNECTING TO A SURFACE WATER AND CONSTRUCTION IN THAT PORTION OF THE DITCH OR SWALE TEMPORARY OR PERMANENT CEASED.

TEMPORARY OR PERMANENT DITCHES OR SWALES THAT ARE BEING USED AS A STORMWATER CONVEYANCE SYSTEM WITH PROPERLY DESIGNED PROTECTION CHECKS, BAFFLES, SILT CURTAINS OR OTHER CHECKS, BAFFLES, SILT CURTAINS OR OTHER EROSION CONTROL TREATMENTS.

PIPE OUTLETS MUST BE PROVIDED WITH TEMPORARY OR PERMANENT ENERGY DISSIPATION WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER.

SEED NOTES (PART III.A.4.A):

ALL SEED MIXES AND APPLICATION SHALL BE IN ACCORDANCE WITH THE SEED OF CELESTE PARTIAL

GENERAL RECOMMENDATIONS
PREPARATION BEFORE SEEDING THE SOIL SHALL BE TILLED TO A MINIMUM DEPTH OF 3 INCHES

TEMPORARY EROSION CONTROL SEEDING, MULCHING & BLANKET.

SEED
- TEMPORARY SEED SHALL BE A COVER SEED THAT IS DEPENDENT UPON THE AT CONSTRUCTION) FOR WINTER AND 25-111 (DATE COVER CROP) FOR SPRING. PROPER APPLICATION OF BOTH SEED MIXES SHALL BE APPLIED AT A RATE OF 100 LBS / ACRE.

MULCH
- IMMEDIATELY AFTER SEEDING, WITHIN 24 HOURS, HYDRO TYPE 1 MULCH SHOULD BE APPLIED TO PROTECT AND ENHANCE SEED GERMINATION. MULCH SHALL BE APPLIED AT 90% COVERAGE TO PREVENT AVOID OF SITE ACTIVATION.

BLANKETS
- 3:1 (HORIZONTAL) OR FLATTER FROM SHALL BE COVERED WITH MULCH
- 2:1 (HORIZONTAL) OR STEEPER SLOPES SHALL BE COVERED WITH EROSION CONTROL BLANKET.
- SEE PLAN OR INSIDE DETAIL LEGEND FOR EROSION CONTROL TREATMENTS

SEDIMENT CONTROL (PART IV.C)

EROSION CONTROL PRACTICES MUST MINIMIZE SEDIMENT FROM ENTERING SURFACE WATERS, INCLUDING CURB AND GUTTER SYSTEMS AND STORM SEWER INLETS.

a. TEMPORARY SEDIMENT BASIN / DRAINAGE DITCHES SHALL BE DIVERTED BASINS THAT ARE DESIGNED AS PART OF A SEDIMENT CONTAINMENT SYSTEM (E.G., DITCHES WITH ROCK CHECK DAMS) TO CONTROL SEDIMENT CONTROL PRACTICES ONLY AS APPROPRIATE FOR SITE CONDITIONS
b. IF THE DESIGN CAPACITY OF ANY TEMPORARY OR PERMANENT DITCH OR SWALE IS EXCEEDED, ADDITIONAL UPGRADED PRACTICES MUST BE INSTALLED TO ELIMINATE THE EXCEEDANCE, AND THE SWPPP MUST BE AMENDED TO IDENTIFY THESE ADDITIONAL PRACTICES AS REQUIRED IN PART III.A.4.A, THROUGH C.
c. IN ORDER TO CONTAIN SHEET FLOW, ADD IN THE INLETS AND ON SKID LOTS, THERE SHALL BE NO UNPROTECTED LENGTH OF GROUND THAT EXCEEDS THE FOLLOWING GRADE OF 3:1 OR STEEPER.

TO SUPPLEMENT CONTROL PRACTICES, YOU MUST ESTABLISH OVERALL DOWN GRADE SILT FENCE TURNS BEFORE ANY SIGNIFICANT RAIN OF EVENT AND DISTURBANCE ACTIVITIES BEGIN. THESE PRACTICES SHALL REMAIN IN PLACE UNTIL FINAL STABILIZATION HAS BEEN ESTABLISHED IN ACCORDANCE WITH PART IV.D

THE TYPE OF THE INSTALLATION OF EROSION CONTROL MEASURES MAY BE ADJUSTED TO ACCOMMODATE SHORT-TERM ACTIVITIES SUCH AS CLEARING OR GRUBBING, OR PASSAGE OF VEHICLES. ANY SHORT-TERM ACTIVITY THAT IS COMPLETED AS QUICKLY AS POSSIBLE AND THE DIFFERENT CONTROL PRACTICES MAY BE INSTALLED IMMEDIATELY AFTER THIS ACTIVITY IS COMPLETED. HOWEVER, NO WORK SHALL COMMENCE UNTIL ALL PRACTICES MUST BE INSTALLED BEFORE THE NEXT PRECIPITATION EVENT EVEN IF THE ACTIVITY IS NOT COMPLETED.

ALL SLOPES AND ALL OTHER AREAS OF THE PROJECT SITE SHALL BE GRADED AND CONSTRUCTED SO AS TO AVOID CONCENTRATIONS OF WATER WHICH HAVE A REASONABLE POTENTIAL FOR CAUSING EROSION. WHERE CONCENTRATIONS OF WATER CANNOT BE AVOIDED, THE EFFECTIVE PROTECTION MUST BE PROVIDED FOR ALL WATER FLOWING INTO, OVER, OR FROM THE PROJECT SITE. ALL EROSION AND SEDIMENT CONTROL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION AT ALL TIMES. IN PARTICULAR, THE SEDIMENT MUST BE REMOVED FROM BEHIND SILT FENCES AND OTHER SEDIMENT BARRIERS BEFORE IT HAS ACCUMULATED TO ONE-HALF THE HEIGHT OF THE BARRIER. SEDIMENT REMOVED FROM BEHIND SILT FENCES AND OTHER SEDIMENT BARRIERS MUST BE DISPOSED OF IN A MANNER THAT WILL NOT CAUSE FURTHER SEDIMENTATION OF WATERS OF THE STATE OR DAMAGE TO ADJACENT PROPERTY.

DEWATERING AND BASIN DRAINING (PART IV.D):

DEWATERING OR BASIN DRAINAGE (E.G., PUMPED DISCHARGE) TRENCH WATER OR OTHER DISCHARGES RELATED TO THE CONSTRUCTION ACTIVITY THAT MAY HAVE TURBID OR SEDIMENT LADEN DISCHARGE SHALL NOT BE DISCHARGED TO A TEMPORARY OR PERMANENT DETENTION BASIN DIRECTLY OR THE PROJECT SITE WHENEVER POSSIBLE. IF THE WATER CANNOT BE DISCHARGED TO A DEPRESSION IN GRASS FROM TO BENEFIT INTO THE SURFACE OR RIM, IT MUST BE TREATED WITH THE APPROPRIATE BMPS SUCH THAT THE DISCHARGE DOES NOT ADVERSELY AFFECT THE RECEIVING WATER OR DOWNSTREAM PROPERTIES OR LANDS. THE CONTRACTOR MUST THINK THAT DISCHARGE TO FILTER AND ADEQUATELY PROTECTED FROM EROSION AND DEBRIS. THE DISCHARGE MUST BE DISPERSED OVER NATURAL ROCK RIPRAP, SAND BAGS, PLASTIC SHEETING OR OTHER ACCEPTED ENERGY DISSIPATION MEASURES AND QUALITY SEDIMENTATION CONTROL MEASURES ARE REQUIRED FOR DISCHARGE WATER THAT CONTAINS SUSPENDED SOILDS

TICKS SEDIMENT LADEN WATERS MUST BE FILTERED OR TREATED BEFORE BEING DISCHARGED INTO THE STORM SEWER SYSTEM, OR OTHERWISE ENTERING A SURFACE WATER, UNLESS THE WATER ORIGINATES FROM A MUNICIPAL WATER SUPPLY WELL, UNCONTAMINATED GROUNDWATER OR ROOF DRAINS THAT HAVE NOT COME INTO CONTACT WITH OR HAVE BEEN MIXED WITH ANY SEDIMENT OR OTHER POLLUTANTS FROM CONSTRUCTION ACTIVITIES. ALL DISCHARGES MUST BE PROPERLY OPERATED AND MAINTAINED AS NECESSARY TO ENSURE THAT THEY DO NOT BECOME A SOURCE OF POLLUTANTS. DISCHARGES MUST BE DISPOSED OF IN A MANNER THAT DOES NOT CAUSE NUISANCE CONDITIONS, EROSION OR INUNDATION IN RECEIVING WATERS OR ADJACENT PROPERTY. DISCHARGES MUST COMPLY WITH ANY APPLICABLE LOCAL REGULATIONS OR REQUIREMENTS. THE DISCHARGE MUST BE DIRECTED TO AREAS OF VEGETATION TO PROMOTE SEDIMENT REMOVAL AND FILTRATION. DISCHARGING DIRECTLY TO WETLANDS OR LAKES MAY BE PROHIBITED OR RESTRICTED BY LOCAL REGULATIONS. THE USE OF FILTERING MATERIALS MUST BE SPECIFIED BY THE PERSON CONDUCTING THE DEWATERING ACTIVITY AND MUST BE SELECTED BASED ON THE CHARACTERISTICS OF THE DISCHARGE AND THE SITE CONDITIONS. AFTER THE WATER HAS BEEN FILTERED, IT MUST BE DISCHARGED IN A MANNER THAT DOES NOT CAUSE EROSION OR FLOODING OF THE RECEIVING WATERS OR ADJACENT PROPERTY.

INSPECTING AND MAINTENANCE (PART IV.E):

THE CONTRACTOR IS RESPONSIBLE AT ALL TIMES FOR THE MAINTENANCE AND PROPER OPERATION OF EROSION AND SEDIMENT CONTROL FACILITIES. THE CONTRACTOR SHALL AT A MINIMUM, PERFORM INSPECTIONS AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND WITHIN 24 HOURS FOLLOWING A RAINFALL OF 0.5 INCHES OR GREATER AND WITHIN 24 HOURS AFTER THAT, CONTINUE TO PERFORM INSPECTIONS AT LEAST ONCE EVERY SEVEN CALENDAR DAYS UNTIL ALL DISTURBED AREAS ARE STABILIZED AND THE NOTICE OF TERMINATION IS FILED. THE CONTRACTOR SHALL ESTABLISH A LIST OF AREAS TO BE INSPECTED AND ESTABLISH INSPECTION FREQUENCIES BASED ON THE POTENTIAL FOR EROSION AND SEDIMENT TRANSPORT. AT A MINIMUM, THE FOLLOWING AREAS SHALL BE INCLUDED IN THE INSPECTION: STABILIZED AREAS, EROSION PREVENTION AND SEDIMENT CONTROL BMPS AND TEMPORARY ON AREAS.

BASED ON INSPECTION RESULTS, THE CONTRACTOR MAY MODIFY THE SWPPP OR INCREASE THE AMOUNT OF SILT FENCE TO REDUCE THE RISK OF SEDIMENT LEAVING THE SITE VIA STORM WATER RUNOFF. THIS MODIFICATION MUST BE MADE WITHIN 7 CALENDAR DAYS OF THE INSPECTION, UNLESS OTHERWISE REQUIRED BY THE TERMS OF THE PERMIT, LEGAL, REGULATORY, OR PHYSICAL ACCESS CONSTRAINTS.

INSPECTION REPORTS MUST BE RECORDED WITHIN 24 HOURS OF THE INSPECTION AND KEPT ON FILE BY THE CONTRACTOR AS AN INTEGRAL PART OF THE SWPPP ON SITE AND SHALL BE KEPT FOR AT LEAST 3 YEARS FROM THE DATE OF COMPLETION OF THE PROJECT.

ALL PERSONNEL INVOLVED IN CONSTRUCTION ACTIVITY MUST BE TRAINED ON THE PLACEMENT AND PROPER MAINTENANCE OF EROSION AND SEDIMENT CONTROL BMPS. THIS TRAINING MUST BE PROVIDED BEFORE THE START OF THE ACTIVITY AND AT LEAST ONCE EVERY SEVEN CALENDAR DAYS THEREAFTER. ALL NEW PERSONNEL ASSIGNED TO THE PROJECT MUST BE TRAINED BEFORE THEY BEGIN WORK ON THE SITE. TRAINING MUST BE DOCUMENTED AND KEPT ON SITE WITH THE SWPPP.

REMOVE ALL DEBRIS AND SEDIMENT DEPOSITED ON SURFACE WATERS, INCLUDING DRAINAGE WAYS, CATCH BASINS, AND OUTFALL DRAINAGE DITCHES, AND RESTABILIZE THE AREAS THAT ARE DISTURBED REMOVAL MUST BE ACCOMPLISHED WITHIN 24 HOURS OF DISCOVERY, UNLESS PRECLUDED BY LEGAL, REGULATORY, OR PHYSICAL ACCESS CONSTRAINTS.

SEE ATTACHMENT A CONSTRUCTION SWPPP TEMPLATE FOR SITE SPECIFIC INSPECTIONS AND MAINTENANCE RESPONSIBILITIES

POLLUTION PREVENTION MANAGEMENT (PART IV.F):

THE CONTRACTOR SHALL IMPLEMENT THE FOLLOWING POLLUTION PREVENTION MANAGEMENT MEASURES ON THE SITE:

SOLID WASTE: COLLECT ALL SOLID WASTE, ASPHALT AND CONCRETE DEBRIS, PLASTIC DEBRIS, PAPER, PLASTIC, PAPER, CONSTRUCTION AND DEMOLITION DEBRIS AND OTHER WASTES MUST BE DISPOSED OF PROPERLY AND MUST COMPLY WITH STATE AND LOCAL SOLID WASTE DISPOSAL REGULATIONS.

HAZARDOUS MATERIALS: ALL HAZARDOUS OR TOXIC WASTE BY-PRODUCTS SUCH AS PAINT, SOLVENTS, OIL, ETC. MUST BE COLLECTED SEPARATELY FROM STORM WATER AND DISPOSED OF PROPERLY AND MUST COMPLY WITH STATE AND LOCAL REGULATIONS.

EXCESS OR EXPIRED MATERIALS: ALL EXCESS OR EXPIRED MATERIALS MUST BE PROPERLY DISPOSED OF IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS OR LOCAL, STATE AND FEDERAL REGULATIONS.

CONCRETE WASHOUT: ALL LIQUID AND SOLID WASTES GENERATED BY CONCRETE WASHOUT OPERATIONS MUST BE CONTAINED IN A LEAK PROOF CONTAINMENT FACILITY OR EQUIVALENT. A CONCRETE WASHOUT SIGN MUST BE POSTED IN AN EASILY VISIBLE LOCATION TO EFFECTIVELY COMMUNICATE THE LOCATION OF THE FACILITY TO EMPLOYEES, SUBCONTRACTORS, AND CONCRETE TRUCK DRIVERS. THE FACILITY SHOULD BE LOCATED AWAY FROM STORM DRAINS, OPEN DITCHES, AND WATER BODIES, AND SHOULD BE LARGE ENOUGH TO CONTAIN THE EXPECTED VOLUME OF WASTE WITHOUT OVERFLOWING. LIQUIDS AND SOLIDS MUST BE REMOVED FROM THE FACILITY AS NEEDED TO MAINTAIN ITS EFFECTIVENESS, AND THE CONCRETE WASHOUT FACILITY MUST BE REMOVED AND DISPOSED OF PROPERLY ONCE IT IS NO LONGER NEEDED. THE CONTRACTOR MUST ENSURE THAT ALL CONCRETE WASHOUT ACTIVITIES COMPLY WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

FUELING OPERATIONS: ALL REFUELING SHALL TAKE PLACE AT THE DESIGNATED FUELING LOCATION AND ACCORDING TO BEST PRACTICES. ON SITE FUELING OPERATIONS AS TO MINIMIZE THE POTENTIAL FOR SPILLS.

SPILL PREVENTION PLAN: ALL SPILLS SHALL BE IMMEDIATELY CLEANED UP AFTER DISCOVERY. THE SITE SUPERINTENDENT, TYNO IS RESPONSIBLE FOR DAY-TO-DAY SITE CONSTRUCTION OPERATIONS WITH ALL THE SPILL PREVENTION COORDINATION AND SPILL RESPONSE SITE FOR IMPLEMENTING CLEAN UP PROCEDURES, POSTING CLEAN UP RECOMMENDATIONS, AND ENSURING PROPER CLEAN UP TRAINING OF APPROPRIATE PERSONNEL.

SANITARY AND SEPTIC WASTE: SANITARY SPECIFIC FACILITIES SHALL BE PROVIDED AND MAINTAINED IN A CLEAN AND SANITARY CONDITION. FOR THE USE OF THE CONTRACTOR'S EMPLOYEES. A LICENSED SANITARY WASTE MANAGEMENT CONTRACTOR AS REQUIRED BY STATE REGULATIONS WILL COLLECT SANITARY WASTE FROM PORTABLE UNITS.

FINAL STABILIZATION (PART IV.G):

THE CONTRACTOR MUST ENSURE FINAL STABILIZATION OF THE SITE ACCORDING TO THE CONDITIONS IN THE NPDES GENERAL PERMIT PART IV.G BEFORE THE CONTRACTOR MUST SUBMIT A NOTICE OF TERMINATION (NOT) WITHIN 30 DAYS AFTER FINAL STABILIZATION IS COMPLETE OR WITHIN 7 DAYS AFTER SELLING THE SITE OR A PORTION OF THE SITE, UNLESS ANOTHER PERMITTEE ASSUMES RESPONSIBILITY FOR THE SITE OR PORTION SOLD. ADDITIONAL REQUIREMENTS MAY APPLY IF THE SITE DISCHARGES TO IMPAIRED WATERS OR TO WATERS WITH AN APPROVED TMDL. THE ORIGINAL CURRENT CONTRACTOR PREPARES A SWPPP TO REFLECT CHANGES THAT SPECIFICALLY ADDRESS THE REMAINING CONSTRUCTION ACTIVITY. SEE THE SWPPP PLAN SHEETS AND SWPPP NARRATIVE (ATTACHMENT A CONSTRUCTION SWPPP TEMPLATE) AND SWPPP PLAN SHEETS FOR FINAL STABILIZATION MEASURES

TRAINING (PART III.A.2)

DESIGN ENGINEER: BRITTNEY R. PAVEK P.E.
ERANING COURSE: DESIGN OF SWPPP
TRAINING ENTITY: UNIVERSITY OF MINNESOTA
INSTRUCTOR: JOHN CHAPMAN
DATES OF TRAINING COURSE: 07/5/2011 - 9/02/2011
TOTAL TRAINING HOURS: 12
RE-CERTIFICATION: 3/30/2017 (8 HOURS), EXP. 6/30/2020

OWNER INFORMATION

OWNER
MISSISSIPPI VALLEY PROPERTIES
1165 HERITAGE LANE
ORONO, MN 55391
CONTACT:

AREAS AND QUANTITIES (PART III.A.4.B&C):

SITE AREA CALCULATIONS

	EXISTING		PROPOSED LOT	
BUILDING COVERAGE	35,462 SF	20.2%	35,462 SF	20.2%
ALL PAVEMENTS	110,460 SF	62.9%	110,777 SF	63.2%
ALL NON-PAVEMENTS	29,763 SF	16.9%	29,246 SF	16.6%
TOTAL SITE AREA	175,685 SF	100.0%	175,685 SF	100.0%

IMPERVIOUS SURFACE

EXISTING CONDITION	145,922 SF	83.1%
PROPOSED CONDITION LOT	145,439 SF	83.4%
DIFFERENCE (EX. VS PROP.)	517 SF	0.3%
IMPERVIOUS TOTAL	145,439 SF	83.4%

EROSION CONTROL QUANTITIES

DISTURBED AREA	8,785 SF	
SILT FENCE/BIO ROLL	150 LF	
EROSION CONTROL BLANKET	0 SY	
INLET PROTECTION DEVICES	4 EA	

NOTE: QUANTITIES ARE FOR INFORMATIONAL PURPOSES ONLY. CONTRACTOR SHALL DETERMINE FOR THEMSELVES THE EXACT QUANTITIES FOR BIDDING AND CONSTRUCTION.

SWPPP CONTACT PERSON

CONTRACTOR:

SWPPP INSPECTOR TRAINING
ALL SWPPP INSPECTIONS MUST BE PERFORMED BY A PERSON THAT MEETS THE TRAINING REQUIREMENTS OF THE NPDES CONSTRUCTION SITE PERMIT.
TRAINING CREDENTIALS SHALL BE PROVIDED BY THE CONTRACTOR AND KEPT ON SITE WITH THE SWPPP

PARTY RESPONSIBLE FOR LONG-TERM OPERATION AND MAINTENANCE OF PERMANENT STORM WATER MANAGEMENT SYSTEM

PERMANENT STORMWATER MANAGEMENT IS NOT REQUIRED AS PART OF THIS PROJECT TO DIRECTOR OF PERMIT REQUIREMENTS. THE PROPERTY OWNER IS RESPONSIBLE FOR THE LONG TERM OPERATION AND MAINTENANCE OF THE PROPOSED STORMWATER SYSTEM

SWPPP ATTACHMENTS (ONLY APPLICABLE IF SITE IS 1 ACRE OR GREATER):

CONTRACTOR SHALL OBTAIN A COPY OF THE FOLLOWING SWPPP ATTACHMENTS WHICH ARE A PART OF THIS OVERALL SWPPP PACKAGE:
ATTACHMENT A: CONSTRUCTION SWPPP TEMPLATE - SITE SPECIFIC SWPPP DOCUMENT
ATTACHMENT B: CONSTRUCTION STORMWATER INSPECTION CHECKLIST
ATTACHMENT C: MAINTENANCE AND INSPECTION LOG FOR PERMANENT BMPS WATER TREATMENT SYSTEMS
ATTACHMENT D: STORMWATER MANAGEMENT REPORT - ON FILE AT THE OFFICE OF PROJECT ENGINEER. AVAILABLE UPON REQUEST
ATTACHMENT E: GEOTECHNICAL EVALUATION REPORT - ON FILE AT THE OFFICE OF PROJECT ENGINEER. AVAILABLE UPON REQUEST.

SUPPLEMENTARY SITE SPECIFIC EROSION CONTROL NOTES:

THESE NOTES SUPERCEDE ANY GENERAL SWPPP NOTES.

THIS PROJECT IS LESS THAN 10 ACRES SO AN NPDES PERMIT IS NOT REQUIRED AND DOES NOT NEED TO BE SUBMITTED TO THE MPCA. THE CONTRACTOR IS REQUIRED TO FOLLOW THE GUIDELINES IN THE NPDES PERMIT THROUGHOUT CONSTRUCTION.

Complete the entrance to Herald

CivilSite GROUP
Civil Engineering · Surveying · Land Use Planning
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St. Louis Park, MN 55416
763.476.6010 · 612.616.0266
www.civilsitegroup.com

Peter Lindsay Hill
Architect
13379 Industry Road East
Minneapolis, MN 55305
Email: hill@visualcon.com · 612.332.4184

PROJECT
6440 JAMES CIRCLE NORTH
6440 JAMES CIRCLE N., BROOKLYN CENTER, MN 55430
MISSISSIPPI VALLEY PROPERTIES
1165 HERITAGE LANE, ORONO, MN 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Andrew R. Pavek
DATE: 05/13/13 LICENSE NO. 44261

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION

REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NUMBER: 17212

SWPPP - NARRATIVE

SW1.3

Commissioner Tade introduced the following resolution and moved its adoption:

PLANNING COMMISSION RESOLUTION NO. 2018-003

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-002 SUBMITTED BY TASHITAA TUFAA OF MISSISSIPPI VALLEY PROPERTIES, LLC., FOR APPROVAL OF A SITE AND BUILDING PLAN AND ISSUANCE OF A SPECIAL USE PERMIT TO CONVERT A FORMER BOWLING ALLEY AND RESTAURANT INTO AN EVENT CENTER IN THE C2 (COMMERCE) DISTRICT (LOCATED AT 6440 JAMES CIRCLE NORTH)

WHEREAS, Planning Commission Application No. 2018-002, submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC ("Applicant/Owner") requests issuance of a special use permit allowing a former bowling alley and restaurant to be converted into an event center, with ancillary restaurant and bar, and other associated exterior improvements, in an existing 35,462-square foot building located at 6440 James Circle North ("Subject Property"); and

WHEREAS, the Subject Property is situated in the C2 (Commerce) District and pursuant to City Code Section 35-322; Subpart 3, "Eating establishments offering live entertainment; recreation and amusement places such as motion picture theaters and legitimate theater; sports arenas; bowling alleys, skating rinks, and gymnasiums, all provided they do not abut an R1, R2, or R3 district, including abutment at the street line" are only allowed by means of special use permit in the C2 District, and the Applicant has submitted such application to the City of Brooklyn Center for official consideration under Planning Application No. 2018-002; and

WHEREAS, the Planning Commission held a duly noticed and called public hearing on March 15, 2018, whereby a planning staff report was presented and public testimony regarding the special use permit were received; and

WHEREAS, the Planning Commission considered the Special Use Permit request in light of all testimony received, the guidelines and standards for evaluating this special use permit contained in Section 35-222 (*C2 Commerce District*) of the City's Zoning Ordinance, and the request complies with the general goals and objectives of the City's 2030 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Advisory Commission of the City of Brooklyn Center to recommend to the City Council that Planning Application No. 2018-002, submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC., be approved based upon the following considerations:

A. The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.

B. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

C. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

D. Adequate measures have been or will be taken to provide ingress, egress and parking so designed as to minimize traffic congestion in the public streets.

E. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

BE IT FURTHER RESOLVED by the Planning Advisory Commission of the City of Brooklyn Center to recommend to the City Council that Planning Application No. 2018-002 be approved subject to the following conditions and considerations:

1. **Building and Site Plan Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
    a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.
    b. The Applicant should evaluate whether angled parking along the north end of the parking lot (west of proposed porte-cochère) would allow for more intuitive traffic circulation.
        i. The driving aisle west of the porte-cochère shall maintain the same direction as traffic under porte-cochère. Directional signage is to be installed as part of this condition.
    c. The Applicant shall work with the City/Fire Department to address installation of fire hydrants where necessary and maximum distance requirements so as to meet code requirements.
    d. The Applicant shall verify that the proposed building and site has met City Code requirements.
    e. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

2. **Agreements:**
    a. The Property Owner/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under this Site and Building Plan.
    b. The Applicant shall adhere to the maximum occupancies outlined in the submitted plans in order to conform with maximum allowable parking on site of the Subject Property. Should issues arise concerning clientele parking on City streets or adjacent parking lots, staff may request the Applicant complete a *Travel Demand Management Plan.*
    c. The Developer shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to release of the performance guarantee.

3. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated March 5, 2018 (Exhibit E):
    a. Final grading, drainage, utility, irrigation, erosion control, and as-built plans, and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.

4. **Fire Inspector Review:** The Applicant agrees to comply with all conditions or provisions required per Fire and Building Code. These include, but are not limited to:
    a. Installation of a Knox-Box on the north end of the building to allow for emergency access to the proposed riser/utility room.
    b. Removal of existing conifers along the north end of the building as specified by the Fire Inspector upon visit to the site in January 2018. This is to allow for emergency access to the proposed riser/utility room.
    c. Compliance with minimum height and width requirements for the as proposed porte-cochère.
    d. Verification of minimum turn-radius required for fire truck apparatus as part of parking lot approval.

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

6. **Facilities and Equipment:**
    a. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
    b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building.
    c. The maximum level of 10-foot candles or less will be maintained at the property line for lighting in accordance with Section 35-712 (*Lighting*) of the City Zoning Ordinance.
    d. The Applicant shall furnish fixture specifications and imagery of proposed light installations as part of the Building Permit submittal.

7. **Landscaping:**
    a. All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance. Per Sheet L1.0 (*Landscape Plan*), the "entire site shall be fully irrigated. The contractor shall submit irrigation shop drawings for review and approval by the landscape architect prior to installation."
    b. Irrigation shop drawings shall be provided to the City for review and approval prior to installation.

8. **Signage:** The Applicant shall submit a Building Permit application for any proposed signage as part of the development proposal. Signage is subject to the provisions of Chapter 34 (*Sign Ordinance*).

PC RESOLUTION NO. 2018-003

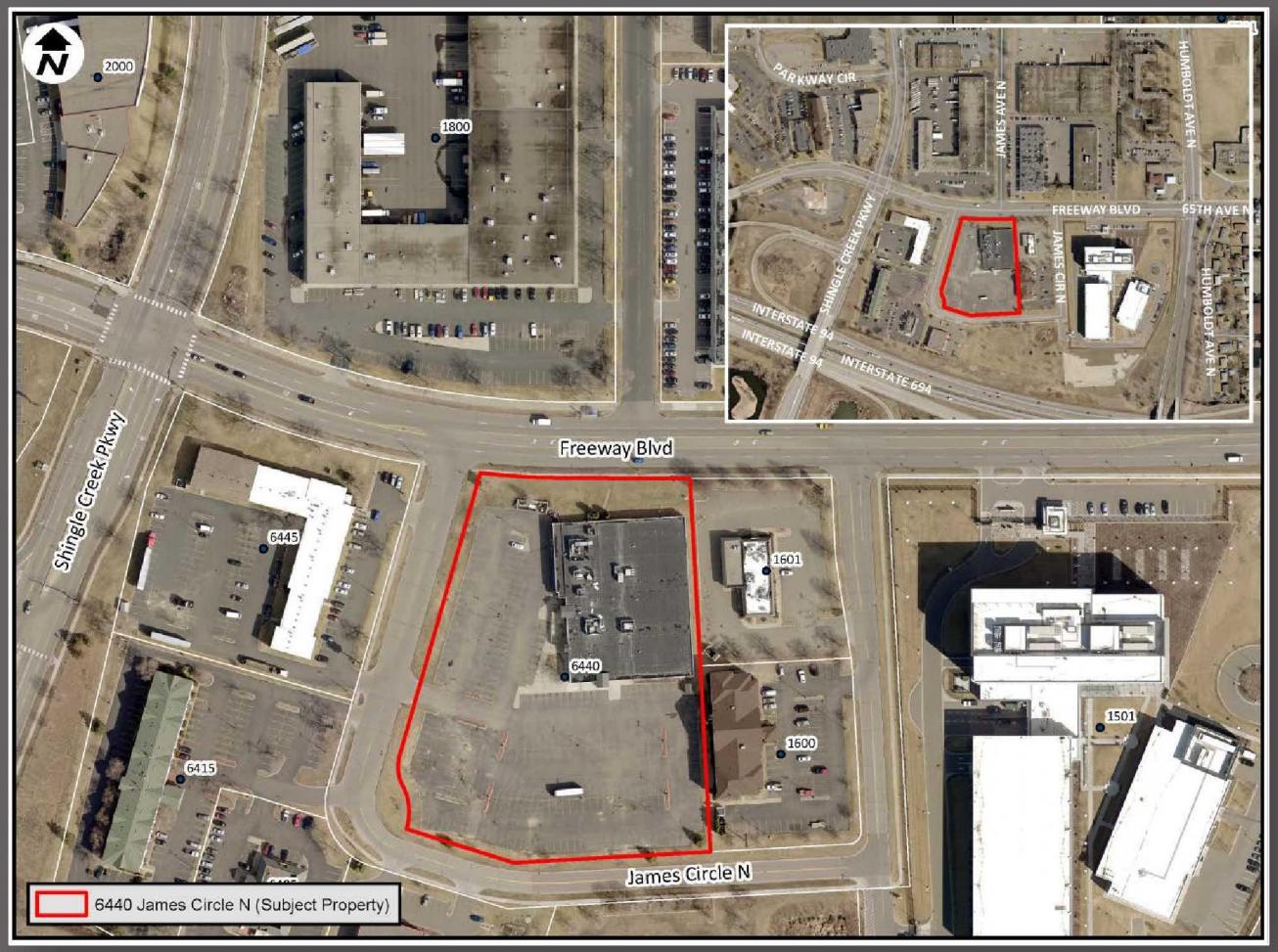
March 15, 2018
Date

Randall Christensen, Chair

ATTEST: _____
Ginny McIntosh, Secretary

The motion for the adoption of the foregoing resolution was duly seconded by member Koenig and upon vote being taken thereon, the following voted in favor thereof:
Susan Tade, Alexander Koenig, John MacMillan, Stephen Schonning, Rochelle Sweeney, Abraham Rizvi, and Randall Christensen
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Tashitaa Tufaa (Mississippi Valley Properties, LLC)



REQUEST:

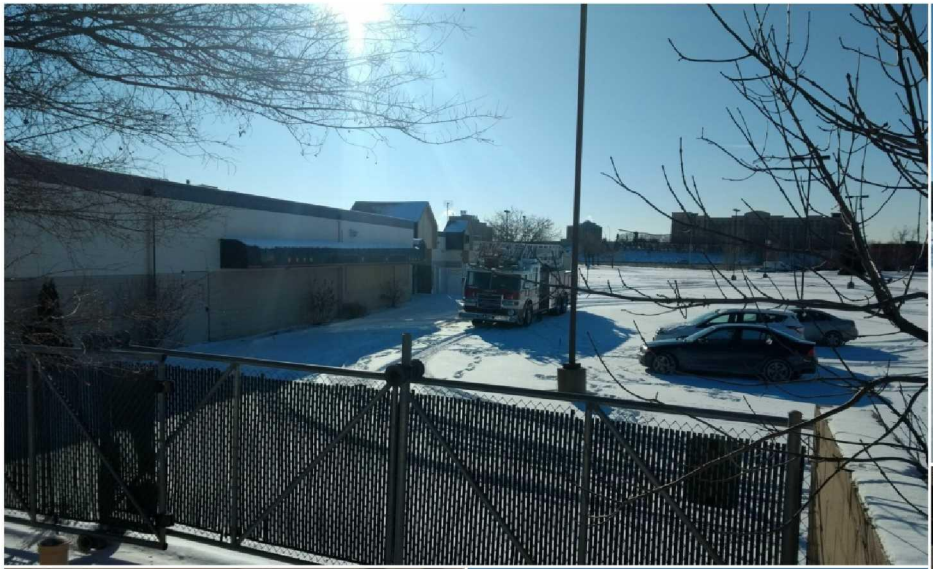
(1) Special Use Permit

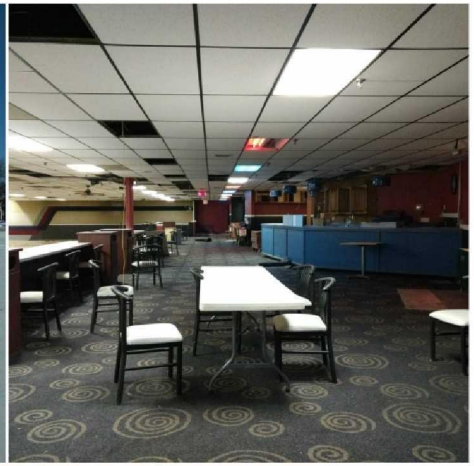
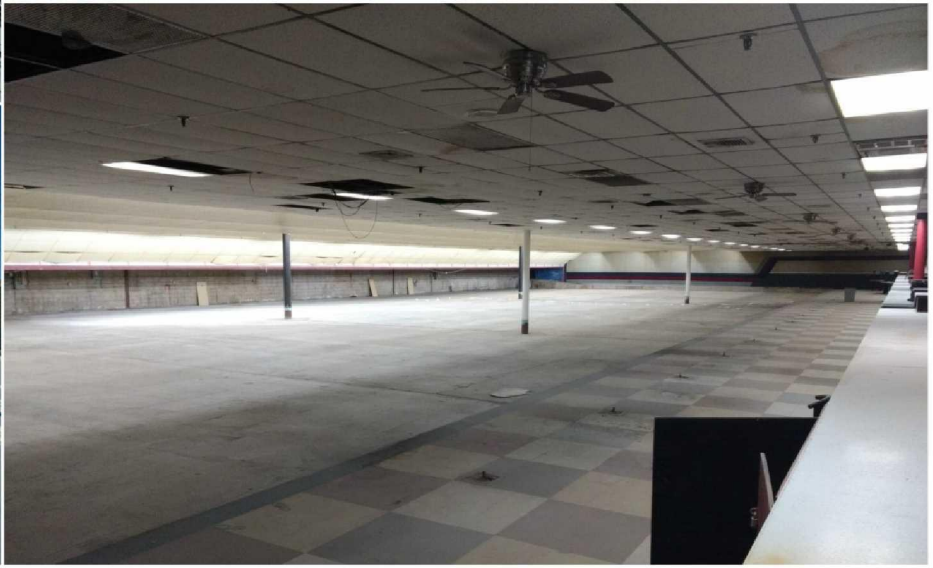
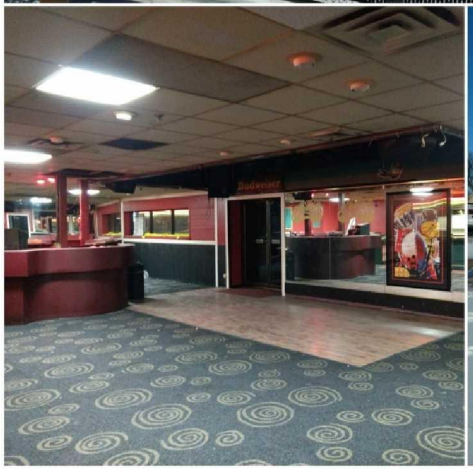
(2) Site and Building Plan

Item 9.b

City Council Meeting of 03/26/2018

Existing Conditions




Source: Ginny McIntosh

Subject Property History

- Property was home to the AMF Earle Brown Lanes (bowling alley) and Barnacle Bills (restaurant and bar) prior to its closing in April 2015
- Building was constructed in 1978 for use as a bowling alley through approval of two Special Use Permits (bowling alley, live entertainment)
- Additional Planning Commission applications were subsequently approved by the City over the years for:
  - Expansion of lounge area and exterior remodeling of Earle Brown Bowl (1982);
  - Addition to café for new cooler storage service area and waiting room (1987); and
  - Requests to build a temporary outdoor patio, and outdoor sand volleyball courts for summer league (1991).
- Subject Property was purchased in 2017 by Applicant



Source: Yelp/AMF







Background & Request

- Applicant is requesting approval of:
  - **(1) Issuance of a Special Use Permit for an Event Center**
- As part of the Site and Building Plan approval, the Applicant is requesting approval of a Special Use Permit to allow for an event center. According to Section 35-220 (*Special Use Permits*) of the City's Zoning Ordinance,

  "Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must be granted by the City Council."

  - Section 35-322 (*C2 Commerce District*) notes that,

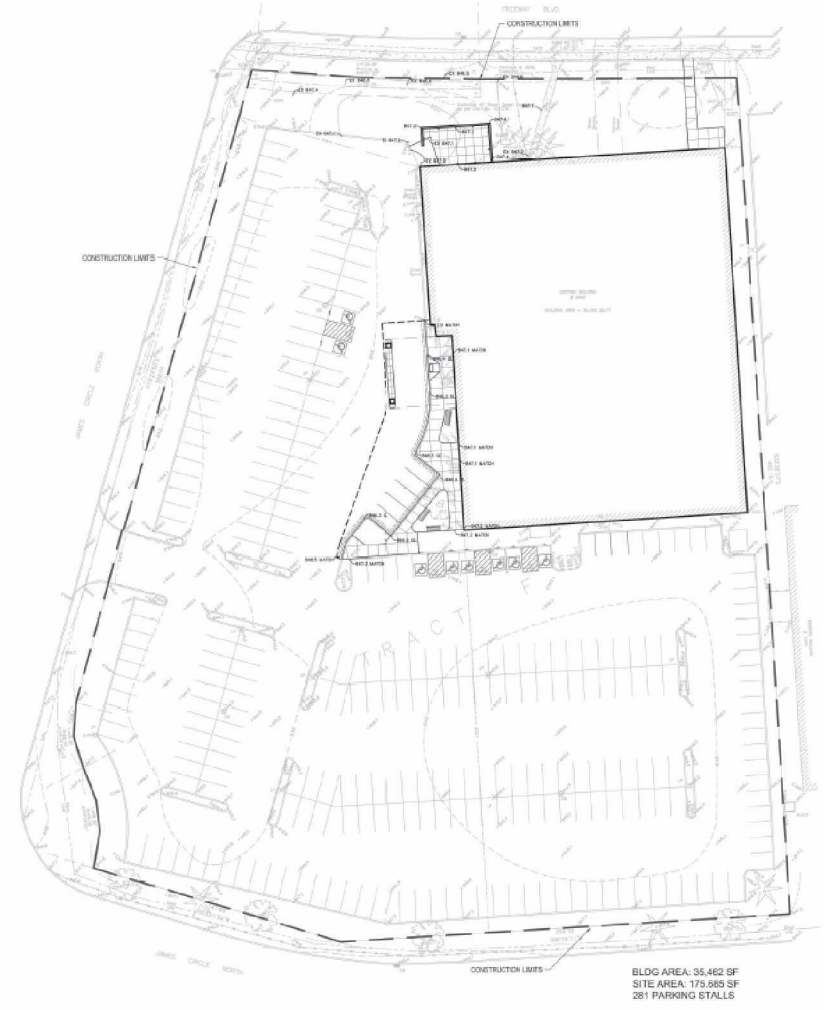
    "Eating establishments offering live entertainment; recreation and amusement places such as motion picture theaters and legitimate theater; sports arenas, bowling alleys, skating rinks, and gymnasiums, all provided they do not abut an R1, R2, or R3 district, including an abutment at a street line," are allowed through approval and issuance of a Special Use Permit."

    - Subject Property does ***not*** abut any residentially-zoned properties.
    - Adjacent to three (3) hotels, a Denny's Restaurant, CES Imaging, the former Oriental Market, a vacant City EDA-owned property, and the FBI building. Light industrial properties are located to the north across Freeway Boulevard.

- **Note:** Approval of Site and Building plan is contingent upon securing a Special Use Permit for the proposed use as an event center with ancillary restaurant and bar.

Background & Request (Cont.)

- Applicant is requesting approval of:
  - **(2) Site and Building Plan**
    - Extensive interior demolition and remodeling of the existing 35,462-square foot former bowling alley and restaurant into an event center
    - Subject Property is located on approximately 4.03 acres and is zoned C2 (Commerce) District
    - Exterior improvements would involve:
      - Construction of a porte-cochère (covered entrance), relocation of trash enclosure, some alterations to the parking lot/sidewalk, and re-facing of building.



Renderings of Building (Proposed)

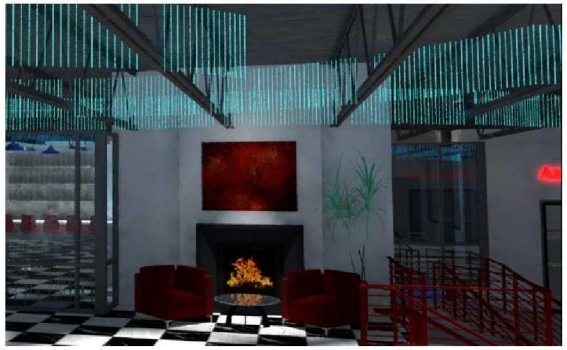












Access and Parking

- Access
  - Retain existing full access off James Circle North via 29-foot wide driveway
  - Parking considerations do not allow for additional ingress/egress
  - Minimum green strip of 15 feet along Logan Avenue is met per plans
    - No plans to alter exterior of building other than addition of porte-cochère, and select alterations to parking lot near building.
- Parking
  - Variety of uses within building required additional conversations with staff with respect to on-site parking needs

Parking Use	Minimum Required Parking Spaces	Provided Parking Spaces (in bold)
Places of Assembly (i.e. banquet halls)	1 parking space per every 3 seats (578 occupants max/3 seats = 193 spaces required)	193 spaces
Restaurant and Bar	1 parking space per every 2 seats (101 occupants max/2 seats = 51 spaces required)	51 spaces
Office/Conference Rooms	1 space for every 200 gross floor area (2,733 GFA/200 GFA = 14 spaces required)	14 spaces
Kitchen and Catering Staff	1 space for every 2 employees on maximum shift (38 staff max per average maximum shift/2 employees = 19 spaces required)	20 spaces
Storage and Mechanical Rooms	--	3 spaces
ADA	7 (for 201 to 300 parking space requirement-minimum stall requirement of 279 stalls per Zoning Ordinance)	8 spaces
Total Required Parking	277 spaces (ADA spaces incorporated into total)	
Total Provided Parking		**281 spaces** (ADA spaces incorporated into total)

Lighting | Trash | Screening | Grading

- **Lighting**
  - Per City Code, lighting is to be down-cast, with cut-off style fixtures.
  - Maximum foot-candles permitted at property lines abutting non-residentially zoned properties is:

    10 foot-candles
  - As proposed, the average estimated foot-candles throughout site is **1.01.** The maximum noted foot-candles are **0.6.**
    - Maximum proposed foot-candles adjacent hotel to the east: **0.4** foot-candles
  - **Lighting Fixture Count:** 21 LED wall pack style building lights with full cutoff lenses on all fours of the building, and 10 LED light posts with a mounting height of 28 feet.
- **Trash**
  - Existing trash enclosure location would be pushed back to align with the west face of the building
    - One 23-foot by 40-foot trash enclosure would be adjacent to building and would have concrete walk for direct access off kitchen
  - Enclosure must be fully screened.
- **Screening**
  - Trash enclosure and any other ground mounted equipment shall be screened from public right-of-way, as well as any roof-mounted equipment (visible from public right-of-way).
- **Grading**
  - The Applicant will conduct a full depth mill and overlay of the bituminous pavement, and removal of select curb and gutter, trees, fencing, footings, and trash enclosure walls.

Landscaping

- Minimum landscaping requirements were identified utilizing the City's Landscape Point System Policy.
  - For a use of "Restaurant/Retail/Service/Entertainment/Hotels" on an approximately 4.03 acre site, a minimum of **60 points** must be achieved.

Planting Type	Minimum Size	Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees	2 ½" diameter	Shade Trees	2 ½" diameter	10	50% or 30 points	30 points accrued (12 trees x 10 = 120)
Coniferous Trees	5' height	Coniferous Trees	5' height	6	40% or 24 points	24 points accrued (14 trees x 6 = 84)
Decorative Trees	1" diameter	Decorative Trees	1" diameter	1.5	35% or 21 points	21 points accrued (14 trees x 1.5 = 21)
Shrubs	12" diameter	Shrubs	12" diameter	0.5	25% or 15 points	15 points accrued (65 shrubs x 0.5 = 32.5)
Total		Total			100% = 60 points	**90 points**

- The submitted Landscape Plan meets and exceeds all requirements under this Policy.
- An irrigation system is required to be installed—shop drawings of the proposed system are to be submitted to the City for review.

Summary

- A Public Hearing was held at the Planning Commission meeting on March 15th for the requests
  - A public notice was published in the Brooklyn Center *Sun Post* on March 1, 2018
  - Notices were mailed to surrounding property owners
  - One resident in attendance at the meeting expressed support of the proposed event center, and noted that it would provide an additional amenity to the community.

- Planning Commission adopted PC Resolution No. 2018-003 (Special Use Permit, Site and Building Plan) unanimously (7-0), and recommended City Council approval of Planning Application No. 2018-002, submitted by Tashitaa Tufaa of Mississippi Valley Properties, LLC.

Recommendation

Based on the aforementioned findings the Planning Commission recommends City Council adopt the resolutions regarding the recommended disposition of Planning Application No. 2018-002 submitted by Tashitaa Tufaa (Mississippi Valley Properties, LLC) for approval of:

1. Site and Building Approval for the as proposed event center with ancillary restaurant and bar, and other associated exterior improvements, in an existing 35,462-square foot building located at 6440 James Circle North.
2. Special Use Permit for an event center

- Approval of the two aforementioned requests are subject to the Applicant complying with the Site and Building Plan Approval Conditions as outlined in the Planning Commission Report dated March 15, 2018.

City Council Agenda Item No. 10a
#1

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 1325 68th Ln N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 1325 68th Ln N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for renewal of two rental licenses. This is a single family property. The first Type IV rental license qualifies for a Type IV Rental License based on ten (10) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months.

The second rental license would qualify for a Type II Rental License based on two (2) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. The However, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically failed to attend Owners/Managers Association Meetings. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV. Under this license action, the property owner will receive two successive Type IV Rental Licenses - one that will have expired on January 31, 2018 and one that will expire on July 31, 2018.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

The following is a brief history of the license process actions.

COUNCIL ITEM MEMORANDUM

Current rental license approval activities for license that expires 07/31/2018:

01-31-2018	The previous Type IV Rental License expired.
02-12-2018	The owner, Konrad Wagner c/o Phil Beaumia, applied for renewal of the rental dwelling license for 1325 68th Ln N, a single family dwelling.
03-06-2018	An initial rental license inspection was conducted. Two property code violations were cited, see attached rental criteria. The corrections were made onsite. City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
03-19-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

Current rental license approval activities for license that expires 01/31/2018

05-01-2017	The owner, Konrad Wagner c/o Phil Beaumia, applied for renewal of the rental dwelling license for 1325 68th Ln N, a single family dwelling.
05-25-2017	An initial rental license inspection was conducted. 10 property code violations were cited, see attached rental criteria.
06-26-2017	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
07-17-2017	A third inspection was conducted and failed. A $100 reinspection fee was charged to the property. Total for reinspection fees is now $100.
07-31-2017	A fourth inspection was conducted and failed. A $100 reinspection fee was charged to the property. Total for reinspection fees is now $200.
08-15-2017	A fifth inspection was conducted with staff and failed. A $100 reinspection fee was charged to the property. Total for reinspection fees is now $300.
08-24-2017	Staff spoke with the property manager and she stated that the notice for inspection was not received and did not know when the follow up inspection date was. A $100 reinspection fee will be removed.
08-28-2017	The $200 in reinspection fees was paid.
09-13-2017	A sixth inspection was conducted with staff and failed. The tenant denied access. A $100 reinspection fee was charged to the property.
10-06-2017	A $300 Administrative Citation was issued for operating without a rental license.
10-13-2017	A seventh inspection was conducted with staff and corrections were made however an additional violation was found during the inspection. A water heater was incorrectly installed and correction orders were issued. A $100 reinspection fee was charged to the property.
10-27-2017	An eighth inspection was conducted and passed. A $100 reinspection fee was charged to the property. Reinspection fees are still owed.
12-13-2017	$300 reinspections fees were paid.
01-04-2018	City records indicate zero validated police nuisance incidents occurred in the past twelve months.

COUNCIL ITEM MEMORANDUM

01-04-2018 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

01-23-2018 A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

02-05-2018 A Mitigation Plan was submitted.

02-23-2018 The Mitigation Plan was finalized.

03-19-2018 A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will

consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria,

perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving Two Type IV Rental Licenses for 1325 68th Ln N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 1325 68TH LN N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 1325 68th Ln N, is issued a Type IV Rental License with an expiration date of January 31, 2018; and

WHEREAS, the property located at 1325 68th Ln N, is issued a subsequent Type IV Rental License with an expiration date of July 31, 2018; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 1325 68th Ln N, Brooklyn Center failed to attend Owners/Managers Association Meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that two TYPE IV Rental Licenses are hereby approved for the property at 1325 68th Ln N, Brooklyn Center, MN.

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☑ Mitigation Plan—Type IV (6 Months)

Property Address:	1325 68th Ln N		
Owner's Name(s):	Roth Wagner 2 LLC	Local Agent:	Nikki Beaumia Executive Realty
Owner's Address:	3800 American Blvd W #1500, Bloomington, MN 55431	Agent Address:	3800 American Blvd W #1500, Bloomington, MN 55431
Owner's Phone:	952-960-0930	Agent's Phone:	952-960-0930
Owner's Email:	konrad.j.wagner@gmail.com	Agent's Email:	Nikki@citiesrentals.com
Current Expiration Date:	~~1/31/2018~~ 7/31/17	Pending Expiration Date:	1/31/2018 → 7/31/17

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

City of Brooklyn Center—Community Development www.cityofbrooklyncenter.org

6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[X] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[X] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[X] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[X] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [X] Crime Free Housing training is completed
- [ ] Crime Free Housing training is scheduled for 6/9/2011 (Date)
- [ ] Owner or agent plans to attend training at: Coon Rapids (Name of City)

[X] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[X] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[X] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [X] Security Assessment is completed
- [ ] Security Assessment is scheduled for completed on 10/4/16

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

☑ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

☑ 2) **Registration is not required to attend, however you must sign-in during the meeting.** A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

☒ 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: March 8, 2018 and May 10, 2018

The following actions are required for Multi-Family properties with four (4) or more units.

☐ 1) Conduct resident training annually to include crime prevention techniques.

☐ 2) Conduct regular resident meetings.

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1325 68th Ln N

Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2001	G	2021
Water Heater	May 2016	N	2031
Kitchen Appliances	1998	G	2019
Laundry Appliances	2001	G	2021
Smoke Alarms/ Carbon Monoxide Alarms	July 2017	N	July 2019
Exterior Items			
Paint/Siding	2005	G	2025
Windows	2005	G	2025
Roof	2005	G	2035
Garage			
Driveway	N/A		
Fence			
Sidewalks			
Shed			

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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1325 68th Ln N

Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [X] 1) Check-in with tenants every 30-days.
- [X] 2) Drive by property to check for possible code violations.
- [X] 3) Evict tenants in violation of the lease or any addendums.
- [X] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [X] 5) Have no repeat code violations previously documented with the past year.
- [X] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.
  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Nikki Beaumia - Property Manager

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature — *Date* 1/30/2018

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable) — *Date*

City Staff Only

Police Department — *Date* 2/23/2018

Community Development — *Date* 2/22/18

City Council Agenda Item No. 10a
#2

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 2932 69th Ln N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 2932 69th Ln N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type II Rental License. This property qualifies for a Type IV Rental License based on nine (9) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Building & Community Standards and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

<u>Current rental license approval activities for license expires on 08/31/2018:</u>

12-28-2017	The Owner, Mayerling Rios, applied for renewal of the rental dwelling license for 2932 69th Ln N, a single family dwelling.
01-19-2018	An initial rental license inspection was conducted and failed. There was no access to the property. The owner stated she did not receive the notice for the rental license inspection.
01-23-2018	A second rental inspection was conducted and there was no access. The owner called to reschedule the inspection prior to the inspection date.

COUNCIL ITEM MEMORANDUM

02-06-2018	A third rental inspection was conducted and failed. 9 property code violations were cited, see attached rental criteria. A $100 reinspection fee charged.
02-20-2018	Staff spoke with the owner and informed her that the next license will be a Type IV – 6 month license due to the number of code violations and will require the submission of a Mitigation Plan.
02-28-2018	A Mitigation Plan was submitted.
02-28-2018	The previous rental license expired.
03-07-2018	The $100 reinspection fee was paid.
03-08-2018	A fourth rental inspection was conducted and passed.
03-14-2018	The Mitigation Plan was finalized.
03-19-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
03-19-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

If approved, after six months, a new rental license is required. The license process will begin approximately three months. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

COUNCIL ITEM MEMORANDUM

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

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).

COUNCIL ITEM MEMORANDUM

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	2932 69th LN N Brooklyn Center MN 55430		
Owner's Name(s):	Mayerling Rios	Local Agent:	Alicia Orihuela
Owner's Address:	712 Tinley Dr Aurora IL 60506	Agent Address:	2932 69th LN N Brooklyn Center MN 55430
Owner's Phone:	630.877.1745	Agent's Phone:	612.227.4865
Owner's Email:	riosm7014@gmail.com	Agent's Email:	
Current Expiration Date:		Pending Expiration Date:	

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property is required to submit an Action (Type III) or Mitigation Plan (Type IV). In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[X] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[X] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[X] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[X] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [X] Crime Free Housing training is completed
- [ ] Crime Free Housing training is scheduled for _____ (Date)
- [ ] Owner or agent plans to attend training at: _____ (Name of City)

[X] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[X] 1) Complete a Security Assessment and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[X] 2) A follow-up assessment must be completed before the license expiration date to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [ ] Security Assessment is completed
- [X] Security Assessment is scheduled for TBD

2932 69th LN N
Brooklyn Center MN 55430

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III • A.R.M Meeting Requirement

[X] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the License expiration date.

[X] 2) Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[X] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: May 10 and July 12

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

City of Brooklyn Center—Community Development
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BROOKLYN CENTER AT THE CENTER

Community Development

2932 69th LN N
Brooklyn Center MN 55430

Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the *Estimated Replacement Date*. Plans will not be approved if writing "unsure", "don't know", or leaving it blank. If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	OCT 2005	F	OCT 2020
Water Heater	MAY 2010	F	MAY 2020
Kitchen Appliances	MAY 2007	F	JAN 2027
Laundry Appliances	JAN 2009	F	JAN 2021
Smoke Alarms/ Carbon Monoxide Alarms	JAN 2018	N	JAN 2028
Exterior Items			
Paint/Siding	JAN 2002	F	JAN 2025
Windows	JAN 2002	F	JAN 2030
Roof	JAN 2002	F	JAN 2035
Garage	N/A	N/A	N/A
Driveway	MAY 2017	F	TBD-ASSOCIATION
Fence	N/A	N/A	N/A
Sidewalks	N/A	F	TBD-ASSOCIATION
Shed	N/A	N/A	N/A

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

BROOKLYN CENTER
AT THE CENTER

Community Development

2932 69th LN N
Brooklyn Center MN 55430

Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [X] 1) Check-in with tenants every 30-days.
- [X] 2) Drive by property to check for possible code violations.
- [X] 3) Evict tenants in violation of the lease or any addendums.
- [X] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [X] 5) Have no repeat code violations previously documented with the past year.
- [X] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.
  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

2932 69th LN N
Brooklyn Center MN 55430

Community Development

Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Mayerling Rios

Owner or Agent Name and Title (Please Print)

Mayerling Rios — 2/27/2018

Owner or Agent Signature — *Date*

Alicia Orihuela

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Alicia Orihuela Porras — 2/27/2018

Additional Owner or Agent Signature (If Applicable) — *Date*

City Staff Only

Police Department — 3/14/2018 *Date*

Community Development — 3/18/18 *Date*

City Council Agenda Item No. 10a
#3

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 6613 Camden Dr

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 6613 Camden Dr. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan,** it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type I Rental License. This property qualifies for a Type IV Rental License based on ten (10) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Building & Community Standards and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

Current rental license approval activities for license expires on 08/31/2018:

11-30-2017	The Owner, Mark Herstrom, applied for renewal of the rental dwelling license for 6613 Camden Dr, a single family dwelling.
12-12-217	The owner called to reschedule the rental inspection to 12-22-2017.
12-13-2017	The owner called to reschedule the rental inspection to 1-3-2018.
01-03-2018	An initial rental license inspection was conducted and failed. 10 property code violations were cited, see attached rental criteria.
02-06-2018	A second rental inspection was conducted and passed.

COUNCIL ITEM MEMORANDUM

02-21-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
02-21-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-28-2018	The previous rental license expired.
03-07-2018	A Mitigation Plan was submitted.
03-14-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

If approved, after six months, a new rental license is required. The license process will begin approximately four months or immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will

consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria,

perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

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	

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

MAR 7 2018

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	6613 Camden Drive		
Owner's Name(s):	Mark One Resources LLC	Local Agent:	Mark Herstrom
Owner's Address:	16210 Nowthen Blvd NW	Agent Address:	16210 Nowthen Blvd NW
Owner's Phone:	763-438-6832	Agent's Phone:	763-438-6832
Owner's Email:	mark1resources@gmail.com	Agent's Email:	mark1resources@gmail.com
Current Expiration Date:	02/28/2018	Pending Expiration Date:	08/31/2018

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

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Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[X] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[X] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[X] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[X] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

[X] Crime Free Housing training is completed

[ ] Crime Free Housing training is scheduled for _____
Date

[ ] Owner or agent plans to attend training at : _____
Name of City

[X] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[X] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[X] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

[X] Security Assessment is completed

[ ] Security Assessment is scheduled for _____

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[X] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[X] 2) **Registration is not required to attend**, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[X] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: March and April

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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6613 Camden Drive

Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2006	G	2026
Water Heater	2005	G	2020
Kitchen Appliances	2017 Stove	G	2024
Laundry Appliances	2015	G	2022
Smoke Alarms/ Carbon Monoxide Alarms	2018	N	2023
Exterior Items			
Paint/Siding	TOA	G	TOA (Townhome Owners Assn)
Windows	TOA	G	TOA
Roof	TOA	G	TOA
Garage	Built-in	G	Built-in
Driveway	TOA	G	TOA
Fence	TOA	G	TOA
Sidewalks	TOA	G	TOA
Shed	NA	NA	NA

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [x] 1) Check-in with tenants every 30-days.
- [x] 2) Drive by property to check for possible code violations.
- [x] 3) Evict tenants in violation of the lease or any addendums.
- [x] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [x] 5) Have no repeat code violations previously documented with the past year.
- [x] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [x] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

City of Brooklyn Center—Community Development

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Mark One Resources LLC

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

MARCH 6, 2018

Date

MARK W. HERSTROM (PRES)
MARK ONE RESOURCES LLC

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

3/14/2018

Date

Community Development

3/13/18

Date

City Council Agenda Item No. 10a
#4

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development MB

SUBJECT: Type IV 6-Month Provisional Rental License for 7200 Dallas Rd

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 7200 Dallas Rd. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type I Rental License. This property qualifies for a Type IV Rental License based on eleven (11) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Building & Community Standards and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

<u>Current rental license approval activities for license expires on 08/31/2018:</u>

11-27-2017	The Owner, Brian Natzel, applied for renewal of the rental dwelling license for 7200 Dallas Rd, a single family dwelling.
12-20-2017	An initial rental license inspection was conducted and failed. 11 property code violations were cited, see attached rental criteria.
01-23-2018	A second rental inspection was conducted and passed.

COUNCIL ITEM MEMORANDUM

02-06-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
02-06-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-28-2018	The previous rental license expired.
03-12-2018	A Mitigation Plan was submitted.
03-14-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

If approved, after six months, a new rental license is required. The license process will begin approximately four months or immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and

seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria,

perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

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	

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	7200 Dallas Road Brooklyn Center, MN 55430		
Owner's Name(s):	Brian Natzel	Local Agent:	Renters Warehouse
Owner's Address:	5105 Xerxes Ave S Minneapolis, MN 55410	Agent Address:	13200 Pioneer Trl Ste 100 Eden Prairie MN 55347
Owner's Phone:	(612) 532-2348	Agent's Phone:	1-844-793-4948
Owner's Email:	brian.natzel@orascoptic.com	Agent's Email:	inspections@renterswarehouse.com
Current Expiration Date:		Pending Expiration Date:	

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

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BROOKLYN CENTER AT THE CENTER

7200 Dallas Road
Brooklyn Center, MN 55430

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[X] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[X] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[X] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[X] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [X] Crime Free Housing training is completed
- [ ] Crime Free Housing training is scheduled for 11/2/2016 (Date)
- [ ] Owner or agent plans to attend training at : _____ (Name of City)

[X] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[X] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[ ] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [ ] Security Assessment is completed
- [ ] Security Assessment is scheduled for _____

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Community Development

7200 Dallas Road
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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[X] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[X] 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[ ] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: May and July

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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Community Development

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Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items **must** have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2010	G	June 2020
Water Heater	2010	G	June 2020
Kitchen Appliances	2012	G	June 2020
Laundry Appliances	2013	G	June 2020
Smoke Alarms/ Carbon Monoxide Alarms	2017	N	June 2019
Exterior Items			
Paint/Siding	2015	F	June 2018
Windows	2000	G	June 2020
Roof	2003	G	June 2020
Garage	2016	G	June 2025
Driveway	1990	G	June 2025
Fence	2005	G	June 2025
Sidewalks	N/a	N/a	N/a
Shed	1990	F	June 2020

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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BROOKLYN CENTER
AT THE CENTER

Community Development

7200 Dallas Road
Brooklyn Center, MN 55430

Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [x] 1) Check-in with tenants every 30-days.
- [x] 2) Drive by property to check for possible code violations.
- [x] 3) Evict tenants in violation of the lease or any addendums.
- [x] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [x] 5) Have no repeat code violations previously documented with the past year.
- [x] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.
  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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BROOKLYN CENTER
AT THE CENTER

Community Development

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Brian Natzel Owner

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

3/11/18

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

CPS

Police Department

3/14/2018

Date

HBA Coordinator

Community Development

3/13/18

Date

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City Council Agenda Item No. 10a
#5

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 2406 Ericon Dr

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 2406 Ericon Dr. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type III Rental License. This property qualifies for a Type IV Rental License based on eleven (20) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Building & Community Standards and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

<u>Current rental license approval activities for license that expires 07/31/2018:</u>

10-25-2017	The Owner, Crystal Brummer, applied for renewal of the rental dwelling license for 2406 Ericon Dr, a single family dwelling.
11-09-2017	An initial rental license inspection was conducted and failed. 20 property code violations were cited, see attached rental criteria.
12-13-2017	A second rental inspection was conducted and failed. A $100 reinspection fee charged.
12-18-2017	The $100 reinspection fee paid.

COUNCIL ITEM MEMORANDUM

12-28-2017	The owner called to reschedule the rental license inspection to 1/9/2018.
01-05-2018	The owner called to reschedule the rental license inspection to 1/18/2018.
01-18-2018	The third rental inspection was conducted and failed. A $100 reinspection fee is charged.
01-22-2018	A fourth inspection was conducted and failed. A $100 reinspection fee is charged.
01-31-2018	A fifth inspection was conducted and passed with weather deferral.
01-31-2018	The previous rental license expired.
02-02-2018	$200 reinspection fees paid.
02-21-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
02-21-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-02-2018	A Mitigation Plan was submitted.
03-14-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

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).

COUNCIL ITEM MEMORANDUM

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	2406 Ericon Dr		
Owner's Name(s):	Crystal Clear Investments, LLC	Local Agent:	Brummer Realty, LLC
Owner's Address:	801 Twelve Oaks Center Dr, Ste 803B Wayzata, MN 55391	Agent Address:	Same
Owner's Phone:	763-286-1586	Agent's Phone:	Same
Owner's Email:	office@brummerrealty.com	Agent's Email:	Same
Current Expiration Date:	1/31/18	Pending Expiration Date:	7/31/18

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

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Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[X] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[X] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[X] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[X] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [ ] Crime Free Housing training is completed
- [X] Crime Free Housing training is scheduled for 3/15/18 (Date)
- [X] Owner or agent plans to attend training at : Brooklyn Center (Name of City)

[X] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[X] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[X] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [X] Security Assessment is completed
- [ ] Security Assessment is scheduled for _____

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[X] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[X] 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[X] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: March and May

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	1993	G	2023
Water Heater	2009	G	2028
Kitchen Appliances	In home @ pur	G	2028
Laundry Appliances	In home @ pur	G	2028
Smoke Alarms/ Carbon Monoxide Alarms	2008 & 2016	F	2018 & 2026
Exterior Items			
Paint/Siding	Existing from p	G	2033
Windows	Existing from p	G	2033
Roof	Existing from p	G	2038
Garage	Existing from p	G	when tear house dow
Driveway	Existing from p	R	2018
Fence	Existing from p	G	2038
Sidewalks	Existing from p	G	2038
Shed	N/A		

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

City of Brooklyn Center—Community Development

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6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [X] 1) Check-in with tenants every 30-days.
- [X] 2) Drive by property to check for possible code violations.
- [X] 3) Evict tenants in violation of the lease or any addendums.
- [X] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [X] 5) Have no repeat code violations previously documented with the past year.
- [X] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.
  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Crystal Brummer Property Manager

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

3/7/18

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

3/14/2018

Date

Community Development

3/14/18

Date

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City Council Agenda Item No. 10a
#6

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 5819 Knox Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 5819 Knox Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type III Rental License. This property qualifies for a Type IV Rental License based on nine (9) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Building & Community Standards and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

<u>Current rental license approval activities for license that expires 07/31/2018:</u>

10-25-2017	The Owner, Crystal Brummer, applied for renewal of the rental dwelling license for 5819 Knox Ave N, a single family dwelling.
11-09-2017	An initial rental license inspection was conducted and failed. 9 property code violations were cited, see attached rental criteria.
12-13-2017	A second rental inspection was conducted and failed. A$100 reinspection fee charged.

COUNCIL ITEM MEMORANDUM

12-18-2017	The $100 reinspection fee paid.
12-28-2017	The owner called to reschedule the inspection to 1/9/2018.
01-09-2018	A third inspection was conducted and failed. A $100 reinspection fee charged.
01-26-2018	A fourth inspection was conducted and passed, however, $100 reinspection fee still owed.
01-31-2018	The previous rental license expired.
02-02-2018	The $100 reinspection fee paid.
02-21-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
02-21-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-02-2018	A Mitigation Plan was submitted.
03-14-2018	The Mitigation Plan was finalized.
03-19-2016	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

If approved, after six months, a new rental license is required. The license process will begin approximately three months. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the

Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

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).

COUNCIL ITEM MEMORANDUM

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	5819 Knox Ave N		
Owner's Name(s):	Crystal Clear Investments, LLC	Local Agent:	Brummer Realty, LLC
Owner's Address:	801 Twelve Oaks Center Dr, Ste 803B Wayzata, MN 55391	Agent Address:	Same
Owner's Phone:	763-286-1586	Agent's Phone:	Same
Owner's Email:	office@brummerrealty.com	Agent's Email:	Same
Current Expiration Date:	1/31/18	Pending Expiration Date:	7/31/18

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

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Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[X] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[X] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[X] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[X] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [ ] Crime Free Housing training is completed
- [X] Crime Free Housing training is scheduled for 3/15/18 (Date)
- [X] Owner or agent plans to attend training at : Brooklyn Center (Name of City)

[X] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[X] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[X] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [X] Security Assessment is completed
- [ ] Security Assessment is scheduled for _____

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[X] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[X] 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[X] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: March and May

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items **must** have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	1997	G	2027
Water Heater	2016	G	2037
Kitchen Appliances	In home @ pur	G	2030
Laundry Appliances	2016	N	2036
Smoke Alarms/ Carbon Monoxide Alarms	2008 & 2015	G	2018 & 2025
Exterior Items			
Paint/Siding	Existing from p	G	2038
Windows	Existing from p	G	2038
Roof	Existing from p	F	2023
Garage	Existing from p	G	when tear house dow
Driveway	Existing from p	F	2023
Fence	Existing from p	G	2028
Sidewalks	Existing from p	G	2050
Shed	N/A		

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [X] 1) Check-in with tenants every 30-days.
- [X] 2) Drive by property to check for possible code violations.
- [X] 3) Evict tenants in violation of the lease or any addendums.
- [X] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [X] 5) Have no repeat code violations previously documented with the past year.
- [X] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.
  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Crystal Brummer Property Manager

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

3/7/18

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

3/14/2018

Date

Community Development

HDC + Comm Std Sup

3/14/18

Date

City of Brooklyn Center—Community Development

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City Council Agenda Item No. 10a
#7

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 7025 Newton Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 7025 Newton Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type II Rental License. This property qualifies for a Type IV Rental License based on ten (10) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Building & Community Standards and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

Current rental license approval activities for license that expires 08/31/2018:

12-13-2017	The Owner, Steve Branham, applied for renewal of the rental dwelling license for 7025 Newton Ave N, a single family dwelling.
01-03-2018	An initial rental license inspection was conducted and failed. 10 property code violations were cited, see attached rental criteria.
02-05-2018	A second rental inspection was conducted and passed with weather deferral.
02-21-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.

COUNCIL ITEM MEMORANDUM

02-21-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-28-2018	The previous rental license expired.
03-13-2018	A Mitigation Plan was submitted.
03-14-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

If approved, after six months, a new rental license is required. The license process will begin approximately three months. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police

and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	7025 Newton Ave N		
Owner's Name(s):	Steve Branham Michelle Branham	Local Agent:	Steve Branham
Owner's Address:	209 74th ave N Brooklyn Park, MN 55444	Agent Address:	209 74th Ave N Brooklyn Park, MN 55444
Owner's Phone:	(612)382-5600	Agent's Phone:	(612)382-5600
Owner's Email:	sbranhamhfa@comcast.net	Agent's Email:	sbranhamhfa@comcast.net
Current Expiration Date:		Pending Expiration Date:	

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

<u>Read carefully and be sure to follow instructions, otherwise your plan will not be approved.</u>

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Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[X] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[X] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[X] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[X] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [ ] Crime Free Housing training is completed
- [ ] Crime Free Housing training is scheduled for _____ Date
- [ ] Owner or agent plans to attend training at : _____ Name of City

[X] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[ ] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[ ] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [X] Security Assessment is completed
- [ ] Security Assessment is scheduled for _____

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III • A.R.M Meeting Requirement

[X] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[X] 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[ ] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: _____and_____

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items **must** have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	April 2005	G	April 2035
Water Heater	Jan 2011	G	Jan 2021
Kitchen Appliances	Jan 2010	G	Jan 2030
Laundry Appliances	Jan 2008	G	Jan 2033
Smoke Alarms/ Carbon Monoxide Alarms	Feb 2018	G	Feb 2028
Exterior Items			
Paint/Siding	June 2008	G	June 2028
Windows	Jun 2008	G	June 2033
Roof	July 2008	G	July 2033
Garage	Jan 1965	G	Jan 2050
Driveway	Jan 1965	G	Jan 2050
Fence	Feb 2010	G	Feb 2030
Sidewalks	No Sidewalk		
Shed	No shed		

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [x] 1) Check-in with tenants every 30-days.
- [x] 2) Drive by property to check for possible code violations.
- [x] 3) Evict tenants in violation of the lease or any addendums.
- [x] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [x] 5) Have no repeat code violations previously documented with the past year.
- [x] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.
  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Steve Branham

Owner or Agent Name and Title (Please Print)

Steve Branham Digitally signed by Steve Branham DN: cn=Steve Branham, o, ou, email=sbranham@comcast.net, c=US Date: 2018.03.13 14:30:05 -05'00'

Owner or Agent Signature

3/6/18

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

3/14/2018

Date

Community Development

3/14/18

Date

City of Brooklyn Center—Community Development

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City Council Agenda Item No. 10a
#8

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 6830 Scott Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 6830 Scott Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type II Rental License. This property qualifies for a Type IV Rental License based on nine (9) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Building & Community Standards and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

The following is a brief history of the license process actions:

10-31-2017	The previous rental license expired.
11-07-2017	The Owner, Natan Zadik, applied for renewal of the rental dwelling license for 6830 Scitt Ave N, a single family dwelling.
10-05-2017	An initial rental license inspection was conducted and failed. Tenant denied access to the property.
10-19-2017	A second inspection was conducted and failed. Tenant denied access to the property. A $100 reinspection fee was charged.

COUNCIL ITEM MEMORANDUM

10-31-2017	A third inspection was conducted and failed. 9 property code violations were cited, see attached rental criteria. A $100 reinspection fee charged.
11-13-2017	The $100 reinspection fee paid.
11-30-2017	A fourth inspection was conducted and passed, however, the $100 reinspection fee still owed.
12-18-2017	The $100 reinspection fee paid.
12-31-2017	The previous rental license expired.
01-09-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
01-09-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-02-2018	A Mitigation Plan was submitted.
03-14-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the

Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

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).

COUNCIL ITEM MEMORANDUM

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

Community Development

FEB 0 2 2018

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	6830 Scott Ave N		
Owner's Name(s):	Invitation Homes 2015-3 IH2 Borrower L.P.	Local Agent:	
Owner's Address:	1210 Northland Drive Suite 180 Mendota Heights MN 55120	Agent Address:	
Owner's Phone:	9525631945	Agent's Phone:	
Owner's Email:		Agent's Email:	
Current Expiration Date:	12/31/2017	Pending Expiration Date:	4/30/2018

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

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Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

☐ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

☐ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☐ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☐ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- ☐ Crime Free Housing training is completed
- ☐ Crime Free Housing training is scheduled for 2/19/17 (Date)
- ☐ Owner or agent plans to attend training at : Delisa (Name of City)

☐ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

☐ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☐ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- ☐ Security Assessment is completed
- ☒ Security Assessment is scheduled for 12/27/17

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

☒ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

☐ 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

☐ 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: 3/8/18 and 9/13/2018

The following actions are required for Multi-Family properties with four (4) or more units.

☐ 1) Conduct resident training annually to include crime prevention techniques.

☐ 2) Conduct regular resident meetings.

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Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2014	F	2022
Water Heater	2013	F	2028
Kitchen Appliances	2017	F	2025
Laundry Appliances	2016	G	2028
Smoke Alarms/ Carbon Monoxide Alarms	2017	G	2027
Exterior Items			
Paint/Siding	n/a	F	n/a
Windows	2013	G	2023
Roof	n/a	F	n/a
Garage	2013	F	2028
Driveway	2013	F	2041
Fence	n/a		n/a
Sidewalks	n/a		n/a
Shed	n/a		n/a

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [*] 1) Check-in with tenants every 30-days.
- [*] 2) Drive by property to check for possible code violations.
- [*] 3) Evict tenants in violation of the lease or any addendums.
- [*] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [*] 5) Have no repeat code violations previously documented with the past year.
- [*] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [*] 1) Provide lawn/snow service.
- [*] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Tescia Bratcher

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature — *Date*

Shared Services

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable) — *Date*

City Staff Only

Police Department — 3/14/2018 *Date*

Community Development — 3/13/18 *Date*

City Council Agenda Item No. 10a
#9

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 5325 70th Cir

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 5325 70th Cir. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for renewal of two rental licenses. This is a single family property. The property qualifies for a Type IV Rental License based on twenty (20) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Under this license action, the property owner will receive two successive Type IV Rental Licenses - one that will have expired on February 28, 2018 and one that will expire on August 31, 2018.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

The following is a brief history of the license process actions.

<u>Current rental license approval activities for license that expires 08/31/2018:</u>

02-12-2018	The owner, Douglas Allen Wahl, applied for renewal of the rental dwelling license for 5325 70th Cir, a single family dwelling.
02-14-2018	A Mitigation Plan was submitted.
02-23-2018	The Mitigation Plan was finalized.
02-28-2018	The previous Type IV Rental License expired.

COUNCIL ITEM MEMORANDUM

03-07-2018	An initial rental license inspection was conducted. Seven property code violations were cited, see attached rental criteria.
03-19-2018	A second inspection was conducted and passed.
03-19-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
03-19-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

Prior rental license approval activities for license that expires 02/28/2018:

08-24-2017	The owner, Douglas Allen Wahl, applied for renewal of the rental dwelling license for 5325 70th Cir, a single family dwelling.
09-11-2017	An initial rental license inspection was conducted. 7 property code violations were cited, see attached rental criteria.
08-31-2017	The previous Type IV Rental License expired.
10-13-2017	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
10-27-2017	A third inspection was conducted and passed, however, reinspection fees still owed.
11-09-2017	A $600 Administrative Citation was issued for operating without a rental license.
11-20-2017	The $100 reinspection fee was paid.
12-06-2017	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
12-06-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-08-2018	A $1200 Administrative Citation was issued for operating without a rental license.
02-14-2018	A Mitigation Plan was submitted.
02-23-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

Prior rental license approval activities for license that expires 08/31/2017:

12-20-2016	The Owner, Douglas Allen Wahl, applied for renewal of the rental dwelling license for 5325 70th Cir, a single family dwelling.
01-31-2017	An initial rental license inspection was conducted and failed. 10 property code violations were cited, see attached rental criteria.
02-28-2017	The previous rental license expired.
05-16-2017	A second rental inspection was conducted and failed. A $100 reinspection fee was charged to the property.

COUNCIL ITEM MEMORANDUM

06-07-2017	A third inspection was conducted and failed. A $100 reinspection fee was charged to the property.
06-23-2017	The $200 reinspection fees were paid.
07-17-2017	The fourth inspection was conducted and the rental license passed.
07-21-2017	A $300 Administrative Citation was issued for operating without a license.
08-07-2017	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
08-07-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
08-14-2017	A Mitigation Plan was submitted.
08-21-2017	The Mitigation Plan was finalized.
09-01-2017	A letter was sent to the owner notifying that the hearing before the Council will be held September 11, 2017.

If approved, after six months, a new rental license is required. The license process will begin in approximately two months. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an

opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories

shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving Two Type IV Rental Licenses for 5325 70th Cir

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 5325 70th CIR

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 5325 70th Cir, is issued a Type IV Rental License with an expiration date of February 28, 2018; and

WHEREAS, the property located at 5350 70th Cir, is issued a subsequent Type IV Rental License with an expiration date of August 31, 2018; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 5325 70th Cir, Brooklyn Center failed to complete security improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that two TYPE IV Rental Licenses are hereby approved for the property at 5325 70th Cir, Brooklyn Center, MN.

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

City of BROOKLYN CENTER

BUILDING AND COMMUNITY STANDARDS

Rental License Mitigation Plan
Type IV License

Handwritten Mitigation Plans will not be accepted. A fillable form can be found on the City's website at www.cityofbrooklyncenter.org or call (763) 569-3330 to have an electronic copy sent to you via email.

Property Address:	5325 70th Circle Brooklyn Center, MN		
Owner's Name(s):	Cel Monton Douglas Wahl	Local Agent(s):	Maximize Properties
Owner's Address:	1845 Stinson Pkwy #208 Minneapolis, MN 55418	Agent's Address:	1845 Stinson Pkwy #208 Minneapolis, MN 55418
Owner's Phone:	(612) 782-8888	Agent's Phone:	(612) 721-8888
Owner's Email:	dwasters@msn.com	Agent's Email:	dglover@lzemail.net
Current Expiration Date:	8/31/17	Pending Expiration Date: (Six months from current expiration)	2/28/18

Based on property conditions and/or validated police nuisance incidents, the above referenced property qualifies for a Type IV-6 Month Rental License. Prior to application approval by the City Council a fully completed Mitigation Plan must be completed and approved by City staff. A Mitigation Plan must be completed immediately in order to ensure timely completion of the license application process. The Mitigation Plan should indicate the steps being taken to correct identified violations and the measures that will be taken to ensure ongoing compliance with City Ordinances and applicable codes. A Mitigation Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property. If the Mitigation Plan is not submitted, and all items are not completed within the pending license period, or the above property operates beyond the license expiration date, enforcement actions such as citation, formal complaint, or license review may result.

Before submitting, fill-out Sections A, B, and C located on pages 2, 3, 4, and 5.

City of Brooklyn Center—Building and Community Standards Department www.cityofbrooklyncenter.org
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Sections A—*Crime Free Housing Program Requirements*

Phase I

☑ 1) Use a written lease agreement. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Mitigation Plan when submitted.**

☑ 2) Agree to pursue the termination or lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☑ 3) Conduct criminal background check for all new prospective tenants. If it is a current tenant a new background check is not required. Must be able to provide documentation to City if requested.

☑ 4) Attend a City approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net under the *Training and Events* tab. **A copy of the Crime Free Housing Certificate must be attached to the Mitigation Plan when submitted.**

Crime Free Housing training was completed on/is scheduled for: _____

Owner or agent attended/is planning to attend training at city of: _____

☑ 5) Submit Monthly Update by the 10th day of each month.

Phase II

☑ 1) Complete a Security Assessment and implement improvements requested by the Brooklyn Center Police Department. To schedule an initial or follow-up Security Assessment, call (763) 569-3344. **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. If a Security Assessment has been previously completed, write the completion date.

Security Assessment was completed on/is scheduled for: 1/24/18

Security Assessment follow-up was completed on/is scheduled for: 30 Days Est

Continue Sections A, Phase III on page 3.

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III

☑ 1) Owner or agent will attend at minimum 50% (2) of the A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the pending Type IV License expiration date.** Registration is not required, however you must sign-in during the meeting. Write two meeting dates an owner or agent plan to attend.

Owner or agent will attend A.R.M. meetings scheduled on: March and May 10

☑ 2) Have no repeat code violations previously documented with the past year.

The following actions are required for properties with four (4) or more units.

☐ 1) Conduct resident training annually that includes crime prevention techniques.

☐ 2) Conduct regular resident meetings.

Sections B—*Long Term Capital Improvement Plan*

Based on condition and age, estimated replacement dates need to be provided for common capital items. Funding should be considered accordingly. Items that are broken, worn, or otherwise in violation prior to the estimated replacement date need to be replaced sooner. All items must have a date for *Estimated Replacement Date*. **Dates such as: "unsure", "don't know", or "when broken" will not be accepted.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, appearance, condition, or manufacture/industry recommendations. Additional information on Expected Useful Life can be found at www.hud.gov.

Item	Date Last Replaced	Condition*	Expected Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*
Furnace	2011	G	2021
Water Heater	2011	G	2019
Kitchen Appliances	2012	G	2020
Laundry Appliances	2012	G	2020
Smoke Alarms/ Carbon Monoxide Alarms	2015	N	2025
Exterior Items			
Paint/Siding	2016 Assn	N	2026
Windows	2013	G	2023
Roof	2012-Assn	G	2023
Fence	-		-
Shed	-		-
Garage	Original-connected	G	-
Driveway	2010-Assn	G	2023
Sidewalks	2013	N	2023
Other:			

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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Sections C—Steps to Improve Management and Conditions of Property

The items in this section have been proven to assist with property management and property image.

The following actions are required:

- [x] 1) Check-in with tenants every 30-days.
- [x] 2) Drive by property to check for possible code violations.
- [x] 3) Evict tenants in violation of the lease or any addendums.
- [x] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [ ] 5) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company: _____
- [ ] 5) Other: _____

If the Type IV-6 Month Rental License is approved by the City Council, the licensee must comply with the approved Mitigation Plan and all applicable City Codes. **A written report must be submitted by the 10th day of each month with an update of actions being taken by the owner and/or agent to comply with this Mitigation Plan.** A copy of the Monthly Update can be found on page 7. A fillable form can be found on the City's website at www.cityofbrooklyncenter.org or call (763) 569-3330 to have an electronic copy sent to you via email.

Please attach additional information if necessary.

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Mitigation Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Douglas Wahl

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature — *Date* 2/1/2018

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable) — *Date*

City Staff Only

Police Department — Date 2/23/2018

Building and Community Standards Department — Date 2/20/18

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City Council Agenda Item No. 10a
#10

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development MMB

SUBJECT: Type IV 6-Month Provisional Rental License for 6501 Brooklyn Dr

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 6501 Brooklyn Dr. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous license was a Type IV Rental License issued on March 13, 2017, on condition of adherence to the Mitigation Plan and City Ordinances.

The property qualifies for a Type IV Rental License based on fourteen (14) property code violations found during the initial rental inspection and one (1) validated police nuisance incidents for the past twelve months. Further, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically failed to attend Owners/Managers Association Meetings. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

COUNCIL ITEM MEMORANDUM

The following is a brief history of the license process actions.

Current rental license approval activities for license that expires 03/31/2018:

08-14-2017	The owner, Dawn M Araya, applied for renewal of the rental dwelling license for 6501 Brooklyn Dr, a single family dwelling.
08-31-2017	An initial rental license inspection was conducted. Fourteen property code violations were cited, see attached rental criteria.
09-30-2017	The previous Type IV Rental License expired.
10-02-2017	A second rental inspection was conducted and failed. The tenant denied access to the property. A $100 reinspection fee was charged to the property.
10-17-2017	A third rental inspection was conducted and failed. No reinspection fee was charged.
10-31-2017	A fourth rental license inspection was conducted and passed, however, $100 reinspection fee is still owed.
11-09-2017	City records indicate one validated police nuisance incidents occurred in the past twelve months: 09/02/2017; disturbing peace.
11-09-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
11-27-2017	A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
12-01-2017	The $100 reinspection fee was paid.
12-14-2017	A $300 Administrative Citation was issued for operating without a rental license.
03-13-2018	A Mitigation Plan was submitted.
03-16-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

Prior rental license approval activities for license that expires 09/30/2017:

08-19-2016	The Owner, ADS, LLC, applied for an initial rental dwelling license for 6501 Brooklyn Dr, a single family property.
09-08-2016	An initial rental license inspection was not conducted; no access was provided at time of inspection.
10-06-2016	A $300 Administrative Citation was issued for renting without a license.
12-19-2016	A second inspection was conducted and failed. 13 property code violations were cited, see attached rental criteria.
01-17-2017	A third inspection was conducted and rental license passed.

COUNCIL ITEM MEMORANDUM

02-08-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-21-2017	A Mitigation Plan was submitted.
03-03-2017	The Mitigation Plan was finalized.
03-06-2017	A letter was sent to the owner notifying that the hearing before the Council will be held March 13, 2017.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan

submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria,

perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

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	Number of Units	Validated Calls for Disorderly Conduct

COUNCIL ITEM MEMORANDUM

Category		**Service & Part I Crimes** (Calls Per Unit/Year)
No Category Impact	1-2	0-1
	3-4 units	0-0.25
	5 or more units	0-0.35
Decrease 1 Category	1-2	Greater than 1 but not more than 3
	3-4 units	Greater than 0.25 but not more than 1
	5 or more units	Greater than 0.35 but not more than 0.50
Decrease 2 Categories	1-2	Greater than 3
	3-4 units	Greater than 1
	5 or more units	Greater than 0.50

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving a Type IV Rental License for 6501 Brooklyn Dr

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6501 BROOKLYN DR

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6501 Brooklyn Dr, was issued a Type IV Rental License on March 13, 2017; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 6501 Brooklyn Dr, Brooklyn Center failed to attend Owners/Managers Association Meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 6501 Brooklyn Dr, Brooklyn Center, MN.

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ **Action Plan—Type III (1 Year)** ☒ **Mitigation Plan—Type IV (6 Months)**

Property Address:	6501 Brooklyn Dr Brooklyn Center ,MN 55430		
Owner's Name(s):	ADS LLC	**Local Agent:**	Dani Araya
Owner's Address:	950 County Rd 10 Suite#120 Spring lake Park ,MN 55432	**Agent Address:**	950 County Rd 10 Suite #120 Spring Lake Park ,MN 55432
Owner's Phone:	612-328-2580	**Agent's Phone:**	612-886-9829
Owner's Email:		**Agent's Email:**	housesmn@gamil.com
Current Expiration Date:		**Pending Expiration Date:**	

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

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Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[X] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[X] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[X] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[X] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

[X] Crime Free Housing training is completed

[ ] Crime Free Housing training is scheduled for _____
Date

[ ] Owner or agent plans to attend training at : _____
Name of City

[X] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[ ] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[X] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

[X] Security Assessment is completed

[ ] Security Assessment is scheduled for _____

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[X] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[X] 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[ ] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: May and September

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items **must** have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	10/01/2017	N	30 Years ET
Water Heater	02/01/2017	N	10 Years ET
Kitchen Appliances	05/01/2016	N	10 Years ET
Laundry Appliances	05/012016	N	10 Years ET
Smoke Alarms/ Carbon Monoxide Alarms	09/01/2017	N	5 Years ET
Exterior Items			
Paint/Siding	05/01/2016	N	10 Years ET
Windows	05/01/2016	N	20 Years ET
Roof	2011	F	2021
Garage		F	2021
Driveway		F	2020
Fence		G	
Sidewalks			
Shed			

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [x] 1) Check-in with tenants every 30-days.
- [x] 2) Drive by property to check for possible code violations.
- [x] 3) Evict tenants in violation of the lease or any addendums.
- [x] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [x] 5) Have no repeat code violations previously documented with the past year.
- [x] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Dani Araya
Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

3-6-2018
Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

5/15/2018
Date

Community Development

5/14/18
Date

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City Council Agenda Item No. 10a
#11

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 5415 Emerson Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 5415 Emerson Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous license was a Type IV Rental License issued on March 14, 2016, on condition of adherence to the Mitigation Plan and City Ordinances.

The requirements of the Mitigation Plan were met for the previous license. However, the property qualifies for a Type IV Rental License based on nineteen (19) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Therefore, according to City Ordinance, based on the number of property code violations, the license category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental License to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

The following is a brief history of the license process actions.

COUNCIL ITEM MEMORANDUM

Current rental license approval activities for license that expires 03/31/2018:

08-24-2017	The owner, MNSF II, LLC, applied for renewal of the rental dwelling license for 515 Emerson Ave N, a single family dwelling.
09-13-2017	An initial rental license inspection was conducted and failed. Nineteen property code violations were cited, see attached rental criteria.
09-30-2017	The previous Type IV Rental License expired.
11-06-2017	A second rental inspection was conducted and failed. A $100 reinspection fee charged.
11-13-2017	A $300 Administrative Citation was issued for operating without a rental license.
11-17-2017	The $100 reinspection fee was paid.
11-20-2017	A third rental inspection was conducted and failed.
12-05-2017	A fourth rental inspection was conducted and passed, however, the $100 reinspection fee is still owed.
12-14-2017	$100 reinspection fee was paid.
12-14-2017	A $600 Administrative Citation was issued for operating without a rental license.
01-04-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
01-04-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
02-23-2018	A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-23-2018	A Mitigation Plan was submitted.
03-16-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018

Prior Type IV Rental License approval activities for license that expired on 9/30/2017:

06-17-2016	The Owner, Simply Residential Property Management, applied for an initial rental dwelling license for 5415 Emerson Ave N, a single family property.
07-13-2016	An initial rental license inspection was conducted. 9 property code violations were cited, see attached rental criteria.
08-13-2016	A second inspection was not conducted; no access was provided at time of inspection. A $100 reinspection fee was charged to the property.
08-27-2016	A third inspection was not conducted; no access was provided at time of inspection. A $100 reinspection fee was charged to the property.
09-09-2016	Housing Supervisor was notified by owner that the rental property is under rehab. Inspection postponed until further notice.
09-11-2015	The $200 in reinspection fees was paid.
11-18-2015	A fourth inspection was conducted; corrections not complete. A $100 reinspection fee was charged to the property.

11-30-2015	The $100 reinspection fee was paid.
12-02-2015	A fifth inspection was conducted; corrections not complete. A $100 reinspection fee was charged to the property.
12-09-2015	The $100 reinspection fee was paid.
12-16-2015	A sixth inspection was conducted; corrections complete and passed.
01-05-2016	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
01-22-2016	A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-09-2016	A Mitigation Plan was submitted.
02-22-2016	The Mitigation Plan was finalized.
03-19-2016	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2016.

If approved, after six months, a new rental license is required. The license process will begin in immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

COUNCIL ITEM MEMORANDUM

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

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).

COUNCIL ITEM MEMORANDUM

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving a Type IV Rental License for 5415 Emerson Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 5415 EMERSON AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 5415 Emerson Avenue N, was issued a Type IV Rental License on March 14, 2016; and

WHEREAS, the property qualifies for a Type IV Rental License based on the number of property code violations (19) and validated police nuisance incidents (zero); and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License to complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and complete security improvements; and City Ordinance Section 12-913 requires submittal of monthly updates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 6316 Quail Avenue N, Brooklyn Center, MN.

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	5415 Emerson		
Owner's Name(s):	MNSF II	Local Agent:	Renters Warehouse
Owner's Address:	6386 Morrison Blvd #320 Charlotte, NC 28211	Agent Address:	13200 Pioneer Tr #100 Eden Prairie, MN 55347
Owner's Phone:	704-442-1094	Agent's Phone:	952-470-8888
Owner's Email:	mslivorstein@gorelickbrothers.com	Agent's Email:	gorelick@renterswarehouse.com
Current Expiration Date:	3/31/2018	Pending Expiration Date	9/31/2018

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

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Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[x] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[x] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[x] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[x] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [x] Crime Free Housing training is completed
- [ ] Crime Free Housing training is scheduled for _____ Date
- [ ] Owner or agent plans to attend training at : _____ Name of City

[x] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[x] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[x] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [x] Security Assessment is completed
- [ ] Security Assessment is scheduled for _____

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[x] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[x] 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[ ] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: _____and_____

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	Oct 2002	f	Oct 2022
Water Heater	Jan 2006	f	Jan 2026
Kitchen Appliances	June 2012	f	June 2020
Laundry Appliances	Nov 2007	f	Nov 2020
Smoke Alarms/ Carbon Monoxide Alarms	July 2015	f	July 2020
Exterior Items			
Paint/Siding	May 2015	F	May 2020
Windows	April 2011	f	April 2021
Roof	June 2000	f	June 2025
Garage	1937	f	2050
Driveway	1937	f	2050
Fence	June 2000	f	June 2025
Sidewalks	June 2000	f	June 2025
Shed	July 1975	F	July 2025

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [x] 1) Check-in with tenants every 30-days.
- [x] 2) Drive by property to check for possible code violations.
- [x] 3) Evict tenants in violation of the lease or any addendums.
- [x] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [x] 5) Have no repeat code violations previously documented with the past year.
- [x] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Amanda Stinar

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

2/22/18

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

3/6/2018

Date

Community Development

3/1/18

Date

City of Brooklyn Center—Community Development

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City Council Agenda Item No. 10a
#12

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 6342 Orchard Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 6342 Orchard Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for renewal of two rental licenses. This is a single family property. The property qualifies for a Type IV Rental License based on nine (9) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Under this license action, the property owner will receive two successive Type IV Rental Licenses- one that will have expired on November 30, 2017 and one that will expire on May 31, 2018.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

The following is a brief history of the license process actions.

<u>Current rental license approval activities for license expires on 05/31/2018:</u>

11-30-2017	The previous Type IV Rental License expired.
01-04-2018	The owner, Art Zink, applied for renewal of the rental dwelling license for 6342 Orchard Ave N, a single family dwelling.

COUNCIL ITEM MEMORANDUM

01-22-2018	An initial rental license inspection was conducted. 10 property code violations were cited, see attached rental criteria.
02-08-2015	A $250 Administrative Citation was issued for not meeting mitigation plan requirements.
02-08-2018	A $2000 Administrative Citation was issued for operating without a rental license.
02-20-2018	A Mitigation Plan was submitted.
02-23-2018	The Mitigation Plan was finalized.
03-01-2018	A second inspection was conducted and passed.
03-19-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
03-19-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

<u>Current rental license approval activities for license expires on 11/30/2017:</u>

03-14-2017	The owner, Art Zink, applied for renewal of the rental dwelling license for 6342 Orchard Ave N, a single family dwelling.
04-04-2017	An initial rental license inspection was conducted and failed. Tenant denied inspection of the property.
04-21-2017	A second rental inspection was conducted and failed. Tenant denied inspection of the property. A $100 reinspection fee was charged to the property.
05-12-2017	A third inspection was conducted and failed. 9 property code violations were cited, see attached rental criteria. A $100 reinspection fee was charged to the property.
06-20-2017	A fourth inspection was conducted and failed. A $100 reinspection fee was charged to the property.
07-11-2017	A fifth inspection was conducted with staff and passed. Total for reinspection fees is now $300. Rental license was inadvertently passed without collecting the reinspection fee.
07-25-2017	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
07-25-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-05-2015	A $125 Administrative Citation was issued for not meeting mitigation plan requirements.
08-22-2017	A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
10-18-2017	A $300 Administrative Citation was issued for operating without a rental license.

COUNCIL ITEM MEMORANDUM

11-21-2017	A $600 Administrative Citation was issued for operating without a rental license.
11-21-2017	A $125 Administrative Citation was issued for failure to submit a Mitigation Plan.
11-30-2017	The previous Type IV Rental License expired.
12-14-2017	A $1200 Administrative Citation was issued for operating without a rental license.
02-08-2018	A $2000 Administrative Citation was issued for operating without a rental license.
02-08-2018	A $250 Administrative Citation was issued for Failure to submit a Mitigation Plan.
02-20-2018	A Mitigation Plan was submitted.
02-23-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and

seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving Two Type IV Rental Licenses for 6342 Orchard Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6342 ORCHARD AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6342 Orchard Ave N, is issued a Type IV Rental License with an expiration date of November 30, 2017; and

WHEREAS, the property located at 6342 Orchard Ave, is issued a subsequent Type IV Rental License with an expiration date of May 31, 2018; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that two TYPE IV Rental Licenses are hereby approved for the property at 6342 Orchard Ave N, Brooklyn Center, MN.

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	6342 Orchard Ave N		
Owner's Name(s):	Art Zink	Local Agent:	
Owner's Address:	13625 44th St NE St Michael, MN 55376	Agent Address:	
Owner's Phone:	763-238-3344	Agent's Phone:	
Owner's Email:	artzink@outlook.com	Agent's Email:	
Current Expiration Date:	11/30/17	Pending Expiration Date:	5/31/18

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[x] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[x] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[x] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[x] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [ ] Crime Free Housing training is completed
- [x] Crime Free Housing training is scheduled for 3/15/18 (Date)
- [x] Owner or agent plans to attend training at : Brooklyn Center (Name of City)

[x] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[ ] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[x] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [ ] Security Assessment is completed
- [x] Security Assessment is scheduled for 2/23/18

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[x] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[x] 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[x] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: March and May

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

6342 Orchard Ave N

Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items **must** have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	within last 5 years	N	2030
Water Heater	within last 5 years	N	2030
Kitchen Appliances	Fridge 3 year Stove 4 Years	G	2025
Laundry Appliances	Washer with 5 years Dryer ?	G	2025
Smoke Alarms/ Carbon Monoxide Alarms	1-2 Years	G	2019
Exterior Items			
Paint/Siding	?	G	No plan
Windows	Original	F	Next 5 years
Roof	about 15 years	G	2030
Garage	Original	G	-
Driveway	2011	G	2030
Fence			
Sidewalks			
Shed			

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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6342 Orchard Ave N

Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [x] 1) Check-in with tenants every 30-days.
- [x] 2) Drive by property to check for possible code violations.
- [x] 3) Evict tenants in violation of the lease or any addendums.
- [x] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [x] 5) Have no repeat code violations previously documented with the past year.
- [x] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.
  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Art Zink Owner

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

2/13/18

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

2/23/2018

Date

Community Development

2/20/18

Date

City Council Agenda Item No. 10a
#13

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 6900 Regent Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 6900 Regent Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses **to modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous license was a Type IV Rental License issued on October 23, 2017, on condition of adherence to the Mitigation Plan and City Ordinances.

The property would qualify for a Type II Rental License based on five property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. However, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically failed to turn in monthly updates. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

COUNCIL ITEM MEMORANDUM

The following is a brief history of the license process actions.

Current rental license approval activities for license expires on 07/31/2018:

11-07-2016	The owner, Houa Her, applied for renewal of the rental dwelling license for 6900 Regent Ave N, a single family dwelling.
12-15-2017	An initial rental license inspection was conducted. 5 property code violations were cited, see attached rental criteria.
01-16-2018	A second inspection was conducted and failed. A $100 reinspection fee is charged.
01-24-2018	A $100 reinspection fee paid.
01-25-2018	A third inspection was conducted and passed.
01-31-2018	The previous rental license expired.
02-06-2018	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
02-26-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-06-2018	A Mitigation Plan was submitted.
03-14-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

Prior rental license approval activities for license expires on 01/31/2018:

06-06-2017	The owner, Houa Her, applied for renewal of the rental dwelling license for 6900 Regent Ave N, a single family dwelling.
06-27-2017	An initial rental license inspection was conducted. One property code violations were cited, see attached rental criteria.
07-31-2017	The previous Type IV Rental License expired.
08-23-2017	A second inspection was conducted and passed.
09-06-2017	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
09-06-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
09-14-2017	A Mitigation Plan was submitted.
09-28-2017	The Mitigation Plan was finalized.
10-16-2017	A letter was sent to the owner notifying that the hearing before the Council will be held October 23, 2017.

Prior Type IV Rental License approval activities:

12-08-2016	The Owner, Houa Her, applied for renewal of the rental dwelling license for 6900 Regent Ave N, a single family dwelling.
01-03-2017	An initial rental license inspection was conducted. 9 property code violations were cited, see attached rental criteria.

COUNCIL ITEM MEMORANDUM

01-31-2017	The previous rental license expired.
02-02-2017	A second rental inspection was conducted and passed.
02-08-2017	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
02-08-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-09-2017	A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-09-2017	A Mitigation Plan was submitted.
03-09-2017	The Mitigation Plan was finalized.
03-20-2017	A letter was sent to the owner notifying that the hearing before the Council will be held March 27, 2017.

If approved, after six months, a new rental license is required. The license process will begin in immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an

opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7

and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

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).

COUNCIL ITEM MEMORANDUM

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving a Type IV Rental License for 6900 Regent Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6900 REGENT AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6900 Regent Avenue N, was issued a Type IV Rental License on October 23, 2017; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 6900 Regent Avenue N, Brooklyn Center failed to turn in monthly updates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 6900 Regent Avenue N, Brooklyn Center, MN.

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

MAR - 5 2018

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	6900 Regent Ave N Brooklyn Center, MN 55429		
Owner's Name(s):	Houa Her	Local Agent:	
Owner's Address:	2713 63rd Ave N Brooklyn Center, MN 55430	Agent Address:	
Owner's Phone:	763-498-3146	Agent's Phone:	
Owner's Email:	houaher32@gmail.com	Agent's Email:	
Current Expiration Date:	1/31/18	Pending Expiration Date:	7/31/18

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

<u>Read carefully and be sure to follow instructions, otherwise your plan will not be approved.</u>

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6900 Regent Ave N
Brooklyn Center, MN 55429

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

☒ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

☒ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☒ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☒ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- ☒ Crime Free Housing training is completed
- ☐ Crime Free Housing training is scheduled for _____ Date
- ☐ Owner or agent plans to attend training at : _____ Name of City

☒ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

☐ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☒ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- ☒ Security Assessment is completed
- ☐ Security Assessment is scheduled for _____

6900 Regent Ave N
Brooklyn Center, MN 55429

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[xx] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[xx] 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[xx] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: March and May

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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BROOKLYN CENTER AT THE CENTER

Community Development

6900 Regent Ave N
Brooklyn Center, MN 55429

Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items **must** have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2012	G	2030
Water Heater	2010	G	2022
Kitchen Appliances	2015	G	2020
Laundry Appliances	2009	G	2020
Smoke Alarms/ Carbon Monoxide Alarms	2015	N	2024
Exterior Items			
Paint/Siding	2015	N	2020
Windows	2016	N	2030
Roof	2010	G	2022
Garage	1957	G	2030
Driveway	2016	N	2024
Fence	NA		
Sidewalks	NA		
Shed	NA		

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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BROOKLYN CENTER AT THE CENTER

Community Development

6900 Regent Ave N
Brooklyn Center, MN 55429

Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [xx] 1) Check-in with tenants every 30-days.
- [xx] 2) Drive by property to check for possible code violations.
- [xx] 3) Evict tenants in violation of the lease or any addendums.
- [xx] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [xx] 5) Have no repeat code violations previously documented with the past year.
- [xx] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.
  Name of service company: _____
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Mitigation Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Houa Her

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

03/06/18
Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

3/14/2018
Date

Building and Community Standards Department

3/13/18
Date

City Council Agenda Item No. 10a
#14

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 4718 Twin Lake Ave

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 4718 Twin Lake Ave. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses **to modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous license was a Type IV Rental License issued on August 14, 2017, on condition of adherence to the Mitigation Plan and City Ordinances.

The property would qualify for a Type II Rental License based on 4 property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. However, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically failed to attend Owners/Managers Association Meetings. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

COUNCIL ITEM MEMORANDUM

The following is a brief history of the license process actions.

Current rental license approval activities for license expires on 04/30/2018:

08-02-2017	The owner, Richard and Elizabeth Becht, applied for renewal of the rental dwelling license for 4718 Twin Lake Ave, a single family dwelling.
08-15-2017	An initial rental license inspection was scheduled for August 30, 2017. The owner called to reschedule the inspection to September 12, 2017.
09-07-2017	The owner called to reschedule the inspection on September 12, 2017 to September 27, 2017.
09-27-2017	An initial rental license inspection was conducted and failed. Four property code violations were cited, see attached rental criteria.
10-30-2017	A second inspection was conducted and passed, however, the open permit for re-roof was not closed due to code violations.
10-31-2017	The previous rental license expired.
11-02-2017	Staff spoke with the owner to schedule a follow up inspection. The owner was informed that the roof permit is still open and corrections are required.
12-01-2017	A notice was sent stating that the corrections for the roof are still open.
12-14-2017	A $300 Administrative Citation was issued for operating without a rental license.
02-02-2018	The re-roof permit was closed without approval. Rental license passed.
02-06-2018	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
02-06-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-07-2018	A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-14-2018	A Mitigation Plan was submitted.
03-14-2018	The Mitigation Plan was finalized.
03-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 26, 2018.

Prior rental license approval activities for license expires on 10/31/2017:

01-18-2017	The Owner, Richard and Elizabeth Becht, applied for renewal of the rental dwelling license for 4718 Twin Lake Ave, a single family dwelling.
04-13-2017	An initial rental license inspection was conducted and failed. 10 property code violations were cited, see attached rental criteria.
04-30-2017	The previous rental license expired.
05-17-2017	A second rental inspection was conducted and passed.
06-07-2017	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.

COUNCIL ITEM MEMORANDUM

06-07-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
07-07-2017	A Mitigation Plan was submitted.
07-31-2017	The Mitigation Plan was finalized.
08-07-2017	A letter was sent to the owner notifying that the hearing before the Council will be held August 14, 2017.

If approved, after six months, a new rental license is required. The license process will begin in immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan

submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

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	1-2	Greater than 1 but not more than 3

COUNCIL ITEM MEMORANDUM

Category	3-4 units	Greater than 0.25 but not more than 1
	5 or more units	Greater than 0.35 but not more than 0.50
Decrease 2 Categories	1-2	Greater than 3
	3-4 units	Greater than 1
	5 or more units	Greater than 0.50

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving a Type IV Rental License for 4718 Twin Lake Ave

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 4718 TWIN LAKE AVE

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 4718 Twin Lake Avenue, was issued a Type IV Rental License on August 14, 2017; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 4718 Twin Lake Ave, Brooklyn Center failed to attend Owners/Managers Association Meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 4718 Twin Lake Ave, Brooklyn Center, MN.

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

BROOKLYN CENTER AT THE CENTER

MAR 14 2018

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year) ☒ Mitigation Plan—Type IV (6 Months)

Property Address:	4718 Twin Lake Ave N Brooklyn Center, MN 55429		
Owner's Name(s):	Elizabeth Becht	Local Agent:	
Owner's Address:	PO Box 22277 Rbnsdl, MN 55422	Agent Address:	
Owner's Phone:	612-270-4263	Agent's Phone:	
Owner's Email:	dbarh@comcast.net	Agent's Email:	
Current Expiration Date:		Pending Expiration Date:	

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

<u>Read carefully and be sure to follow instructions, otherwise your plan will not be approved.</u>

City of Brooklyn Center—Community Development

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4718 Twin Lake Ave N
Brooklyn Center, MN 55429

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[x] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[x] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[x] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[x] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

[x] Crime Free Housing training is completed

[ ] Crime Free Housing training is scheduled for 3/22/2017
Date

[ ] Owner or agent plans to attend training at : _____
Name of City

[x] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[x] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[x] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

[x] Security Assessment is completed

[ ] Security Assessment is scheduled for 8/1/2017

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[x] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[x] 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[x] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: feb 8 and march 8

The following actions are required for Multi-Family properties with four (4) or more units.

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

BROOKLYN CENTER AT THE CENTER

Community Development

4718 Twin Lake Ave N
Brooklyn Center, MN 55429

Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2017	g	20 yrs
Water Heater	2017	g	20yrs
Kitchen Appliances	2017	g	15 yrs
Laundry Appliances	2017	g	10-15 yrs
Smoke Alarms/ Carbon Monoxide Alarms	2017	g	as needed
Exterior Items			
Paint/Siding	2017	g	as needed
Windows	2010	g	as needed
Roof	2017	g	30 yrs
Garage		g	
Driveway	2016	g	as needed
Fence	2016	g	50 yrs
Sidewalks		g	
Shed			none

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

City of Brooklyn Center—Community Development
www.cityofbrooklyncenter.org
6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

BROOKLYN CENTER
AT THE CENTER

Community Development

4718 Twin Lake Ave N
Brooklyn Center, MN 55429

Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [x] 1) Check-in with tenants every 30-days.
- [x] 2) Drive by property to check for possible code violations.
- [x] 3) Evict tenants in violation of the lease or any addendums.
- [x] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [x] 5) Have no repeat code violations previously documented with the past year.
- [x] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [x] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [x] 4) Provide maintenance service plan for appliances.
  Name of service company: local companies
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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BROOKLYN CENTER
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4718 Twin Lake Ave N
Brooklyn Center, MN 55429

Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Elizabeth Becht Owner

Owner or Agent Name and Title (Please Print)

Elizabeth Becht — 3-B-18

Owner or Agent Signature — *Date*

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable — *Date*

City Staff Only

[signature] — 3/14/2018

Police Department — *Date*

[signature] HSI Coordinator — 3/14/18

Community Development — *Date*

City Council Agenda Item No. 10b

COUNCIL ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Master Services Agreement with Swanson Haskamp Consulting, LLC for Professional Services to Complete the 2040 Comprehensive Plan.

Recommendation:

It is recommended that the City Council approve a Resolution approving the Master Services Agreement, Attachment 2 with Swanson Haskamp Consulting, LLC for Professional Services to complete the 2040 Comprehensive Plan.

It is recommended that the City Council approve a resolution requesting additional time within which to complete the City's comprehensive plan review obligations.

Background:

Cities in the Metropolitan Area are statutorily required to update their comprehensive plans every ten years. The Metropolitan Council is the designated body that oversees this process. In May 2014, The Metropolitan Council adopted *Thrive MSP 2040.* Following adoption of *Thrive*, the Council adopted the *2040 Transportation Policy Plan,* the *2040 Regional Parks Policy Plan,* the *2040 Water Resources Policy Plan,* and the *2040 Housing Policy Plan.*

In September 2015, the Metropolitan Council issued a System Statement to the City of Brooklyn Center, triggering our obligation to review the City's Comprehensive Plan and amend it to bring it into conformance with the adopted 2040 policy plans by the end of 2018. The City's system statement, along with the adopted metropolitan policy plans are available for viewing and downloading at: http://www.metrocouncil.org/Communities/Planning.aspx

In June 2017, the City entered into a Master Services Agreement with Swanson Haskamp Consulting, LLC (SHC). At the time the agreement was signed the intention was to have SHC conduct a review of the City's 2030 Comprehensive Plan and prepare a background which would include current and future demographic trends in the City, as well as identify what aspects of the City's existing Comprehensive Plan would need revision to meet the Metropolitan Council's requirements. That work was not to exceed $10,000.

SHC has since completed their analysis, and staff is now seeking authorization to amend the original Master Services Agreement to include *Attachment 2*, which would complete the 2040 Comprehensive Plan update in an amount not to exceed $51,975.

COUNCIL ITEM MEMORANDUM

Scope and Schedule:

The proposed scope is anticipated to complete all statutory requirements related to the 2040 Comprehensive Plan update. The deliverable will be a submitted 2040 Comprehensive Plan to the Metropolitan Council. In order to complete this work within the proposed cost, SHC has requested certain elements of the comprehensive plan update be supplied by the City. These items include additional transportation modeling, an updated water supply plan, an updated water resources plan, and an updated sewer system model. Public Works is already in the process of updating the water supply plan and the water resources plan, but other items may require additional effort, which may include consulting services, to complete. Public Works is identifying what elements of the plan can be provided internally, and what may require additional professional services.

The schedule to complete the 2040 Comprehensive Plan is aggressive, though staff anticipates that a draft will be complete and ready for a public hearing and approval by September 2018. This timeline would allow additional community input to occur as part of the Earle Brown Days community celebration.

Once the required public hearing has occurred and the draft 2040 Comprehensive Plan approved by the City Council in September, a six month review by surrounding and affected jurisdictions will then take place. At the end of the sixth month review, the City would need to respond to any comments received and then could submit the completed document to the Metropolitan Council for review and subsequent approval.

Because all comprehensive plans are due at the end of 2018, the City will need to request an extension from the Metropolitan Council by May 31, 2018. Included in this memo, is a resolution that would request an extension to the comprehensive plan deadline.

Budget Issues:

The Community Development budget currently identifies $40,000 in professional services for the 2040 Comprehensive Plan update. The actual cost will exceed $51,975 due to some work SHC completed in 2018 that has already been invoiced.

Strategic Priorities:

- Resident Economic Stability
- Targeted Redevelopment
- Safe, Secure, Stable Community
- Key Transportation Improvements

Attachment

- Master Services Agreement
- Attachment 2 – Amended Scope and Schedule

COUNCIL ITEM MEMORANDUM

- Resolution Approving the Master Services Agreement with Swanson Haskamp Consulting
- Resolution Requesting Additional Time Within Which to Complete the City's Comprehensive Plan Review Obligations

MASTER SERVICES AGREEMENT
BETWEEN SWANSON HASKAMP CONSULTING, LLC
AND THE CITY OF FOR PLANNING SERVICES RELATED TO
THE 2040 COMPREHENISVE PLAN UPDATE

The Agreement ("Agreement") is made as of June 1, 2017 and between, the City of Brooklyn Center ("Client"), 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430, and Swanson Haskamp Consulting, LLC ("SHC"), 246 Albert Street S., Suite 2A, St. Paul, MN 55105, to provide Professional Planning Services ('Services") by SHC for the 2040 Comprehensive Plan Update project ("Project") as directed by the Client.

Description of Services (Scope of Services)

Jennifer Haskamp, President of SHC shall be the primary contact and project manager assigned to perform planning and project management services for the Project. SHC will work at the direction of City Staff to assist on the Project as requested. SHC will coordinate with City Staff to identify desired deliverables, and estimated anticipated costs to provide and perform the requested work.

Standard of Care.

SHC's services shall be performed based on the standard of reasonable professional care for services similar in scope, schedule, and complexity to the services being provided by SHC. All warranties, express or implied, under the Proposal or otherwise, in connection with SHC's services are expressly disclaimed.

Period of Service

This contract shall be effective through completion of the draft 2040 Comprehensive Plan, which anticipated to be completed no later than December 2018.

Compensation

SHC shall be paid for Services provided in accordance with the following methods, including reimbursable expenses described but not limited to, plotting charges, Fed Ex, UPS, messenger delivery charges, and mileage, plus all taxes, fees, or stamps required by state federal, municipal or other government agencies in the providing of Services, if applicable: Hourly basis per Attachment 1: Rate Schedule, plus reimbursable expenses.

Payments are due upon presentation of SHC's invoices, and the Client agrees to pay bills within 30 days of receipt. SHC and the Client shall work together to establish the method for reporting and submitting invoices to assist with the ease of monthly billing and budget management. Client hereby acknowledges that sufficient funds are currently available, or methods to obtain funds, are assigned to pay for the cost of the Project contemplated by the Agreement. SHC has the right, at its sole discretion, to stop work and withhold work product or Services, if payments have not been received within 30 days of invoicing date. If Payments are not made within 30 days, a service charge of one (1) percent per month (12% annum), or as permitted by law, will be charged on any unpaid balance. Service charges may be compounded.

If Client fails to make payments to SHC consistent with the Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at SHC's option, cause for suspension of performance of the Services under the Agreement. If SHC elects to suspend Services, prior to suspension of Services, SHC shall give seven days written notice to Client. In the event of a suspension of Services, SHC shall have no liability to Client for delay or damage caused to Client because of such suspension of Services. Before resuming Services, SHC shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of SHC's services. SHC's fees for the remaining Services and the time schedules shall be equitably adjusted.

In the event of termination not the fault of SHC, SHC shall be compensated for Services performed prior to termination, together with reimbursable expenses due.

Client's Responsibilities

Client shall provide full information in a timely manner regarding requirements for and limitations for successful execution of the Services, including objectives, schedule, constraints and criteria, requirements and relationships and any other pertinent information that will assist SHC in achieving the expectations of the Client.

The Client shall designate a representative authorized to act on the Client's behalf with respect to the Project and will serve as the Project point of contact throughout the duration of this contract. The Client, or such designated representative, shall render decisions in a timely manner pertaining to documents submitted by SHC to avoid unreasonable delay in the orderly and sequential progress of the Project.

Termination

The Agreement may be terminated by either party at any time should the other party fail to perform in accordance with its terms through no fault of the party initiating the termination. Such termination shall be effective after giving ten days written notice. Client agrees to pay SHC for all Services provided up to the effective date of termination.

Miscellaneous

Work Product
The documents prepared by SHC for the Project are instruments of SHC's service for use solely with respect to the Client and, unless otherwise provided and agreed, SHC shall be deemed the author of these documents. All documents shall be the property of the Client, and both the Client and SHC shall retain all common law, statutory and other reserved rights, including the copyright. The Client and SHC shall be permitted to retain copies, including reproducible copies, of SHC's documents for the Client's information, reference and use in connection with the Services.

Claims and Consequential Damages
SHC and Client waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's terminating in accordance with the termination clause.

Any claim, dispute or other matter in question arising out of or relating to the Proposal or breach thereof ("Claim") shall be resolved by litigation in the State or (assuming subject matter jurisdiction) Federal Court located in Hennepin County, Minnesota.

Interpretation and Severability
Each provision of this Agreement is severable from the others. Should any provision of the Agreement be found invalid or unenforceable, such provision shall be ineffective only to the extent required by law, without invalidating the remainder of such provision or the remainder of the Agreement. Further, to the extent permitted by law, any provision found invalid or unenforceable shall be deemed automatically redrawn to the extent necessary to render it valid and enforceable.

Assignment
The Client and SHC, respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither the Client nor SHC shall assign this Agreement without the written consent of the other.

Team Relationship
The Client and SHC agree to work together on the basis of trust, good faith and fair dealing, and shall take actions reasonably necessary to enable each other to perform this Agreement in a timely, efficient and economical manner.

Entire Agreement
The terms and conditions set forth herein constitute the entire understanding of the parties relating to the services to be provided by SHC. Only a written instrument signed by both parties may amend the Agreement.

Governing Law
The Agreement shall be construed, interpreted, and enforced in accordance with the laws of the State of Minnesota, excluding its conflict of laws. SHC and Client expressly consent to the exclusive personal jurisdiction and venue of the Minnesota courts for all purposes relating to the Project. The parties waive trial by jury.

Execution

In witness whereof, the parties hereto have made and executed the Agreement as of the day and first above written.

CITY OF BROOKLYN CENTER

Gary J. Eitel 6/21/17

Printed Name Date

Director of Business Development.
(authorization up to $1,000.00)

SWANSON HASKAMP CONSULTING, LLC

Jennifer Haskamp, President & Principal Planner 6/1/2017

S H
C

Attachment 1:
Rate Schedule
(2017)

Service	Rate
Principal Planner (Haskamp, SHC) ▪ Report & Document Preparation/Review ▪ Research and Analysis ▪ Meeting Attendance	$130/Hour
Senior Market Researcher & Planner (Demma, P+W) ▪ Demographics and Housing Analysis ▪ Report and Document Preparation/Review ▪ Meeting Attendance	$150/Hour
Project Planner (Yahner, SHC) ▪ Meeting Attendance ▪ Research and Analysis	$95/Hour
Hourly Rate - Technical Analysis ▪ GIS Mapping ▪ Document Layout ▪ Graphics	$90/Hour
Mileage rate (Standard IRS rate)	$0.54/mile
Printing and Mailing Services**	Actual Expenses

**Billing will be submitted on an hourly rate up to the estimated costs, and billed per task. Authorization to exceed estimated costs will be obtained prior to completing any additional work.*

****Daily printing and small print will not be charged. Large scale or large quantity print jobs will be billed at actual expense rates.*

ATTACHMENT 2 to MSA Dated June 1, 2017 and Executed June 21, 2017

The following scope associated cost estimate is provided to continue work on the Project as detailed within the Master Service Agreement dated June 1, 2017 for the 2040 Comprehensive Plan Update. The estimate is based on the Background Report that includes demographic and socio-economic data; the draft annotated outline of the 2040 Plan Update provided to City Staff in December 2017; and continuing work and discussions with the Planning Commission and City Staff.

I. **Plan Development** – Existing 2030 Chapters will be updated to comply with Metropolitan Council System Statement and Checklist. The following summary of the 2030 Plan Chapters and recommend additions to the 2040 Plan are outlined in greater detail in the draft annotated outline. The updated chapters will accomplish the following:
   a. Respond to socio-economic and demographic changes since the last planning period;
   b. Meet Metropolitan Council checklist requirements;
   c. Incorporate aspirations, recommendations and feedback solicited through the Plan development process.

Topic	Consultant Responsibility/Lead	Estimated Cost
1.0 Executive Summary – Process summary, vision statement, key findings/recommendations and themes	J. Haskamp, SHC	$2,000
2.0 Introduction and Community Profile – including updated vision, goals and strategies	J. Haskamp, SHC	$2,000
3.0 Land Use, Redevelopment and Community Image Plan – existing and future land use, new land use designations, density and acre calculations, mapping, redevelopment analysis (may be separate chapter), special resource protection	J. Haskamp, SHC (land use); J. Demma, P+W (redevelopment)	$12,000
4.0 Housing Plan – existing and future housing stock supply and demand, affordable analysis	J. Demma, P+W	$5,000
5.0 Transportation Plan – existing road, transit, bikeway system and plan based on future land use plan and projections. Update TAZs, address transit and RBTN (will require assistance from City Staff)	J. Haskamp, SHC	$2,500
6.0 Park System Plan – existing and planned park and trail plan, rework chapter, address MNRRA, CIP	J. Haskamp, SHC	$3,000

7.0 Resource Plan – update for consistency with Future Land Use Plan and Redevelopment Plan; this will require coordination with city's engineering and public works department	J. Haskamp, SHC	$2,500
8.0 Implementation – will require assistance and coordination with staff	J. Haskamp, SHC	$3,000
Document Layout/Graphics	SHC	$2,500
Estimated Total of Plan Development		**$34,500**

II. Engagement Process (Public & Working Group)

a. Working Group – The Planning Commission was selected as the working group to expedite the process given the short timeline. The intent is that the SHC team will present/discuss at the PC's regular monthly meetings, with a minimum of six additional meetings (including the required public hearing).
   i. SHC Team attendance: J. Haskamp at six meetings, J. Demma will attend two meetings, one of which is the public hearing
   ii. Estimated Budget: **$8,000** (includes meeting preparation time and travel)

b. Attend three (3) Commission Meetings including Housing, MAC, and Park Commissions.
   i. SHC Team Attendance: J. Haskamp at three meetings, J. Demma at two meetings
   ii. Estimated Budget: **$3,000**

c. City Council Meetings, including one work session
   i. SHC Team Attendance: J. Haskamp at work session and City Council meeting, J. Demma at City Council meeting
   ii. Estimated Budget: **$1,500**

d. Staff Work Sessions: Attend 5 monthly meetings, 5 monthly phone conferences; 1 work session with engineering
   i. SHC Team Attendance: J. Haskamp at all meetings; J. Demma at one staff meeting
   ii. Estimated Budget: **$1,975**

e. Create and Maintain Project Website: **$500** development, hourly to maintain. The estimate assumes that the website will be jointly managed with staff to reduce costs.

f. Event Attendance – SHC Only, $500/Event up to 3 Hours; J. Demma billed at hourly rate, if attendance requested. Estimate assume SHC and J. Demma at one event, that may function as an Open House to present the draft Plan.
   i. Estimated Budget: **$1,000** (including prep time and travel)

III. Metropolitan Council Transmittal (if Requested)

a. Prepare form and submittal - ***$1,500*** (not included in estimate)

b. Additional coordination/correspondence to be billed at hourly rate. J. Haskamp is available to assist City Staff with preparation of the form and submittal to Metropolitan Council. (not included within the estimate)

Summary Assumptions for Estimated Budget:

- SHC team will prepare all draft chapter content including mapping and analysis.
- SHC will continue to work with the Planning Commission as the primary working group to complete the draft 2040 Plan Update as outlined above.
- SHC team will hold/attend one Open House or Event (Earle Brown Days) to present the draft plan to a larger audience. We will work with City Staff to determine appropriate meeting format, duration, etc.
- SHC team will present draft plan and attend the Planning Commission public hearing, one work City Council work session, one City Council meeting.
- Staff work sessions/meetings estimate based on 2 hours (including travel time); phone conference estimated at 0.5 hours. Workshop with engineering staff estimated as 3-hour work session.
- SHC's estimate and scope is based on a collaborative and coordinated approach with staff to complete this Plan Update. This is particularly important to the transportation, park system, and resource chapter components which rely on information from the City's various departments to ensure a coordinated Plan Update is produced.

TOTAL Estimated Budget to Complete Update: $50,475

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION APPROVING THE MASTER SERVICES AGREEMENT WITH SWANSON HASKAMP CONSULTING, LLC FOR PROFESSIONAL SERVICES TO COMPLETE THE 2040 COMPREHENSIVE PLAN

WHEREAS, Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and

WHEREAS, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their "decennial" reviews by December 31, 2018; and

WHEREAS, ON June 21, 2017, the City entered into a Master Services Agreement, dated June 1, 2017, with Swanson Haskamp Consulting, LLC to complete background analysis related to the 2040 Comprehensive Plan update; and

WHEREAS, Swanson Haskamp Consulting, LLC completed the scope of the initial agreement satisfactorily; and

WHEREAS, Swanson Haskamp Consulting, LLC submitted Attachment 2 to the Master Services Agreement, which proposed a work plan, cost and scope to complete the 2040 Comprehensive Plan in an amount not to exceed $51,975; and

WHEREAS, the City Council finds it is appropriate to accept Attachment 2, and enter into an agreement with Swanson Haskamp Consulting, LLC to complete the 2040 Comprehensive Plan

NOW, THERFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BROOKLYN CENTER, MINNESOTA, AS FOLLOWS:

The City Council hereby approves the Master Services Agreement, Attachment 2 and hereby authorizes the City Manager to negotiate any additional details as may be necessary and appropriate and approved by legal counsel to the City Council.

Adopted by the City Council of Brooklyn Center on March 26, 2018.

RESOLUTION NO._____

March 26, 2018
Date

Mayor

ATTEST: _____
City Clerk

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

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.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION REQUESTING ADDITIONAL TIME WITHIN WHICH TO COMPLETE COMPREHENSIVE PLAN "DECENNIAL" REVIEW OBLIGATIONS

WHEREAS, Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and

WHEREAS, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their "decennial" reviews by December 31, 2018; and

WHEREAS, Minnesota Statutes section 473.864 authorizes the Metropolitan Council to grant extensions to local governmental units to allow local governmental units additional time within which to complete the "decennial" review and amendments; and

WHEREAS, any extensions granted by the Metropolitan Council must be submitted by May 31, 2018, and must include a timetable and plan for completing the review and amendment; and

WHEREAS, Brooklyn Center will not be able to complete its "decennial" review by December 31, 2018, for the following reasons: Staffing turnover and workload.

WHEREAS, the City Council finds it is appropriate to request from the Metropolitan Council an extension so the City can have additional time to complete and submit to the Metropolitan Council for review an updated comprehensive plan and amend its fiscal devices and official controls.

NOW, THERFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BROOKLYN CENTER, MINNESOTA, AS FOLLOWS:

1. The City Manager is directed to submit to the Metropolitan Council no later than May 31, 2018, an application requesting an extension to May 1, 2019.

2. The City Manager is directed to include with the request a reasonably detailed timetable and plan for completing: (a) the review and amendment by May 1, 2019; and (b) the review and amendment of the City's fiscal devices and official controls.

Adopted by the City Council of Brooklyn Center on March 26, 2018.

RESOLUTION NO._____

March 26, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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.

Master Services Agreement with SHC, LLC for Professional Services to Complete the 2040 Comprehensive Plan

City of Brooklyn Center
City Council Meeting
March 26, 2018

Recommendation

- Approve a Resolution approving the Master Services Agreement, Attachment 2 with Swanson Haskamp Consulting, LLC for Professional Services to complete the 2040 Comprehensive Plan.

- Approve a resolution requesting additional time within which to complete the City's comprehensive plan review obligations.

Background

- Cities are statutorily required to update their comprehensive plans every 10 years.
- The Metropolitan Council oversees comprehensive plan updates and has set a deadline of December 31, 2018.
- In June 2017 the City entered into a Master Services Agreement with SHC to complete background analysis related to the 2040 Comprehensive Plan update.
- SHC has completed that work and staff is now seeking authorization to extend that contract to include the completion of the2040 Comprehensive Plan update.

Master Services Agreement

- Not to exceed $51,975
- The updated plan will:
  - Respond to socio-economic and demographic changes since the last planning period;
  - Meet Metropolitan Council checklist requirements;
  - Incorporate aspirations, recommendations and feedback solicited through the Plan development process.
  - All required special assessment procedures followed
- Scope and cost assumes collaboration and coordination with staff to complete Plan Update.

Engagement

- Planning Commission will be the primary working group and will meet monthly
- Draft will be presented to the Housing Commission, MAC, and Park Commission for feedback
- SHC team will hold an event at Earle Brown Days to present the draft and solicit feedback from public
- Project website maintained

Timeline

- March–June – Develop plan
- Saturday, June 23 – Earle Brown Days
- July – Draft plan
- August 13 – Present at Council work session
- August 30 – Planning Commission holds official public hearing
- September 10 – Council adopts draft plan
- September 2018–March 2019 – Effected Jurisdictional Review
- March 2019 – Final document adopted
- April 2019 – Submit to Met council for approval

Extension Request

- Updated Comprehensive Plan are due to the Met Council by December 31, 2018
- Requests for an extension are due by May 31, 2018
- Resolution from City Council is required
- Extension request is for May 1, 2019

Recommendation

- Approve a Resolution approving the Master Services Agreement, Attachment 2 with Swanson Haskamp Consulting, LLC for Professional Services to complete the 2040 Comprehensive Plan.

- Approve a resolution requesting additional time within which to complete the City's comprehensive plan review obligations.

EDA Agenda

EDA MEETING
City of Brooklyn Center
March 26, 2018

AGENDA

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

2. **Roll Call**

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

   a. Approval of Minutes
      1. January 22, 2018 – Regular Session

4. **Commission Consideration Items**
   a. Resolution Approving a Preliminary Development Agreement with Alatus, LLC for the Opportunity Site
      Requested Commission Action:
      –Motion to adopt resolution.

5. **Adjournment**

EDA Agenda Item No. 3a

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

REGULAR SESSION
JANUARY 22, 2018
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center Economic Development Authority (EDA) met in Regular Session called to order by President Tim Willson at 7:55 p.m.

2. ROLL CALL

President Tim Willson and Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were Executive Director Curt Boganey, Deputy City Manager Reggie Edwards, Interim Community Development Director Michael Ericson, Director of Public Works Doran Cote, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

3. APPROVAL OF AGENDA AND CONSENT AGENDA

Commissioner Lawrence-Anderson moved and Commissioner Graves seconded to approve the Agenda and Consent Agenda, and the following item was approved:

3a. APPROVAL OF MINUTES

1. January 8, 2018 – Regular Session

Motion passed unanimously.

4. COMMISSION CONSIDERATION ITEMS

4a. RESOLUTION NO. 2018-03 APPROVING THE PURCHASE AND SALE AGREEMENT AND ACQUISITION OF CERTAIN PROPERTY LOCATED AT: 5915 JOHN MARTIN DRIVE, BROOKLYN CENTER, MN

Interim Community Development Director Michael Ericson introduced the item, discussed the history, and stated the purpose of the proposed resolution to approve the purchase agreement with Eretz LLC for the sale of the former Perkins Restaurant site located at 5915 John Martin Drive. He described the negotiations with the property owner of the former Perkins Restaurant for several years and indicated that recently, staff was approached by the owner and an agreement in the sale price was reached at $425,000. The Finance Director has identified the

source of funds for the purchase as Tax Increment Financing (TIF) District 3. After the sale price is deducted from the TIF #3 Fund, the remaining balance will be $1.7 million.

Commissioner Graves left the Chambers at 7:57 p.m.

Commissioner Lawrence-Anderson moved and Commissioner Butler seconded to adopt RESOLUTION NO. 2018-03 Approving the Purchase and Sale Agreement and Acquisition of Certain Property Located at: 5915 John Martin Drive, Brooklyn Center, MN.

Motion passed 4-0-1 (Commissioner Graves absent for the vote).

Commissioner Graves returned at 7:58 p.m.

5. ADJOURNMENT

Commissioner Ryan moved and Commissioner Lawrence-Anderson seconded adjournment of the Economic Development Authority meeting at 7:58 p.m.

Motion passed unanimously.

EDA Agenda Item No. 4a

EDA ITEM MEMORANDUM

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

SUBJECT: Resolution Approving the Preliminary Development Agreement with Alatus, LLC for the redevelopment of the site known as the Opportunity Site

Recommendation:

It is recommended that the Economic Development Authority adopt the Resolution Approving the Preliminary Development Agreement with Alatus, LLC for the redevelopment of the Opportunity Site.

Background:

On February 20, 2018, the City Council heard proposals from two developers regarding concepts for the Opportunity Site. After meeting with each development team, hearing their vision for the site, and reviewing the proposed concepts, the City Council directed staff to move forward with drafting a Preliminary Development Agreement with Alatus, LLC.

Preliminary Development Agreement:

Stacie Kvilvang, with Ehlers has prepared a memo outlining the terms and conditions of the PDA (Attached).

Resolution:

The City Attorney's Office has prepared the attached resolution which formally approves the Preliminary Development Agreement with Alatus, LLC.

Budget Issues:

There are no General Fund expenditures associated with this agreement.

Alatus, LLC will be responsible for all expenses incurred by the city related to the predevelopment work on this site, as described in the Preliminary Development Agreement.

This lot is included within Tax Increment District No. 7 (Opportunity Site) with future tax increment generated by this development available to the EDA for eligible redevelopment expenditures and activities.

EDA ITEM MEMORANDUM

Strategic Priorities:

- Targeted Redevelopment

Attachments:

- Memo dated March 16, 2018 from Stacie Kvilvang
- EDA Resolution 2018-004
- Preliminary Development Agreement with Alatus, LLC

Memo

To: Curt Boganey – Executive Director

From: Stacie Kvilvang

Date: March 16, 2018

Subject: Preliminary Development Agreement (PDA) For Opportunity Site

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At the February 20, 2018 City Council work session, the City Council directed staff to work with the EDA Attorney to draft a PDA by and between Alatus LLC. for review and consideration.

The intent of the PDA is to provide the developer exclusive development rights to the property for a defined term. During this time, the EDA and the developer will negotiate a Purchase and Redevelopment Agreement which will include terms for the sale of the EDA property. The agreement will also include details of what is to be constructed and when, as well as a determination of all public improvements required for the development. In addition, the City, EDA and the developer will be completing all actions necessary to approve final site plans for the development. Following are the proposed terms of the PDA:

1. **Property**
   a. Authority-owned property known as the "Opportunity Site" and consisting of approximately 32 acres plus two (2) additional parcels owned or under contract by the EDA adjacent or near this site.

2. **Term**
   a. PDA is for one (1) year and expires on April 1, 2019, unless otherwise extended by agreement of both parties
      i. Either party can terminate the PDA at any time by providing written notice. The Developer is required to promptly notify the EDA if they determine that the development isn't financially feasible and the PDA will be terminated.
   b. EDA will not (i) discuss the terms of the Development or enter into or negotiate a similar agreement or other proposals with any other party during the term of the PDA for development of the area without the prior written consent of the Developer; or (ii) provide or enter into an agreement to provide financial assistance to any other party to develop the Authority Property.
   c. During the term of the PDA, the EDA and the developer shall proceed with the negotiation of a Purchase and Development Agreement, which is at the sole discretion of each party.

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3060 Centre Pointe Drive
Roseville, MN 55113-1122

3. **City responsibilities**

   a. Coordinate meetings with the EDA, City Council, Planning Commission and the community to refine the site plan and project details

   b. Assist in identifying public improvements necessary to be constructed in connection with the Development, including but not limited to the centralized park area, new roadways and storm water ponding

   c. Identify type and amount of development fees that the developer will be required to pay

   d. Identify the approval process and timeframes for development approvals that may be expected for the development

   e. Identify the sources of public financial assistance that may be made available to the Developer in connection with the Development

   f. Provide the developer title information, surveys and environmental reports related to the property

   g. Negotiate with the developer the terms of and prepare the Purchase and Development Agreement, including analyzing justification of the purchase price for the Authority property

   h. Provide the developer surveys and environmental reports it has for the property and cooperate with the Developer in pursing and federal or state environmental approvals, permits, etc.

   i. Neither the City nor the EDA will exercise its condemnation powers to acquire any additional property in connection with the Development, notwithstanding any other agreement.

4. **Developer responsibilities (at sole expense)**

   a. Continue to refine its site and building plans for the development

   b. Undertake preliminary engineering and soil testing of the property, indemnify the EDA from any claims or damage due to entry onto the property and repair any damage made to the property

   c. Submit a proposed schedule for the undertaking of the Development including phasing and the timing of the closing of each phase

   d. Update evidence of title to the property and provide to the EDA any objections to title

   e. Seek to secure a commitment for financing sufficient for construction of the first phase of Development

f. Submit to staff a project pro forma detailing all costs of the development and the sources and uses of all funds to finance the development, including justification for the amount proposed to be paid by the developer to acquire the property

g. Seek to secure tenants for the Development; provided that the Developer has no authority to lease or otherwise encumber the Authority Property

h. Determine the acceptability of the environmental condition of the Authority and Additional Property

i. Identify the Additional Property to be acquired to undertake and complete the Development and work to secure options or purchase agreements with the owners of such property

j. Identify any off-site public improvements expected or required to be completed as part of the Development and identify any on-site public improvements expected or required to be completed as part of the Development, including any centralized park, new roads and storm water ponding.

k. Conduct one or more community open house(s) to solicit public input regarding the proposed development concept and such other neighborhood meetings as may reasonably be requested by the EDA.

l. Work with the EDA/City to provide information necessary to apply for funding grants from governmental grant sources.

m. Obtain any market studies for the Development to assess overall feasibility and to refine the scope of the Development and provide a copy to the EDA.

n. Make all required presentations to the City Council, the EDA and Planning Commission.

o. Undertake a traffic study to identify any traffic concerns, circulation issues and potential need for additional off-site improvements

p. Provide quarterly status reports on progress to the EDA.

5. **Payment of EDA Costs**
   a. Developer will pay 100% of the EDA's costs for consultants in connection with the redevelopment including but not limited to Ehlers, EDA attorney, etc. Developer is required to make a $25,000 deposit at the time the PDA is signed into an escrow account and will continue to make deposits as required over time.

6. **Contingencies**
   a. Terms of acquisition (price) for Authority property has to be acceptable to the EDA

b. Acceptance by the developer of environmental and geotechnical assessments and all other environmental and wetland reports and surveys certified to the developer and its lender

c. Title to the property needs to be acceptable to the developer in its sole discretion

d. The EDA and the developer need to obtain all necessary approvals from any participating governmental authority

e. Developer needs to obtain from the City all planning, zoning and permit approvals

f. The Developer having conducted soils, well, engineering, hazardous waste, environmental and other testing as it determines necessary

g. Developer needs to obtain financing at a minimum the initial phase of the development acceptable to them and satisfactory to the EDA

The developer has reviewed the attached PDA and is agreeable to the terms outlined. Please contact me at 651-697-8506 with any questions.

Commissioner _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO._____

RESOLUTION APPROVING A PRELIMINARY DEVELOPMENT AGREEMENT (ALATUS/OPPORTUNITY SITE)

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the "EDA") has received a proposal from Alatus, LLC, a Minnesota limited liability company (the "Developer") that the EDA consider entering into an agreement to assist the Developer in connection with the acquisition of land from the EDA and construction of a mixed use apartment/hotel/commercial/single-family development together with related improvements including a centralized park area, new roads and storm water ponding to be located in the area bounded by Shingle Creek Parkway, John Martin Drive, Highway 100 and Bass Lake Road in the City of Brooklyn Center, Minnesota (the "Project"); and

WHEREAS, the EDA has caused to be prepared a Preliminary Development Agreement by and between the EDA and the Developer (the "Preliminary Development Agreement") setting forth the tasks the Developer will undertake in determining whether to proceed with the Project and the EDA will undertake in considering a definitive agreement pursuant to which it would provide assistance for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Economic Development Authority of Brooklyn Center, Minnesota (the "Board"), as follows:

Section 1. EDA Approval; Further Proceedings.

1.01. The EDA hereby approves the Preliminary Development Agreement substantially in accordance with the terms set forth in the form presented to the Board, together with any related documents necessary in connection therewith (collectively, the "Preliminary Development Documents") and hereby authorizes the President and Executive Director to negotiate the final terms thereof and, in their discretion and at such time as they may deem appropriate, to execute the Preliminary Development Documents on behalf of the EDA, and to carry out, on behalf of the EDA, the EDA's obligations thereunder.

1.02. The approval hereby given to the Preliminary Development Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the EDA and by the officers authorized herein to execute said documents prior to their execution; and said officers are hereby authorized to approve said changes on behalf of the EDA. The execution of any instrument by the appropriate officers of the EDA herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or

authorization of the Board by any duly designated acting official, or by such other officer or officers of the Board as, in the opinion of the City Attorney, may act in their behalf.

1.03. Upon execution and delivery of the Preliminary Development Documents, the officers and employees of the EDA are hereby authorized and directed to take or cause to be taken such actions as may be necessary on behalf of the EDA to implement the Preliminary Development Documents.

1.04. The Board hereby determines that the execution and performance of the Preliminary Development Documents will help realize the public purposes of the Act.

March 26, 2018
Date

_____
President

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

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.

PRELIMINARY DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2018, by and between the Economic Development Authority of Brooklyn Center, Minnesota (the "Authority") with its principal office at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430, and Alatus, LLC, a Minnesota limited liability company (the "Developer") with its principal office at 800 Nicollet Mall, Suite 2850, Minneapolis, Minnesota 55402.

WITNESSETH:

WHEREAS, the Authority is the owner of certain real property described in Exhibit A (the "Authority Property") located in the City of Brooklyn Center (the "City"); and

WHEREAS, the Developer has presented to the Authority a concept for the development of the Authority Property and certain other real property located adjacent to or near the Authority Property that may be acquired by the Developer (the "Additional Property") through the construction of a mixed use apartment/hotel/commercial/single-family development together with related improvements including a centralized park area, new roads and storm water ponding (the "Development"), which proposal contemplates the Authority's conveyance of the Authority Property to the Developer; and

WHEREAS, the Authority Property and the Additional Property are collectively referred to in this Agreement as the "Redevelopment Property"; and

WHEREAS, the Authority's Board of Commissioners has reviewed the Developer's development concept and desires to enter into this Preliminary Development Agreement to allow the Developer to further refine its development concept and to negotiate the sale of Authority Property, public participation in the Development, and approval of the final development concept; and

WHEREAS, the Authority and Developer intend to proceed with the Development if: (i) a design for the Development can be agreed upon by the Authority and the Developer; (ii) a satisfactory agreement can be reached regarding the purchase price to be paid by the Developer for the Authority Property; (iii) satisfactory financing for the Development can be secured; and (iv) the economic feasibility and soundness of the Development and other necessary preconditions have been determined to the satisfaction of the parties.

NOW, THEREFORE, in consideration of the foregoing, the Authority and the Developer hereby agree as follows:

Section 1. Preliminary Nature of Agreement. The Authority and Developer agree that this Agreement is intended to be preliminary in nature. Before the Authority and Developer can make a decision on whether to proceed with the implementation of the Developer's development concept, it will be necessary to assemble and consider information relative to the uses, design, economics and other aspects of the Development. The purpose of this Agreement is to allow the

Developer an opportunity to assemble such necessary information, to refine the above referenced development concept, and to negotiate with the Authority concerning the execution of a purchase and development agreement (the "Contract") which, if executed, will set forth the rights and responsibilities of the Authority and the Developer with respect to the Development.

During the term of this Agreement, the Authority agrees that it will not (i) subject to the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, without the prior written consent of Developer, discuss the terms of the Development, or (ii) enter into or negotiate a similar agreement or any other proposals with any party other than the Developer to develop the Authority Property.

Section 2. Present Intent of Parties. It is the intention of the parties that this Agreement document their present understanding and commitments and that if the following conditions can be fulfilled to the satisfaction of the Authority and Developer that the parties will proceed in an attempt to formulate a mutually satisfactory Contract:

(a) the Developer demonstrates the feasibility of the Development as refined pursuant to this Agreement;

(b) the Developer provides such documentation regarding the economic feasibility of the Development as the Authority may wish to receive during the term of this Agreement;

(c) the completion of all undertakings required by this Agreement in a satisfactory and timely manner;

(d) the satisfaction of such other conditions as are determined to be appropriate by either party; and

(e) the Development is generally consistent with the proposal submitted to the Authority's Board of Commissioners on February 20, 2018.

The Contract (together with any other agreements entered into between the parties hereto contemporaneously therewith) when executed will supersede all understandings and obligations of the parties hereunder.

Section 3. Development Design. The Developer's concept for the Development on the Redevelopment Property is preliminary in nature and must be refined before implementation. The concept as proposed involves the construction of a mixed-use apartment/hotel/commercial/single-family development together with related improvements including a centralized park area, new roads and storm water ponding improvements.

Section 4. Developer Undertakings. During the term of this Agreement the Developer shall do the following:

(a) Continue to refine its site and building plans for the Development.

(b) Undertake preliminary engineering, soil testing/borings and geotechnical analysis of the Redevelopment Property. For this purpose, the Developer and its contractors shall have the right to enter upon the Authority Property at reasonable times and after notice to the Authority. The Developer shall indemnify, defend and hold the Authority harmless from and against any claims or damage, of whatsoever nature, arising out of the entry onto the Authority Property and shall repair any damage caused to the Authority Property.

(c) Submit to the Authority a proposed schedule for the undertaking of the Development including phasing and the timing of the closing of each phase.

(d) Using title information and a survey provided by the Authority, update evidence of title to the Authority Property and provide to the Authority any objections to title.

(e) Seek to secure a commitment for financing sufficient for construction of the first phase of Development.

(f) Submit to the Authority a project pro forma detailing all costs of the Development and the sources and uses of all funds to be raised to finance the Development, including justification for the amount proposed to be paid by the Developer to acquire the Authority Property.

(g) Seek to secure tenants for the Development; provided that the Developer has no authority by virtue of this Agreement to lease or otherwise encumber the Authority Property.

(h) Obtain environmental reports and studies provided by the Authority and such other studies and testing deemed necessary, to determine the acceptability of the environmental condition of the Authority Property and any Additional Property.

(i) Identify the Additional Property to be acquired to undertake and complete the Development and work to secure options or purchase agreements with the owners of such property.

(j) Identify any off-site public improvements expected or required to be completed as part of the Development and identify any on-site public improvements expected or required to be completed as part of the Development, including any centralized park, new roads and storm water ponding.

(k) Conduct one or more community open house(s) to solicit public input regarding the proposed development concept and such other neighborhood meetings as may reasonably be requested by the Authority.

(l) Work with the Authority or City to provide information necessary to apply for funding grants from governmental grant sources.

(m) Obtain any market studies for the Development to assess overall feasibility and to refine the scope of the Development and complete a traffic study to assess the overall traffic impact resulting from the Development.

(n) Make all required presentations to the City Council of the City, the Authority's Board of Commissioners and the City Planning Commission in connection with approvals of the Development.

All of the information described above shall be prepared or collected at the sole expense of the Developer. The Developer agrees that it will provide the Authority with quarterly status reports on progress made with respect to its activities under this Agreement. The Developer shall have no obligation to provide the Authority or City any reports, tests, analyses or any other due diligence it has prepared internally or obtained from any third party except as specifically provided herein.

Section 5. Authority Undertakings. During the term of this Agreement, the Authority will undertake the following:

(a) Coordinate meetings with the Authority, City Council, Planning Commission and the community to refine the Development plans.

(b) Assist in identifying public improvements necessary to be constructed in connection with the Development, including but not limited to the centralized park area, new roadways and storm water ponding.

(c) Identify construction, permit, application, utility and any other fees and the amount of such fees that the Developer may be expected to pay in connection with the Development.

(d) Identify the approval process and timeframes for development approvals that may be expected for the Development.

(e) Identify the sources of public financial assistance that may be made available to the Developer in connection with the Development such as tax increment financing, state, local and federal grants and land write down assistance. If any such financial assistance is actually provided in connection with the Development, the amount, timing and terms of such assistance will be set forth in the definitive Contract and no commitment is being made in this Agreement that any such assistance will be provided to the Developer.

(f) Provide to the Developer any title information and any 3rd party reports the Authority has on hand regarding the Authority Property.

(g) Cause to be prepared drafts of the Contract upon satisfaction of the conditions in Section 2.

(h) Provide to the Developer any surveys and environmental reports related to the Authority Property that are in the possession of the Authority. The Authority will, at the Developer's expense, cooperate with the Developer in pursuing any federal or State environmental approvals, permits, program enrollments or determinations requested by the Developer with respect to the Authority Property.

(i) Analyze information provided by the Developer to determine if the conveyance of the Authority Property for the Developer's proposed purchase price is justified.

(j) Notwithstanding any provisions or understanding to the contrary, neither the City nor the Authority will exercise its condemnation powers to acquire any additional property or other real property in connection with the Development.

(k) Cooperate with the Developer, at the Developer's expense, in completing the traffic study as required by Section 4(m).

Section 6. Contingencies. The parties acknowledge and agree that proceeding with the Development is subject to a number of contingencies, including, but not limited to, the following:

(a) The acquisition of all or part of the Redevelopment Property by direct purchase, on such terms and conditions as are acceptable to the Authority in its sole and absolute discretion.

(b) The acceptance by the Developer of its environmental and geotechnical assessments and all other environmental and wetland reports and surveys certified to the Developer and its lender, deemed necessary by the Authority and the Developer for all of the property to be encompassed by the Development, which reports and surveys must be satisfactory to the Authority and the Developer.

(c) The Authority and the Developer having obtained all necessary approvals for the Development from any participating governmental authority including, but not limited to, any necessary watershed district approvals.

(d) The Developer having obtained such zoning modifications, rezoning, planned unit development approvals, conditional use permits and such other approvals as are necessary to allow the Development to move forward.

(e) Title to the Authority Property and any Additional Property having been found acceptable to the Developer in its sole discretion.

(f) The Developer having conducted such soils, well, engineering, hazardous waste, environmental and other testing as it determines necessary.

(g) The Developer having obtained financing for, at a minimum, the initial phase of the Development acceptable to Developer and satisfactory to the Authority.

Section 7. Negotiation of Contract. During the term of this Agreement, the Authority and the Developer shall proceed with the negotiation of a Contract relative to the Development. The decision to enter into a Contract shall be in the sole discretion of each of the parties. If prior to execution of the Contract either party determines in its sole discretion that it is not in its best interest, for whatever reason, to proceed with the Development or the Contract, it shall so notify the other party, whereupon this Agreement shall terminate and neither party shall have any rights or obligations to the other or to any third party under or with respect to this Agreement, except as provided in Section 9 regarding Authority costs incurred prior to such termination. If the Developer determines during the term of this Agreement that undertaking the Development is not financially feasible, it will promptly notify the Authority of such determination and the parties will terminate this Agreement.

Section 8. Effect of Approvals. No approval given by the Authority hereunder or in connection herewith shall be deemed to constitute an approval of the Development for any purpose other than as stated herein and the process outlined in this Agreement shall not be deemed to supersede any concept review, conditional use permit, vacation, subdivision, or other zoning or planning approval process of the Authority or the City relative to the development of real estate.

Section 9. Payment of Authority Costs. In consideration of the Authority's covenants and agreements set forth herein, the Developer agrees that it will pay costs incurred by the Authority in connection with the preparation of this Agreement, financial analysis, the negotiation, preparation and implementation of the Contract in the manner and to the extent provided in this Section 9. The Developer shall deposit $25,000 with the Authority within 3 business days of execution of this Agreement. The Authority shall have the right to draw upon such amounts to pay its costs. Upon request by the Developer, the Authority shall provide an accounting of the use of any funds deposited with the Authority. If the amount on deposit becomes fully depleted or the Authority wishes to incur a cost that would cause the deposit to be fully depleted, the Authority shall have the right to request that the Developer replenish such funds. Upon such request, the Developer shall remit to the Authority additional funds to be held on deposit and used to pay costs. If the Developer fails to make such a deposit within 3 business days, the Authority may terminate this Agreement. The Authority shall not incur any cost unless it has sufficient funds on deposit to pay for such costs. If this Agreement is terminated in accordance with the terms hereof, any sums remaining on deposit with the Authority, after the Authority pays or reimburses itself for costs incurred to the date of termination, shall be returned to the Developer. No other financial obligations shall exist between the parties, other than those that may be negotiated and contained in the Contract.

Section 10. Modifications. This Agreement may be modified and the term hereof may be extended only through written amendments hereto signed by both of the parties to this Agreement.

Section 11. Exclusive Rights. In consideration of the time, effort and expenses to be incurred by Developer in pursuing the undertakings set forth herein and in further consideration of the funds paid to the Authority, the receipt of which is hereby acknowledged, the Authority

hereby agrees that for the term of this agreement it will not: (i) provide or enter into an agreement for provision of financial assistance to any third party in connection with any proposed development of the Authority Property. During such period the Developer shall have the exclusive right to work with the Authority in establishing a definitive Contract for the Redevelopment Property. Said exclusive rights shall continue, unless earlier terminated as provided herein, for the period described within Section 12 of this agreement.

Section 12. Termination. This Agreement shall be effective until April 1, 2019, unless terminated earlier in accordance with Section 7. If for any reason a Contract has not been entered into by the parties by such date or any mutually approved extension thereof, this Agreement shall be null and void and neither party shall have any liability or obligations to the other, except as provided in Section 9 regarding Authority costs incurred prior to the termination of this Agreement.

Section 13. Severability. If any portion of this Agreement is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of any remaining portion of this Agreement.

Section 14. Notices. Notice, demand, or other communication from one party to the other shall be deemed effective if sent by certified mail, postage prepaid, return receipt requested or delivered personally to a party at its address in the first paragraph of this Agreement, or at such other address as such party may designate in writing to the other party.

IN WITNESS WHEREOF, the Authority has caused this Agreement to be duly executed in its name and behalf and the Developer has caused this Agreement to be duly executed in its name and behalf on or as of the date first above written

ECONOMIC DEVELOPMENT AUTHORITY OF BROOKLYN CENTER, MINNESOTA

By_____
Its _____

By_____
Its _____

ALATUS, LLC

By_____
Its _____

EXHIBIT A

Authority Property

The real property located in the area bounded by Shingle Creek Parkway, John Martin Drive, Highway 100 and Bass Lake Road in the City of Brooklyn Center, Minnesota.

Work Session Agenda

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
March 26, 2018
Immediately Following Regular City Council and EDA Meetings Which Start at 7:00 P.M.

City Hall Council Chambers

A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

ACTIVE DISCUSSION ITEMS

1. Off-Site Storage of Vehicles

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

1. Naturally Occurring Affordable Housing Policy
2. City Council Code of Policies (10-9-17 Study Session Discussion)
   a. Section 2.93 Long-Term Deer Population Management Plan
3. Tobacco Purchase Age 21 (Brooklyn Youth Council) – June
4. Organic Composting and Native Bee Habitat (1-8-18 Study Session Discussion) – April
5. Median Safety Ordinance – April

Work Session Agenda Item No. 1

MEMORANDUM – COUNCIL WORK SESSION

DATE: March 26, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

SUBJECT: Off-site storage of vehicles

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding Luther Auto's request to store new vehicles off-site from their auto sales locations.

Background:

Luther Auto has approached the City regarding an immediate need for temporary storage of approximately 300 new vehicles. They are seeking space to locate these vehicles for approximately 6 months. This need is related to the new dealership they are starting work on at the former bus garage.

While this has been presented by Luther as an immediate and short-term problem, they have expressed in the past similar issues related to vehicle storage. Further, they have indicated that they are still seeking a long-term solution to their vehicle storage issues.

Luther has specifically requested to use EDA-owned property on a short-term basis to store vehicles while they look for a long-term solution.

Policy Issues:

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

At present there is no mechanism in the code to allow Luther Auto to use a lot outside of their dealership property to store vehicles; whether that property is owned by the City or not. If the Council wants to allow Luther to store their vehicles off-site, an amendment to the Zoning Code would be necessary.

After discussing this issue with the City Attorney, staff feels if the Council chooses to move forward with such an amendment, that using the interim use process would be the best mechanism to allow Luther to store their vehicles off-site, but maintain control over where and for how long that storage could occur. The Code currently provides for interim uses, but narrowly allows them only for the purpose of providing temporary classrooms on school properties. An amendment could be made to allow off-site storage of new vehicles in certain

areas, or on City-owned property only for example. The ordinance could be written narrowly enough that it would only provide for this specific situation.

Staff is seeking direction on the following items:

- Does Council want to allow Luther Auto to store vehicles off-site?
- If so, under what conditions would this be allowed, and where?

If the Council directs staff to proceed with this amendment, we will work with Luther Automotive to identify a site and to draft an amendment to the Zoning Code that would then go to the Planning Commission for public hearing and a recommendation before coming to Council for approval.

The entire process, with notification and publication times would take 90-115 days.