AGENDA
CITY COUNCIL STUDY SESSION
March 12, 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. Set Time and Date for Meeting with Congressman Keith Ellison

3. Discussion of Work Session Agenda Items as Time Permits

4. Adjourn

MEMORANDUM – COUNCIL STUDY SESSION

DATE: March 9, 2018

TO: City Council

FROM: Curt Boganey, City Manager

SUBJECT: Meeting Date and Time – Congressman Ellison

Recommendation:

It is requested that the City Council provide direction regarding the request of Congressman Ellison to meet to discuss City priorities.

Background:

I have enclosed an email from Congressman Ellison requesting a time to meet with the City Council while he in the City.

Currently his office has identified two tentative times that work for the Congressman, Monday at 5:00 p.m. March 26th and Tuesday March 27th at 9:00 a.m. His staff has indicated that if these times do not work we should follow up with his office on Tuesday.

Curt Boganey

From: Long, Jamie <jamie.long@mail.house.gov>
Sent: Tuesday, March 6, 2018 3:51 PM
To: Curt Boganey; Johnson, Cheniqua; Tim Willson
Subject: RE: Congressman Ellison Meeting

Thanks Curt! We'd also love to have the City Council join us if they are available, as we've done in the past. Looking forward to finding a time.

Jamie Long
Deputy Chief of Staff
Congressman Keith Ellison (MN-05)
2100 Plymouth Avenue N, Minneapolis, MN 55411
(612) 522-1212

From: Curt Boganey [mailto:cboganey@ci.brooklyn-center.mn.us]
Sent: Tuesday, March 06, 2018 3:49 PM
To: Johnson, Cheniqua <Cheniqua.Johnson@mail.house.gov>; Tim Willson <mayorwillson@ci.brooklyn-center.mn.us>
Cc: Long, Jamie <jamie.long@mail.house.gov>
Subject: RE: Congressman Ellison Meeting

Hello Cheniqua

I will touch base with Mayor Willson and try to coordinate a time and place.

Curt Boganey

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

CITY COUNCIL MEETING
City of Brooklyn Center
March 12, 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. 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

b. Licenses

c. Resolution Adopting a Request for Proposals for Custody/Trust Banking Services

d. Annual Report on Franchise Fees

e. Resolution Approving an Amendment to the Brooklyn Center Fire Department Relief Association By-laws

f. Resolution Authorizing Acquisition of Easements for Brooklyn Boulevard Corridor Project Phase 1, Project No. 2018-05

g. An Ordinance Relating to Activities Within the Right-of-Way; Amending City Ordinance Section 25-1000

7. Presentations/Proclamations/Recognitions/Donations

–None.

8. Public Hearings

a. Proposed Special Assessments for Diseased Tree Removal Costs and Weed Removal Costs

1. Resolution Certifying Special Assessments for Diseased Tree Removal Costs 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.

Requested Council Action:

–Motion to open Public Hearing.
–Take public input.
–Motion to close Public Hearing.
–Motion to adopt Resolution.

2. Resolution Certifying Special Assessments for Weed Removal Costs 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.

Requested Council Action:

–Motion to open Public Hearing.
–Take public input.
–Motion to close Public Hearing.
–Motion to adopt Resolution.

b. 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.

Requested Council Action:

–Motion to open Public Hearing.
–Take public input.
–Motion to close Public Hearing.
–Motion to adopt Resolution.

9. Planning Commission Items

–None.

10. Council Consideration Items

a. Consideration of Type IV 6-Month Provisional Rental Licenses

1. 3141 49th Ave N
2. 5357 Colfax Ave N
3. Resolution Approving a Type IV 6-Month Provisional Rental License for 3000 62nd Ave N
4. Resolution Approving a Type IV 6-Month Provisional Rental License for 6336 Beard Ave N
5. Resolution Approving a Type IV 6-Month Provisional Rental License for 5025 Drew Ave N
6. Resolution Approving a Type IV 6-Month Provisional Rental License for 6642 Dupont Ave N
7. Resolution Approving a Type IV 6-Month Provisional Rental License for 4906 Howe La
8. Resolution Approving a Type IV 6-Month Provisional Rental License for 2913 Nash Rd

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. Mayoral Appointment of Members to Serve on Housing Commission

Requested Council Action:

–Motion to ratify Mayoral appointments.

c. Mayoral Appointment of Members to Serve on Sister Cities Commission

Requested Council Action:

–Motion to ratify Mayoral appointments.

11. Council Report

12. Adjournment

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
March 12, 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. Emergency Private Utility Repair Assessment Policy

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
FEBRUARY 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, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Interim Community Development Director Michael Ericson, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Mayor Willson requested the following correction to the Work Session minutes of January 22, 2018:

> Page 3, Last Paragraph, second sentence
> …He noted in 2017, there was a $2,000 increase in citations issued yet…"

Councilmember Lawrence-Anderson the following correction to the Work Session minutes of January 22, 2018:

> Page 2, Last Paragraph, second sentence
> "…while living with her parents and six siblings on Emerson, and with ~~may~~ many cars, she…"

It was the majority consensus of the City Council to accept the correction to the January 22, 2018 Work Session minutes.

Mississippi Gateway Park Improvement Project
Councilmember Ryan requested discussion on Item 6h, Resolution of Support for the Mississippi Gateway Regional Park, which will be a three-phase plan for upgrades and improvements. He asked whether staff knew when the improvements and upgrades for the Mississippi Gateway Park will be completed.

Director of Public Works Doran Cote reported staff met with Three Rivers Park District staff and the District is estimating a two- to five-year timeframe for the project with continuation through the cities of Brooklyn Park and Dayton.

SIP Wealth Management Uncollectible Check

Mayor Willson requested discussion on Item 6e, Resolution Authorizing the City Manager to Write Off Uncollectible Accounts Receivable and Returned Checks, relating to the uncollectible check from SIP Wealth Management. He stated he found this company in the UK and India and wondered who this entity is and whether they have a location in the United States.

City Manager Curt Boganey stated he does not know but even the collection agency was not successful in collecting the funds.

The consensus of the City Council was to not remove this item from the Consent Agenda.

CDBG

Councilmember Lawrence-Anderson requested discussion on Item 8b, Resolution Approving Projected Use of Funds for 2018 Urban Hennepin County Community Development Block Grant Program and Authorizing Signature of Subrecipient Agreement with Hennepin County, specifically what the City Council will be considering tonight for approval.

Mayor Willson explained the applications now go directly to Hennepin County for consideration on allocation of funds.

Mr. Boganey stated that is correct but the public hearing on the grant application will be held this evening. If the City Council is satisfied with the recommendation, it can act on the grant application and if not, it can be considered at the next meeting with the changes supported by the City Council.

Mr. Boganey explained that Hennepin County will remove 15% of each community's allocation and that amount will be available for public service projects. The County will have an advisory steering committee made up of representatives from the cities but the decision on which agencies receive CDBG funding lies with the County.

Interim Community Development Director Michael Ericson indicated applications are accepted through the end of February and if a representative of Brooklyn Center would like to be on that Advisory Steering Committee, staff will forward that name to the County.

Councilmembers Graves and Ryan expressed interest. Mayor Willson stated he will represent the City on the Hennepin County CDBG Advisory Steering Committee.

MISCELLANEOUS

Apartment Tenant Complaint

Councilmember Lawrence-Anderson stated she had received e-mails from neighbors about issues at an apartment complex, where they have been tenants for three months, related to sewer

back up and no heat. In response to the no heat complaint, management brought in a space heater but the resident now has to pay for the higher electric bill caused by the space heater. The tenants were told if they dropped the complaints, they will get security deposit back and they can leave. Councilmember Lawrence-Anderson stated she does not know how to advise the residents to move forward if their concerns are not resolved.

Mayor Willson suggested they contact HOMELine.

Shopping Cart Policy

Councilmember Graves asked if there is an excess number of shopping carts at the Public Works Department. Mr. Boganey explained the City picks them up and stores shopping carts if found on public property. In those cases, the owners are notified and asked to pick them up.

Councilmember Graves asked about a system for retailers to pick up shopping carts. Mr. Boganey stated the City does not address that issue as each store has its own policy.

Mayor Willson stated in the past, the Brooklyn Center Business Association has picked up shopping carts and delivered them back to the businesses.

Councilmember Lawrence-Anderson stated she stopped by WalMart and heard they were very happy to have new shopping carts.

Councilmember Ryan stated he received a call from a constituent that is irate about the cart situation. That constituent said they had called a large retailer, asked to speak to the manager, but the person they talked with provided an indifferent response.

Councilmember Graves asked if the Police Department holds meetings with big box, nonpersonal stores. Mr. Boganey stated the Central District assigned police officer's duties include maintaining communications with various businesses but that is more on an individual business-to-business basis than a collective business group meeting. He stated Shingle Creek Crossing tenants have talked about forming an association of tenants and the City would encourage that to occur.

Councilmember Graves asked if it would be appropriate for the City to initiate an initial meeting with the businesses, especially considering what happened recently with Wing Stop and the Foot Locker. Mr. Boganey stated the Business Coordinator position being established this year in Community Development will focus on retention, expansion, and providing support to existing business. He stated that position would establish contact and relationships with those businesses.

Mayor Willson suggested staff contact members of the Brooklyn Center Business Association to ask how many are members and determine whether that would be a conduit to hold those conversations.

ACER Meeting

Councilmember Butler stated she had attended the ACER meeting with other Councilmembers, during which many concerns were expressed. One concern expressed related to safety issues at a

townhome that she thinks staff needs to make a high priority. Mr. Boganey stated he had e-mailed a response to Councilmember Butler and will copy the other Council members as well.

Councilmember Graves stated she will forward the notes received from ACER to Mr. Boganey.

Mr. Boganey stated staff is working on a follow-up response on the affordable housing requests received by ACER. That will be considered at the last meeting in February or first meeting in March.

Councilmember Ryan stated he will be absent on March 12 to attend the National League of Cities Conference.

Mayor Willson stated Hannah, a reporter with the *Star Tribune*, had asked whether neighborhoods were identified and named, which the City has done, as she is following up on an article from a few years ago. During that discussion Mayor Willson mentioned Highway 252, the Blue Line, and encouraged her to contact Mr. Boganey. Mayor Willson referenced a recent newspaper article on traffic that asked people to submit traffic issue information. He suggested staff send that reporter all the information on issues with Highway 252.

It was suggested to also inform the reporter of concerns related to security and policing at the MTC bus station on Bass Lake Road. Mayor Willson stated the City's Met Council representative has indicated they have reviewed those issues but not yet come to a conclusion. Mr. Boganey stated he received a call with a request to schedule a meeting about that issue, which he looks forward to.

Councilmember Graves stated she works with a colleague who is involved with juvenile outreach and had organized an event last year and will do another later this summer. She felt the City could be more involved in this year's event. Mayor Willson suggested that information be provided to Mr. Boganey to determine whether the Communications Division should get involved in that event.

Councilmember Graves stated during the meeting with ACER, there was comment about the avenue between communicating things such as events that are on the bulletin board that are also on Facebook.

Mayor Willson cautioned about sharing information for other agencies and groups since it is a City website but that type of information can be provided and shared amongst staff.

Mr. Boganey stated staff will provide the City Council with a copy of the City's current policy related to posting on the bulletin board, noting it is limited to local-based organizations.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

REGULATION OF FOOD TRUCKS (MOBILE FOOD UNITS)

Planner and Zoning Administrator Ginny McIntosh introduced the item and described the City's current policy to allow only for the operation of food trucks through issuance of an Administrative Permit, which is designed for use around special and promotional events, temporary outdoor sales, display of merchandise, and charity and fundraiser events, among others. Other than through issuance of an Administrative Permit, food tucks are prohibited from operating within the City of Brooklyn Center on an on-going, regular basis. However, the food truck trend has been spreading to other metropolitan areas including the Twin Cities.

Ms. McIntosh explained that since municipalities recognize mobile food vending as a community economic development tool, they have made revisions to their municipal code to provide opportunities for entrepreneurs and small businesses to build their business. In addition, communities are looking to add interest, vibrancy, and activity, along with increased food access in areas underserved by traditional brick and mortar restaurants.

Ms. McIntosh presented additional information related to food truck regulation in Minnesota and food truck policy in surrounding communities. She reported the majority of the Planning Commission felt the City of Brooklyn Center would benefit from this type of use and stressed the importance of keeping the City competitive with surrounding communities. The Planning Commission also discussed how food trucks could serve as a way for businesses to test the market before committing to a community and opening a restaurant. There was some concern as to the pricing of food at food trucks, overall cleanliness, and difficulty in finding them; however, many communities tailor their food truck ordinance to address those concerns.

Ms. McIntosh asked the City Council to provide direction regarding potential amendments to the City Code to allow for the licensing of food trucks.

Mayor Willson stated there will probably be a policy, but this is actually an ordinance consideration, which will entail public hearings to gain input from current restaurant owners, the public, and then determine other factors. He asked how this would dovetail with the City's entrepreneurship plans to provide space for small entrepreneurs. Mayor Willson relayed the conversation he and Dr. Edwards had with the Liberian Consulate General who wanted to look into the strip mall where Brown College was located through a business association they have.

Discussion of regulation of food trucks continued at the February 12, 2018, Work Session.

ADJOURNMENT

Mayor Willson adjourned the Study Session at 6:45 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
FEBRUARY 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, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Interim Community Development Director Michael Ericson, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

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

Shantal Nyabwari, 9317 Minnesota Lane N, Maple Grove, community organizer with ACER, read and presented a petition outlining the Victoria Townhome resident's concerns related to double payment of rent if unable to prove it has been paid, issuance of unlawful detainers, deteriorated living conditions, safety violations, and discrimination against Section 8 holders. The petition also outlined improvements the residents would like and encouraged involvement of the City of Brooklyn Center. She asked that this item be placed on the next City Council agenda.

Elizabeth Pollard, 1849 Washington Avenue, Minneapolis, intern with ACER, introduced herself.

Mayor Willson stated the City Council is aware of these issues from the ACER meeting and has scheduled Work Sessions in February and March to discuss affordable housing.

Diane Sannes, 7006 Willow Lane, announced that Wing Stop will re-open in two weeks. She asked when the City last reviewed the ordinance regulating the sale of tobacco, license fee structure, and violation fee structure.

City Manager Curt Boganey asked Ms. Sannes if her request to review the tobacco licensing process has a particular objective in mind. Ms. Sannes stated she wanted it reviewed so the City Council is aware they have been approving tobacco licenses through the Consent Agenda process.

Randy Christensen, 7001 Regent Avenue N., stated he knows the City is working on locating a dog park but he wanted to voice his support as well.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to close the Informal Open Forum at 6:56 p.m.

Motion passed unanimously.

2. INVOCATION

In honor of Black American History Month, Councilmember Lawrence-Anderson read a 1966 quote from Robert F. Kennedy 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, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Interim Community Development Director Michael Ericson, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Graves moved and Councilmember Ryan seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Work Session minutes of January 22, 2018, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. January 22, 2018 – Study/Work Session
2. January 22, 2018 – Regular Session
3. January 22, 2018 – Work Session

6b. LICENSES

LIQUOR – ON-SALE INTOXICATING

Centerbrook Golf Course	5500 North Lilac Drive

Jambo Africa Restaurant and Bar	1601 Freeway Boulevard

LIQUOR – SUNDAY SALES

Centerbrook Golf Course	5500 North Lilac Drive
Jambo Africa Restaurant and Bar	1601 Freeway Boulevard

MECHANICAL

Alternative Mechanical Solutions	3810 240th Street W, Farmington
Glowing Hearth & Home	100 Eldorado Drive, Jordan
K & S Heating A/C & Plumbing, Inc.	4205 Highway 14 W, Rochester
Riccar Heating & Air	2387 Station Parkway NW, Andover
Team Mechanical, Inc.	3508 Snelling Avenue, Minneapolis

RENTAL

INITIAL (TYPE II – two-year license)

6215 Bryant Avenue N.	Tuuyen Tran

RENEWAL (TYPE III – one-year license)

1307 65th Avenue N.	Chai Thao
3501 72nd Avenue N.	Cosco Properties LLC c/o MSP Home Rental (Missing 2 ARM meetings)
6131 Bryant Avenue N.	Jun Wang
6610 Colfax Avenue N.	RHA 3, LLC
5807 Dupont Avenue N.	Todd Havisto and Dave Baumann (Missing all action plan items)
6316 Quail Avenue N.	Tim Xiong

RENEWAL (TYPE II – two-year license)

2018 55th Avenue N.	Cosco Properties LLC c/o MSP Home Rental
3813 61st Avenue N.	Dhaneshwarie Himraj
6626 Camden Drive	Jeremy Ronnebaum Sutton
5548 Dupont Avenue N.	John Ford Lindahl
5426 Fremont Avenue N.	Matthew Klein
6353 Halifax Drive	Charles Anderson
5748 Humboldt Avenue N.	RHA 3, LLC
5449 Lyndale Avenue N.	Living Well Disability Services
7018 Regent Avenue N.	Danny Vo
5304 Vincent Avenue N.	Pao Vang

RENEWAL (TYPE I – three-year license)

4019 Joyce Lane	Invitation Homes
6448 Willow Lane N.	Dragon Property Management
6500 Willow Lane N.	Dragon Property Management

6c. **RESOLUTION NO. 2018-29 CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR DISEASED TREE REMOVAL COSTS AND DELINQUENT WEED REMOVAL COSTS**

6d. **RESOLUTION NO. 2018-30 CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR UTILITY REPAIRS**

6e. **RESOLUTION NO. 2018-31 AUTHORIZING THE CITY MANAGER TO WRITE OFF UNCOLLECTIBLE ACCOUNTS RECEIVABLE AND RETURNED CHECKS**

6f. **RESOLUTION NO. 2018-32 IMPOSING A CIVIL PENALTY FOR A LIQUOR LICENSE VIOLATION AT JAMMIN WINGS IN THE CITY OF BROOKLYN CENTER**

6g. **APPROVAL OF APPLICATION AND PERMIT FOR A TEMPORARY ON-SALE LIQUOR LICENSE FOR CHURCH OF ST. ALPHONSUS, 7025 HALIFAX AVENUE NORTH, FOR A SOCIAL EVENT TO BE HELD APRIL 28, 2018**

6h. **RESOLUTION NO. 2018-33 OF SUPPORT FOR THE MISSISSIPPI GATEWAY REGIONAL PARK**

6i. **RESOLUTION NO. 2018-34 AUTHORIZING ACQUISITION OF EASEMENTS FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1, PROJECT NO. 2018-05**

6j. **RESOLUTION NO. 2018-35 SUPPORTING APPLICATIONS FOR 2018 CORRIDORS OF COMMERCE PROGRAM FOR TRUNK HIGHWAY 252 FREEWAY CONVERSION AND ADDING MNPASS LANES**

6k. **RESOLUTION NO. 2018-36 APPROVING FINAL PLAT FOR NORTHTOWN PLAZA 4TH ADDITION**

6l. **RESOLUTION NO. 2018-37 APPROVING THE LABOR AGREEMENT FOR LAW ENFORCEMENT LABOR SERVICES (LELS) LOCAL 82 (POLICE OFFICERS AND DETECTIVES) AND THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEARS 2018 AND 2019**

Motion passed unanimously.

7. **PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS**

7a. **PROCLAMATION DECLARING FEBRUARY 15, 2018, "NOT FOR SALE DAY" TO RAISE AWARENESS ABOUT SEXUAL EXPLOITATION**

Councilmember Graves moved and Councilmember Ryan seconded to adopt PROCLAMATION declaring February 15, 2018, "Not for Sale Day" to raise awareness about sexual exploitation.

Councilmember Graves noted that February is also Teen Dating Violence Awareness Month and she will be sharing information on how to prevent it.

Mayor Willson read in full a Proclamation declaring February 15, 2018, as "Not for Sale Day" in the City of Brooklyn Center to raise awareness about sexual exploitation.

Motion passed unanimously.

8. PUBLIC HEARINGS

8a. ORDINANCE NO. 2018-02 AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING THE ZONING CLASSIFICATION OF CERTAIN LAND GENERALLY LOCATED IN THE NORTHWEST SECTION OF THE CITY, GENERALLY SITUATED BETWEEN HIGHWAY 94 TO THE SOUTH, 68TH AVENUE NORTH TO THE NORTH, BROOKLYN BOULEVARD TO THE EAST, AND NOBLE LANE TO THE WEST, AND LOCALLY IDENTIFIED AS 4435 68TH AVENUE NORTH AND 4321 68TH AVENUE NORTH, RESPECTIVELY

Planner and Zoning Administrator Ginny McIntosh introduced the item, discussed the history, and stated the purpose of the proposed Ordinance to amend Chapter 35 of the City Code to rezone 4321 and 4435 68th Avenue North from C2 (Commerce) District to PUD/C2 (Planned Unit Development/Commerce) District. This request relates to rezoning 4435 68th Avenue North and 4321 68th Avenue North, which are owned by Luther Company, LLP. It was noted this item was first read on January 22, 2018; published in the official newspaper on February 1, 2018; and, is offered this evening for second reading and Public Hearing.

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

Motion passed unanimously.

No one appeared to address this item.

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

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Graves, seconded to adopt ORDINANCE NO. 2018-02 Amending Chapter 35 of the City Code of Ordinances Regarding the Zoning Classification of Certain Land Generally Located in the Northwest Section of the City, Generally Situated Between Highway 94 to the South, 68th Avenue North to the North, Brooklyn

Boulevard to the East, and Noble Lane to the West, and Locally Identified as 4435 68th Avenue North and 4321 68th Avenue North, Respectively.

Mayor Willson stated his support of the Luther Company.

Motion passed unanimously.

8b. RESOLUTION NO. 2018-38 APPROVING PROJECTED USE OF FUNDS FOR 2018 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING SIGNATURE OF SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY

Interim Community Development Director Michael Ericson introduced the item to conduct a public hearing and accept input from the public regarding use of funds for the 2018 Urban Hennepin County Community Development Block Grant (CDBG) Program. He reviewed the background of this item, described past use of CDBG funds, and explained that this year Hennepin County will retain and allocate 15% of public service funds. Mr. Ericson presented 2018 CDBG activity with Neighborhood Stabilization, Code Enforcement ($150,000), and Home Rehabilitation Program ($86,300). He stated the resolution allocates funds similar to previous years with the exception of the public service funds that are now directly allocated through Hennepin County. It was noted this item was first read on January 8, 2018; published in the official newspaper on January 25, 2018; and is offered this evening for Public Hearing.

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

Motion passed unanimously.

Christopher Fleming, 6427 Camden Avenue N, Apt. 104, stated he saw the three reasons to use the grant and asked for an explanation of how they were established. Mr. Boganey explained the federal regulations identify three objectives for use of funds to benefit low- to moderate-income persons, prevent or eliminate slums and/or blight, or meet other urgent community needs. The two programs proposed are for Code Enforcement (prevention or eliminating of slums and/or blight and benefiting low- and moderate-income persons) and the other is Housing Rehabilitation (benefiting low- to moderate-income persons, preventing or eliminating slums and/or blight).

Mayor Willson further explained the City Council has a priority to maintain its housing stock and these funds are used in a fashion to maintain housing stock to prevent sub-par housing.

Mr. Fleming asked what the funds have been used for since 1970. Mayor Willson stated that is the case for the past ten years and the difference this year is that Hennepin County now considers allocation of the public service funds.

Mr. Boganey stated prior to 2008, a significantly larger amount of the funds were used for the Housing Rehabilitation Program but some of those funds have now been shifted to Code Enforcement.

Mr. Fleming supported thinking about using the funds in other ways such as youth development or community centers instead of only benefiting home owners. He asked why housing continues to be a problem and what is the median income in Brooklyn Center, which he felt should be the deciding factor in who gets that money. Mayor Willson explained the examples offered by Mr Fleming are not allowed by federal regulation. The City no longer controls the 15% but those funds could be used for the examples suggested by Mr. Fleming. Mr. Fleming asked the City Council to rethink how the funds are used, such as youth development or rental homes, instead of continuing to use them in the same way as used in the past ten years.

Mr. Boganey stated he will provide Mr. Fleming with a copy of the median income limits. He noted the information within the City Council meeting packet is the most current.

Councilmember Graves stated in 2008, a bulk of money was shifted to Code Enforcement. Mr. Boganey stated that is correct. In 2008, the City petitioned Hennepin County to use more CDBG funds for Code Enforcement, which was prompted by the dramatic number of foreclosures, vacant properties, and blighted neighborhoods. The funds are used for staffing in those neighborhoods to identify slums/blight, inspections, and administering the vacant building registration program.

Councilmember Graves asked if the City's inspections can be more tenant focused instead of ordinance focused as an issue is that tenants do not report things out of fear because they cannot afford to pay for the cost of the repair. Mr. Boganey stated it is possible but raises the question if the funding will go towards a brick and mortar rehabilitation (building improvement) or instead delivering a public service to assist those tenants. If it is a public service, then it will fall into the 15% category of CDBG funding. If a physical improvement or Code Enforcement, then CDBG funds can be used.

Councilmember Graves asked how many properties there were in 2008 when the funding stream moved towards Code Enforcement. Mr. Boganey stated there are fewer vacant homes today than in 2008. Councilmember Graves noted that even so, the funding remained the same. Mr. Boganey stated the funding involves staff time, salaries, vehicle, overhead, and going into those neighborhoods, having conversations with property owners, and letting them know of the Code violations that need to be corrected. He explained why those fixed costs do not go down if there are fewer vacant homes. In addition, if the City chose not to use CDBG funds for Code Enforcement, it would have to be paid from another revenue stream (property taxes) or those efforts reduced.

Councilmember Graves noted prior to 2008, more funds went to Housing Rehabilitation. Mr. Boganey stated that is correct, for those who applied.

Mayor Willson stated another issue was the number of elderly in homes who cannot maintain their homes.

Councilmember Ryan stated he started public service in 2007 when there were a lot of complaints about single-family, townhome, and multi-family deferred maintenance so the City Council recognized greater focus was needed for Code Enforcement as it was a public demand.

Also, a Police Department study concerning public safety issues highlighted that maintaining community standards contributed to community safety. He stated $150,000 is a big part of that budget and given the federal guidelines, it is more than appropriate to accept those federal dollars to fund those efforts.

Mayor Willson agreed with the recommended use of funds rather than funding Code Enforcement in another fashion.

Councilmember Graves stated it is a worthy discussion to hold and consider.

Mr. Boganey stated when the City asked Hennepin County to use CDBG funds for Code Enforcement, it was assumed as the housing crisis abated, vacancies were eliminated, and neighborhood improvements occurred, there may come a time when the City would want to reduce the amount going towards Code Enforcement. That has always been an expectation and hope but from a staffing standpoint, the conditions are such that the same level of Code Enforcement is needed.

Mayor Willson stated it is symptomatic of the local economy, minimum wage, and livable wage.

No one else appeared to address this item.

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

Motion passed unanimously.

Relating to the use of CDBG funds, Councilmember Graves requested the City Council have an eye toward equity and how it is part of that conversation. Mayor Willson stated it is the responsibility of the City Council to administer the City in the best way possible and that is to assure the housing stock is maintained. He noted if Code Enforcement is not funded in part with CDBG, then the City Council will have to address how to fund those activities.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2018-38 Approving Projected Use of Funds for 2018 Urban Hennepin County Community Development Block Grant Program and Authorizing Signature of Subrecipient Agreement with Hennepin County.

Motion passed unanimously.

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.

10a1. 4309 63rd AVENUE NORTH

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to approve the issuance of a Type IV six-month provisional rental license and mitigation plan for the following: 4309 63rd Avenue North, 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.

11. COUNCIL REPORT

Councilmember Ryan reported on his attendance at the following events:
- January 23, 2018: MAC Meeting
- January 26, 2018: League of Minnesota Cities Training Sessions
- January 27, 2018: Annual Legislative Breakfast Meeting
- January 30, 2018: Forum on Affordable Housing
- January 31, 2018: The Stress of Parenting Presentation
- February 1, 2018: Brooklyn Center Alliance Meeting
- February 4, 2018: Brooklyn Center Lions Club Waffle Breakfast
- February 5, 2018: Connect the Blue Line Now Task Force Meeting
- February 9, 2018: Community and Police Conversations Meeting

Councilmember Lawrence-Anderson reported on her attendance at the following events:
- January 23, 2018: MAC Meeting
- January 27, 2018: Minnesota League of Minnesota Cities Meeting
- February 9, 2018: Community and Police Conversations Meeting

Councilmember Graves reported on her attendance at the following events:
- January 23, 2018: T-21 Tobacco Campaign Meeting
- January 25, 2018: Summer Celebration Dialogue
- January 26, 2018: League of Minnesota Cities Training Sessions
- February 1, 2018: Brooklyn Middle School Open House
- February 3, 2018: Capacity Building Institute Event
- February 5, 2018: Birch Grove Elementary School Conference
- February 6, 2018: Precinct Caucus
- February 7, 2018: ACER Facilitated Resident Meeting
- February 11, 2018: Meeting with Brooklyn Center Resident

- February 12, 2018: African American Parent Involvement Day

Councilmember Butler reported on her attendance at the following events:
- January 23, 2018: MAC Meeting
- January 26, 2018: Take Action Minnesota Meeting
- January 23, 2018: T-21 Tobacco Campaign Meeting
- February 7, 2018: ACER Facilitated Resident Meeting
- February 10, 2018: Take Action Community Listening Forum

Mayor Willson reported on his attendance at the following and provided information on the following upcoming events:
- January 23, 2018: Auditor Meeting
- January 26, 2018: Annual Visitors Bureau Earle Brown Breakfast Meeting
- January 27, 2018: Annual Legislative Breakfast Meeting
- January 30, 2018: Forum on Affordable Housing
- February 4, 2018: Brooklyn Center Lions Club Waffle Breakfast
- February 5, 2018: Connect the Blue Line Now Task Force Meeting
- February 6, 2018: Precinct Caucus
- February 7, 2018: ACER Facilitated Resident Meeting
- February 9, 2018: Meeting with Liberian Consulate Administrator

Mayor Willson reported he was accepted for FBI Academy training. He noted the June 8-11, 2018, Conference of Mayors conflicts with the FBI Academy graduation ceremony so he will inform the Council of his schedule once he works out the details.

Mayor Willson also reported on his conversation today with a *Star Tribune* reporter that he referred to Mr. Boganey and subsequently the Communications Division on issues related to identification of neighborhoods, Highway 252, the Blue Line, and the Diversity Commission.

12. ADJOURNMENT

Councilmember Graves moved and Councilmember Butler seconded adjournment of the City Council meeting at 8:01 p.m.

Motion passed unanimously.

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

WORK SESSION
FEBRUARY 12, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Tim Willson at 8:05 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Interim Community Development Director Michael Ericson, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

REGULATION OF FOOD TRUCKS (MOBILE FOOD UNITS)

Mayor/President Willson stated if the City does incubator businesses, multiple food trucks may want to be part of that process, or an accelerated process, to grow their business.

Councilmember/Commissioner Graves stated she thinks food trucks could dovetail with that effort so she supports more discussions and carefully developing well thought out and carefully crafted regulations that would support economic viability and work for Brooklyn Center.

Mayor/President Willson stated concern with the impact to existing businesses, noting those issues should come to light when the public hearings are held.

Councilmember/Commissioner Butler stated she thinks it will be beneficial, noting a complaint she receives is the lack of restaurants in Brooklyn Center and this is a more affordable option for business owners. She offered one example where every Thursday they have several food trucks from May through September to offer alternatives to restaurants in North Minneapolis. In that case, the businesses had mixed reviews with some thinking it resulted in additional restaurant customers since it drew more people to the area. Councilmember/ Commissioner Butler stated she would like to see how the City can be creative to incorporate food trucks.

Councilmember/Commissioner Graves stated there is also frustration about lack of healthy food choices in the City and some of the food truck options may be healthier than some fast food entities.

Mayor/President Willson stated the City Council/EDA has also heard over the years about the need for a grocery store that provides organic produce but the City has not yet been successful in having one of them built.

Councilmember/Commissioner Lawrence-Anderson stated she likes the idea but prefers to have one central location for the food trucks so it creates more of a destination where customers can peruse the offerings.

Mayor/President Willson stated his understanding that the City does not need to provide electric power or other services as the food trucks are self-contained units that generate their own power, which may also lend itself to some discussion.

Councilmember/Commissioner Lawrence-Anderson expressed concern that some food truck generators can be very loud.

Councilmember/Commissioner Ryan stated he sees where food trucks, in the right setting and if meeting high standards, could be attractive. He favors further exploring that concept and is not against considering off-street food trucks. Councilmember/Commissioner Ryan suggested discussing the east end of Shingle Creek Crossing that has languished, agreeing that under some circumstances, food trucks can create more business for existing restaurants. He explained he would want this to be additive and not cannibalize or put pressure on existing restaurants. Also, he would ask what is the appropriate level of safety inspections. Councilmember/Commissioner Ryan stated he favors moving forward with a concept or draft ordinance.

City Manager Curt Boganey stated he was formulating a way to move forward and would suggest it is premature at this point to go to the Planning Commission or other Commission but the matter could come back to the City Council/EDA at a future date with a concept or two based on input provided tonight. Then, if one is favored, staff could work with the Planning Commission to develop specific regulations and draft an ordinance for further City Council/EDA consideration and public hearing.

Mayor/President Willson stated he would not be opposed to bringing general information to other Commissions to gain additional input.

Mr. Boganey stated with resident economic stability, he assumes unless providing some sort of subsidy to this effort, then probably the City should not limit a license to a local person/resident and should keep it open to any vendor that qualifies.

Mayor/President Willson asked if the City would need, in the future, to also look at the 12-hour parking ordinance and snow removal. Mr. Boganey stated staff will be presenting information on a few issues, as it relates to snow removal, at a future Work Session.

The majority consensus of the City Council/EDA was to direct staff to move forward with next steps and formulate a concept to allow food trucks, based on tonight's discussion, for consideration at a future Work Session.

ADJOURNMENT

Councilmember/Commissioner Lawrence-Anderson moved and Councilmember/Commissioner Butler seconded adjournment of the City Council/Economic Development Authority Work Session at 8:20 p.m.

Motion passed unanimously.

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

SPECIAL SESSION
FEBRUARY 20, 2018
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER SPECIAL BUSINESS MEETING

The Brooklyn Center City Council met in Special Session called to order by Mayor Tim Willson at 5:00 p.m.

2. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves (arrived at 5:35 p.m.), Kris Lawrence-Anderson (arrived at 5:03 p.m.), and Dan Ryan were present. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Acting Director of Public Works Mike Marsh, City Engineer Mike Albers, Assistant to the City Manager Michael Ericson, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

3. INTRODUCTIONS: STACIE KVILVANG, CIPMA, EHLERS

4. PRESENTATIONS: DEVELOPMENT PROPOSALS FOR THE OPPORTUNITY SITE

- **ALATUS LLC**

Alatus introduced their team; Bob Lux, Chris Osmundson, Mark Stenglein, and Dennis, with an architectural firm, and provided a presentation to the Councilmembers regarding their vision for the opportunity sites in Brooklyn Center.

Mr. Lux stated he pictures an apartment complex that is about 10-15 stories, roughly 250 – 300 units. He stated the building would be partly comprised of concrete to provide a long-lasting foundation. He stated they would want to create a park area much like Central Park in Maple Grove. He stated the office building area will be the most challenging to create and it may take a little more time to develop and fill those units but noted it is important to have some that people can build to suit on some level.

In regard to parking, Mr. Lux stated there will be convenience parking along all the buildings which will be diagonally aligned and additionally there will be underground parking for all the site locations. He noted adding a cinema and grocery store of well-known brands and putting those business names on display to be seen off the freeways will help draw people into the area.

Councilmember Butler asked how they propose to attract people to move into the apartments they envision building before they have the amenities built and onsite to entice people. Mr. Lux stated they plan to build them in tandem.

Councilmember Lawrence-Anderson asked if any of the buildings in their proposed plan are for seniors. Mayor Willson noted the City does need to look at options for the seniors in the community, not just housing for the millennials. Mr. Lux stated they definitely would consider market rate senior housing.

Councilmember Butler asked if adding townhomes into the plan is something they can consider. Mr. Lux stated there aren't a lot of advantages to having townhomes besides the low maintenance usually associated with them. He stated they carry a lot of liability and when given a choice people usually prefer single family homes instead. He stated they could consider having an association that offers maintenance for the single-family homes.

- **INLAND DEVELOPMENT PARTNERS**

Inland Development Partners (IDP) introduced their team; Kent Carlson, Tom Shaver, and Bob Cunningham (Steve Schwanke was introduced but not present). Mr. Shaver provided a presentation to the Councilmembers regarding their vision for the opportunity sites in Brooklyn Center. He stated part of their process is to seek input from the community on what they would like to see in the development areas. He noted their plan is high level right now so it can be created over time.

Mr. Cunningham provided an overview of their plan for the opportunity sites. He stated it will include high density and residential mixed use.

Mayor Willson asked what they envision for the parking in the phase 2 (SFH) of the plan. Mr. Cunningham stated they haven't gotten that far yet; the plan is more of a size and scope plan. He stated they like to think of this as a partnership with the City to achieve their goals.

Councilmember Ryan stated he liked the way the excelsior project IDP developed turned out. He asked how they see this site being different from other areas. Mr. Cunningham stated the location sets it apart having park trails across the street as well as incorporating amenities into the plan that are missing from other developments.

Mayor Willson stated he likes that they involve the community and use their feedback to refine parts of the plan.

Councilmember Ryan mentioned the importance of life cycle housing, and noted he would like to see more housing options for all different ages.

Mr. Boganey asked if there are any existing buildings they can provide as an example of what they see fitting for this opportunity site. Mr. Carlson stated the Dean's Lake property in Shakopee is along the lines of what they see in Brooklyn Center.

5. COUNCIL REVIEW AND DISCUSSION

Mayor Willson noted the developers have the same builder, so he wants to know what the difference is between them. Ms. Kvilvang stated IDP doesn't build residential developments usually, so they went outside to get a partner to help with that piece of the plan and it is the same builder who works with Alatus.

The Councilmembers reviewed the document that provided an overview of the two companies. Ms. Kvilvang stated both companies are passionate about what they do and noted the difference is one is more progressive and the other is more cautious. She stated the density level for each plan is very different as well.

Mayor Willson stated he isn't opposed to the high density as long as it's high quality. He stated at this time he is leaning towards Alatus, he noted they seem to have put more thought into the details, and amenities that people want to see.

Councilmember Graves stated based on this preliminary concept, she likes the concept that Alatus has provided but she likes the process that IDP uses by bringing in the community and letting them have a voice in what happens in the City. Ms. Kvilvang stated Alatus incorporates the community in the process as well.

Councilmember Butler stated she agrees that Alatus is more progressive and along the lines of what she envisions.

Councilmember Lawrence-Anderson stated she was more impressed with Alatus but would like to see more single-family homes in the City as well. She stated she likes the idea of making it a walkable community and using the Shingle Creek area in their plan.

Councilmember Ryan stated he likes Alatus as well. He stated he is leaning towards high density because it will bring in different incomes.

Councilmember Graves stated there seems to be vacant office spaces all over the City so she is unsure if they need a lot more. Mr. Boganey stated the office spaces they are proposing are very different from what the City currently has and noted they could be built to suit which is more attractive to businesses.

Mayor Willson stated there is a consensus of the City Council to move forward with Alatus.

Ms. Kvilvang stated they will talk to Alatus and the next step is they sign an agreement for a 6-12-month period where they conduct their due diligence. She also noted if anyone would like to tour any of the buildings that Alatus has developed, they are happy to arrange that.

6. ADJOURNMENT

Councilmember Graves moved and Councilmember Butler seconded adjournment of the City Council Special meeting at 7:36 p.m.

Motion passed unanimously.

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

STUDY SESSION
FEBRUARY 26, 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, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Assistant to the City Manager Michael Ericson, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, IT Director Patty Hartwig, Deputy Director of Building and Community Standards Jesse Anderson, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Mayor Willson stated the previous minutes will be in the next meeting packet.

Councilmember Graves asked if there was an update on the housing complaints they received recently from residents. Mr. Boganey stated staff is investigating the complaints.

City Manager Curt Boganey stated he did receive a call from a resident of the townhomes up for licensing and they were inquiring if the licensing could affect their leases. He stated he let them know either way the decision to approve or deny the licensing will not affect those who already have leases at the townhomes, it will only affect future tenants. He noted that seemed to satisfy the resident.

MISCELLANEOUS

Councilmember Lawrence-Anderson stated she received many reports from a concerned person regarding a dangerous dog. She stated she is curious if Mr. Boganey had heard anything on those reports. Mr. Boganey stated he believes the person may be someone he has heard from before and he noted this person is dissatisfied with the process the City has. He stated he will follow-up on this item and noted it may be a difference of opinion on what a "dangerous dog" is according to the guy making the reports and the City ordinance. He stated the police chief is investigating this situation and he will provide the City Council with a copy of the report once it is received.

Mayor Willson stated he got a call from Gary Harsh who shared a link with him that shows there are accusations about the Indian Casinos and activity going on there. He noted if anyone else gets calls about this issue, they can inform the caller the Mayor is looking into it.

Councilmember Graves asked if anyone has received an invite for the Cities United yet. Mayor Willson stated he hasn't seen one yet and asked Mr. Boganey to follow-up on it.

Mayor Willson stated on March 2nd there is a D Line Station presentation. Mr. Boganey stated he will post the event in case several Councilmembers show up and it creates a quorum.

Councilmember Ryan stated he will be absent at the next meeting because he will be at the National League of Cities Conference.

Mayor Willson stated he plans to go to Boston for the Mayor Conference and noted he will let Mr. Boganey know the details and inform everyone.

YOUNG ELECTED OFFICIALS 2018 CRIMINAL JUSTICE REFORM AND COMMUNITY REINVESTMENT POLICY ACADEMY-ATTENDANCE REQUEST BY COUNCILMEMBER GRAVES

Councilmember Graves introduced this topic and stated she would like permission from the City Council to travel to the YEO conference on March 22 – 25th. Mayor Willson stated he fully supports this and the other Councilmembers agreed.

Mr. Boganey stated they should add this topic to the agenda this evening for a formal approval.

Councilmember Ryan stated they should also address the fact that the City Council has a budget for these events and if anyone other Councilmembers were planning to attend any events, they could request to use funds from the budget as well.

COUNCIL IPAD DEMONSTRATION AND SELECTION

Mr. Edwards introduced this item and stated they will be providing 2 different iPads to choose from and will be reviewing how they both work. He introduced IT Director Patty Hartwig to demonstrate the iPads and review them with the Councilmembers.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

-None.

Mayor Willson stated he felt the last meeting went well with the developers of the opportunity site. He stated he is glad the process is starting. Mr. Boganey stated he is optimistic that the opportunity site could be fully developed within the next 10 years. He stated he hopes they will have the preliminary development agreement prepared to bring forward to the next meeting.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

There being no further business to discuss, Mayor Willson adjourned the Study Session.

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

REGULAR SESSION
FEBRUARY 26, 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, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Acting Director of Public Works Mike Marsh, City Engineer Mike Albers, Assistant to the City Manager Michael Ericson, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Director of Community Activities, Deputy Director of Building and Community Standards Jesse Anderson, 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.

Diane Sannes, 7006 Willow Lane, addressed the City Council. She stated she is looking forward to hearing Mr. Edwards present at the Black History event at CEAP. She noted that in the future maybe they should consider inviting Osseo Schools and others to the event as well. She reminded the City Council of the Prayer Breakfast coming up and noted she saw a program on TPT about Black Veteran Soldiers and noted it started off by telling the story about a man from Brooklyn Center Township who was in the Civil War. She stated it was very interesting.

Shantel Nyabwai, 9317, Minnesota Lane W, Maple Grove, addressed the City Council regarding Gateway Commons complex. She stated she has a petition signed by residents who have concerns about the rent being raised on their apartments as well as the issue of parking which has been promised to them by the building manager but they keep going back on their plans to provide more parking for the residents and as a result they are forced to park far away and have fees and other issues associated with it. She noted she will submit the petition and to the City Council for their review this evening.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to close the Informal Open Forum at 6:55 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Graves provided a relaxation technique with some breathing exercises 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, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Acting Director of Public Works Mike Marsh, City Engineer Mike Albers, Assistant to the City Manager Michael Ericson, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Director of Community Activities, Deputy Director of Building and Community Standards Jesse Anderson, 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 Ryan moved and Councilmember Butler seconded to approve the Agenda and Consent Agenda, as amended, removing the January 22 minutes since they were previously approved and to add Item 10b, Approval to Travel Out of State for YEO Conference, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. January 22, 2018 – Study Session/Work Session
2. January 22, 2018 – Regular Session
3. January 22, 2018 – Work Session

6b. LICENSES

MECHANICAL

Heating & Cooling Experts LLC	123 Cedar St., White Bear Lake, MN 55110
Knight Heating & AC Inc.	13535 89th Street NE, Elk River, MN 55330
Larson Plumbing	3095 162nd LA NW, Andover, MN 55304
National Mechanical Solutions LLC	PO Box 406, Rosemount, MN 55068

Peter Kraemer	7964 Brooklyn Blvd #162, Brooklyn Park, MN 55445
Sayler Heating & Air Conditioning, Inc	6520 W. Lake St., St. Louis Park, MN 55426

RENTAL

INITIAL (TYPE II – two-year license)

5712 Logan Avenue N	Mir Ali

RENEWAL (TYPE III – one-year license)

6015 Aldrich Avenue N.	My Truong
6107 Emerson Avenue N.	Lydia Yeboah
6101 Xerxes Avenue N.	Govan Singh

RENEWAL (TYPE II – two-year license)

Evergreen Park Manor 7200 Camden Avenue N.	Sean Bannerman
4806 Twin Lake Avenue	Craig Muckenhirn
1312 72nd Avenue N.	Curtis Cady
7018 Drew Avenue N.	Michael Bocko

RENEWAL (TYPE I – three-year license)

5327-29 Queen Avenue N.	Alvin Stachowski
5818 Humboldt Avenue N.	Richard Olson
4201 Lakeside Avenue #316	Maria Molenhauer
6718 Scott Avenue N.	Invitation Homes

6c. RESOLUTION NO. 2018-39 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS, IMPROVEMENT PROJECT NOS. 2018-01, 02, 03 AND 04, FIREHOUSE PARK AREA STREET AND UTILITY IMPROVEMENTS

6d. RESOLUTION NO. 2018-40 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS, IMPROVEMENT PROJECT NO. 2018-05, BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1 AND IMPROVEMENT PROJECT NO 2018-06, 51ST AVENUE/FRONTAGE IMPROVEMENTS

6e. RESOLUTION NO. 2018-41 AUTHORIZING XCEL ENERGY TO RECOVER COST OF UNDERGROUNDING BROOKLYN BOULEVARD ELECTRIC TRANSMISSION FACILITIES BY A SURCHARGE TO BROOKLYN CENTER XCEL RATEPAYERS - BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1, PROJECT NO. 2018-05

6f. RESOLUTION NO. 2018-42 ESTABLISHING PERMIT FEE FOR POLE ATTACHMENT PERMIT AND REVISING RIGHT-OF-WAY PERMIT FEE SCHEDULE

6g. RESOLUTION NO. 2018-43 AMENDING POLICY 2.70, STREET AND ALLEY LIGHTING POLICY

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

- None.

8. PUBLIC HEARINGS

- None.

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 Item 10a1.

10a1. VICTORIA TOWNHOUSES, 6740-6861 GRIMES PLACE

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to approve the issuance of a Type IV six-month provisional rental license and mitigation plan for the following: Victoria Townhouses, 6740-6861 Grimes Place, 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.

Councilmember Butler stated she wanted to ensure that all grievances received regarding any of these properties are being investigated regardless of the license approval.

Councilmember Ryan asked if they do find violations on a property within a 6-month period of time from approving the license, is the City able to revoke the license at that point. Mr. Boganey stated that is correct, the City Council can take action against that license at that point.

Councilmember Ryan stated the City takes its ordinances seriously and it is evident the process works because other cities have taken to the same process that Brooklyn Center has.

Councilmember Graves asked how long a residence can stay a certain type license. Mr. Boganey stated the length of time a place can have a certain license type is largely dependent on if the applicant completes the mitigation plan.

Councilmember Graves asked if they could add checking in with the residents as part of the mitigation plan in the future. Mr. Boganey stated they can do that. He noted the mitigation plan is customizable, so if a situation is different from the other situations they can adjust the mitigation plan to provide whatever corrective actions need to be completed. He explained the purpose of the hearing is to allow the applicant to address any concerns the City Council has and then to allow the City Council to propose a mitigation plan they feel is appropriate for the situation.

Attorney Gilchrist stated that is all correct and added as long as the proposed is within the scope of the ordinances, they can alter the plan with specific criteria to fit the situation.

Councilmember Ryan asked if, with regard to the mitigation plan, cities are empowered to take those actions, stricter or less, under its general police powers. Attorney Gilchrist responded affirmatively.

Motion passed unanimously.

10b. APPROVAL TO TRAVEL OUT OF STATE FOR YOUNG ELECTED OFFICIALS CONFERENCE

Councilmember Graves requested this item be added to the agenda this evening to gain approval from the Councilmembers for her to travel out of state for the YEO conference in New Orleans.

Mayor Willson stated he supports the idea and the other Councilmembers agreed.

Councilmember Ryan stated he would like to note that if any other Councilmembers want to represent the City at any events that they have a budget for those events and stated there are sufficient funds in the budget as a result of not many using the funds to do so.

Councilmember Butler stated she is attending an event soon but noted she received funding for her expenses by other means.

Councilmember Ryan moved and Councilmember Butler seconded to approve Councilmember Graves request for funding from the budget to attend the YEO Conference.

Motion passed unanimously.

11. COUNCIL REPORT

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

- February 13, 2018: MN Representative Meeting on a smoke free generation
- February 15, 2018: Brooklyn Center Lions Club Board Meeting
- February 17, 2018: Town Meeting with Rep. Debra Hilstrom, Rep. Michael Nelson, Rep. Melissa Hortman, Sen. Chris Eaton and Sen. John Hoffman.
- February 20, 2018: Special Session City Council Meeting
- February 24, 2018: Town Meeting with Rep. Hilstrom, Rep. Michael Nelson, US Sen. Chris Eaton, and Councilmember Lisa Jenkins.
- February 28, 2018: Brooklyn Avenues for homeless youth meeting

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

- February 15, 2018: Financial Commission Meeting
- February 20, 2018: Special Session City Council Meeting
- February 21, 2018: Crime Prevention Meeting
- February 27, 2018: Black History month event at CEAP (Mr. Edwards is presenting)

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

- February 16, 2018: You Rock MN, Creating safe space around the corridor
- February 17, 2018: Unapologetic Black History Brunch
- February 20, 2018: Special Session City Council Meeting
- February 22, 2018: Panel with Congressman Ellison and Michael Howard on police community relations, immigration rights, education, and violence prevention.
- February 22, 2018: Voices of Immigrants hosted by ACER, Councilmember Terry Parks was also in attendance.

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

- February 16, 2018: Met with Brooklyn Park Mayoral Candidate Hollies Winston
- February 20, 2018: Special Session City Council Meeting
- February 23, 2018: Call with Mr. Boganey regarding townhomes
- February 27, 2018: Black History Month Presentation with CEAP

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

- February 16, 2018: Meeting with Mr. Boganey
- February 16, 2018: Shen Yun Performance at Ordway Center
- February 20, 2018: Special Session City Council Meeting
- February 22, 2018: Meeting regarding Topgolf Development
- February 27, 2018: Black History Month Presentation
- March 2, 2018: D Line Station Presentation

12. ADJOURNMENT

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded adjournment of the City Council meeting at 7:33 p.m.

Motion passed unanimously.

City Council Agenda Item No. 6b

COUNCIL ITEM MEMORANDUM

DATE: March 6, 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 12, 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.

MECHANICAL

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

RENTAL
See attached report.

TOBACCO RELATED PRODUCT

Premier Tobacco	6930 Brooklyn Blvd

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 12, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***	Unpaid Utilities	Unpaid Taxes
4207 Lakeside Ave #138	Single Family	Initial	Patrick Hall	0	I	N/A	II		OK	OK
Ryan Lake Apartments 3401-3413 47th Ave N	1 Bldg 22 Units	Renewal	Donald Widell	43 (2/Unit)	III	1 (.05/Unit)	III	IV	OK	OK
7230 West River Rd	1 Bldg 4 Units	Renewal	Nedim and Adisa Frlj	0 (0/Unit)	I	0	I	I	OK	OK
5400-02 Russell Ave N	Two Family (2)	Renewal	Tai Pham	11 (5.5/Unit)	III	0	III	III	OK	OK
1807 70th Ave N	Single Family	Renewal	Rebecca Thomley	0	I	0	I	I	OK	OK
3901 Burquest La	Single Family	Renewal	Edwin Ngang	6	III	0	III	IV	OK	OK
6605 Camden Dr	Single Family	Renewal	Calvin Johnson	3	II	0	II	I	OK	OK
5420 Fremont Ave N	Single Family	Renewal	Ross Steven Herman	2	II	0	II	III	OK	OK
7049 Regent Ave N	Single Family	Renewal	Main Street Renewal LLC	2	II	0	II	III	OK	OK
6307 Scott Ave N	Single Family	Renewal	Kin Chew	4	II	0	II	IV	OK	OK
3206 Thurber Rd	Single Family	Renewal	Mains'l Properties	4	II	0	II	III	OK	OK
7045 Unity Ave N	Single Family	Renewal	Abideen Ajibola/AMAS Investments, LLC	7	III	0	III	II	OK	OK

* 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 12, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director NR

SUBJECT: Resolution Adopting a Request for Proposals for Custody/Trust Banking Services

Recommendation:

It is recommended that the City Council consider approving the attached resolution adopting a Request for Proposals for Custody/Trust Banking Services.

Background:

It is the City's practice, as directed by City Council Policy 2.80, to review financial services provided by outside professional organizations every six years. The adopted schedule indicates that custody/trust banking services should be reviewed through the Request for Proposals (RFP) process. The City's custody/trust banking services are currently being provided by Wells Fargo. The goal of this process is to maintain a proper balance between cost and quality of service.

The City currently utilizes a custody account to hold City investments in one single location which simplifies the reporting, tracking and buying/selling of these investments.

Policy Section 2.80.3 B indicates that the RFP is to be "prepared by staff, reviewed by the Financial Commission, and approved by the City Council". The Financial Commission has reviewed the RFP, which has been attached for City Council approval.

Budget Issues:

Following the RFP process a recommendation that includes the financial impact will be provided to the City Council. The average annual cost for these services over the past three years is $7,653.

Strategic Priorities:

- Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ADOPTING A "REQUEST FOR PROPOSALS FOR CUSTODY/TRUST BANKING SERVICES"

WHEREAS, the City of Brooklyn Center is required by its City Council Code of Polices to solicit proposals for custody/trust banking services; and

WHEREAS, a set of specifications for obtaining those proposals, the "Request for Proposals for Custody/Trust Banking Services" has been developed by City staff and reviewed and recommended by the Financial Commission; and

WHEREAS, the City Council desires to contract with a firm to maintain records and report on securities registered in the name of the City of Brooklyn Center.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the "Request for Proposals for Custody/Trust Banking Services", dated April 1, 2018, is approved and should be distributed to firms wishing to prepare proposals.

March 12, 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

Request for Proposal
For Custody/Trust Banking Services

April 1, 2018

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I. Statement of Purpose

The City of Brooklyn Center, Minnesota (City) is currently accepting proposals from qualified institutions to provide custody/trust services to the City. The City will select a custody bank after evaluating the adequacy of capital of the financial institutions as well as pricing for individual services. The City expects to select a custody bank who will serve the City for a period of three to six years, commencing on or before August 1, 2018.

II. Introduction

The City currently utilizes a custody account to handle approximately $45 million as of December 31, 2017. The City internally manages the assets of these accounts. The accounts assets are invested primarily in certificates of deposit, U.S. government agency notes/bonds and municipal bonds. The City may occasionally need to establish other custody accounts similar to the accounts previously described.

III. Scope of Services

A. General

1. The bank must segregate all securities and cash of the City from assets of others and these segregated assets shall be and remain the sole property of the City. The securities held by the custody bank shall, unless payable to the bearer, be registered in the name of the City, or in the bank's nominee name. Securities delivered to the bank, except bearer securities and certificates of deposit, shall be in due form for transfer or already registered.
2. Create, maintain, and retain all records relating to securities held in custody in City accounts to meet the requirements and obligations under generally accepted accounting principles.
3. Collect all coupon payments and periodic income on securities held and processed per instructions received by authorized City personnel.
4. Timely and accurately settle all trades from City investment activity including but not limited to receipt and delivery of securities.
5. Report account activity and related information via monthly reports showing month end balances in all accounts and ledgers of all transactions including interest, maturities, calls and purchases.

B. Wire Transfer

1. The bank will be notified by the City, in writing, of any Federal wire transfers that the City expects to receive the day prior to the receipt of such wire but no later than noon of the day the wire is to be received. The City intends to consider these incoming Fed wire transfers as "available for investment" by the City.

2. The bank will be notified via online transmission, email, telephone, or fax by a designated person from the City prior to noon of all incoming and outgoing wire transfers, inter-bank transfers and safekeeping transactions.

C. Reporting

1. Provide monthly accounting statements for all accounts. The statement cutoff will be the last day of each month. Statements are to be provided on a monthly basis. Statements must be received by the City no later than the 10th business day of each month. In addition, statements should be available online by the 5th business day of each month.
2. Provide confirmations for all securities transactions. Confirmations should be received by the City within five business days after trade settlement.
3. Provide customized reports or other data that the City might reasonably request to assist in preparation of audit schedules and/or other presentation.
4. Detailed monthly accounting statements should include but not limited to a listing of securities indicating number of units held, description, cost/market value for securities (individually and aggregately), unrealized gains/losses, accrued income, income received, and transactions.

IV. Proposal Form and Content

A. Pricing for Services

1. The proposal will be on a variable cost basis. Under the variable cost method, actual monthly services as provided will be counted and the volume of the transaction will be used to compute the appropriate cost of services.
2. The per item charges shall remain fixed over the life of the contract unless an adjustment(s) has been allowed.
3. All fees as applicable will be included as an exhibit to the contract for custody/trust services.

B. Terms and Conditions

1. The City reserves the right to reject any or all of the proposals or to negotiate a contract in the best interests of the City at the absolute and sole discretion of the Brooklyn Center City Council.
2. The firm will submit three (3) hard copies and one (1) electronic (PDF) version of its proposal to the Finance Department of the City no later than 3:00 PM on Monday, April 30, 2018

Submittals may be addressed to:

Nathan Reinhardt, Finance Director
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430-2199

Nathan Reinhardt, Finance Director
nreinhardt@ci.brooklyn-center.mn.us

All proposals must be signed by an individual duly authorized by the firm. All proposals will become property of the City. No public bid opening will be held.

3. The Finance Director, Nathan Reinhardt, will be the City's primary contact for this process. He will coordinate appointments with staff and/or the Review Committee for the interview and selection process. Questions and requests for information will be directed to him. Any other contact with City staff, the Mayor, Council Members or City Manager may be grounds for immediate rejection of the firm's proposal, at the discretion of the City.
4. The City reserves the right to request clarification of any information submitted and to request additional information for any or all proposers.
5. Any agreement or contract resulting from this process and the acceptance of a firm's proposal will be on forms supplied by or approved by the City and will contain, at a minimum, the applicable provisions of this Request for Proposals. The City reserves the right to reject any agreement or contract that does not conform to the Request for Proposals, any additional negotiated terms or conditions, and City or State requirements for agreements and contracts.
6. The firm will not subcontract or assign any interest in any contract or agreement without the prior written consent of the City executed by an authorized individual.
7. All costs associated with the preparation of the firm's proposal will be the responsibility of the firm submitting the proposal.
8. This document is a Request for Proposals, not for Bids. The City, therefore, reserves the right to negotiate with any qualifying firm or party on any matter in the proposal.

V. Selection Process

A. Interviews

The City may select two or more firms to interview to allow the firm to demonstrate why it should provide the custody services to the City.

B. Schedule

The City has developed the following schedule of events for this process:

Request for Proposals Issue	April 1, 2018
Proposals Due (3:00 p.m. at City Hall)	April 30, 2018
Selection of Finalists	May 7, 2018
Interviews Completed by	May 18, 2018
Recommendation to City Council	May 28, 2018

C. Evaluation of Proposals

A Review Committee will consider the proposals and make a recommendation to the City Council. The recommendation will be based on the following criteria:

1. Comprehensive ability to provide the services described in the RFP
2. Experience of providing the services described in the RFP
3. Pricing for services
4. Online account access system for clients
5. Financial strength of the organization
6. Disaster recovery planning
7. Information reporting

VI. RFP Questionnaire

Proposals should include responses to each of the following items. Please construct the proposal with responses in the same order as listed below to facilitate review and comparison by the Review Committee.

A. The Organization

1. Please describe the organization, its major lines of business, and any major organizational changes pending.
2. Include the bank's most recent audited financial statements.
3. Describe the types of liability insurance and bonding the organization carries.
4. Describe the bank's overall disaster recovery plan as applicable to the services described in the RFP.

B. Service Personnel

1. Please provide basic biographical information on key bank officers that will be directly involved in the management of the City's account; primary contact persons name, title, address, phone and fax number, email address, and experience these officers have in working with municipal customers.

C. References

1. Please provide three references for which the bank provides services similar to the services described in the RFP. Preferably references will be municipal clients of the bank or institutional clients similar to the City in size of assets under custody. Include name, address, and phone number for a contact person and length of relationship for each reference.

D. Banking Locations

1. Provide the address of the office location that will service the City's account.

E. Custody Services

1. Indicate the experience the bank has in providing services similar to those in the RFP.
2. Provide a representative client list of governmental and/or corporate customers for whom the bank currently or has provided services to those in the RFP.
3. Describe the system used to provide custody services along with backup and recovery capabilities.
4. Describe the availability of web-based services the Bank offers as applicable to the services in the RFP.
5. Describe the bank's ability to provide automated custody services and to what extent, if any, of the services listed on the official proposal forms are automated.
6. Indicate what fees the bank would apply to the custody accounts as described in the RFP (i.e., transaction fee for purchase/sale of securities, minimum account fee, account maintenance fee, etc.)
7. Describe the options available (such as overnight sweep investments) available for cash balances in custody accounts?
8. List the total number and market value of custodial accounts held as of December 31, 2015, December 31, 2016, and December 31, 2017.

F. Reporting

1. Describe the bank's ability to produce monthly custody reports as applicable to the RFP. A sample of such report(s) should be included for this purpose.
2. For what time intervals can the bank produce custody reports (monthly, quarterly, annually, other)?
3. Describe the bank's ability to offer online reporting and the informational content and time of availability of these reports
4. Describe the bank's online client access system for custody customers and the capability of this online client access system.

5. What pricing source(s) does the bank utilize for securities as described in the RFP?
6. When are reports available to customers after month end (indicate availability of online reports and hard copy reports)?

G. Trade Settlement

1. What methods of notification of trading activity does the bank have available to customers (fax, voice, e-mail, online, etc)?
2. What are the cutoff times the bank has established for customers to notify the bank of daily trades?

Questions or requests for additional information may be directed to Nathan Reinhardt, Finance Director at nreinhardt@ci.brooklyn-center.mn.us or at telephone number (763) 569-3345.

Thank you for your consideration of this Request for Proposals.

City Council Agenda Item No. 6d

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director MR

SUBJECT: Annual Report on Franchise Fees

Recommendation:

It is recommended that the City Council receive the annual report on franchise fees given below.

Background:

As a condition of the ordinances adopted to establish and implement the franchise fees on Xcel Energy and CenterPoint Energy, staff is required to report to the City Council annually on the collection of franchise fees. This memorandum will serve that purpose. No formal action is required at this time.

The 2017 fiscal year was the 14th year for collection of franchise fees from Xcel Energy and CenterPoint Energy. Receipts for the year from each of the franchisees were as follows:

Company	Date	Received	
Xcel Energy	05/03/2017	$ 107,423.50	1st Qtr.
Xcel Energy	08/03/2017	109,669.27	2nd Qtr.
Xcel Energy	11/08/2017	110,013.90	3rd Qtr.
Xcel Energy	02/05/2018	109,150.70	4th Qtr.
	Subtotal	$ 436,257.37	2017
CenterPoint Energy	05/01/2017	$ 71,303.38	1st Qtr.
CenterPoint Energy	07/31/2017	62,686.94	2nd Qtr.
CenterPoint Energy	10/20/2017	65,881.92	3rd Qtr.
CenterPoint Energy	02/05/2018	66,470.68	4th Qtr.
	Subtotal	$ 266,342.92	2017
	TOTAL	$ 702,600.29	2017

Budget Issues:

All dollars received from the franchise fees were receipted to the Street Reconstruction Fund for use in the repair and reconstruction of City streets. The actual amount received in 2017 exceeded the total budgeted amount of $689,000 in franchise fee revenue. All remaining funds at year-end will be carried forward in the fund for future repair and reconstruction of City streets.

Strategic Priorities:

- Key Transportation Investments

City Council Agenda Item No. 6e

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Resolution Approving an Amendment to the Brooklyn Center Fire Department Relief Association By-laws.

Recommendation:

It is recommended that the City Council consider adoption of the attached resolution approving an amendment to the Brooklyn Center Fire Department Relief Association By-laws.

Background:

Currently the City pays a lump sum of $7,600 to Fire Fighters for each year of service on the Department once they have served 10 consecutive years. The funding for this benefit is largely derived from annual payments received by the City from the State of Minnesota along with investment earnings derived from pension fund investments. Rarely has the City been required to contribute to the fund to meet funding requirements.

Based on the actuarial report from Van Iwaarden and Associates as of December 31, 2016 the fund had a balance of $3,673,474 in assets and $3,036,210 in liabilities. This results in a funding level of 121% from the 35 current members. The target policy of the relief association is to retain at least 110% of the fund requirements.

Based on this report the Association requested that the City Council consider increasing the lump sum payment by $100 to $7,700. This request was made at least in part to attract and retain fire fighters for the department.

The City's financial advisor, Springsted Inc., reviewed the Van Iwaarden projections of the impact of the proposed $100 increase. The projection shows that based on a 5% annual investment return the funded status of the pension fund would remain over 100%. Springsted concluded that the assumptions and resulting projections are accurate in concluding that the City will not be required to make contributions to maintain the 110% funding levels through 2032.

Budget Issues:

Approval of this resolution should have no impact on the City budget.

Strategic Priorities:

- Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING AN AMENDMENT TO THE BROOKLYN CENTER FIRE DEPARTMENT RELIEF ASSOCIATION BY-LAWS

WHEREAS, the Brooklyn Center Fire Department Relief Association has requested City approval of a benefit increase for retirees; and

WHEREAS, such benefit increase would require an amendment of the City of Brooklyn Center Fire Department Relief Association By-laws; and

WHEREAS, Van Iwaarden and Associates has conducted an actuarial valuation and benefit study and determined that the anticipated assets available for benefits would be sufficient to support an increase in the annual benefit due to the fact cash and contingency funding balance exceeds the recommended balance of 100% of anticipated needs; and

WHEREAS, Springsted public finance advisors for the City has reviewed the assumptions and projections used in the report prepared by Van Iwaarden and Associates and has compared those assumptions and projections with information from their detailed analysis performed in 2016 and believe the information to be accurate; and

WHEREAS, the actuarial analysis completed by Van Iwaarden and Associates and reviewed by Springsted conclude an increase of $100 to the lump sum benefit from $7,600 per year to $7,700 per year of qualified service would not likely have an adverse effect on the fund viability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that an amendment to the By-laws of the City of Brooklyn Center Fire Department Relief Association to increase the lump sum benefit to $7,700 per year be hereby approved as of March 1, 2018.

March 12, 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:

RESOLUTION NO. _____

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

Springsted

Springsted Incorporated
380 Jackson Street, Suite 300
Saint Paul, MN 55101-2887
Tel: 651-223-3000
Fax: 651-223-3002
www.springsted.com

MEMORANDUM

TO: Nate Reinhardt

FROM: Patty Kettles

DATE: February 23, 2018

SUBJECT: Fire Relief Association Pension Increase Review

The City has requested Springsted Incorporated make an initial evaluation of the Brooklyn Center Fire Relief Association's February 18, 2018 memo which requests an increase in the pension amount from $7,600 to $7,700 per year of service. We completed a detailed review in 2016 when the amount increased from $7,500 to the now $7,600 per year of service. Unlike the prior review, the City requested only a general review of the assumptions used in the actuarial projections to determine if they appear accurate.

The prior analysis was based on detailed information regarding firefighters, including birth year, year of service, etc. The 2018 FRA analysis did not provide that information, other than that there are currently 35 firefighters, including the newest hires. However, using the list of firefighters provided in 2016, we believe that the 2018 actuarial projections are based on similar, sound assumptions.

Some assumptions they used include the following:

- $7,700/year of service pension benefit (up $100)
- Retirement at the later of 20 years of service or age 52 (same as prior)
- An increase in the number of active members from 35 to 40
- Contributions from the State increased from their 2014 level of $133,745 to current levels of $146,002 and will remain constant for the projection period
- Annual interest income will be at the same interest rate of 5% as required per State Statutes (previous projections used 4.17%; current rate earned at that time)
- Expenses will increase at 3.5% per year (previous study used 3.0%)
- Maintain funding levels at 110%

We beliieve these assumptions and the resulting projections are accurate in concluding that the City will not be required to make contributions to maintain the 110% funding levels through 2032. Our review was not an actuarial analyses and is based, in part on the 2016 firefighter list. Should the City wish to perform a more detailed analysis, similar to that in 2016, we will need a current listing of firefighters to be paid from the FRA.

BROOKLYN CENTER FIRE DEPARTMENT
RELIEF ASSOCIATION
6250 Brooklyn Boulevard, Brooklyn Center, Minnesota 55429 • 763-569-3360

Serving your community since 1949

February 5, 2018

Curt Boganey, City Manager
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Re: $100 Increase to Fire Pension

Dear Mr. Boganey,

The Brooklyn Center Fire Department (BCFD) Relief Association has passed a resolution to seek a $100 increase in our pension amount, from $7,600 Per Year of Service to $7,700 Per Year of Service. This is an excellent way to increase the fire fighter compensation package without impacting the city budget.

Our last pension raise was $100 in 2016, which brought us to the current $7,600 Per Year of Service. Enclosed please find the February 2017 actuarial report from Van Iwaarden Associates (pages 6-31) as well as a supplemental report from December 2017 specifically regarding this potential increase (pages 2-5).

More specifically, on pages 2 and 3 we have included a hypothetical scenario with these assumptions: 4% investment return (B1) and a constant 40 active firefighters. While this analysis shows a contribution needed from the City starting in 2024 (F5), we believe the estimate (particularly the 4%) is too conservative. The Relief Association has an excellent investment strategy and a great track record in regards to managing its pension funds. In fact, the fund has achieved a 15.3% return over the last year and a 6.0% annualized return since January 2000 (page 32). This seventeen year average return includes many market conditions, including downturns.

We feel strongly that a 5% investment return would be more appropriate and realistic to use in this analysis. This is also the return we must legally use in the actuarial. On pages 4 and 5, we have included a scenario which uses a 5% investment return and a constant 40 active firefighters. The analysis shows that this increase results in no contributions needed from the city for the entirely of the calculation. It also allows us to remain over 110% funded (G).

Please note the BCFD has not been at the full complement of 40 members for many years, which was used in both calculations. With the last few rounds of aggressive hiring, we are only at 35 fire fighters, including the newest hires. This also contributes to the conservative nature of both estimates.

This request is in line with our policy of remaining at least 110% funded at all times, as well as our policy of pursuing small increases in the Per Year of Service pension amount with any monies above the 110%, toward the state allowed maximum of $10,000.

We respectfully request that the City of Brooklyn Center approve this increase and institute it on the 1st of the month following its adoption. Please contact me at 763-381-4671 at your convenience to schedule a meeting to further discuss this matter. Thank you in advance for your consideration and support.

Sincerely,

President Kent Korman

BROOKLYN CENTER FIREFIGHTER'S RELIEF
ASSOCIATION PROJECTION

Valuation Year	2017	2018	2019	2020	2021	2022	2023	2024	2025
Lump sum multiplier	**7,600**	**7,700**	**7,700**	**7,700**	**7,700**	**7,700**	**7,700**	**7,700**	**7,700**
A. Actuarial Accrued Liability (AAL)									
1. AAL	$3,287,810	$2,764,115	$2,599,518	$2,617,641	$2,818,169	$2,569,783	$2,779,904	$2,862,181	$3,017,583
2. Normal Cost	113,828	153,997	151,796	153,259	150,903	154,807	154,783	154,783	154,796
B. Special Fund Assets									
1. Investment return	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%
2. Assets at valuation date	3,673,474	3,151,901	2,964,197	2,956,463	3,122,961	2,852,397	3,024,180	3,068,124	3,180,504
3. Expected Benefit Payments	(791,579)	(443,458)	(259,301)	(87,813)	(522,454)	(77,775)	(209,436)	(143,642)	(548,308)
4. Expected Contributions	146,002	146,002	146,002	146,002	146,002	146,002	146,002	146,002	146,691
5. Expected Expenses (prior year x 3.5%)	(9,827)	(10,171)	(10,527)	(10,895)	(11,276)	(11,671)	(12,079)	(12,502)	(12,940)
6. Interest to end of val year	133,831	119,923	116,091	119,204	117,164	115,227	119,457	122,522	118,929
7. Assets at end of val year	3,151,901	2,964,197	2,956,463	3,122,961	2,852,397	3,024,180	3,068,124	3,180,504	2,884,876
C. Unfunded AAL	0	0	0	0	0	0	0	0	0
D. Credit for surplus	38,566	38,779	36,468	33,882	30,479	28,261	24,428	20,594	16,292
E. Amortization Payment									
1. Amortization Period	0	0	0	0	0	0	0	0	0
2. Payment	0	0	0	0	0	0	0	0	0
F. Annual Contribution Payable									
1. Preliminary Contribution (A.2.+E.-D.)	75,262	115,218	115,328	119,377	120,424	126,546	130,355	134,189	138,504
2. Administrative Expense (prior year x 3.5%)	9,827	10,171	10,527	10,895	11,276	11,671	12,079	12,502	12,940
3. Annual Contribution (1.+2.)	85,089	125,389	125,855	130,272	131,700	138,217	142,434	146,691	151,444
4. Estimated State Aid (prior year x 0%)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)
5. Estimated Municipal Contribution (3.+4.)	0	0	0	0	0	0	0	689	5,442
G. Funded Status	112%	114%	114%	113%	111%	111%	109%	107%	105%

Assumptions

4% investment return
Contributions and distributions occur mid-year
Expenses increase at 3.5% per year
Constant 40 active firefighters
State Aid remains constant at $146,002
Lump sum multiplier of $7,700

BROOKLYN C R FIREFIGHTER'S RELIEF ASSOCIATION PROJECTION

Valuation Year Lump sum multiplier	2026 7,700	2027 7,700	2028 7,700	2029 7,700	2030 7,700	2031 7,700	2032 7,700
A. Actuarial Accrued Liability (AAL)							
1. AAL	$2,755,801	$2,830,508	$2,834,336	$2,947,340	$3,042,935	$3,204,645	$3,433,617
2. Normal Cost	154,912	154,979	154,312	153,577	155,279	155,251	155,334
B. Special Fund Assets							
1. Investment return	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%
2. Assets at valuation date	2,884,876	2,921,340	2,890,323	2,968,620	3,031,302	3,157,153	3,350,940
3. Expected Benefit Payments	(215,434)	(286,507)	(181,995)	(203,175)	(146,420)	(89,998)	(193,021)
4. Expected Contributions	151,444	155,398	159,758	163,060	166,298	172,083	177,016
5. Expected Expenses (prior year x 3.5%)	(13,393)	(13,862)	(14,347)	(14,849)	(15,369)	(15,907)	(16,464)
6. Interest to end of val year	113,847	113,954	114,881	117,646	121,342	127,610	133,388
7. Assets at end of val year	2,921,340	2,890,323	2,968,620	3,031,302	3,157,153	3,350,940	3,451,859
C. Unfunded AAL	0	0	0	0	11,633	47,492	82,677
D. Credit for surplus	12,907	9,083	5,599	2,128	0	0	0
E. Amortization Payment							
1. Amortization Period	0	0	0	0	10	10	9
2. Payment	0	0	0	0	1,435	5,858	11,078
F. Annual Contribution Payable							
1. Preliminary Contribution (A.2.+E.-D.)	142,005	145,896	148,713	151,449	156,714	161,109	166,412
2. Administrative Expense (prior year x 3.5%)	13,393	13,862	14,347	14,849	15,369	15,907	16,464
3. Annual Contribution (1.+2.)	155,398	159,758	163,060	166,298	172,083	177,016	182,876
4. Estimated State Aid (prior year x 0%)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)
5. Estimated Municipal Contribution (3.+4.)	9,396	13,756	17,058	20,296	26,081	31,014	36,874
G. Funded Status	105%	103%	102%	101%	100%	99%	98%

Assumptions

4% investment return
Contributions and distributions occur mid-year
Expenses increase at 3.5% per year
Constant 40 active firefighters
State Aid remains constant at $146,002
Lump sum multiplier of $7,700

BROOKLYN CENTER FIREFIGHTER'S RELIEF
ASSOCIATION PROJECTION

Valuation Year	2017	2018	2019	2020	2021	2022	2023	2024	2025
Lump sum multiplier	7,600	7,700	7,700	7,700	7,700	7,700	7,700	7,700	7,700
A. Actuarial Accrued Liability (AAL)									
1. AAL	$3,287,810	$2,764,115	$2,599,518	$2,617,641	$2,818,169	$2,569,783	$2,779,904	$2,862,181	$3,017,583
2. Normal Cost	113,828	153,997	151,796	153,259	150,903	154,807	154,783	154,783	154,796
B. Special Fund Assets									
1. Investment return	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2. Assets at valuation date	3,673,474	3,185,359	3,029,309	3,053,853	3,255,022	3,020,352	3,229,339	3,313,405	3,468,680
3. Expected Benefit Payments	(791,579)	(443,458)	(259,301)	(87,813)	(522,454)	(77,775)	(209,436)	(143,642)	(548,308)
4. Expected Contributions	146,002	146,002	146,002	146,002	146,002	146,002	146,002	146,002	146,002
5. Expected Expenses (prior year x 3.5%)	(9,827)	(10,171)	(10,527)	(10,895)	(11,276)	(11,671)	(12,079)	(12,502)	(12,940)
6. Interest to end of val year	167,289	151,577	148,370	153,875	153,058	152,431	159,579	165,417	163,053
7. Assets at end of val year	3,185,359	3,029,309	3,053,853	3,255,022	3,020,352	3,229,339	3,313,405	3,468,680	3,216,487
C. Unfunded AAL	0	0	0	0	0	0	0	0	0
D. Credit for surplus	38,566	42,124	42,979	43,621	43,685	45,057	44,943	45,122	45,110
E. Amortization Payment									
1. Amortization Period	0	0	0	0	0	0	0	0	0
2. Payment	0	0	0	0	0	0	0	0	0
F. Annual Contribution Payable									
1. Preliminary Contribution (A.2.+E.-D.)	75,262	111,873	108,817	109,638	107,218	109,750	109,840	109,661	109,686
2. Administrative Expense (prior year x 3.5%)	9,827	10,171	10,527	10,895	11,276	11,671	12,079	12,502	12,940
3. Annual Contribution (1.+2.)	85,089	122,044	119,344	120,533	118,494	121,421	121,919	122,163	122,626
4. Estimated State Aid (prior year x 0%)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)
5. Estimated Municipal Contribution (3.+4.)	0	0	0	0	0	0	0	0	0
G. Funded Status	112%	115%	117%	117%	116%	118%	116%	116%	115%

Assumptions

5% investment return
Contributions and distributions occur mid-year
Expenses increase at 3.5% per year
Constant 40 active firefighters
State Aid remains constant at $146,002
Lump sum multiplier of $7,700

BROOKLYN C\ R FIREFIGHTER'S RELIEF
ASSOCIATION PROJECTION

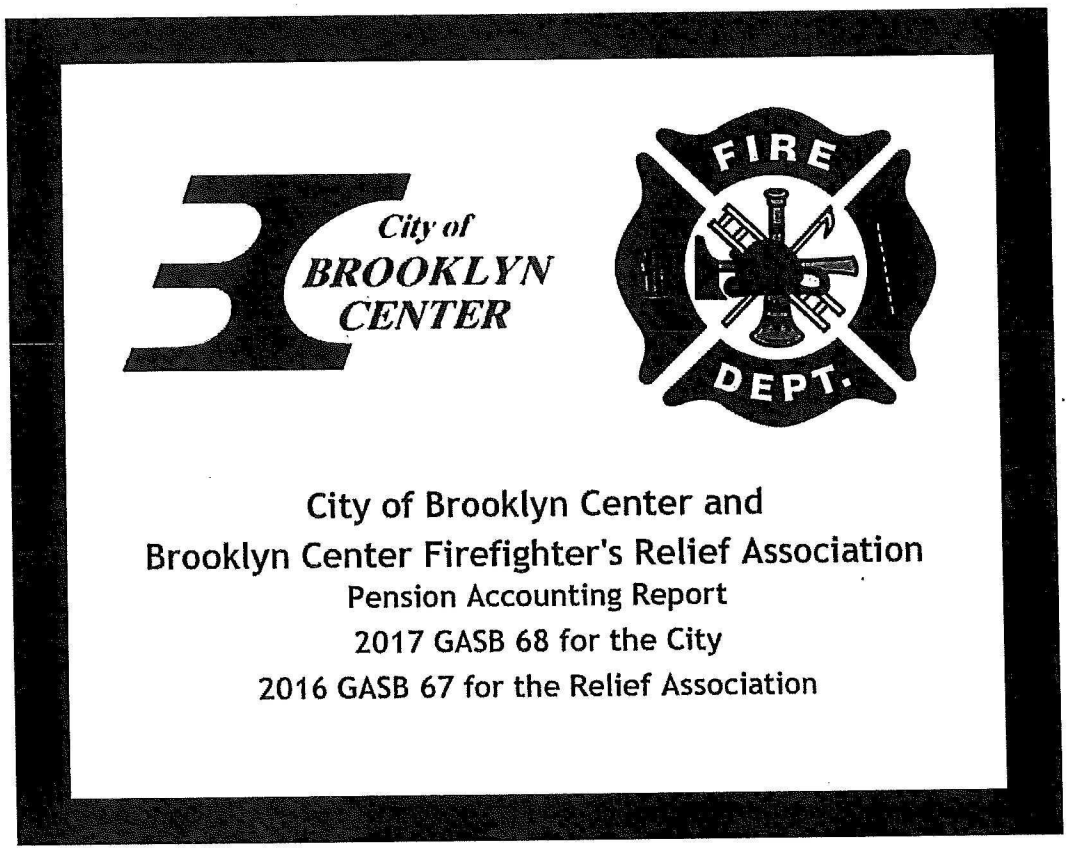
Valuation Year	2026	2027	2028	2029	2030	2031	2032
Lump sum multiplier	7,700	7,700	7,700	7,700	7,700	7,700	7,700
A. Actuarial Accrued Liability (AAL)							
1. AAL	$2,755,801	$2,830,508	$2,834,336	$2,947,340	$3,042,935	$3,204,645	$3,433,617
2. Normal Cost	154,912	154,979	154,312	153,577	155,279	155,251	155,334
B. Special Fund Assets							
1. Investment return	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2. Assets at valuation date	3,216,487	3,292,415	3,298,810	3,412,152	3,508,937	3,668,202	3,892,712
3. Expected Benefit Payments	(215,434)	(286,507)	(181,995)	(203,175)	(146,420)	(89,998)	(193,021)
4. Expected Contributions	146,002	146,002	146,002	146,002	146,002	146,002	146,002
5. Expected Expenses (prior year x 3.5%)	(13,393)	(13,862)	(14,347)	(14,849)	(15,369)	(15,907)	(16,464)
6. Interest to end of val year	158,754	160,762	163,682	168,807	175,052	184,413	193,049
7. Assets at end of val year	3,292,415	3,298,810	3,412,152	3,508,937	3,668,202	3,892,712	4,022,277
C. Unfunded AAL	0	0	0	0	0	0	0
D. Credit for surplus	46,069	46,191	46,447	46,481	46,600	46,356	45,909
E. Amortization Payment							
1. Amortization Period	0	0	0	0	0	0	0
2. Payment	0	0	0	0	0	0	0
F. Annual Contribution Payable							
1. Preliminary Contribution (A.2.+E.-D.)	108,843	108,788	107,865	107,096	108,679	108,895	109,425
2. Administrative Expense (prior year x 3.5%)	13,393	13,862	14,347	14,849	15,369	15,907	16,464
3. Annual Contribution (1.+2.)	122,236	122,650	122,212	121,945	124,048	124,802	125,889
4. Estimated State Aid (prior year x 0%)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)	(146,002)
5. Estimated Municipal Contribution (3.+4.)	0	0	0	0	0	0	0
G. Funded Status	117%	116%	116%	116%	115%	114%	113%

Assumptions

5% investment return
Contributions and distributions occur mid-year
Expenses increase at 3.5% per year
Constant 40 active firefighters
State Aid remains constant at $146,002
Lump sum multiplier of $7,700

L/D/C/R: 4/swt/slb/emk

12/27/2017



City of Brooklyn Center and Brooklyn Center Firefighter's Relief Association

Pension Accounting Report

2017 GASB 68 for the City

2016 GASB 67 for the Relief Association

February 28, 2017

Revised for updated census data

CITY OF BROOKLYN CENTER AND BROOKLYN CENTER FIREFIGHTER'S RELIEF ASSOCIATION

Pension Accounting Report - 2017 GASB 68 for the City, 2016 GASB 67 for the Relief Association

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Introduction and Certification

Purposes of the valuation

This report includes pension plan information that Governmental Accounting Standards Board Statement Nos. 67 and 68 (GASB 67/68) require the Relief Association and the City to disclose in their year-end financial statements. The measurement date (when assets and liabilities are measured) is December 31, 2016. The results are for the Relief Association's fiscal 2016 and the City's fiscal 2017 financial statements.

GASB 67/68 standardizes pension disclosure requirements and requires plans to provide additional details about their pension obligations. The information to be disclosed includes:

- Obligations and funded status of the plan, including
  - A statement of fiduciary net position (assets),
  - A statement of change in fiduciary net position,
  - Changes in total pension liability,
  - Sensitivity to the discount rate,
  - Deferred outflows and deferred inflows of resources related to pensions,
- The components of the pension expense, and
- Other disclosure information.

This report has been prepared solely for the City of Brooklyn Center and the Brooklyn Center Firefighter's Relief Association. For ease of reading, the City of Brooklyn Center will often be referred to in this report as the 'City' and the Brooklyn Center Firefighter's Relief Association will be referred to as the 'Relief Association'.

Actuarial computations under GASB 67/68 are for the purposes of fulfilling pension accounting requirements. Computations for other purposes, such as plan funding, may differ significantly from the results shown in this report.

The City has elected to use the GASB 68 "lookback" method where assets and liabilities are measured up to a year prior to fiscal year-end, but applied to the current fiscal year. The Relief Association's GASB 67 disclosures must use actual fiscal year-end assets.

The language of this report includes a number of technical terms which have special meanings. The glossary at the end of the report is provided to enhance understanding of these terms; many of them are defined there.

Changes from the prior valuation

The plan's funded status increased from 114.1% to 121% since the prior valuation. This change is primarily due to higher than expected asset returns and an increase in the discount rate.

This report reflects updated census data and replaces in its entirety the report dated February 20, 2017.

Introduction and Certification (continued)

Actuarial certification

To the best of our knowledge, this report is complete and accurate and all Relief Association liabilities were determined in accordance with generally accepted actuarial principles and practices. Upon receipt of the report, the City and the Relief Association should notify us if you disagree with any information contained in the report or if you are aware of any information that would affect the results that has not been communicated to us. The report will be deemed final and acceptable to the City and the Relief Association unless you notify us otherwise.

The actuarial assumptions and methods are the responsibility of the employer. We have reviewed the assumptions and believe that they are reasonable estimates of future plan experience, both individually and in the aggregate. The calculations reported herein are consistent with our understanding of the provisions of GASB 67/68.

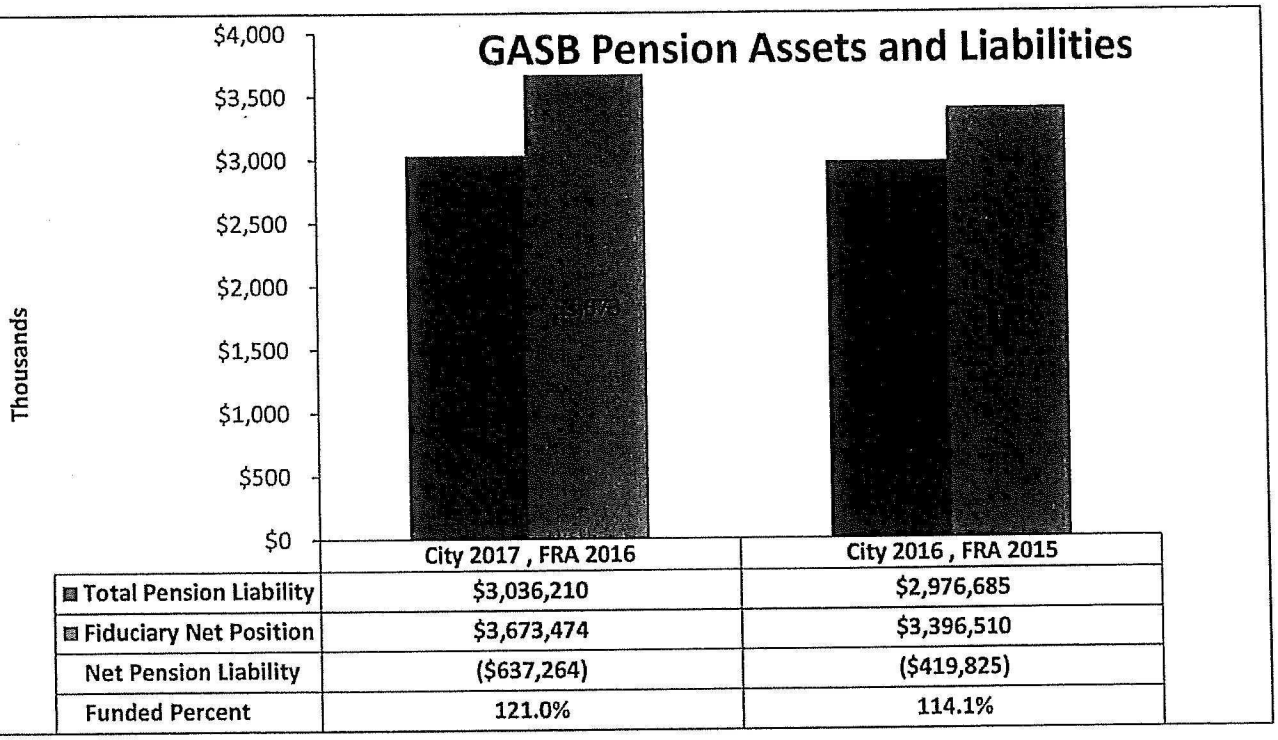
The undersigned actuary is a Member of the American Academy of Actuaries and meets the Qualification Standards of the Academy to render the actuarial opinion contained herein. I am available to answer questions on the material contained in the report or to provide explanations or further detail, as may be appropriate. I am not aware of any material direct or indirect financial interest or relationship that could create a conflict of interest or impair the objectivity of our work.



Sandra L. Bruns, FSA, EA, MAAA
Consulting Actuary

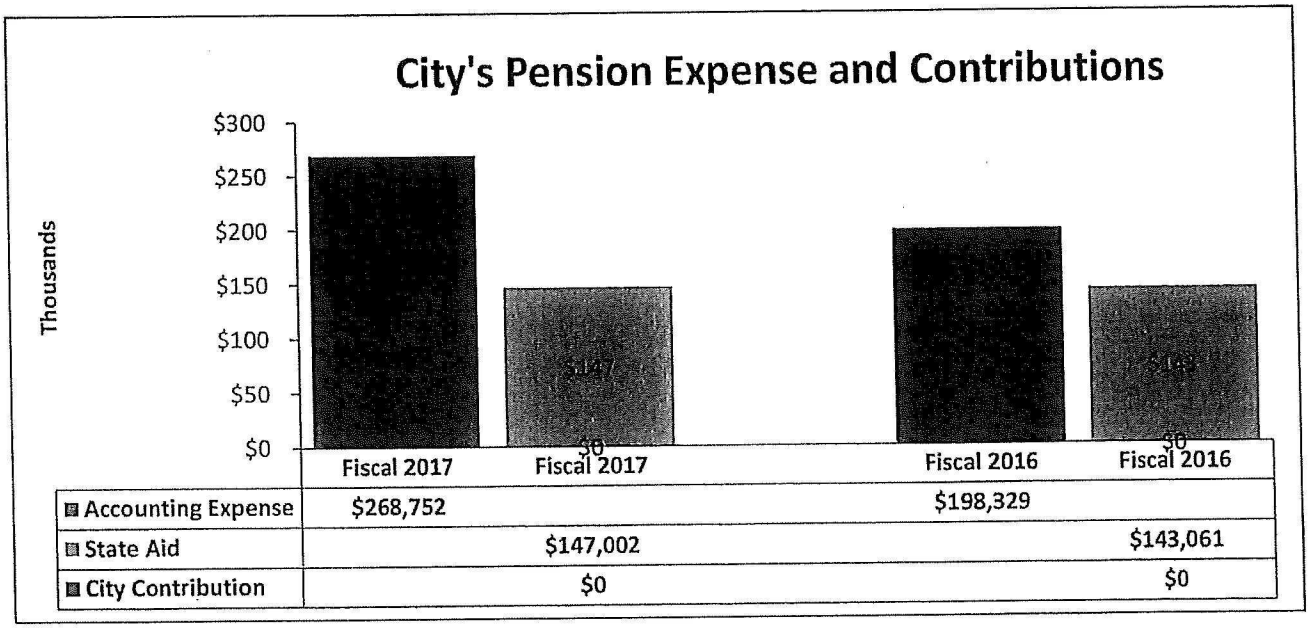
February 28, 2017
L/D/C/R: 4/swt/slb/emk
v.02/02/2017

Summary of Results



	City 2017 , FRA 2016	City 2016 , FRA 2015
Total Pension Liability	$3,036,210	$2,976,685
Fiduciary Net Position	$3,673,474	$3,396,510
Net Pension Liability	($637,264)	($419,825)
Funded Percent	121.0%	114.1%

- The GASB 67/68 Net Pension Liability is the difference between liabilities (Total Pension Liability) and assets (Fiduciary Net Position).



	Fiscal 2017	Fiscal 2017	Fiscal 2016	Fiscal 2016
Accounting Expense	$268,752		$198,329	
State Aid		$147,002		$143,061
City Contribution		$0		$0

- The City has elected to use the GASB 68 "lookback" method where assets and liabilities are measured up to a year prior to fiscal year-end, but applied to the current fiscal year. The Relief Association's GASB 67 disclosures must use actual fiscal year-end assets.

Statement of Fiduciary Net Position (Assets)

	Measurement Period Ending	
	12/31/2016	12/31/2015
	applied to the Fiscal Year Ending[1]	
GASB 67 purposes (Fire Relief)	12/31/2016	12/31/2015
GASB 68 purposes (City)	12/31/2017	12/31/2016
Assets		
Cash and deposits	$ 158,805	$ 238,977
Money market funds and interest-bearing cash	-	-
Total cash	158,805	238,977
Cash position of mutual funds	245,768	184,775
Receivables		
Contributions	1,000	-
Due from broker for investments sold	-	-
Investment income	-	-
Other	-	-
Total receivables	1,000	-
Investments		
Domestic equity	1,562,573	1,660,857
International equity	722,243	461,937
Fixed income	938,846	813,009
Real estate and alternatives	44,239	36,955
Total investments	3,267,901	2,972,758
Total assets	**3,673,474**	**3,396,510**
Short term liabilities		
Payables		
Investment management fees	-	-
Due to broker for investments purchased	-	-
Other	-	-
Total liabilities	-	-
Net position restricted for pensions	$ 3,673,474	$ 3,396,510

[1]The City has elected to use the GASB 68 "lookback" method where assets and liabilities are measured up to a year prior to fiscal year-end, but applied to the current fiscal year. The Relief Association's GASB 67 disclosures must use actual fiscal year-end assets.

Statement of Changes in Fiduciary Net Position

	Measurement Period Ending 12/31/2016 applied to the Fiscal Year Ending[1]	12/31/2015
GASB 67 purposes (Fire Relief)	12/31/2016	12/31/2015
GASB 68 purposes (City)	12/31/2017	12/31/2016
Additions		
Contributions		
State aid	$ 147,002	$ 143,061
City contributions	-	-
Outside donations and other income	-	-
Member contributions	-	-
Total contributions	147,002	143,061
Investment income		
Net appreciation in fair value of investments	221,477	(235,405)
Interest and dividends	101,424	101,652
Less investment expense	(47,276)	(47,432)
Net investment income	275,625	(181,185)
Other additions (e.g. receivables)	-	-
Total additions	422,627	(38,124)
Deductions		
Benefit payments		
Annuity payments to retirees and beneficiaries	(59,016)	(59,016)
Lump sums	(77,152)	-
Refunds	-	-
Total	(136,168)	(59,016)
Administrative expense	(9,495)	(14,560)
Other deductions (e.g. payables)	-	-
Total deductions	(145,663)	(73,576)
Net increase in net position	276,964	(111,700)
Net position restricted for pensions		
Beginning of year	3,396,510	3,508,210
End of year	$ 3,673,474	$ 3,396,510
Investment return for the measurement year		
a. Net investment income	$ 275,625	$ (181,185)
b. Beginning balance	3,396,510	3,508,210
c. Time-weighted cash flows	(61,591)	(13,500)
d. Investment return: a. / (b. + c.)	8.26%	-5.18%

[1]The City has elected to use the GASB 68 "lookback" method where assets and liabilities are measured up to a year prior to fiscal year-end, but applied to the current fiscal year. The Relief Association's GASB 67 disclosures must use actual fiscal year-end assets.

Changes in Net Pension Liability

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (c) = (a) - (b)
Balance at previous fiscal year end[1]	$ 2,976,685	$ 3,396,510	$ (419,825)
Changes for the year:			
Service cost	120,802	-	120,802
Interest	174,191	-	174,191
Differences between expected and actual experience	(75,613)	-	(75,613)
Changes of assumptions	(50,396)	-	(50,396)
Changes of benefit terms	26,709	-	26,709
Contributions - State and local	-	147,002	(147,002)
Contributions - donations and other income	-	-	-
Contributions - member	-	-	-
Net investment income	-	275,625	(275,625)
Other additions (e.g. receivables)	-	-	-
Benefit payments, including member contribution refunds	(136,168)	(136,168)	-
Administrative expense	-	(9,495)	9,495
Other deductions (e.g. payables)	-	-	-
Net changes	59,525	276,964	(217,439)
Balance at current fiscal year end[1]	$ 3,036,210	$ 3,673,474	$ (637,264)

Sensitivity of the Net Pension Liability to Changes in the Discount Rate

	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (c) = (a) - (b)
1% decrease in Discount Rate (5.25%)	$ 3,138,963	$ 3,673,474	$ (534,511)
Current Discount Rate (6.25%)	3,036,210	3,673,474	(637,264)
1% increase in Discount Rate (7.25%)	2,938,465	3,673,474	(735,009)

[1]The City has elected to use the GASB 68 "lookback" method where assets and liabilities are measured up to a year prior to fiscal year-end, but applied to the current fiscal year. The Relief Association should apply these results to its FYE2016 financial statements, but the City should used the results for its FYE2017 GASB 68 accounting.

Summary of Deferred Outflows and Deferred Inflows

Summary of Deferred Outflows/Inflows	Outflows	Inflows
A. Difference between expected and actual liability	$ -	$ 63,115
B. Change of assumptions	235,674	42,066
C. Net difference between projected and actual investment earnings[1]	229,147	-
D. Total	$ 464,821	$ 105,181

Amounts reported as deferred (inflows) outflows of resources related to pensions will be recognized in pension expense as follows:

Year ended:	Future recognition
2018	129,313
2019	129,311
2020	108,936
2021	13,949
2022	(20,828)
Thereafter	(1,041)
	$ 359,640

[1]Per GASB 68 paragraph 33.b., deferred inflows/outflows arising from differences between projected and actual OPEB plan investment earnings in different measurement periods should be aggregated and reported as a net deferred inflow or outflow of resourses.

Significant Assumptions and Methods Used to Measure the Total Pension Liability

Discount rate	6.25%
Expected return on plan assets	6.25%
Inflation rate	2.75%
Actuarial cost method	Entry age normal in accordance with the requirements of GASB 67/68
Asset valuation method	Market value of assets
Mortality	Healthy Pre-retirement: RP-2000 non-annuitant generational mortality projected with scale AA, white collar adjustment, male rates set back 2 years, female rates set back 2 years. Healthy Post-retirement: RP-2000 annuitant generational mortality projected with scale AA, white collar adjustment, without age adjustments. Disabled: RP-2000 healthy annuitant mortality table, white collar adjustment, set forward eight years for males and females.

See pages 16 to 23 for more details on actuarial assumptions and methods.

Schedule of Changes in Net Pension Liability and Related Ratios (Last 10 Fiscal Years)

	Fiscal Year Ending December 31[1]					
Total Pension Liability (TPL, actuarial accrued liability)	2017	2016	2015	2014	2013	2012 - 2008 [2]
Service cost	$ 120,802	$ 88,266	$ 85,904			
Interest	174,191	173,219	178,242			
Differences between expected and actual experience	(75,613)	-	-			
Changes of assumptions	(50,396)	358,422	-			
Changes of benefit terms	26,709	-	-			
Benefit payments, including member contrib refunds	(136,168)	(59,016)	(617,541)			
Net change in total pension liability	**59,525**	**560,891**	**(353,395)**			
Total Pension Liability - beginning of year	**2,976,685**	**2,415,794**	**2,769,189**			
Total Pension Liability - end of year	**$ 3,036,210**	**$ 2,976,685**	**$ 2,415,794**			
Plan Fiduciary Net Position (FNP, assets)						
Contributions - State and local	$ 147,002	$ 143,061	$ 158,545			
Contributions - donations and other income	-	-	-			
Contributions - member	-	-	-			
Net investment income	275,625	(181,185)	149,635			
Other additions (e.g. receivables)	-	-	-			
Benefit payments, including member contrib refunds	(136,168)	(59,016)	(617,541)			
Administrative expense	(9,495)	(14,560)	(10,080)			
Other deductions (e.g. payables)	-	-	-			
Net change in plan fiduciary net position	**276,964**	**(111,700)**	**(319,441)**			
Plan Fiduciary Net Position - beginning of year	**3,396,510**	**3,508,210**	**3,827,651**			
Plan Fiduciary Net Position - end of year	**$ 3,673,474**	**$ 3,396,510**	**$ 3,508,210**			
Net Pension Liability (NPL) - end of year	**$ (637,264)**	**$ (419,825)**	**$ (1,092,416)**			
FNP as a percentage of the TPL	**120.99%**	**114.10%**	**145.22%**			

[1]Fiscal year results above are for the City's GASB 68 accounting. The Relief Association should apply these results to its prior fiscal year (i.e., FYE2017 results above should be applied to the Relief Association's FYE2016 financial statements).

[2]The employer must disclose a 10-year history of the schedule of changes in Net Pension Liability and related ratios. The prior five years are not shown in this report; please see previous employer financial statements.

Schedule of Contributions (Last 10 Fiscal Years)

	Fiscal Year Ending December 31[1]									
	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
Actuarially determined contribution (ADC)	$71,203	$71,203	$101,453	$101,453	$111,463	$111,463	$135,929	$183,928		
Contributions in relation to the ADC	n/a	147,002	143,061	158,545	134,340	151,503	101,119	165,697		
Contribution deficiency (excess)	n/a	($75,799)	($41,608)	($57,092)	($22,877)	($40,040)	$34,810	$18,231	n/a	n/a

Schedule of Investment Returns (Last 10 Fiscal Years)

	Fiscal Year Ending December 31[1]									
	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
Annual money-weighted rate of return, net of investment expense	8.3%	-5.2%	4.2%	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Contributions and Net Pension Liability as a Percent of Payroll

	Fiscal Year Ending December 31[1]									
	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
Payroll	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Contributions as a percent of payroll	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NPL as a percent of payroll	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

[1]Fiscal year results above are for the City's GASB 68 accounting. The Relief Association should apply these results to its prior fiscal year (i.e., FYE2017 results above should be applied to the Relief Association's FYE2016 financial statements).

Calculation of Pension Expense

		Measurement Period Ending 12/31/2016 applied to the Fiscal Year Ending[1] 12/31/2017	12/31/2015 applied to the Fiscal Year Ending[1] 12/31/2016
A.	Service cost	$ 120,802	$ 88,266
B.	Interest cost	174,191	173,219
C.	Current period benefit changes	26,709	-
D.	Employee contributions	-	-
E.	Projected earnings on pension plan investments	(191,758)	(244,630)
F.	Pension plan administrative expense	9,495	14,560
G.	Other changes in fiduciary net position	-	-
H.	Recognition of difference between expected and actual experience	(12,498)	-
I.	Recognition of assumption changes	53,044	61,374
J.	Recognition of net difference between projected and actual investment earnings	88,767	105,540
K.	**Total pension expense (sum of A. through J.)**	$ 268,752	$ 198,329

[1]The City has elected to use the GASB 68 "lookback" method where assets and liabilities are measured up to a year prior to fiscal year-end, but applied to the current fiscal year. The Relief Association's GASB 67 disclosures must use actual fiscal year-end assets.

Calculation of Interest Cost and Projected Plan Earnings for Pension Expense

	Measurement Period Ending 12/31/2016 applied to the Fiscal Year Ending[1] 12/31/2017	Measurement Period Ending 12/31/2015 applied to the Fiscal Year Ending[1] 12/31/2016
Interest cost calculation		
A. Total Pension Liability at beginning of measurement year	$ 2,976,685	$ 2,415,794
B. Service cost	120,802	88,266
C. Benefit payments, including refund of member contributions	(136,168)	(59,016)
D. Interest cost	**$ 174,191**	**$ 173,219**
(A. + B. + 1/2 x C.) x discount rate		
Discount rate at beginning of measurement year	5.75%	7.00%
Projected plan earnings calculation		
A. Fiduciary Net Position at beginning of measurement year	$ 3,396,510	$ 3,508,210
B. Time-weighted cash flows	(61,591)	(13,500)
C. Projected plan earnings	**$ 191,758**	**$ 244,630**
(A. + B.) x expected return on assets		
Expected return on assets at beginning of measurement year	5.75%	7.00%
Investment (gain) or loss		
A. Projected plan earnings	$ 191,758	$ 244,630
B. Actual plan investment earnings	275,625	(181,185)
C. Investment (gain) or loss (A. - B.)	$ (83,867)	$ 425,815

[1]The City has elected to use the GASB 68 "lookback" method where assets and liabilities are measured up to a year prior to fiscal year-end, but applied to the current fiscal year. The Relief Association's GASB 67 disclosures must use actual fiscal year-end assets.

Schedule of Amortizations: Liability Experience (Gains) and Losses

Fiscal Year	Initial Deferred (Inflow)/Outflow	Unrecognized Amount	Initial Amortization Period	Remaining Amortization Period
2015	$ -	$ -	8.08	5.08
2016	-	-	5.84	3.84
2017	(75,613)	(63,115)	6.05	5.05

Increase/(decrease) in pension expense arising from the recognition of the effects of differences between expected and actual experience for the fiscal year ending December 31					
2017	2018	2019	2020	2021	2022
-	-	-	-	-	-
-	-	-	-	-	-
(12,498)	(12,498)	(12,498)	(12,498)	(12,498)	(12,498)
(12,498)	(12,498)	(12,498)	(12,498)	(12,498)	(12,498)

Net increase/(decrease) in pension expense

Schedule of Amortizations: Assumption Changes

Fiscal Year	Initial Deferred (Inflow)/Outflow	Unrecognized Amount	Initial Amortization Period	Remaining Amortization Period
2015	$ -	$ -	8.08	5.08
2016	358,422	235,674	5.84	3.84
2017	(50,396)	(42,066)	6.05	5.05

Increase/(decrease) in pension expense arising from the change in assumptions for the fiscal year ending December 31					
2017	2018	2019	2020	2021	2022
-	-	-	-	-	-
61,374	61,374	61,374	61,374	51,552	-
(8,330)	(8,330)	(8,330)	(8,330)	(8,330)	(8,330)
53,044	53,044	53,044	53,044	43,222	(8,330)

Net increase/(decrease) in pension expense

Schedule of Amortizations: Investment (Gains) and Losses

Fiscal Year	Initial Deferred (Inflow)/Outflow	Unrecognized Amount	Initial Amortization Period	Remaining Amortization Period
2015	$ 101,883	$ 40,752	5.00	2.00
2016	425,815	255,489	5.00	3.00
2017	(83,867)	(67,094)	5.00	4.00

Increase/(decrease) in pension expense arising from investment (gains) and losses for the fiscal year ending December 31					
2017	2018	2019	2020	2021	2022
20,377	20,377	20,375	-	-	-
85,163	85,163	85,163	85,163	-	-
(16,773)	(16,773)	(16,773)	(16,773)	(16,775)	-
88,767	88,767	88,765	68,390	(16,775)	-

Net increase/(decrease) in pension expense

Summary of Participant Data

	12/31/2016	12/31/2015
A. Active members		
1. Number	32	34
2. Average age	43.9	42.4
3. Average years of service	11.4	10.9
B. Inactive members entitled to future benefits		
(a.k.a. deferred members or vested terminated members)		
1. Number	9	6
2. Average age	45.3	44.6
3. Total of deferred lump sums	842,917	486,021
4. Average deferred lump sum	93,657	81,004
C. Inactive members or beneficiaries currently receiving benefits		
1. Number		
a. Retirees	10	10
b. Surviving spouses/beneficiaries	11	11
c. Total	21	21
2. Average age	83.6	81.6
3. Total annual benefits being paid	$ 59,016	$ 59,016
4. Average annual benefit being paid	2,810	2,810
D. Total number of participants (A.1. + B.1. + C.1.)	62	61

Summary of Plan Provisions

A. Eligibility	Active or probationary member of the Relief Association.
B. Service	Completed months.
C. Lump Sum Pension	The later of age 50 or after completion of 10 years of service. The lump sum pension is based on completed months of service. The current lump sum pension is based on $7,600 per year of service plus a Supplemental Benefit of 10% of the regular lump sum distribution, but not more than $1,000. If a member is both age 50 and has completed 10 years of service, but not 20 years of service, the lump sum pension will be reduced by 4% for each year of service less than 20 years.
D. Deferred Lump Sum Pension	Termination prior to age 50 with at least 10 years of service. The deferred lump sum pension payable at age 50 is based on the lump sum pension formula and service at date of termination reduced for less than 20 years of service. If a deferred vested member dies before payment, the benefit will be paid to the participant's beneficiary.
E. Survivor Benefit	Years of service times the lump sum rate in effect at the time of death, payable to named beneficiary plus a Supplemental Survivor Benefit in the amount of 20% of the total benefit paid, but not more than $2,000.
F. Plan Changes Since Prior Valuation	The lump sum pension was increased from $7,500 to $7,600 per year of service.

Summary of Actuarial Methods

A. Actuarial Cost Method	The Entry Age Normal level percent of payroll cost method. Under this method, the service cost for an individual participant is the level percentage of pay required to accumulate the funds needed to pay the participant's projected benefits by their assumed retirement age, beginning on the date of entry and ending at last age before 100% retirement age. The actuarial accrued liability (called the Total Pension Liability or TPL by GASB) is the accumulated value of these annual service costs on a given date.
B. Amortization Method	
Investment Gains and Losses	Straight-line amortization over a closed 5-year period.
Effects of Assumption Changes and Experience Gains and Losses	Straight-line amortization over a closed period equal to the average of the expected remaining service lives of all members (i.e., active employees and terminated/retired members) that are provided with pensions through the pension plan.
C. Data Methods	The Relief Association provided census and financial information for the valuation and we have relied on this data in preparing the results in this report. The data was reviewed for reasonableness and consistency, but we have not performed a complete audit. To the extent that census data was collected as of a date later than December 31, 2016, we have assumed that it is reasonably representative of the plan census on the valuation date and used it with only minor adjustments.
D. Asset Method	Market value of assets as of the measurement date.
E. Liability Measurement Method	GASB 67 requires that "the total pension liability should be determined by (a) an actuarial valuation as of the pension plan's most recent fiscal year-end or (b) the use of update procedures to roll forward to the pension plan's most recent fiscal year-end amounts from an actuarial valuation as of a date no more than 24 months earlier than the pension plan's most recent fiscal year-end." Similarly, GASB 68 requires that "the total pension liability should be determined by (a) an actuarial valuation as of the measurement date or (b) the use of update procedures to roll forward to the measurement date amounts from an actuarial valuation as of a date no more than 30 months and 1 day earlier than the employer's most recent fiscal year-end." Liabilities in this report were calculated as of the current measurement date per GASB 67 and 68 option (a) above.

Discount Rate Development

GASB 67 and 68 require that the liability discount rate be the single rate that reflects the following:

A. The long-term expected rate of return on pension plan investments that are expected to be used to finance the payment of benefits, to the extent that (1) the pension plan's fiduciary net position is projected to be sufficient to make projected benefit payments and (2) pension plan assets are expected to be invested using a strategy to achieve that return; and

B. A yield or index rate for 20-year, tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher (or equivalent quality on another rating scale), to the extent that the conditions in A. are not met.

The liability discount rate was developed using the alternative method described in paragraph 43 of GASB 67, which states that "if the evaluations required by paragraph 41 can be made with sufficient reliability without a separate projection of cash flows into and out of the pension plan, alternative methods may be applied in making the evaluations." We believe that the plan's current overfunded status, combined with statutory funding requirements, provide sufficient reliability that projected plan assets will be adequate to pay future retiree benefits. Therefore, we have used the plan's long-term expected investment return as the liability discount rate.

Long-Term Expected Investment Return

GASB 67 and 68 require the development of an assumption regarding the long-term expected rate of return on plan assets. The process utilized for this actuarial valuation is described below.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimates of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These asset class estimates are combined to produce the portfolio long-term expected rate of return by weighting the expected future real rates of return by the current asset allocation percentage (or target allocation, if available) and by adding expected inflation (2.75%). All results are then rounded to the nearest quarter percentage point.

The best-estimates of expected future asset class returns were published in the 2016 Survey of Capital Market Assumptions produced by Horizon Actuarial Services. These expected returns, along with expected asset class standard deviations and correlation coefficients, are based on Horizon's annual survey of investment advisory firms. The expected inflation assumption was developed based on an analysis of historical experience blended with forward-looking expectations available in market data.

Best-estimates of geometric real and nominal rates of return for each major asset class included in the pension plan's asset allocation as of the measurement date are summarized in the following table:

Asset Class	Allocation at Measurement Date	Long-Term Expected Real Rate of Return	Long-Term Expected Nominal Rate of Return[1]
Domestic equity	42.55%	5.58% - 5.92%	8.33% - 8.67%
International equity	19.66%	5.71% - 6.80%	8.46% - 9.55%
Fixed income	25.51%	1.39% - 4.50%	4.14% - 7.25%
Real estate and alternatives	0.31%	2.53% - 4.44%	5.28% - 7.19%
Cash and equivalents	11.97%	0.84%	3.59%
Total[2]	100.00%		7.55%
Reduced for assumed investment expense[3]			(1.42%)
Net assumed investment return (weighted avg, rounded to ¼%)			6.25%

[1]Nominal rates of return are equal to real rates of return plus the assumed inflation rate.

[2]Portfolio total expected return is weighted average of arithmetic asset class returns, with adjustment to reflect geometric averages. It is not equal to the weighted average of the asset class geometric returns shown above.

[3]Assumed investment expenses include investment management fees.

Summary of Actuarial Assumptions

A. General Information	
Valuation date (liability calculations)	December 31, 2016
Measurement date (assets and funded status)	December 31, 2016
Reporting date (fiscal year end)	
GASB 67 purposes (Fire Relief)	December 31, 2016
GASB 68 purposes (City)[1]	December 31, 2017
B. Economic Assumptions	
Discount Rate (see page 17)	6.25%
Expected long-term rate of return on assets	6.25%
Index rate for 20-year, tax-exempt municipal bonds (Bond Buyer GO 20-Year Municipal Bond Index as of December 31, 2016); used in discount rate determination	3.78%
Inflation Rate[2]	2.75%
Lump Sum Benefit Increase Rate[3]	N/A

[1]The City has elected to use the GASB 68 "lookback" method where assets and liabilities are measured up to a year prior to fiscal year-end, but applied to the current fiscal year. The Relief Association's GASB 67 disclosures must use actual fiscal year-end assets.

[2]Per GASB 68 instructions, the inflation rate is used to allocate costs under the Entry Age Normal level percent of payroll cost method for plans whose benefits are not pay-related.

[3]GASB rules require that accrued liabilities be based on the terms of the plan in effect on the measurement date. Therefore, we have not reflected any future lump sum multiplier increases even though the Relief Association may have a history of regular benefit increases. Potential increases are contingent on future benefit agreements and statutory average available financing requirements. Any future increases will be reflected at the time they are approved.

Summary of Actuarial Assumptions (Continued)

C. Demographic Assumptions

Mortality

Rates used in the July 1, 2016 Minnesota PERA Police & Fire Plan actuarial valuation as described below.

Healthy Pre-retirement: RP-2000 non-annuitant generational mortality projected with scale AA, white collar adjustment, male rates set back 2 years, female rates set back 2 years.

Healthy Post-retirement: RP-2000 annuitant generational mortality projected with scale AA, white collar adjustment, without age adjustments.

Disabled: RP-2000 healthy annuitant mortality table, white collar adjustment, set forward eight years for males and females.

Withdrawal

Select and ultimate rates used in the July 1, 2016 Minnesota PERA Police & Fire Plan actuarial valuation. Select rates are as follows:

First Year	Second Year	Third Year
8.0%	5.0%	3.5%

	Ultimate Rates	
Age	Male	Female
20	6.01%	6.01%
25	3.24%	3.24%
30	1.90%	1.90%
35	1.46%	1.46%
40	1.26%	1.26%
45	0.91%	0.91%
50	0.50%	0.50%
55	0.11%	0.11%
60	0.00%	0.00%

Summary of Actuarial Assumptions (Continued)

C. Demographic Assumptions (continued)

Disability

Age-related rates used in the July 1, 2016 Minnesota PERA Police & Fire Plan actuarial valuation. All incidences are assumed to be duty-related. Select rates are as follows:

Age	Rate
20	0.11%
25	0.13%
30	0.16%
35	0.19%
40	0.29%
45	0.54%
50	1.04%
55	2.03%
60	0.00%

Retirement

Active members

We have assumed 50% of active members will retire when reaching retirement eligibility (later of age 50 and 20 years of service); then 50% retire each subsequent year until 100% retirement at the earlier of age 65 or 30 years of service.

Age	With less than 20 years of service	With 20-29 years of service	With 30 years of service
50-64	0%	50%	100%
65	100%	100%	100%

Vested terminated members

The later of current age and age 50.

Beneficiary information

100% of members are assumed to have a beneficiary who will receive survivor benefits.

Spouse age difference

Wives are assumed to be 3 years younger than husbands.

Form of payment

All future retirees are assumed to elect a lump sum payment.

D. Changes Since Prior Valuation

The expected investment return and discount rate increased from 5.75% to 6.25% to reflect updated capital market models.

Selection of Economic Assumptions

The Actuarial Standards Board (ASB) provides coordinated guidance for measuring pension and retiree group benefit obligations through a series of Actuarial Standards of Practice (ASOPs).

One of the requirements of ASOP No. 27 is that the actuary disclose the rationale used in selecting each non-prescribed economic assumption and any changes to non-prescribed economic assumptions. The table below summarizes the rational for selecting the non-prescribed economic assumptions. The rationale for assumption changes, along with a description of the assumptions themselves, is included in the Actuarial Assumption section of the report.

Economic Assumptions (non-prescribed)	
Assumption	Rationale for Selecting Assumption
Discount rate	Per GASB guidance, the single rate that produces the same present value of expected benefit payments as (1) the expected long-term rate of return on plan assets during the period when projected assets are sufficient to pay future retiree benefits, and (2) the 20-year municipal bond rate after assets are projected to be exhausted.
Expected return on plan assets	Based on blend of expected asset class returns and current asset allocation. See the Long-Term Expected Investment Return section of this report for more details.
Inflation rate	Based on historical analysis of inflation rates and forward-looking market expectations.
Municipal bond index rate	Publicly available spot rate which meets the specified GASB 67/68 criteria.

Selection of Non-Economic Assumptions

The Actuarial Standards Board (ASB) provides coordinated guidance for measuring pension and retiree group benefit obligations through a series of Actuarial Standards of Practice (ASOPs). A revision of ASOP No. 35, Selection of Demographic and Other Noneconomic Assumptions for Measuring Pension Obligations, was adopted in September of 2014 and is effective for any actuarial work product with a measurement date on or after June 30, 2015.

One of the requirements of the revised ASOP No. 35 is that the actuary disclose the rationale used in selecting each non-prescribed non-economic assumption and any changes to non-prescribed non-economic assumptions. The table below summarizes the rationale for selecting the non-prescribed non-economic assumptions. The rationale for assumption changes, along with a description of the assumptions themselves, is included in the Actuarial Assumption and Methods section of the report.

Non-Economic Assumptions (non-prescribed)	
Assumption	Rationale for Selecting Assumption
Mortality	Rates used in the most recent Minnesota PERA Police & Fire Plan actuarial valuation.
Retirement	Due to limited plan-specific data, based on plan's earliest retirement age with allowance for some delayed retirements.
Termination of Employment	Rates used in the most recent Minnesota PERA Police & Fire Plan actuarial valuation.
Disability	Rates used in the most recent Minnesota PERA Police & Fire Plan actuarial valuation.
Percentage Married and Spouse Ages	Based on standard pension plan assumptions. These assumptions have an insignificant impact on plan costs.

Glossary of Selected Terms

This section provides the definitions of applicable terminology in the actuarial valuation, with references to both the Governmental Accounting Standards Nos. 67 (GASB 67) and 68 (GASB 68).

Actuarial Cost Method - a procedure for determining the actuarial present value of benefits and for developing an allocation of such value to time periods.

Actuarial Present Value of Benefits - the value of an amount or series of amounts payable or receivable at various times, determined as of a given date by the application of a set of actuarial assumptions.

Discount Rate - the interest rate used to adjust liabilities and obligations for the time value of money.

Fiduciary Net Position - The value of assets reported by the trustee.

Funding Method - The method used, when determining the (TPL), for allocating costs between past, current, and future years.

GASB Statement No. 67 - the Governmental Accounting Standards Board Statement Number 67 Financial Reporting for Pension Plans.

GASB Statement No. 68 - the Governmental Accounting Standards Board Statement Number 68 Accounting and Financial Reporting for Pensions.

Long-Term Expected Investment Return - the average expected asset return expected to be earned by the pension investments over time.

Measurement Date - the date as of which the Total Pension Liability and Fiduciary Net Position (assets) are measured.

Net Pension Liability - the difference between the accrued actuarial liability (Total Pension Liability) and pension assets (Fiduciary Net Position).

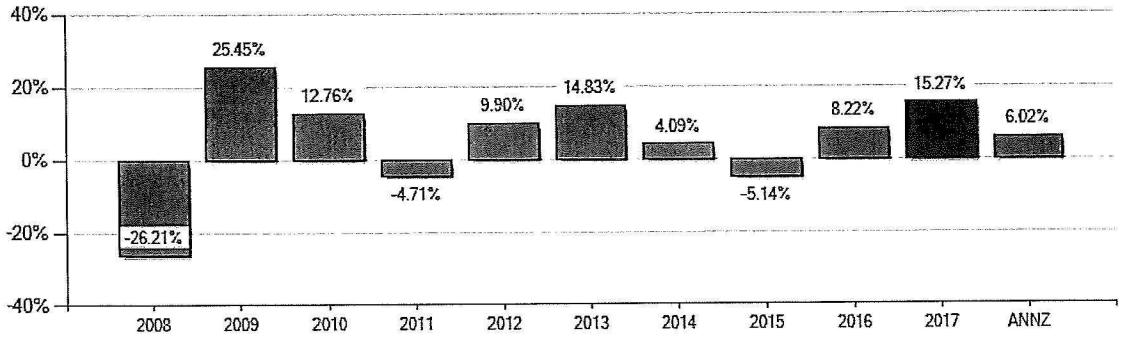
Net Position Restricted for Pensions - accounting terminology for pension plan assets.

Reporting Date - the plan's or employer's fiscal year end.

Service Cost - the portion of the actuarial present value which is allocated to the valuation year by the actuarial cost method.

Total Pension Liability (TPL) - the portion of the actuarial present value which is not provided for by future normal costs, determined under the actuarial cost method.

Valuation Date - the date as of which liabilities are calculated. Liabilities may be "rolled forward" from the Valuation Date to the Measurement Date.



Composite Performance from December 31, 2000 to December 31, 2017

Performance Inception Date Jul 30, 1998

Custom Period Net Time-Weighted ROR: 6.02%

Beginning Market Value (December 31, 2000)	**$3,090,537**
Total Net Flows	**-$1,471,344**
Invested Capital	**$1,619,193**
Appreciation/Depreciation	**$2,619,492**
Ending Market Value (December 31, 2017)	**$4,238,685**

Beginning Market Value includes Accrued Income of $546. Ending Market Value includes Accrued Income of $779. Appreciation/Depreciation includes Income of $1,182,656

Year	Net Time-Weighted ROR(%)	Beginning Market Value	Contributions	Withdrawals	Appreciation / Depreciation	Ending Market Value
2017	15.27	3,673,871	1,723,711	-1,715,978	557,079	4,238,685
2016	8.22	3,398,522	276,328	-275,664	274,686	3,673,871
2015	-5.14	3,505,392	729,061	-654,576	-181,354	3,398,522
2014	4.09	3,834,590	733,545	-1,207,621	144,878	3,505,392
2013	14.83	3,284,973	135,340	-71,551	485,828	3,834,590
2012	9.90	1,975,296	1,574,694	-513,853	248,836	3,284,973
2011	-4.71	2,763,405	299,182	-982,017	-105,274	1,975,296
2010	12.76	2,465,792	271,787	-281,162	306,987	2,763,405
2009	25.45	2,298,551	997,258	-1,300,877	470,861	2,465,792
2008	-26.21	2,837,395	617,678	-395,141	-761,381	2,298,551
2007	10.25	2,457,779	749,923	-621,446	251,138	2,837,395
2006	11.86	2,077,219	360,035	-232,569	253,093	2,457,779
2005	9.94	1,890,113	158,506	-154,311	182,911	2,077,219
2004	13.36	2,591,132	645,315	-1,579,816	233,482	1,890,113
2003	28.91	2,137,165	123,356	-257,287	587,898	2,591,132
2002	-8.37	2,673,576	224,517	-543,176	-217,753	2,137,165
2001	-3.83	3,090,537	318,508	-623,044	-112,425	2,673,576

Member Account Summary

Account	Name	Performance From Date	Performance To Date	Custom Time Period ROR(%)	Beginning Market Value	Contrib	With	Apprec/ Deprec	Ending Market Value
XXXX3562	BROOKLYN CENTER FIRE	04/15/2009	12/31/2017	8.15	332,247	2,300,670	-694,292	421,732	2,360,356
XXXX5082	BROOKLYN CENTER FIRE	04/15/2009	12/31/2017	14.5	200,000	350,000	-320,000	717,638	947,638
XXXX5179	BROOKLYN CENTER FIRE	03/11/2001	12/31/2017	8.96	200,000	349,806	-452,875	816,569	913,501
XXXX5038	BROOKLYN CENTER FIRE	12/31/2000	12/31/2017	1.97	3,090,537	4,623,142	-8,101,802	405,312	17,189
XXXX3111	BROOKLYN CENTER FIRE	08/01/2008	11/30/2017	N/A	500,000	851,876	-1,567,211	215,335	0
XXXX5777	BROOKLYN CENTER FIRE	04/21/2015	11/30/2017	N/A	350,000	45,118	-438,022	42,904	0

City Council Agenda Item No. 6f

COUNCIL ITEM MEMORANDUM

DATE: March 6, 2018

TO: Curt Boganey, City Manager

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

FROM: Mike Albers, Acting City Engineer

SUBJECT: Resolution Authorizing Acquisition of Easements for Brooklyn Boulevard Corridor Project Phase 1, Project No. 2018-05

Recommendation:
It is recommended that the City Council consider approval of a resolution authorizing acquisition of easements for Brooklyn Boulevard Corridor Project Phase 1, Project No. 2018-05.

Background:
On May 9, 2016, the City Council directed staff to proceed with the preliminary design, environmental documentation, easement acquisition and final design work for the Brooklyn Boulevard Corridor Project Phase 1 (49th Avenue to Bass Lake Road), Project No. 2018-05. This project is scheduled to be constructed in 2018.

The proposed reconstruction and streetscape improvements will improve roadway safety, enhance traffic operations, reduce access points and provide improved bicycle and pedestrian facilities for a 1.4-mile segment of the corridor in Brooklyn Center between 49th Avenue and Bass Lake Road (County Road 10). The project will enhance bicycle and pedestrian travel by adding a trail, improving sidewalks, transit stops, adding streetscaping and landscaping and improving the functionality of intersections with modified turn lanes.

In order to construct the improvements, permanent drainage, utility, sidewalk and trail easements and/or temporary construction easements are required from 37 separate parcels adjacent to the corridor. Parcel numbers are identified on the right-of-way plan prepared for the project. The City's consulting engineer, SRF Consulting Group, Inc., has been diligently working with the affected property owners to reach agreements to voluntarily convey the easements. Acquisition Agreement has been reached for the following parcel which requires City Council approval:

> Parcel No. 22 (PIN 10-118-21-14-0067): This parcel is located at 4938 Brooklyn Boulevard and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of $15,500.

To date, including the above parcel, we have acquisition agreements with 22 of the 37 parcels.

The City Attorney has reviewed all easement documents and concurs to the purpose and form of the easements.

COUNCIL ITEM MEMORANDUM

Budget Issues:
The Brooklyn Boulevard Corridor Project Phase 1 (49th Avenue to Bass Lake Road) is identified in the City's 2018 Capital Improvement Program and the total project cost is estimated to be $15,000,000. The total appraised value for all easements on the project are estimated to be approximately $470,000. The total value of the permanent easements and temporary construction easements for Parcel 22 is $15,500 which is being funded out of the Tax Increment Financing (TIF) District No. 2 Fund.

To date, including the above parcel, the total value of the permanent easements and temporary construction easements for the project is $208,293.20.

Strategic Priorities:
- Key Transportation Investments

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING ACQUISITION OF EASEMENTS FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1, PROJECT NO. 2018-05

WHEREAS, the City of Brooklyn Center and Hennepin County have planned the improvement of Brooklyn Boulevard between 49th Avenue and 59th Avenue within the City of Brooklyn Center, Minnesota in 2018; and

WHEREAS, a memorandum of agreement has been prepared between the City and the property owners for the acquisition of permanent drainage, utility, sidewalk and trail easements and/or temporary construction easements; and

WHEREAS, for full compensation for conveyance of said property, the City shall pay the owners of Parcel 22 (PIN 10-118-21-14-0067) the sum of $15,500 for land and damages; and

WHEREAS, said memorandum of agreements have been signed by the property owners and it is recommended for approval to the City Council.

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

1. The City Manager is hereby authorized to execute the memorandum of agreement for Parcel 22 for permanent easements and temporary construction easements that will be conveyed to the City, in the name of the City.

March 12, 2018
Date

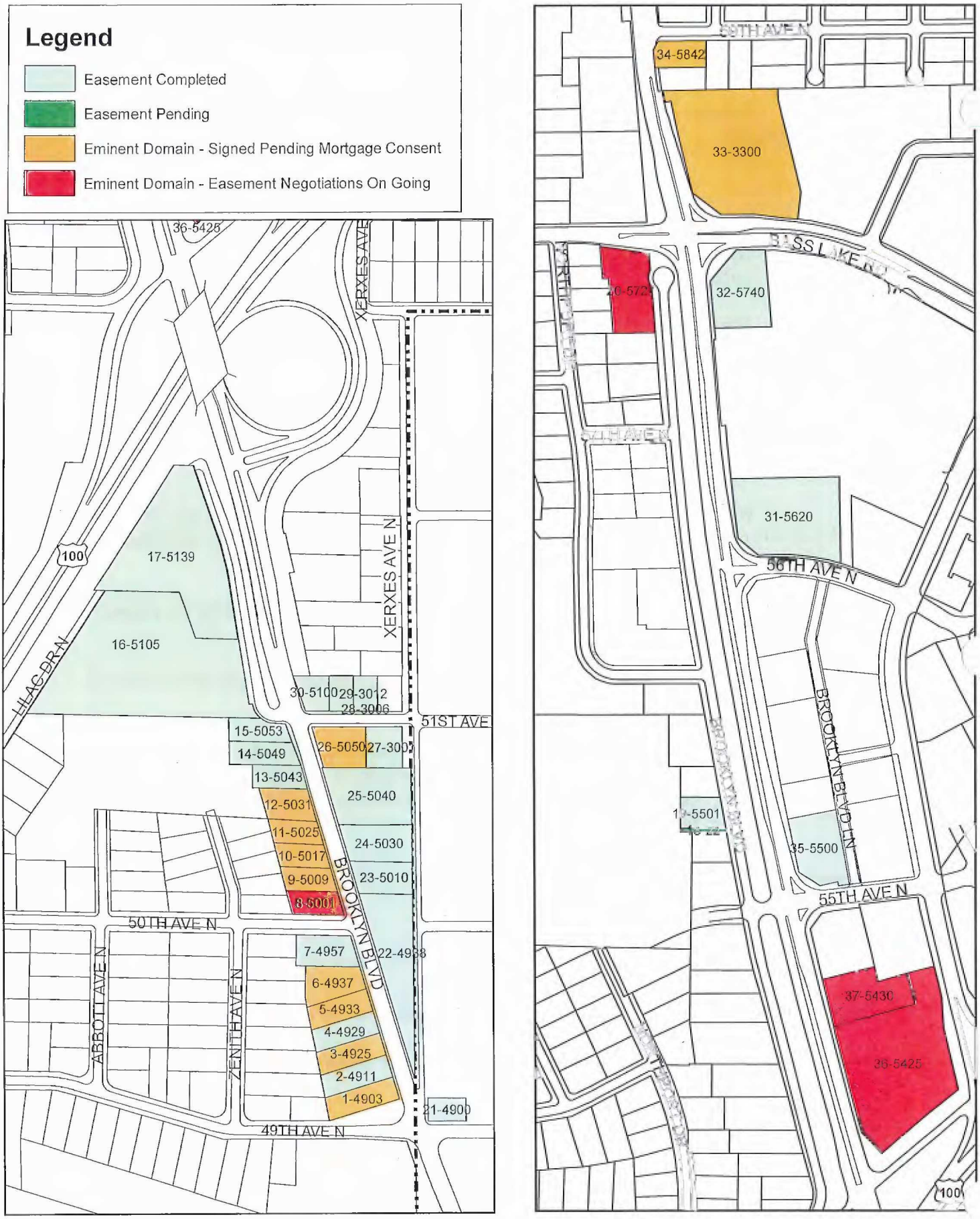
_____
Mayor

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 Boulevard Corridor Project Phase 1
Easement Status

3/5/18

SRF Consulting Group, Inc. | Engineers Planners Designers

MEMORANDUM OF AGREEMENT

BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT

Parcel No: 22
Fee Owners: Twin Lake Alano Society, Inc.

On this 15th day of February, 2018, Twin Lake Alano Society, Inc., a non-profit corporation organized under the laws of Minnesota, Owners of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center.

This agreement is now made and entered as a Memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

1. The Owners have been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owners understand that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin CSAH 152) Project.

2. The Owners understand and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.

3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owners the sum of $15,500.00 for land and damages. Owners understand that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.

4. Additionally: None

It is understood and agreed that the entire agreement of the parties is contained in this Memorandum of Agreement and that this Agreement supersedes all oral agreements and negotiations between the parties.

Owner(s)
Twin Lake Alano Society, Inc.

By: Kristina Foley

Its: Secretary

City of Brooklyn Center

By: _____

Its: _____

SRF Consulting Group, Inc. | Engineers Planners Designers

SRF No. 9354.0290

February 28, 2018

Mr. Mike Albers
Project Engineer
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PARCEL NO. 22
PROPERTY ADDRESS: ~~5030~~ 4938 BROOKLYN BLVD

Dear Mr. Albers:

Enclosed for your approval and recording are the acquisition documents for the above-referenced project and parcel. The executed documents include the following:

1) Executed Offer Letter
2) Value Calculation
3) Executed Appraisal Receipt and Disclosure
4) Executed Memorandum of Agreement
5) Executed Temporary Easement
6) Executed Payment Authorization
7) Executed W9 Form
8) Executed Satisfaction of Mortgage

Please remit payment as described on the Payment Authorization. Also, please send us a copy when the acquisition check is available. If you have questions, please feel free to contact me.

Sincerely,

SRF CONSULTING GROUP, INC.

Cindy Wiste

Cindy Wiste
Senior Associate

Enclosures

H:\Projects\09000\9354\RW\Parcel Files\Parcel 22- Twin Lake Alano Society\Settlement letter to client.doc

SRF Consulting Group, Inc. | ENGINEERS PLANNERS DESIGNERS

November 9, 2017

Twin Lake Alano Society, Inc.
c/o Donna Schultz-Davis
4938 Brooklyn Blvd
Brooklyn Center, MN 55429

SRF No. 9354.0290

SUBJECT: OFFER TO PURCHASE
BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PROPERTY ADDRESS: 4938 BROOKLYN BLVD
PARCEL NO.: 22

Dear Donna:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **$15,500.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

This offer is made pursuant to the Market Value Appraisal procedures provided for under Minnesota law. The City of Brooklyn Center previously, or with this offer, has provided you with a copy of *"Acquisition Information for Property Owners"* brochure.

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed $5,000.00 for the actual costs of an appraisal of property acquired by direct purchase.

If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst-case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding.

Your signature on this OFFER TO PURCHASE is only for the verification that such an offer has been made to you and verification that the *"Acquisition Information for Property Owners"* brochure has been received by you. Your signature below does not prejudice your right to have the final amount determined through eminent domain proceedings in the event you do not accept the offer.

On behalf of The City of Brooklyn Center and Hennepin County we wish to thank you for your cooperation and assistance and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,

SRF CONSULTING GROUP, INC.

Michael C. Iisakka

Mike Iisakka
Senior Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 10th day of November, 2017, this *Offer to Purchase* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

Twin Lake Alano Society, Inc.

By: Kristina Foley

Its: Secretary

SRF Consulting Group, Inc. | ENGINEERS PLANNERS DESIGNERS

SRF No. 9354.0290

VALUE CALCULATION

BROOKLYN BOULEVARD (HENNEPIN CSAH 152)

Parcel No.: 22

Fee Owners: Twin Lake Alano Society, Inc.

Legal Description of property to be acquired:

See Attached Exhibit A

ACQUISITION INFORMATION

Drainage and Utility Easement:	419 square feet
Temporary Construction Easement:	5,547 square feet

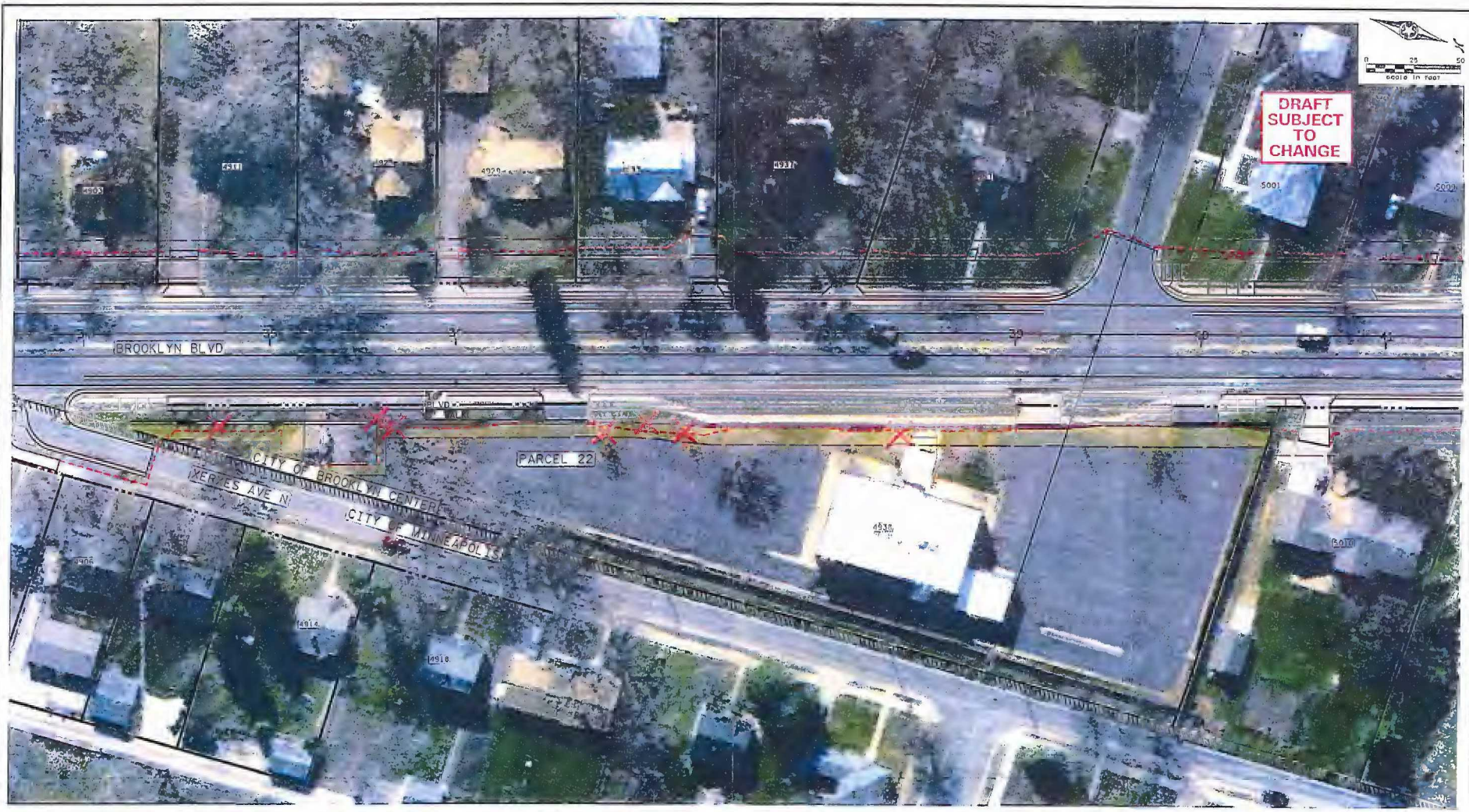
VALUATION

Land Value Before Taking	= $144,200.00
Land Value After Taking	= $143,000.00
Indicated Damages	= $ 1,200.00
Plus: Temporary Easement	= $ 2,400.00
Affected Improvements	= $ 11,900.00
TOTAL (rounded)	**= $ 15,500.00**

EXHIBIT A

A perpetual easement for drainage, utility and sidewalk purposes over, under, across and through that part of Lot 1, Block 1, TWIN LAKE ALANO ADDITION, Hennepin County, Minnesota lying westerly of a line described as beginning at the intersection of the north line of said Lot 1 with a line run parallel with and distant 11.00 feet easterly from the west line of said Lot 1; thence southeasterly along said parallel line a distance of 93.40 feet; thence southeasterly deflecting to the left 05 degrees 49 minutes 12 seconds to the intersection with a line run parallel with and distant 13.00 feet easterly from the west line of said Lot 1; thence southeasterly along said parallel line a distance of 189.25 feet; thence southerly deflecting to the right 05 degrees 36 minutes 00 seconds to the intersection with a line run parallel with and distant 11.00 feet easterly from the west line of said Lot 1; thence southeasterly along said parallel line to the south line of said Lot 1 and there terminating.

A temporary easement for construction purposes over, under, across and through that part of Lot 1, Block 1, TWIN LAKE ALANO ADDITION, Hennepin County, Minnesota described as beginning at the intersection of the north line of said Lot 1 with a line run parallel with and distant 11.00 feet easterly from the west line of said Lot 1; thence southeasterly along said parallel line a distance of 93.40 feet; thence southeasterly deflecting to the left 05 degrees 49 minutes 12 seconds to the intersection with a line run parallel with and distant 13.00 feet easterly from the west line of said Lot 1; thence southeasterly along said parallel line a distance of 189.25 feet; thence southerly deflecting to the right 05 degrees 36 minutes 00 seconds to the intersection with a line run parallel with and distant 11.00 feet easterly from the west line of said Lot 1; thence southeasterly along said parallel line to the south line of said Lot 1; thence easterly along said south line to the southeast corner of said Lot 1; thence northerly along the east line of said Lot 1 to the intersection with a line run parallel with and distant 19.00 feet easterly from the west line of said Lot 1; thence northwesterly along said parallel line a distance of 56.70 feet; thence northeasterly deflecting to the right 90 degrees 00 minutes 00 seconds to the east line of said Lot 1; thence northerly along said east line a distance of 10.35 feet; thence northwesterly parallel with the west line of said Lot 1 a distance of 51.65 feet; thence southwesterly deflecting to the left 90 degrees 00 minutes 00 seconds to the intersection with a line run parallel with and distant 18.00 feet easterly from the west line of said Lot 1; thence northwesterly along said parallel line a distance of 132.85 feet; thence northerly deflecting to the right 05 degrees 36 minutes 00 seconds to the intersection with a line run parallel with and distant 22.00 feet easterly from the west line of said Lot 1; thence northwesterly along said parallel line to the north line of said Lot 1; thence westerly along said north line to the point of beginning.



LEGEND

- EXISTING RIGHT OF WAY
- CONST. LIMITS
- PROPOSED FEATURES
- TEMP EASEMENT
- TREE REMOVAL

AREAS (SQ FT)		
D&U, S/T EASE	NEW PE	TE
419		5547

4938 BROOKLYN BLVD
PID: 1011821140067
SP 109-020-013

PARCEL #22

10/25/2017

SRF Consulting Group, Inc. | Engineers Planners Designers

Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin CSAH 152) Project County: Hennepin

Property Address: 4938 Brooklyn Blvd, Brooklyn Center, MN 55429 Parcel No: 22

Owner(s): Twin Lake Alano Society, Inc.

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated September 7, 2017.

Minnesota law also provides that the owner of the affected property may acquire his/her own independent appraisal for the proposed acquisition and that the governmental agency must reimburse for reasonable costs of the appraisal fee incurred by the owner up to a maximum of $1,500 for single family and two-family residential property and minimum damage acquisition, and up to a maximum of $5,000 for other types of property. In order to be entitled to reimbursement, the owner must comply with the following:

1. The owner's appraisal must be prepared by a qualified appraiser who is licensed under Minnesota appraisal licensing laws.
2. Payment for the appraisal will be reimbursed within 30 days after receiving a copy of the appraisal and the paid receipt from the appraiser. (Upon agreement between the acquiring authority and the owner, the acquiring authority may pay the reimbursement directly to the appraiser.)

If you choose to obtain your own appraisal, we would request that the appraiser be instructed to provide you with two copies of his/her appraisal report.

Please feel free to contact the undersigned agent with any questions you might have. Thank you for your cooperation.

Appraisal received this 10th day of November, 2017

Owner(s):
Twin Lake Alano Society, Inc.

By: Kristina Fogg

Its: Secretary

SRF Consulting Group Inc.

Contact: Mike Iisakka
Address: One Carlson Pkwy N., Suite 150
Minneapolis, MN 55447
Phone: 763-249-6775

City Council Agenda Item No. 6g

COUNCIL ITEM MEMORANDUM

DATE: March 6, 2018

TO: Curt Boganey, City Manager

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

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

SUBJECT: An Ordinance Relating to Activities Within the Right-of-Way; Amending City Ordinance Section 25-1000

Recommendation:
It is recommended that the City Council consider approval of an Ordinance Relating to Activities Within the Right-of-Way; Amending City Ordinance Section 25-1000.

Background:
Significant changes in the wireless industry and its related shared wireless infrastructures, along with consumer demand for fast and reliable service on mobile devices, have fueled a frenzy of requests for large and small cell site development and/or deployment. As a part of this, cities find themselves facing cell industry arguments that federal law requires cities to approve tower siting requests.

Private for-profit small cell wireless (SCW) carriers represent the continuation of their nationwide goal to limit cities' authority to protect the public interest and to influence where SCW technology is installed. The effort also seeks to circumvent Federal and State courts that have consistently agreed that local governments retain their regulatory authority and, when faced with making decisions on placement of towers, antenna or new telecommunication service equipment on City facilities, that cities have the same rights as private individuals have to deny or permit placement of a cellular tower on their property.

In Minnesota, to clear up confusion about whether wireless providers represent telecommunications right-of-way users under state law and to address concerns about deployment of small wireless technology, the Legislature amended Minnesota's Right-of-Way User statutes, or Minnesota ROW Law, in the 2017 legislative session to specifically address small wireless facilities and the support structures on which those facilities may attach.

Because of these amendments, effective May 31, 2017, additional specific state statutory provisions apply when cities, through an ordinance, manage their rights-of-way, recover their right-of-way management costs (subject to certain restrictions) and charge rent for attaching to city-owned structures in public rights-of-way. Rent, however, is capped for collocation of small wireless facilities. State law defines "collocate" or "collocation" as a means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure that is owned privately or by a local government unit.

COUNCIL ITEM MEMORANDUM

Because of the recent significant changes in state law and specific requirements for deployment of small wireless facilities that do not apply to other telecommunications right-of-way users, cities should work with their City Attorneys to review and update their ordinances.

City staff has been working with the City Attorney to revise the Right-of-Way Ordinance to meet the requirements of the state statues regarding right-of-way while still protecting the City rights to manage their own right-of-way.

The Planning Commission reviewed the ordinance changes on February 28, 2018. The Planning Commission has an understanding of the need for the ordinance change and has no recommendations. Consistent with the City Charter, a first reading to establish a date for a second reading and public hearing to consider the proposed ordinance is requested for April 9, 2018.

Budget Issues:
There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

Notice is hereby given that a Public Hearing will be held on the _____ day of _____ 2018 at 7 p.m. or as soon thereafter as the matter may be heard at the City Hall, 6301 Shingle Creek Parkway, to consider an ordinance requiring City licenses for transient accommodations.

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

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE RELATED TO THE REGULATION OF RIGHT OF WAY MANAGEMENT

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

Section 1. Brooklyn Center City Code, Chapter 25 is amended by deleting the ~~stricken language~~ and inserting the double-underlined language as follows:

RIGHT-OF-WAY MANAGEMENT

Section 25-1000. FINDINGS AND PURPOSE. To provide for the health, safety and well-being of its citizens, and to ensure the structural integrity of its streets and the appropriate use of the rights-of-way, the City strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances. Although the general population bears the financial burden for the upkeep of the rights-of-way, a primary cause for the early and excessive deterioration of its rights-of-way is frequent excavation.

Right-of-way obstruction is a source of frustration for merchants, business owners and the general population which must avoid these obstructions or change travel or shopping plans because of them and has a detrimental effect on commerce. Persons whose facilities are within the right-of-way are the primary cause of these frequent obstructions.

The City holds the rights-of-way within its geographical boundaries as an asset in trust for its citizens. The City and other public entities have invested millions of dollars in public funds to build and maintain the rights-of-way. It also recognizes that some persons, by placing their facilities in the right-of-way and charging the citizens of the City for goods and services delivered thereby, are using this property held for the public good. Although such services are often necessary or convenient for the citizens, such persons receive revenue and/or profit through their use of public property.

In response to the foregoing facts, the City has enacted this Right-of-Way Management Ordinance relating to right-of-way permits and administration. This Ordinance imposes reasonable regulations on the placement and maintenance of facilities currently within its

rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this ordinance, persons disturbing and obstructing the rights-of-way will bear a fair share of the financial responsibility for their integrity. Finally, this Ordinance provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

Section 25-1001. DEFINITIONS. The following definitions apply to the Right-of-Way Management Ordinance of this Code. Unless used in a context which indicates otherwise, defined terms remain defined terms whether or not capitalized.

a. "Applicant" means any person requesting permission to excavate or obstruct a right-of-way.

b. "City" means the City of Brooklyn Center, Minnesota. For purposes of Section 25-~~1026~~1027, city includes its elected officials, officers, employees and agents.

c. "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 or utility pole that is owned privately, or by the city or other governmental unit.

d. "City Cost" means the actual cost incurred by the City for public rights-of-way management; including but not limited to costs associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; creating information and maintaining information on a geographical information system (GIS) mapping system; degradation costs; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during public right-of-way work; providing traffic control due to applicant's neglect or inadequate performance; determining the adequacy of right-of-way restoration; restoring work inadequately performed; and revoking right-of-way permits and performing all other tasks required by this Right of Way Management Ordinance, including other costs the city may incur in managing the provisions of this Right of Way Management Ordinance.

e. "Construction Performance Bond" means any of the following forms of security provided at the permittee' s option:

1. Individual project bond ;
2. Cash deposit ;
3. Security of a form listed or approved under Minn. Stat.,§ 15.73, subdivision 3;
4. Letter of credit, in a form acceptable to the Director;
5. Self-insurance, in a form acceptable to the Director;
6. A blanket bond for projects within the City, or

7. Other forms for a construction bond, for a time specified and in a form acceptable to the Director.

f. "Degradation" means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

g. "Degradation cost" means the cost to achieve a level of restoration as determined by the City at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules 7819.9900 to 7819.9950.

h. "Delay Penalty" means the penalty imposed as a result of unreasonable delays in right-of- way construction.

i. "Department" means the Department of Public Works of the City.

j. "Department Inspector" means any person authorized by the Director to carry out inspections related to the provisions of this Right of Way Management Ordinance.

k. "Director" means the City Manager, or her or his designee.

l. "Emergency" means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement in order to restore service to a customer.

m. "Equipment" means any tangible asset used to install, repair, or maintain facilities in any right-of-way.

n. "Excavate" means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way, except horticultural practices of penetrating the boulevard area to a depth of less than 12 inches.

o. "Excavation Permit" means the permit which must be obtained before a person may excavate in a right-of-way. An excavation permit allows the holder to excavate that part of the right of way described in such permit.

p. "Excavation Permit Fee" means money paid to the City by an applicant to cover the costs as provided in Section 25-~~1009~~1010.

q. "Facility" means any tangible asset in the right-of-way required to provide Utility Service, but shall not include boulevard plantings or gardens planted or maintained in the right of way between a person's property and the street edge or curb.

r. "In," when used in conjunction with "right-of-way," means over, above, in, within, on or under a right-of-way.

s. "Local Representative" means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this Right-of-Way Management Ordinance.

t. "Management Costs" means the actual costs the city incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small wireless facility permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, unreasonable fees of a third-party contractor used by the city including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the city, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statutes, Sections 237.162 or 237.163; or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to Section 1.30 of this chapter.

u. "Obstruct" means to place any object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

v. "Obstruction Permit" means the permit which must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way by placing equipment described therein on the right-of-way for the duration specified therein.

w. "Obstruction Permit Fee" means money paid to the City by a registrant to cover the costs as provided in Section 25-~~1009~~ 1010.

x. "Permittee" means any person to whom a permit to excavate or obstruct a right-of-way has been granted by the City under this Right of Way Management Ordinance.

y. "Person" means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity which has or seeks to have equipment in any right-of-way.

z. "Public Right of Way" or "Right of Way" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

aa. "Registrant" means any person who (1) has or seeks to have its equipment located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or any equipment in the right-of-way.

bb. "Repair" means the temporary construction work necessary to make the right-of-way useable for travel.

cc. "Restore or Restoration" means the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition that existed before the commencement of the work.

dd. "Restoration Cost" means an amount of money paid to the City by a permittee to cover the cost of restoration.

~~ee. "Right-of-Way" means the surface and space above and below a right-of-way for public roadway, highway, street, cartway, bicycle lane and public sidewalk purposes in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city.~~

ff. "Right-of-Way Management Ordinance" means Sections 25-1000 through 25-1032 of this Code.

gg. "Right-of-Way Permit" means either the excavation permit or the obstruction permit, or both, depending on the context, required by this Right-of-Way Management Ordinance.

hh. "Right-of-Way User" means:
   a. A telecommunications right-of-way user as defined by Minn. Stat. § 237.162, subdivision 4; or
   b. A person owning or controlling a facility in the public right-of-way that is used or is intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

ii. "Service" or "Utility Service" includes but is not limited to (1) those services provided by a public utility as defined in Minnesota Statutes 3 216B.02,

Subdivisions 4 and 6; (2) telecommunications, pipeline, community antenna television, fire and alarm communications, water, electricity, light, heat, cooling energy, or power services; (3) the services provided by a corporation organized for the purposes set forth in Minnesota Statutes 3 300.03; (4) the services provided by a district heating or cooling system, and (5) cable communications systems as defined in Minnesota Statutes Chapter 238.

jj. "Small Wireless Facility" means a wireless facility 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 could fit within such an enclosure; and

(ii) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including 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.

kk. "Supplementary Application" means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that has already been issued.

ll. "Telecommunications Right of Way User" means a person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minnesota Statutes, Chapter 238, and telecommunication activities related to providing natural gas or electric energy services, whether provided by a public utility as defined in Minnesota Statutes, Section 216B.02, a municipality, a municipal gas or power agency organized under Minnesota Statutes, Chapter 453 and 453A, or a cooperative electric association organized under Minnesota Statutes, Chapter 308A, are not telecommunications right-of-way users for purposes of this chapter except to the extent such entity is offering wireless service.

mm. "Unusable Facilities" means facilities in the right-of-way which has remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using it within the next twelve (12) months or a potential purchaser or user of the facilities.

nn. "Utility Pole" means a pole that is used in whole or in part to facilitate telecommunications or electric service.

oo. "Wireless Facility" means equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, or a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

pp. "Wireless Service" means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

qq. "Wireless Support Structure" means a new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

Section 25-1002. ADMINISTRATION. The City Manager is the principal City official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The Manager may delegate any or all of the duties hereunder.

Section 25-1003. REGISTRATION AND RIGHT-OF-WAY OCCUPANCY.

Subdivision 1. Registration. Each person who occupies, uses, or seeks to occupy or use, the right-of-way or any facilities in the right-of-way, including by lease, sublease or assignment, or who has, or seeks to have, facilities are any right-of-way must register with the Director. Registration will consist of providing application information and paying a registration fee. A person who pays a franchise fee to the City in accordance with a franchise agreement shall be exempt from the payment of permit fees if so provided in the franchise. If the work is to be performed by an agent, contractor or subcontractor on behalf of a registrant, such application shall also be signed or pre-authorized by the registrant.

Subdivision 2. Registration Prior to Work. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right-of-way without first being registered with the Director.

Subdivision 3. Exceptions. Nothing herein shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or

gardens in the area of the right-of-way between their property and the street curb provided and such use is subject to the use of the right-of-way by the City or other Persons for installation and maintenance of facilities. Persons planting or maintaining boulevard plantings or gardens or installing or operating irrigation systems shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this Right-of-Way Management Ordinance. However, excavations deeper than 12 inches are subject to the permit requirements of section 25-1006. Registration shall not be required for:

a. Private driveways or walkways
b. Sewer and water connections serving individual properties
c. Equipment of private landowner which is within the right-of-way and between that owner's property and the street curb
d. Signs
e. Mailboxes
f. Street furnishings
g. Bus stop benches
h. Bus stop shelter
i. Use by private landowners of utility easement areas for Facilities that are not inconsistent with the rights of parties entitled to use the easement

Any Service or Utility Service provided by a person under a franchise with the City shall register pursuant to this Section, but need not provide the registration information required by Section 25-1004 if such information has been received by the City in the administration of the franchise agreement. In addition, Persons acting as agents, contractors or subcontractors for a registrant which has properly registered or who is exempt from registration shall be exempt from registering under Section 25-1004.

Section 25-1004. REGISTRATION INFORMATION.

Subdivision 1. Information Required. The information provided to the Director at the time of registration shall include, but not be limited to:

a. Each registrant's name, Gopher One-Call registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers.

b. The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

c. Such other information as the City may require including, but not limited to, proof of adequate public liability insurance.

Subdivision 2. Notice of Changes. The registrant shall keep all of the information listed above current at all times by providing to the Director information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

Section 25-1005. REPORTING OBLIGATIONS.

Subdivision 1. Operations. Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan with the Director. Such plan shall be submitted using a format designated by the Director and shall contain the information determined by the Director to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way. Reporting shall not be required for projects which are to be undertaken only in conjunction with city projects.

The plan shall include, but not be limited to, the following information:

a. The locations and the estimated beginning and ending dates of all Projects to be commenced during the next calendar year (in this Section, a "Next-year Project"); and

b. The tentative locations and estimated beginning and ending dates for all Projects contemplated for the five years following the next calendar year (in this Section, a "Five Year Project").

The term "project" in this Section shall include both Next-year Projects and Five-year Projects. By January 1 of each year the Director will have available for inspection in the Director's office a composite list of all Projects of which the Director has been informed in the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

Thereafter, by February 1, each registrant may change any Project in its list of Next-year Projects, and must notify the Director and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a Next-year Project of another registrant listed by the other registrant.

Subdivision 2. Additional Next-year Projects. Notwithstanding the foregoing, the Director may, for good cause shown, allow a registrant to submit additional Next-year Projects. Good cause includes, but is not limited to, the criteria set forth in Section 25-~~1014~~1015 concerning the discretionary issuance of permits.

Section 25-1006. PERMIT REQUIREMENT.

Subdivision 1. Permit Required. Except as otherwise provided in this Code, no person may obstruct or excavate any right-of-way, or install or place facilities in the right-of-way, without first having obtained the appropriate right-of-way permit from the Director to do so.

a. Excavation permit. An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing equipment described therein, to the extent and for the duration specified therein.

b. Obstruction permit. An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing facilities described therein on the right-of-way, to the extent and for the duration specified therein. An Obstruction Permit is not required if a Person already possesses a valid Excavation Permit for the same work period.

c. Small wireless facility permit. A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion of the right-of-way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

d. Exceptions. A permit shall not be required for:

~~a.~~ 1. Signs
~~b.~~ 2. Mailboxes
~~c.~~ 3. Street furnishings
~~d.~~ 4. Bus stop benches
~~e.~~ 5. Bus stop shelter
~~f.~~ 6. Use by private landowners of utility easement areas for Facilities that are not inconsistent with the rights of parties entitled to use the easement

Subdivision 2. Permit Extensions. No person may work in or obstruct the right-of-way beyond the date specified in the permit or do any work beyond that specified in the permit unless such person makes a supplementary application for an extension or modification of the work specified in the permit before expiration of the permit, pays a permit extension fee and is granted a permit extension by the Director. The Director may extend the completion of scope of the work if the specified work could not be done because of circumstances beyond the control of the permit holder.

Subdivision 3. Delay Penalty. Notwithstanding Subdivision 2 of this Section, even if a new permit or permit extension is granted, the Director shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, repair, or restoration.

Subdivision 4. Permit Display. Permits issued under this Chapter shall be conspicuously displayed at all times at the indicated work site and shall be available for inspection by the Director.

Subdivision 5. Antenna Support Structures. Except as otherwise provided, ~~N~~no permits will be issued for the erection of structures in the right-of-way for the sole purpose of supporting telecommunications antennas. Permits may be granted for the attachment of telecommunication antennas and ancillary wires and accessories to existing structures in the right-of-way, subject to the following conditions:

a. The height of the antenna and related equipment may not extend more than six feet above the top of the previously existing support structure, and

b. No antennas may be permitted that have associated or ancillary on-ground equipment in any residential district of the City, and

c. The permission of the owner must be demonstrated, and

d. Design and location of facilities are subject to review and approval of the Director.

Section 25-1007. **PERMIT APPLICATIONS.** Application for a permit is made to the Director. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

a. Registration with the Director pursuant to this Chapter;

b. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the specific location and area of the proposed project and the detailed location of all existing and proposed equipment;

c. Payment of all money due to the City for

1. permit fees and costs, and any required deposit;

2. prior obstructions or excavations;

3. any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City;

4. franchise fees, if applicable.

d. When an excavation permit is requested for purposes of installing additional facilities, and the posting of a construction performance bond for the additional facilities is insufficient, the posting of an additional or larger construction performance bond for the additional facilities may be required.

Section 25-1008. ISSUANCE OF PERMIT; CONDITIONS.

Subdivision 1. Permit Issuance. If the Director determines that the applicant has satisfied the requirements of this Chapter, the Director shall issue a permit.

Subdivision 2. Conditions. The Director may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the public health, safety and welfare, to ensure the structural integrity of the right-of-way, to protect the property and safety of other users of the right-of-way, and to minimize the disruption and inconvenience to the traveling public.

Subdivision 3. Small Wireless Facility Conditions. In addition to subdivision 2, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the all of the following conditions:

a. A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.

b. No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.

c. No wireless facility may extend more than 10 feet above its wireless support structure.

d. Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.

e. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance, or intended purpose of such structure.

f. Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

Subdivision 4. Small Wireless Facility Agreement. A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of the following:

a. Up to $150 per year for rent to collocate on the city structure;

b. $25 per year for maintenance associated with the collocation;

c. A monthly fee for electrical service as follows:

1. $73 per radio node less than or equal to 100 maximum watts;

2. $182 per radio node over 100 maximum watts; or

3. The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant.

Subdivision 5. Standards for Construction or Installation. The requirements and standards for facility construction or installation are contained in the General Requirements as specified by the Director. The Director may assign or prohibit specific locations for facilities within the right-of-way, or any particular segment thereof, and may limit the height of above-ground facilities. All excavation, obstruction, or other permits issued by the Director involving the installation or replacement of facilities shall designate the proper location for the facility at issue. The Director may deny a permit application, as provided in Section 25-~~1014~~ 1014, in the event the proposed location of such facilities is not consistent with the location required by the Director. The Director may revoke a permit, as provided in Section 25-1019, in the event the facilities are installed in a location that is inconsistent with the location designated in the applicable permit.

Any registrant whose facilities were previously located in the right-of-way in a position at variance with the locations established by the Director shall, no later than at the time of the next reconstruction or excavation of the area where its facilities are located, move that facility

to its assigned position within the right-of-way, unless this requirement is waived by the Director for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

Section 25-1009. ACTION ON SMALL WIRELESS FACILITY PERMIT APPLICATION.

Subdivision 1. Deadline for Action. The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this Section.

Subdivision 2. Consolidated Applications. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

a. Are located within a two-mile radius;

b. Consist of substantially similar equipment; and

c. Are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

Subdivision 3. Tolling of Deadline. The 90-day deadline for action on a small wireless facility permit application may be tolled if:

a. The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension.

b. The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.

c. The city and a small wireless facility applicant agree in writing to toll the review period.

Section 25-~~10091~~1010. PERMIT FEES.

Subdivision 1. Excavation Permit Fee. The Excavation Permit Fee shall be established by the Director in an amount designed to recover the City Management Costs.

Subdivision 2. Obstruction Permit Fee. The Obstruction Permit Fee shall be established by the director and shall be in an amount designed to recover the City Management Cost.

Subdivision 3. Small Wireless Facility Permit Fee. The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

a. Management costs; and

b. City engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

Subdivision 4. Deposit. The Director may require that a permit application be accompanied by a deposit, in addition to the Permit Fee and Construction Performance Bond, in an amount established by the Director in order to offset any City costs that exceed the amount covered by the Permit Fee. Such additional City costs may include, but are not limited to, inspection costs for consultants or independent contractors, legal fees, and other out of pocket expenses, degradation costs, or restoration costs. The permit fee will cover City staff time spent in the administration of the permit process and in inspection activities.

The Director may require an applicant to submit a single deposit in an amount intended to cover all City costs which the Director determines may be incurred during the subsequent twelve (12) month period based on an applicant's construction and major maintenance plan filed in accordance with Section 25- 1005. The Director shall approve all expenses charged against the deposit, and the unused portion thereof shall be returned to the applicant. The Director may periodically require that the deposit amount be replenished as expenses are charged against the deposit. The permit application shall further state that the applicant agrees to reimburse the City for any City costs incurred by the City in excess of the amount of the deposit.

Subdivision 5. Payment of Permit Fees. No excavation permit or obstruction permit shall be issued without payment of such fees before the issuance of such a permit.

Subdivision 6. Non refundable. Permit fees that were paid for a permit that the Director has revoked for a breach as stated in Section 25-1019 are not refundable.

Subdivision 7. Use of Permit Fees. All obstruction, ~~and~~ excavation, and small wireless facility permit fees shall be used solely for city management, construction, maintenance and repair costs of the right-of-way.

Section 25-~~1010~~ 1011. RIGHT-OF-WAY REPAIR AND RESTORATION.

Subdivision 1. Timing. The work to be done under the excavation permit, and the repair and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done as determined by the Director because of extraordinary circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under Section 25-1003.

In addition to repairing its own work, the permittee must restore the general area of the work, and the surrounding areas, including the paving and its foundations, to the same condition that existed before the commencement of the work and must inspect the area of the work and use reasonable care to maintain the same condition for twelve (12) months following acceptance by the city.

Subdivision 2. Repair and Restoration. Permittee shall repair and restore its own work. The permittee shall at the time of application for an excavation permit post a construction performance bond in an amount determined by the Director to be sufficient to cover the cost of restoring the right-of-way to its pre-excavation condition. If, twelve (12) months after completion of the restoration of the right-of-way, the Director determines that the right-of-way has been properly restored, the surety on the construction performance bond shall be released. Permittees with whom the City has a current franchise agreement, or authorized agents, contractors, or subcontractors of that franchise shall not be required to post a construction performance bond.

Subdivision 3. Standards. The permitted shall perform repairs and restoration according to the standards and with the materials specified by the Director. The Director shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis . The Director in exercising this authority shall be guided by the following standards and considerations.

a. The number, size, depth and duration of the excavations, disruptions or damage to the right-of-way;

b. The traffic volume carried by the right-of-way; the character of the neighborhood surrounding the right-of-way;

c. The pre-excavation condition of the right-of-way; the remaining life expectancy of the right-of-way affected by the excavation;

d. Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the right-of-way that would otherwise result from the excavation, disturbance or damage to the right-of-way; and

e. The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right-of-way that would otherwise take place.

Subdivision 4. Guarantees. The permittee guarantees its work and shall maintain it for twelve (12) months following its completion. During this 12-month period it shall, upon notification from the Director, correct all restoration work to the extent necessary, using the method required by the Director. Said work shall be completed within five (5) calendar days of the receipt of the notice from the Director, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under Section 25-~~1013~~ 1014.

Subdivision 5. Failure to Restore. If the Permittee fails to restore the right-of-way in the manner and to the condition required by the Director, or fails to satisfactorily and timely complete all restoration required by the Director, the Director at its option may do such work. In that event the permittee shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

Section. 25-~~1011~~ 1012. JOINT APPLICATIONS.

Subdivision 1. Joint Application . Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

Subdivision 2. With City Projects. Registrants who join in a scheduled obstruction or excavation performed by the Director, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the obstruction portion of the permit fee for that part of the work which falls within the city project construction limits. The obstruction portion of the fee will be required for work which occurs outside of the city project construction limits and for work within such construction limits which is not completed by the city project completion date.

Subdivision 3. Shared Fees. Registrants who apply for permits for the same obstruction or excavation, which the Director does not perform, may share in the payment of the obstruction or excavation permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

Section 25-~~1012~~ 1013. SUPPLEMENTARY APPLICATIONS.

Subdivision 1. Limitation on Area. A right-of-way permit is valid only for the area of the right-of-way specified in the permit, which shall not exceed one (1) lineal mile of right-of-way. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension. The total area for which a permittee shall be permitted at any one time, pursuant to multiple permits or permit extensions, shall not exceed three (3) lineal miles of right-of-way.

Subdivision 2. Limitation on Dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be done before the permit end date.

Section 25-~~1013~~ 1014. OTHER OBLIGATIONS.

Subdivision 1. Compliance With Other Laws. Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, County, State, or Federal rules, laws or regulations. A permittee shall comply with all requirements of local, state and federal laws, including Minnesota Statutes §§ 216D.01 -.09 ("One Call Excavation Notice System"). A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

Subdivision 2. Prohibited Work. Except in an emergency, and with the approval of the Director, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subdivision 3. Interference with Right-of-Way. A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles may not be parked within or next to a permit area unless authorized by the Director. The loading or unloading of trucks next to a permit area is prohibited unless specifically authorized by the permit.

Section 25-~~1014~~ 1015. DENIAL OF PERMIT.

Subdivision 1. The Director may deny a permit for failure to meet the requirements and conditions of this Right-of-Way Management Ordinance, if the Director determines that denial is necessary to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way or when necessary to protect the right- of-way and its current use. The Director, in his/her discretion, may consider factors including:

a. the extent to which right-of-way space where the permit is sought if available;

b. the competing demands for the particular space in the right-of-way;

c. the availability of other locations in the right-of-way or in other rights-of-way for the equipment of the permit application;

d. the applicability of ordinance or other regulations of the right-of-way that affect location of equipment in the right-of-way;

e. the degree of compliance of the applicant with the terms and conditions of its franchise, this Right-of-Way Management Ordinance, and other applicable ordinances and regulations;

f. the degree of disruption to surrounding communities and businesses that will result from the use of that part of the right-of-way;

g. the condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction ; and

h. the balancing of the costs of disruption to the public and damage to the right-of-way, against the benefits to that part of the public served by the expansion into additional parts of the right-of-way.

i. If, in the discretion of the Director, the issuance of a permit for the particular date and/or time would cause a conflict or interfere with an exhibition, celeb ration, festival, or any other event.

Subdivision 2. Procedural Requirements. The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

Section 25-~~1015~~1016. INSTALLATION REQUIREMENTS. The excavation, backfilling, repair and restoration, and all other work performed in the right-of-way shall be done in conformance with the Brooklyn Center Standard Design Plates as promulgated by the Director and at a location as required by Section 25-1021.

Section 25-~~1016~~1017. INSPECTION.

Subdivision 1. Notice of Completion. The permittee shall notify the Director upon the completion of the work under any permit and at any stage of the work of the project specified in the permit or standard specifications of the city.

Subdivision 2. Site Inspection. Permittee shall make the work-site available to the Director and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subdivision 3. Authority of Director. At the time of inspection the Director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public. The Director may issue an order to the registrant for any work which does not conform to the applicable standard s, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the registrant shall present proof to the Director that the violation has been corrected. If such proof has not been presented within the required time, the Director may revoke the permit pursuant to Section 25- 1019.

Section 25-~~1017~~1018. WORK DONE WITHOUT A PERMIT.

Subdivision 1. Emergency Situations. Each registrant shall immediately notify the Director of any event regarding its facilities which it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the registrant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Right-of-Way Management Ordinance for the actions it took in response to the emergency.

If the Director becomes aware of an emergency regarding a registrant's equipment, the Director may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the Director may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose equipment occasioned the emergency.

Subdivision 2. Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, pay double the normal fee for said permit, deposit with the

Director the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this Right-of-Way Management Ordinance.

Section 25-~~10181~~1019. SUPPLEMENTARY NOTIFICATION. If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the Director of the accurate information as soon as this information is known.

Section 25-~~1019~~1020. REVOCATION OF PERMITS.

Subdivision 1. Substantial Breach. The City reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

a. The violation of any material provision of the right-of-way permit;

b. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;

c. Any material misrepresentation of fact in the application for a right-of-way permit;

d. The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reason's beyond a Permittee's control; or

e. The failure to correct in a timely manner a condition indicated on an order issued pursuant to Section 25-1016.

Subdivision 2. Written Notice of Breach. If the Director determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the Director shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. Further, a substantial breach, as stated above, will allow the Director, at his or her discretion, to place additional or revised conditions on the permit.

Subdivision 3. Response to Notice of Breach. Within twenty-four (24) hours of receiving notification of the breach, permittee shall contact the Director with a plan, acceptable to the Director, for its correction. Permittee's failure to so contact the Director, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

Subdivision 4. Reimbursement of City Costs. If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

Section 25-~~1020~~1021. MAPPING DATA.

Subdivision 1. Information Required. Except as provided in Subdivision 2 of this Section, each registrant shall provide to the Director information indicating the horizontal and vertical location, relative to the boundaries of the right-of-way, of all facilities which it owns or over which it has control and which is located in any right-of-way ("Mapping Data"). Mapping Data shall be provided with the specificity and in the format requested by the Director for inclusion in the mapping system used by the Director.

Within six (6) months after the acquisition, installation, or construction of additional facilities or any relocation, abandonment, or disuse of existing facilities, each registrant shall supplement the Mapping Data required herein.

Each registrant shall, within six (6) months after the date of passage of this Right-of-Way Management Ordinance, submit a plan to the Director specifying in detail the steps it will take to comply with the requirements of this Section. Said plan shall provide for the submission of all Mapping Data for the City as early as may be reasonable and practical, but not later than five (5) years after the date of passage of this Right-of-Way Management Ordinance.

Notwithstanding the foregoing, Mapping Data shall be submitted by all registrants for all facilities which is to be installed or constructed after the date of passage of this Right-of-Way Management Ordinance at the time any permits are sought under these ordinances.

After six (6) months after the passage of this Right-of-Way Management Ordinance, a new registrant, or a registrant which has not submitted a plan as required above, shall submit complete and accurate Mapping Data for all its facilities at the time any permits are sought under these ordinances.

Subdivision 2. Telecommunication Equipment. Information on existing facilities and facilities of telecommunications right-of-way users need only be supplied in the form maintained by the telecommunications right-of-way user.

Subdivision 3. Trade Secret Information. At the request of any registrant, any information requested by the Director, which qualifies as a "trade-secret" under Minnesota Statutes 3 13.37(b) shall be treated as trade secret information as detailed therein. With respect to the provision of mapping data, the city may consider unique circumstances from time to time required to obtain mapping data.

Section 25-~~1021~~1022. LOCATION OF FACILITIES.

Subdivision 1. Undergrounding. Unless otherwise permitted by Minnesota Statutes, Section, 2l6B.36, new construction, the installation of new facilities and the replacement of old facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes, except that the Director may approve above ground location and installation that the Director has determined cannot reasonably be placed underground due to expense, nature, or function if there are no unreasonable safety, maintenance, or aesthetic concerns or conflicts with the current use of right-of- way.

Subdivision 2. Corridors. The Director may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the Director expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the Director involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue .

The City may not require the relocation of existing underground facilities except in the event the City institutes a street improvement project, lawfully imitated and conducted by the City on its own behalf, which necessarily results in a substantial change of elevation and grade for a particular location. In such event, all affected utilities shall be relocated in a manner which minimizes the technical and financial impact to each utility . The City may establish a high density corridor for telecommunications facilities in a manner consistent with the rules and regulations of the Minnesota Public Utilities Commission.

Subdivision 3. Limitation of Space. To protect health and safety, the Director shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of registrants or persons to occupy and use the right-of-way. In making such decisions, the Director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

Section 25-~~1022~~1023. RELOCATION OF EQUIPMENT. A Registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities and facilities in the right-of-way whenever the director requests such removal and relocation, and shall restore the right-of-way to the same condition it was in prior to said removal or relocation.

The director may make such request to prevent interference by the Company's equipment or facilities with (I) a present or future City use of the right-of-way, (ii) a public improvement undertaken by the City, (iii) an economic development project in which the City has an interest or investment, (iv) when the public health, safety and welfare require it, or (v) when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.

Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

Section 25-~~1023~~1024. PRE-EXCAVATION EQUIPMENT LOCATION. In addition to complying with the requirements of Minnesota Statutes §§ 216D.0l-.09 ("One Call Excavation Notice System") before the start date of any right-of-way excavation, each registrant who has facilities in the area to be excavated shall mark the horizontal and approximate vertical placement of all said facilities. Any registrant whose facilities are less that twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

Section 25-~~1024~~1025. DAMAGE TO OTHER EQUIPMENT. When the Director does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the Director shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing.

Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the City's response to an emergency occasioned by that registrant's facilities.

Section 25-~~1025~~1026. RIGHT-OF-WAY VACATION.

Subdivision 1. Reservation of Right. If the City vacates a right-of-way which contains the facilities of a registrant, and if the vacation does not require the relocation of registrant or permittee facilities, the City shall reserve, to and for itself and all registrants having facilities in the vacated right-of-way, the right to install, maintain and operate any facilities in the vacated right-of-way and to enter upon such right-of-way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.

Subdivision 2. Relocation of Facilities. If the vacation requires the relocation of registrant or permittee facilities; and (a) if the vacation proceedings are initiated by the registrant or permittee, the registrant or permittee must pay the relocation costs; or (b) if the vacation proceedings are initiated by the city, the registrant or permittee must pay the relocation costs unless otherwise agreed to by the city and the registrant or permittee ; or (c) if

the vacation proceedings are initiated by a person or persons other than the registrant or permittee, such other person or persons must pay the relocation costs.

Section 25-~~1026~~1027. INDEMNIFICATION AND LIABILITY.

Subdivision 1. Limitation Liability. By reason of the acceptance of a registration or the grant of a right-of-way permit, the City does not assume any liability (a) for injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the City, or (b) for claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by registrants or activities of registrants.

Subdivision 2. Indemnification. By registering with the Director, a registrant agrees, or by accepting a permit under this Chapter, a permittee is required, to defend, indemnify, and hold the City whole and harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its facilities, or out of any activity undertaken in or near a right-of-way, whether or not any act or omission complained of is authorized, allowed, or prohibited by a right-of-way permit. It further agrees that it will not bring, nor cause to be brought, any action, suit or other proceeding claiming damages, or seeking any other relief against the City for any claim nor for any award arising out of the presence, installation, maintenance or operation of its facilities, or any activity undertaken in or near a right-of-way, whether or not the act or omission complained of is authorized, allowed or prohibited by a right-of-way permit. The foregoing does not indemnify the City for its own negligence except for claims arising out of or alleging the City's negligence where such negligence arises out of or is primarily related to the presence, installation, construction, operation, maintenance or repair of said facilities by the registrant or on the registrant's behalf, including, but not limited to, the issuance of permits and inspection of plans or work. This Section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant or to the City; and the registrant, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf To the extent of any inconsistency between this Section 25-~~1026~~1027 and any franchise, the provisions of the franchise shall control.

Section 25-1028. ABANDONED AND UNUSABLE EQUIPMENT.

Subdivision 1. Discontinued Operations. A registrant who has determined to discontinue its operations in the City must either:

a. Provide information satisfactory to the Director that the registrant's obligations for its facilities in the right-of-way under this Right-of-Way Management Ordinance have been lawfully assumed by another registrant; or

b. Submit to the Director a proposal and instruments for transferring ownership of its facilities to the City. If a registrant proceeds under this clause, the City may, at its option:

1. purchase the facilities; or
2. require the registrant, at its own expense, to remove it; or
3. require the registrant to post a bond in an amount sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

Subdivision 2. Abandoned Facilities. Facilities of a registrant who fails to comply with Subdivision 1, and which, for two (2) years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. The City may exercise any remedies or rights it has at law or in equity, including, but not limited to, (I) abating the nuisance (ii) taking possession of the facilities and restoring it to a useable condition, or (iii) requiring removal of the facilities by the registrant, or the registrant's successor in interest.

Subdivision 3. Removal. Any registrant who has unusable and abandoned facilities in any right-of-way shall remove it from that right-of-way during the next scheduled excavation, unless this requirement is waived by the Director.

Section 25-1029. RESERVATION OF REGULATORY AND POLICE POWERS. A Permittee's or registrant's rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public .

Section 25-1030. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Right-of-Way Management Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. If a regulatory body or a court of competent jurisdiction should determine by a final, non-appealable order that any permit, right or registration issued under any portions of this Right-of-Way Management Ordinance is illegal or unenforceable, then any such permit, right or registration granted or deemed to exist hereunder shall be considered as a revocable permit with a mutual right in either party to terminate without cause upon giving sixty (60) days written notice to the other. The requirements and conditions of such a revocable permit shall be the same requirements and conditions as set forth in the permit, right or registration, respectively, except for conditions relating to the term of the permit and the right of termination. If a permit, right or registration shall be considered a revocable permit as provided herein, the permittee must acknowledge the authority of the City Council to issue such revocable permit and the power to revoke it. Nothing in this Right-of-Way Management Ordinance precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

Section 25-1031. APPEALS. Decisions of the Director in the interpretation and enforcement of this Right-of-Way Management Ordinance may be appealed by the applicant, registrant or permittee to the city council by serving written notice of a request for an appeal on the City Manager. The City Manager shall thereupon schedule a public hearing on the appeal before the city council and give notice of the time, place and date of such hearing to the appealing party no less than ten (10) days prior to the hearing.

Section 25-1032. WAIVER. The Director may waive any or all requirements of Sections 25- 1003 through 25-1005, 25-1006 through 25-1009, and 25-1020 if compliance is not deemed to be reasonably necessary, in the discretion of the Director, to serve the purposes of this Right-of-Way Management Ordinance. The decision of the Director not to waive any such requirement is not subject to appeal to the city council. Section 25-1021 may be waived as provided therein. Waiver of provisions of Sections 25-1003 through 25-1005 and 25-1020 may be rescinded by the Director at any time upon written notice to the person subject to the requirement.

Section 3. Effective Date. This ordinance shall be effective after adoption and thirty days following its legal publication.

Adopted this _____ day of _____ 2017.

_____
Mayor

ATTEST: _____
City Clerk

Date of Publication: _____

Effective Date: _____

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

City Council Agenda Item No. 8a

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

SUBJECT: Public Hearings on Proposed Special Assessments for Diseased Tree Removal Costs and Weed Removal Costs

Recommendation:

It is recommended that the City Council conduct the Public Hearings and consider approval of the attached resolutions certifying special assessments for Diseased Tree Removal Costs and Weed Removal Costs.

Background:

Two Public Hearings are scheduled for March 12, 2018 to consider certification of proposed special assessments. 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.

COUNCIL ITEM MEMORANDUM

Recommended Council Procedure

Staff recommends that the City Council conduct the hearings. The attached resolutions certifying the assessments to the Hennepin County tax rolls are provided for Council consideration upon closing of the Public Hearings.

If any additional property owner files an appeal with the City Clerk prior to the Public Hearing, or should any person appear at the hearing and object to an assessment, staff recommends that the Council refer any substantive objections to staff for a report back to the Council at a continued hearing. An example might be an issue whereby staff would need to research the history of a particular complaint and assemble documentation. The Council should consider removing the objection related assessment from the proposed levy roll and adopting the remaining proposed assessments.

If an appeal for a specific property is filed within district court, the City Attorney will advise the Council of options for handling the dispute and potential litigation issues.

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, between March 12, 2018 and 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 2018. 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
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:

COUNCIL ITEM MEMORANDUM

The levy roll for diseased tree removal costs totals $10,504.00. The levy roll for weed removal costs totals $16,232.50. However, the list will be updated as appropriate for the Council Meeting reflecting payments made by March 12, 2018.

Attachment:
Resolutions- Diseased Tree Removal
Weed Removal

List of Levied Properties- The list will be updated for the Council Meeting based on payments made by March 12, 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,

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 12, 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.

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 12, 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 February 14, 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	7112 Morgan Ave N	26-119-21-42-0028	535.00	30.00	30.00	595.00
19782	4001 71st Ave N	27-119-21-34-0023	600.00	30.00	30.00	660.00
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:	**10,504.00**

Amended Special Assessment Certified Roll (Grass/Weeds)
2017 Weed Destruction
Printed February 14, 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	5808 Fremont Ave N	01-118-21-23-0078	1,222.50	10.00	30.00	1,262.50
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	5405 Bryant Ave N	01-118-21-34-0057	480.00	10.00	30.00	520.00
19783	5307 Colfax Ave N	01-118-21-34-0086	1,200.00	10.00	30.00	1,240.00
19783	5350 Camden Ave N	01-118-21-43-0082	251.25	10.00	30.00	291.25
19783	5755 Humboldt Ave N	02-118-21-14-0089	240.00	10.00	30.00	280.00
19783	5407 Humboldt Ave N	02-118-21-44-0084	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	3615 50th Ave N	10-118-21-13-0078	240.00	10.00	30.00	280.00
19783	7241 Fremont Ave N	25-119-21-32-0011	1,998.75	10.00	30.00	2,038.75
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	5112 66th Ave N	33-119-21-13-0107	720.00	10.00	30.00	760.00
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	6773 Humboldt Ave N	35-119-21-11-0023	120.00	10.00	30.00	160.00
19783	6130 Emerson Ave N	36-119-21-33-0030	547.50	10.00	30.00	587.50

Total: 16,232.50

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 02/22/2018 and the last insertion being on 02/22/2018.

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 02/22/2018 by Darlene MacPherson.

Mary E. Knapp
Notary Public

MARY ELIZABETH KNAPP
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan 31 2023

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

Ad ID 784733

CITY OF BROOKLYN CENTER NOTICE OF PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS

Notice is hereby given that the City Council of the City of Brooklyn Center, Minnesota, will meet in the Council Chambers of Brooklyn Center City Hall at 6301 Shingle Creek Parkway, on Monday, March 12, 2018 at 7 p.m. or as soon thereafter as the matter may be heard, to hear and pass upon any objections to the proposed assessments for the following:

DISEASED TREE REMOVAL COSTS

It is proposed to assess the cost of diseased tree removal to those tracts or parcels where trees were removed by written agreement with the property owner or by order of the City Council pursuant to City Ordinances, Section 20-301 through 20-305 and in accordance with MS 429.

DELINQUENT WEED REMOVAL ACCOUNTS

It is proposed to assess the cost of noxious weed destruction to those tracts or parcels where, pursuant to City Ordinance Section 19-1601 through 19-1604 and in accordance with MS 429, noxious weeds were destroyed by order of the City Weed Inspector and the cost for such destruction remains unpaid.

UTILITY REPAIR COSTS

It is proposed to assess the cost of utility repairs to those tracts or parcels where, pursuant to City Ordinances, Section 04-201 through 04-305 service lines were repaired and the cost for such repairs remain unpaid.

PROCEDURAL INFORMATION FOR OBJECTIONS TO SPECIAL ASSESSMENTS

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or City Clerk. No such appeal as to the amount of an assessment for a specific parcel of land may be made unless the owner has filed a written objection to that objection to that assessment, signed by the affected property owner, with the City Clerk prior to the hearing or has presented such a written objection to the presiding officer at the hearing.

These assessments are now on file at City Hall and open to public inspection. Written or oral objections to the proposed assessments will be considered at this meeting, but the City Council may consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

AUXILIARY AIDS AVAILABLE UPON REQUEST

Auxiliary aids for persons with disabilities are available upon request at least 96 hours (4 days) in advance of the hearing. Please contact the City Clerk at 763-569-3300 to make arrangements.

Sharon Knutson, City Clerk
By order of the City Council
Published in the
Brooklyn Center Sun Post
February 22, 2018
784733

Special Assessment Public Hearings

Diseased Tree and Long Grass/Weed Nuisance Abatement Costs

City of Brooklyn Center
City Council Meeting
March 12, 2018

Special Assessment Background

- Minnesota State law allows cities to recover costs of certain types of services through special assessment to the property
- City incurs costs associated with these public service programs and activities. If unpaid, these costs may be specially assessed to the property.
- Public Hearing required

Special Assessment Background cont…

- Property owners of record notified of Public Hearing for special assessments, meeting legal notification requirements.
- In certain cases, such as the Diseased Tree Program, owners may authorize City to remove tree and request special assessment.
  - Allows residents alternative payment option for tree removal
  - Program helps ensure a healthy urban forest, part of the Tree City USA Standards

Special Assessment Background cont…

- Two Public Hearings being held specific to this Council Item
  - Diseased Tree Removal Costs
  - Weed (Noxious and Long Grass) Public Nuisance Abatements
- As of today
  - Revised proposed levy rolls provided to City Council
  - Reflects payments made and adjustments based on any previous communication with staff

Public Nuisance Notification Procedures

- Legal processes followed
- Compliance Notice mailed regarding violations and abatement
  1) To owner of record- homeowner, bank, attorney, etc.
  2) In addition, routinely posted at vacant property
- City facilitates abatements (removal of violations)
  - Where owners do not comply, or
  - Where owners agree to have the abatement performed by the City
- The direct costs of abatement plus administrative charges apply

Recommended Procedure for Public Hearings

- Council may remove any *reasonable* appeal from proposed levy roll and adopt remaining proposed assessments
- Public Hearing can be continued for those properties
- Staff will review and provide report for appeals at upcoming City Council Meeting for review by City Council
  - Tentative March 26, 2018 City Council Meeting (next meeting) depending on number of appeals

Guidelines for Appellants



- People wishing to appeal should:
  1. Use the center podium in front of Council
  2. State their full name and their current address
  3. Provide the address of the property with the pending special assessment (if different)
  4. State the reason they think they should not have to pay the pending assessment costs
  5. Then appellants should provide contact information on the signup sheet

Questions?

Thank you

City Council Agenda Item No. 8b

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director

SUBJECT: 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.

Background:

At the February 12, 2018 City Council Meeting, City Council called for a March 12, 2018 Public Hearing on proposed special assessments for utility repairs that were completed on private properties. There are a total of eleven outstanding invoices totaling $44,393.15. An additional $30.00 certification fee will be added to each assessment to bring the total proposed assessments to $44,723.15. The utility repairs were necessary to maintain safe and working utilities for the properties impacted.

All impacted property owners have been notified by mail of the date of the Public Hearing and the amount of the proposed assessments. As of March 7, 2018 no formal appeals have been made to City staff since the February 12, 2018 City Council meeting.

The City has not typically completed an assessment process for utility service line repairs. However, because of the significant cost to the properties impacted and necessity of completing these repairs, this process will provide these property owners an option to spread the cost of repairs over a five-year period.

Budget Issues:

The City will recoup the costs incurred for these utility repairs 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 12, 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 5, 2018

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	9,505.00	30.00	9,535.00
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		**$ 44,393.15**	**Total Pending Amount:**	**$ 44,723.15**

Special Assessment Public Hearing

Utility Service Line Repairs

City of Brooklyn Center
City Council Meeting
March 12, 2018

Special Assessment Background

- Minnesota State law allows cities to recover costs of certain types of services through special assessment to the property.
- Per City Ordinance service lines for water and sewer are the property owners responsibility. This begins and includes the curb stop to the building being served.
- The City has incurred the cost of service line repairs to these properties, which remain unreimbursed by the property owner. These costs may be assessed to the property.
- Public hearing required.



Special Assessment Summary

- Total of eleven proposed assessments totaling $44,393.15
- The proposed assessments will be repaid over a period of five years at an interest rate of 4%.



Next Steps

- Conduct public hearing on proposed special assessments for utility repairs.
- Customers may provide a basis for their appeal during the public hearing.
- If needed, City Council may direct staff to investigate further and public hearing will be continued for those properties.
- Staff will review cases and provide report at upcoming City Council Meeting for review by City Council

City Council Agenda Item No. 10a

City Council Agenda Item No. 10a
#1

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 3141 49th 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 3141 49th 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 I Rental License. This property qualifies for a Type IV Rental License based on thirteen (13) 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:

08-14-2017	The Owner, Manoj Moorjani, applied for renewal of the rental dwelling license for 3141 49th Ave N, a single family dwelling.
08-31-2017	An initial rental license inspection was conducted and failed. 13 property code violations were cited, see attached rental criteria.
10-31-2017	The previous rental license expired.
11-06-2017	A second rental inspection was conducted and passed.

COUNCIL ITEM MEMORANDUM

11-22-2017	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
11-22-2017	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.
12-13-2017	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.
02-07-2018	An email notice was sent to the owner to submit a mitigation plan.
02-12-2018	A Mitigation Plan was submitted.
02-23-2018	The Mitigation Plan was finalized.
03-05-2018	A $300 Administrative Citation was issued for operating without a rental license.
03-05-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 12, 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).

License Category	**Number of Units**	**Validated Calls for Disorderly Conduct Service & Part I Crimes**

COUNCIL ITEM MEMORANDUM

		(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

BROOKLYN CENTER AT THE CENTER

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

FEB 1 2 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.

FEB 1 2 2018

☐ Action Plan Type III (1 Year) ☒ Mitigation Plan Type IV (6 Months)

Property Address:	3141 49th Ave N Brooklyn Center MN 55430		
Owner's Name(s):	Maja Holding Llc	Local Agent:	Dennis Malin
Owner's Address:	9008 Col stream LN Eden Prairie MN 55347	Agent Address:	2114 70th Ave N Brooklyn Center Mn 55430
Owner's Phone:	612 280 8666	Agent's Phone:	763 360 8174
Owner's Email:	manoj@urban-homes.net	Agent's Email:	dennis@urban-homes.net
Current Expiration Date:	10/31/2017	Pending Expiration Date:	4/30/18

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) 569-3330 | TTY: 711 Fax: (763) 569-3350

3141 49th Ave N Brooklyn Center
MN 55430

Section 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 checks for all new prospective tenants. If it is a current tenant and 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 1-15-15
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.

[X] Security Assessment is completed

[ ] Security Assessment is scheduled for _____

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) While two months the owner or agent plans to attend

Owner or agent will attend A.R.M. meetings scheduled for: 3/8/18 and 5/1017

The following actions are required for Multi-Family properties with four (4) or more units.

[x] 1) Conduct resident training annually to include crime prevention techniques.

[x] 2) Conduct regular resident meetings

3141 49th Ave 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	2010	G	01/2022
Water Heater	08/2016	G	01/2022
Kitchen Appliances	11/2016	G	01/2025
Laundry Appliances	06/2016	G	06/2018
Smoke Alarms/ Carbon Monoxide Alarms	11-2017	G	8/2018
Exterior Items			
Paint/Siding	06/2017	G	6/2020
Windows	07/2017	G	07/2030
Roof	05/2015	G	07/2025
Garage		G	07/2025
Driveway		G	2030
Fence	NA	NA	NA
Sidewalks	Na	NA	Na
Shed		F	2020

*Condition Abbreviations: New-N Good-G Fair-F Needs Replacement-R

3141 45th Ave 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 obligations 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: service plus
- [ ] 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.

CENTER
AT THE CENTER

Community Development

3141 49th Ave N Brooklyn Center
MN 55430

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.

Dennis Mejia

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

2/10/18

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

2/2/18

Date

City Council Agenda Item No. 10a
#2

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 5357 Colfax 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 5357 Colfax 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 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.

The following is a brief history of the license process actions:

10-31-2017	The previous rental license expired.
11-07-2017	The Owner, Kin Chew, applied for renewal of the rental dwelling license for 5357 Colfax Ave N, a single family dwelling.
11-29-2017	An initial rental license inspection was conducted and failed. 11 property code violations were cited, see attached rental criteria.
12-29-2017	A second rental inspection was conducted and passed.

COUNCIL ITEM MEMORANDUM

01-18-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
01-18-2018	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.
02-07-2018	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.
02-07-2018	A Mitigation Plan was submitted.
02-23-2018	The Mitigation Plan was finalized.
03-05-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 12, 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	1-2	0-1

COUNCIL ITEM MEMORANDUM

Impact	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:	5357 Colfax Ave		
Owner's Name(s):	IASIS	Local Agent:	Josh Limberg
Owner's Address:	4542 Nicollet Ave S	Agent Address:	4542 Nicollet Ave S
Owner's Phone:	6123096588	Agent's Phone:	6514685221
Owner's Email:	Steve@urbanrent.com	Agent's Email:	Josh@urbanrent.com
Current Expiration Date:	10/31/17 XT	Pending Expiration Date:	4/30/18 XT

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

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Community Development

PROPERTY ADDRESS

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.mncpo.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 _____

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PROPERTY ADDRESS

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase II - 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. March May

Owner or agent will attend A.R.M. meetings scheduled for Next and 2

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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PROPERTY ADDRESS

Section: 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	May 2011	G	May 2020
Water Heater	May 2011	G	May 2020
Kitchen Appliances	Mar 2014	G	May 2020
Laundry Appliances	Mar 2014	G	May 2020
Smoke Alarms/ Carbon Monoxide Alarms	Mar 2017	G	May 2018
Exterior Items			
Paint/Siding	Mar 2014	G	May 2020
Windows	Mar 2014	G	May 2021
Roof	Mar 2009	G	May 2022
Garage	Mar 1999	G	May 2030
Driveway	Mar 1999	G	May 2030
Fence	May 2000	G	May 2020
Sidewalks	May 2000	G	May 2040
Shed	Mar 1999	G	May 2030

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R

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PROPERTY ADDRESS

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.
- [x] 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: _____
- [x] 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 YOUR CENTER

Community Development

PROPERTY ADDRESS

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 terms within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Josh Limberg

Owner or Agent Name and Title (Please Print)

josh limberg Digitally signed by josh limberg Date: 2018.02.04 14:53:03 -06'00'

Owner or Agent Signature

2/3/2018

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

2/23/2018

Date

Community Development

2/22/18

Date

City of Brooklyn Center—Community Development
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www.cityofbrooklyncenter.org

City Council Agenda Item No. 10a
#3

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 3000 62nd 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 3000 62nd 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 November 13, 2017, on condition of adherence to the Mitigation Plan and City Ordinances.

The property would qualify for a Type I Rental License based on 1 property code violation 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 and 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.

The following is a brief history of the license process actions.

COUNCIL ITEM MEMORANDUM

Current rental license approval activities for license expires on 08/31/2018:

11-21-2017	The owner, Dan Soffa applied for renewal of the rental dwelling license for 3000 62nd Ave N, a single family dwelling.
12-18-2017	An initial rental license inspection was conducted. One property code violation was cited, see attached rental criteria.
01-17-2018	A second inspection was conducted and 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.
02-23-2018	A Mitigation Plan was submitted.
02-26-2018	The Mitigation Plan was finalized.
02-28-2018	The previous Type IV Rental License expired.
03-05-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 12, 2018.

Prior rental license activities for license expires on 02/28/2018:

06-14-2017	The owner, Dan Soffa applied for renewal of the rental dwelling license for 3000 62nd Ave N, a single family dwelling.
07-11-2017	An initial rental license inspection was conducted. Three property code violations were cited, see attached rental criteria.
07-27-2017	A second inspection was conducted and passed.
08-09-2017	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
08-09-2017	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.
08-31-2017	The previous Type IV Rental License expired.
09-28-2017	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.
10-06-2017	A Mitigation Plan was submitted.
10-20-2017	The Mitigation Plan was finalized.
11-06-2017	A $300 Administrative Citation was issued for operating without a rental license.
11-06-2017	A letter was sent to the owner notifying that the hearing before the Council will be held November 13, 2017.

Prior rental license activities for license expires on 08/31/2017:

12-12-2016	The owner, Dan Soffa, applied for renewal of the rental dwelling license for 3000 62nd Ave N, a single family dwelling.
01-18-2017	An initial rental license inspection was not conducted; no access at time of inspection.

COUNCIL ITEM MEMORANDUM

02-02-2017 A second inspection was conducted and passed. Zero property code violations were cited, see attached rental criteria.
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.
02-28-2017 The previous Type IV Rental License expired.
03-14-2017 A Mitigation Plan was submitted.
03-27-2017 The Mitigation Plan was finalized.
04-03-2017 A letter was sent to the owner notifying that the hearing before the Council will be held April 10, 2017.

Prior rental license activities for license expires on 02/28/2017:

05-19-2016 The owner, Dan Soffa, applied for renewal of the rental dwelling license for 3000 62nd Ave N, a single family dwelling.
06-16-2016 An initial rental license inspection was conducted. Three property code violations were cited, see attached rental criteria.
07-18-2016 A second inspection was conducted and passed.
08-03-2016 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
08-03-2016 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.
08-18-2016 A Mitigation Plan was submitted.
08-23-2016 The Mitigation Plan was finalized.
08-31-2016 The previous Type IV Rental License expired.
09-02-2016 A letter was sent to the owner notifying that the hearing before the Council will be held September 12, 2016.

Prior rental license activities for license expires on 08/31/2016:

12-07-2015 The owner, Dan Soffa, applied for renewal of the rental dwelling license for 3000 62nd Ave N, a single family dwelling.
12-28-2015 An initial rental license inspection was conducted. Two property code violations were cited, see attached rental criteria.
01-28-2016 A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
02-08-2016 The $100 reinspection fee was paid.
02-12-2016 A third inspection was conducted and passed with weather deferral.
02-28-2016 The previous Type IV Rental License expired.
03-08-2016 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
03-08-2016 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.
03-18-2016	A $125 Administrative Citation was issued for not meeting mitigation plan requirements.
03-30-2016	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.
04-01-2016	A Mitigation Plan was submitted.
04-11-2016	The Mitigation Plan was finalized.
04-18-2016	A letter was sent to the owner notifying that the hearing before the Council will be held April 25, 2016.

Prior rental license activities for license expires on 02/28/2016:

06-04-2015	The Owner, Dan Soffa, applied for renewal of the rental dwelling license for 3000 62nd Ave N, a single family dwelling.
07-28-2015	An initial rental license inspection was conducted. 9 property code violations were cited, see attached rental criteria.
08-31-2015	The previous rental license expired.
09-01-2015	A second rental inspection was conducted and passed.
09-04-2015	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
09-04-2015	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.
09-22-2015	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.
09-30-2015	A Mitigation Plan was submitted.
10-01-2015	The Mitigation Plan was finalized.

If approved, after six months, a new rental license is required. The license process will begin in 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. 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 a Type IV Rental License for 3000 62nd Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 3000 62ND AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 3000 62nd Ave N, was issued a Type IV Rental License on November 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 3000 62nd Ave N Brooklyn Center failed to attend Owners/Managers Association Meetings and 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 3000 62nd Ave N, Brooklyn Center, MN.

March 12, 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:	3000 62nd Avenue North		
Owner's Name(s):	DAN SOFFA	Local Agent:	PAUL GUNDERSON
Owner's Address:	24956 HAZELWOOD DRIVE NISSWA, MN 56468	Agent Address:	1350 RANIER LANE NORTH, PLYMOUTH, MN 55447
Owner's Phone:	612-597-2830	Agent's Phone:	603-991-8268
Owner's Email:	dsoffa1@gmail.com	Agent's Email:	phgunderson@gmail.com
Current Expiration Date:	02-28-2018	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.

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 _____ 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: 03/08 and 7/12

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.

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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	MAY 2017	N	MAY 2030
Water Heater	DEC 2017	N	MAY 2030
Kitchen Appliances	RENTERS		
Laundry Appliances	RENTERS		
Smoke Alarms/ Carbon Monoxide Alarms	MAY 2015	F	MAY 2018
Exterior Items			
Paint/Siding	MAY 2005	F	MAY 2020
Windows	ORIGINAL	F	MAY 2025
Roof	MAY 2005	F	MAY 2025
Garage	ORIGINAL	F	MAY 2025
Driveway	ORIGINAL	F	MAY 2020
Fence	MAY 2005	F	MAY 2020
Sidewalks	ORIGINAL	F	MAY 2025
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.

Daniel L. Soffa

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

2/21/2018

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

2/26/2018

Date

HSG Supervisor

Community Development

2/23/18

Date

City of Brooklyn Center—Community Development

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City Council Agenda Item No. 10a
#4

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 6336 Beard 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 6336 Beard 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 August 14, 2017, 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 twenty (20) 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.

<u>Current rental license approval activities for license that expires 08/31/2018:</u>

11-30-2017 The owner, Cosco Properties, LLC c/o MSP Rental, applied for renewal of the rental dwelling license for 6336 Beard Ave N, a single family dwelling.

COUNCIL ITEM MEMORANDUM

02-28-2018	The previous Type IV Rental License expired.
12-22-2017	An initial rental license inspection was conducted and failed. Twenty property code violations were cited, see attached rental criteria.
01-30-2018	A second inspection was conducted and passed with weather deferrals.
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.
02-06-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
02-12-2018	A Mitigation Plan was submitted.
02-23-2018	The Mitigation Plan was finalized.
00-00-0000	A letter was sent to the owner notifying that the hearing before the Council will be held March 12, 2018

Prior Type IV Rental License approval activities for license that expired on 02/28/2018:

The following is a brief history of the license process actions:

(License that is being considered and expires on 02-28-2018)

05-01-2017	The Owner, Chen Xuan Zhou, applied for renewal of the rental dwelling license for 6336 Beard Ave N, a single family dwelling.
05-25-2017	An initial rental license inspection was conducted and failed. 11 property code violations were cited, see attached rental criteria.
06-26-2017	A second rental inspection was conducted and failed. An additional property code violation was issued and scheduled for follow up. $100 reinspection fee was charged to the property.
07-13-2017	A third inspection was conducted and passed.
07-17-2017	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
07-17-2017	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.
04-24-2017	A Mitigation Plan was submitted.
07-27-2017	The Mitigation Plan was finalized.
08-07-2017	$100 reinspection fee was paid.
08-07-2017	A letter was sent to the owner notifying that the hearing before the Council will be held August 14, 2017.

Prior Type IV Rental License approval activities for license that expired on 08/31/2017:

(License that is being considered and expires on 08-31-2017)

11-21-2016	The Owner, Chen Xuan Zhou, applied for renewal of the rental dwelling license for 6336 Beard Ave N, a single family dwelling.
12-19-2016	An initial rental license inspection was conducted and failed. 10 property code violations were cited, see attached rental criteria.
01-19-2017	A second rental inspection was conducted and failed. A $100 reinspection fee was charged to the property.

02-24-2017	A third inspection was conducted and passed. The $100 reinspection fee was paid.
02-28-2017	The previous Rental License expired.
03-07-2017	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
03-07-2017	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.
03-27-2017	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.
04-24-2017	A Mitigation Plan was submitted.
05-25-2017	A $300 Administrative Citation was issued for operating without a rental license. $125 Administrative Citation was issued for failure to submit a Mitigation Plan. Mitigation plan submitted was incomplete.
07-27-2017	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 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 a Type IV Rental License for 6336 Beard Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6336 Beard Ave N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6336 Beard Avenue N, was issued a Type IV Rental License on August 14, 2017; and

WHEREAS, the property qualifies for a Type IV Rental License based on the number of property code violations (20) 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 6336 Beard Avenue N, Brooklyn Center, MN.

March 12, 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.

FEB 12 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:	6336 Beard Ave N, Brooklyn Center		
Owner's Name(s):	Cosco Property I LLC	Local Agent:	Michael Schaeffer MSP Home Rental
Owner's Address:	5660 Comstock Lane North Plymouth, MN 55446	Agent Address:	1200 Centre Pointe Curve, Suite 300 Mendota Heights, MN 55120
Owner's Phone:		Agent's Phone:	651-797-6913
Owner's Email:		Agent's Email:	bethany@msphomerental.com
Current Expiration Date:	2/28/2018	Pending Expiration Date:	8/28/2018 31

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.**

- [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 12/4/2017
- [ ] 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: ~~11/9/2017~~ March 208 and ~~1/11/2018~~ May 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	2005	G	2022
Water Heater	2005	G	2022
Kitchen Appliances	2010	G	2025
Laundry Appliances	2010	G	2025
Smoke Alarms/ Carbon Monoxide Alarms	2010	G	2020
Exterior Items			
Paint/Siding	2014	G	2022
Windows	2000	G	2028
Roof	2000	G	2030
Garage	2000	G	2025
Driveway	2000	G	2023
Fence	n/a		
Sidewalks	n/a		
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.

Michael Schaeffer

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

2/12/2018

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

2/23/2018

Date

Community Development

2/22/18

Date

City Council Agenda Item No. 10a
#5

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 5025 Drew 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 5025 Drew 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 August 14, 2017, 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 fourteen (14) 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.

<u>Current rental license approval activities for license that expires 05/31/2018:</u>

11-30-2017 The owner, Ryan Partners, LLC – Ryan Schmidt, applied for renewal of the rental dwelling license for 5025 Drew Ave N, a single family dwelling.

COUNCIL ITEM MEMORANDUM

11-30-2017	The previous Type IV Rental License expired.
12-21-2018	An initial rental license inspection was conducted and failed. Fourteen property code violations were cited, see attached rental criteria.
01-22-2018	A second inspection was conducted and passed.
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.
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.
02-19-2018	A Mitigation Plan was submitted.
03-05-2018	A $600 Administrative Citation was issued for operating without a license.
03-05-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 12, 2018

Prior Type IV Rental License approval activities for license that expired on 11/30/2018:

02-06-2017	The Owner, Ryan Schmidt, applied for renewal of the rental dwelling license for 5025 Drew Ave N, a single family dwelling.
03-03-2017	An initial rental license inspection was conducted. 15 property code violations were cited, see attached rental criteria.
03-31-2017	A second rental inspection was conducted and failed. A $100 reinspection fee was charged to the property.
04-11-2017	A $100 reinspection fee was paid.
04-14-2017	A third inspection was conducted and failed. Additional violations were found during the inspection that were not found during the initial inspection. A $100 reinspection fee was charged to the property.
04-26-2017	A $100 reinspection fee was paid.
05-03-2017	A fourth inspection was conducted and failed. A $100 reinspection fee was charged to the property.
05-17-2017	A fifth inspection was conducted and passed; however, reinspection fees remain unpaid.
05-18-2017	A $100 reinspection fee was paid.
05-31-2017	The previous rental license expired.
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.
06-27-2017	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.
07-12-2017	A Mitigation Plan was submitted.

COUNCIL ITEM MEMORANDUM

07-13-2017 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 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

COUNCIL ITEM MEMORANDUM

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 5025 Drew Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 5025 DREW AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 5025 Drew Avenue N, was issued a Type IV Rental License on August 14, 2017; and

WHEREAS, the property qualifies for a Type IV Rental License based on the number of property code violations (14) 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 5025 Drew Avenue N, Brooklyn Center, MN.

March 12, 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:	2025 Drew Ave N		
Owner's Name(s):	Ryan Schmidt	Local Agent:	
Owner's Address:	PO BOX 211 South St Paul, MN 55075	Agent Address:	
Owner's Phone:	320-492-9350	Agent's Phone:	
Owner's Email:	rsheadwayassets@gmail.com	Agent's Email:	
Current Expration Date:	11/30/17	Pending Expration 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 overal 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>

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 a 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) While 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	2011	G	2041
Water Heater	2011	G	2021
Kitchen Appliances	2011	G	2031
Laundry Appliances	not included		
Smoke Alarms/ Carbon Monoxide Alarms	2011	G	2019
Exterior Items			
Paint/Siding	2010	G	2035
Windows	2010	G	2030
Roof	2011	G	2036
Garage	2010	G	2070
Driveway	2010	G	2025
Fence	2008	G	2023
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 90-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 licenses 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.

Ryan Schmidt

Owner or Agent Name and Title (Please Print)

Ryan Schmidt

Owner or Agent Signature

2/16/18

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
#6

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 6642 Dupont 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 6642 Dupont 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 9, 2017, 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 fifteen (15) 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.

<u>Current rental license approval activities for license that expires 05/31/2018:</u>

11-09-2017 The owner, Kevin Motarjemi, applied for renewal of the rental dwelling license for 6642 Dupont Ave N, a single family dwelling.

COUNCIL ITEM MEMORANDUM

11-30-2017	The previous Type IV Rental License expired.
12-05-2017	An initial rental license inspection was conducted and failed. Fifteen property code violations were cited, see attached rental criteria.
12-21-2017	A second inspection was conducted and passed.
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.
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.
01-26-2018	A Mitigation Plan was submitted.
02-07-2018	The Mitigation Plan was finalized.
03-05-2018	A $1200 administrative citation was issued for operating without a rental license.
03-05-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 12, 2018.

Prior rental license approval activities for license that expires 11/30/2017:

05-31-2017	The previous Type IV Rental License expired.
06-27-2017	The owner, Kevin Motarjemi, applied for renewal of the rental dwelling license for 6642 Dupont Ave N, a single family dwelling.
07-17-2017	An initial rental license inspection was conducted. Seven property code violations were cited, see attached rental criteria.
08-17-2017	A second inspection was conducted and passed.
08-24-2017	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
08-24-2017	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.
09-08-2017	A Mitigation Plan was submitted.
09-18-2017	The Mitigation Plan was finalized.
10-02-2017	A letter was sent to the owner notifying that the hearing before the Council will be held October 9, 2017.

Prior Type IV Rental License approval activities for license that expires 05/31/2017:

09-02-2016	The owner, Kevin Motarjemi, applied for renewal of the rental dwelling license for 6642 Dupont Ave N, a single family dwelling.
10-03-2016	An initial rental license inspection was conducted. Ten property code violations were cited, see attached rental criteria.
11-15-2016	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
11-30-2016	The previous Type IV Rental License expired.

12-19-2016 A third inspection was not conducted; no access at time of inspection. A $100 reinspection fee was charged to the property.
01-11-2017 A fourth inspection was not conducted; no access at time of inspection. A $100 reinspection fee was charged to the property.
01-27-2017 A $300 Administrative Citation was issued for renting without a license.
02-09-2017 A fifth inspection was conducted and corrections complete; however, the $300 in reinspection fee remains.
02-24-2017 The $300 in reinspection fees were paid and rental license passed.
03-07-2017 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
03-07-2017 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.
03-16-2017 A $600 Administrative Citation was issued for renting without a license.
03-23-2017 A Mitigation Plan was submitted.
03-27-2017 The Mitigation Plan was finalized.
04-03-2017 A letter was sent to the owner notifying that the hearing before the Council will be held April 10, 2017.

Prior Type IV Rental License approval activities for license that expires 11/30/16:

07-21-2015 The Owner, Kevin Motarjemi, applied for an initial rental dwelling license for 6642 Dupont Ave N, a single family property.
09-03-2015 An initial rental license inspection was not conducted. No access at time of inspection.
11-16-2015 An initial rental license inspection was conducted. 13 property code violations were cited, see attached rental criteria.
12-16-2015 A second inspection was conducted and failed.

01-19-2016 A third inspection was not conducted. No access at time of inspection. A $100 reinspection fee was charged to the property. A $300 Administrative Citation was issued for operating without a license.
02-02-2016 A fourth inspection was not conducted. No access at time of inspection. A $100 reinspection fee was charged to the property. A $600 Administrative Citation was issued for operating without a license.
02-24-2016 A fifth inspection was conducted; corrections complete. A total of $200 in reinspection fees still owed.
03-02-2016 The $200 in reinspection fees was paid and rental license passed.
03-08-2016 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.
03-30-2016 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.

COUNCIL ITEM MEMORANDUM

04-26-2016 A Mitigation Plan was submitted.
05-04-2016 The Mitigation Plan was finalized.
05-13-2016 A letter was sent to the owner notifying that the hearing before the Council will be held May 23, 2016.

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 a Type IV Rental License for 6642 Dupont Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6642 DUPONT AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6642 Dupont Ave N, was issued a Type IV Rental License on October 9, 2017; and

WHEREAS, the property qualifies for a Type IV Rental License based on the number of property code violations (15) 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 6642 Dupont Ave N, Brooklyn Center, MN.

March 12, 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.

JAN 2 6 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:	6642 Dupont Ave N		
Owner's Name(s):	Distinguished Properties LLC	Local Agent:	Elizabeth Schreier
Owner's Address:	11670 Fountains Dr #200 Maple Grove MN 55369	Agent Address:	11670 Fountains Dr #200 Maple Grove MN 55369
Owner's Phone:	612-965-2064	Agent's Phone:	612-9652-064
Owner's Email:	info@elitepropmgmt.com	Agent's Email:	info@elitepropmgmt.com
Current Expiration Date:	11/30/17	Pending Expiration Date:	5/31/2018

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.

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 _____ 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 4/3/17 pkk
- [ ] 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	May 2010	g	May 2030
Water Heater	May 2010	g	May 2025
Kitchen Appliances	May 2012	g	May 2025
Laundry Appliances	May 2014	g	May 2020
Smoke Alarms/ Carbon Monoxide Alarms	Feb 2017	g	Feb 2019
Exterior Items			
Paint/Siding	May 2015	g	May 2030
Windows	May 2010	g	May 2050
Roof	May 2015	g	May 2060
Garage	May 1980	g	NA
Driveway	May 1980	g	May 2040
Fence	May 2000	g	May 2040
Sidewalks	May 2000	g	May 2040
Shed	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.
- [ ] 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.

Elizabeth Schreur
Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

1/14/2018
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

2/7/2018
Date

Community Development

2/5/18
Date

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

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City Council Agenda Item No. 10a
#7

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 4906 Howe La

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 4906 Howe La. 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 December 11, 2017, on condition of adherence to the Mitigation Plan and City Ordinances.

The property qualifies for a Type IV Rental License based on eleven (11) property code violations found during the initial rental inspection and zero (0) 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, turn in monthly updates, and failed to complete security improvements. 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 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 05/31/2018

11-30-2017	The owner, Cosco Properties, LLC c/o MSP Rental, applied for renewal of the rental dwelling license for 2913 Nash Rd, a single family dwelling.
11-30-2017	The previous Type IV Rental License expired.
12-21-2018	An initial rental license inspection was conducted and failed. Eleven property code violations were cited, see attached rental criteria.
01-22-2018	A second inspection was conducted and passed.
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.
02-06-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
02-12-2018	A Mitigation Plan was submitted.
03-05-2018	A $600 Administrative Citation was issued for operating without a license.
03-05-2018	A letter was sent to the owner notifying that the hearing before the Council will be held March 12, 2018

Prior Type IV Rental License approval activities for license that expired on 11/30/2017:

05-31-2017	The previous rental license expired.
06-02-2017	The Owner, Cosco Properties, LLC, applied for renewal of the rental dwelling license for 4906 Howe La, a single family dwelling.
06-19-2017	An initial rental license inspection was conducted and failed. 9 property code violations were cited, see attached rental criteria.
07-19-2017	A second rental inspection was conducted and failed. $100 reinspection fee was charged to the property.
08-14-2017	A third inspection was conducted and failed. A $100 reinspection fee was charged to the property.
08-18-2017	The $100 reinspection fee was paid.
08-28-2017	A fourth inspection was not conducted and failed. There was no access to the property. A $100 reinspection fee was charged to the property.
09-15-2017	The $200 in reinspection fees was paid.
10-16-2017	A fifth inspection was conducted and passed.
10-18-2017	A $300 Administrative Citation was issued for operating without a license.
11-09-2017	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
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.
11-30-2017	A Mitigation Plan was submitted.
11-30-2017	The Mitigation Plan was finalized.

COUNCIL ITEM MEMORANDUM

12-01-2017 A letter was sent to the owner notifying that the hearing before the Council will be held December 11, 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 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

COUNCIL ITEM MEMORANDUM

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 4906 Howe La

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 4906 HOWE LA

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 4906 Howe La, was issued a Type IV Rental License on December 11, 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 4906 Howe La, Brooklyn Center failed to attend Owners/Managers Association Meetings, complete security improvements, turn in monthly updates, and/or other requirements.

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 4906 Howe La, Brooklyn Center, MN.

March 12, 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.

FEB 12 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:	4906 Howe Lane, Brooklyn Center		
Owner's Name(s):	McCloud, LLC	Local Agent:	Michael Schaeffer MSP Home Rental
Owner's Address:	5660 Comstock Lane North Plymouth, MN 55446	Agent Address:	1200 Centre Pointe Curve, Suite 300 Mendota Heights, MN 55120
Owner's Phone:		Agent's Phone:	651-797-6913
Owner's Email:		Agent's Email:	bethany@msphomerental.com
Current Expiration Date:	~~5/31/2018~~ 11/30/17	Pending Expiration Date:	~~11/31/2018~~ 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

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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.

- [ ] Security Assessment is completed
- [X] Security Assessment is scheduled for 2/16/2018 at 10:30AM

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.

March 8/2018

Owner or agent will attend A.R.M. meetings scheduled for: ~~11/9/2017~~ and 1/11/2018

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	pre-2015	G	2022
Water Heater	pre-2015	G	2022
Kitchen Appliances	pre-2015	G	2025
Laundry Appliances	July 2017	N	2032
Smoke Alarms/ Carbon Monoxide Alarms	Oct 2017	N	2027
Exterior Items			
Paint/Siding	pre-2015		2022
Windows	pre-2015		2028
Roof	pre-2015		2030
Garage	pre-2015		2025
Driveway	pre-2015		2023
Fence	n/a		
Sidewalks	pre-2015		2023
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.

Michael Schaeffer

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

2/12/2018

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

2/23/2018

Date

Community Development

2/22/18

Date

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

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City Council Agenda Item No. 10a
#8

COUNCIL ITEM MEMORANDUM

DATE: March 12, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Type IV 6-Month Provisional Rental License for 2913 Nash Rd

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 2913 Nash 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 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 December 11, 2017, 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 ten (10) 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.

<u>Current rental license approval activities for license that expires 08-31-2018</u>

11-30-2017 The owner, Cosco Properties, LLC c/o MSP Rental, applied for renewal of the rental dwelling license for 2913 Nash Rd, a single family dwelling.

COUNCIL ITEM MEMORANDUM

12-18-2018	An initial rental license inspection was conducted and failed. Ten property code violations were cited, see attached rental criteria.
01-04-2018	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
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.
01-16-2018	The $100 reinspection fee was paid.
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.
02-12-2018	A third inspection was conducted and failed. A $100 reinspection fee was charged to the property.
02-20-2018	The $100 reinspection fee was paid.
02-22-2018	A Mitigation Plan was submitted.
02-26-2018	The Mitigation Plan was finalized.
02-26-2018	A fourth inspection was conducted and passed.
02-28-2018	The previous Type IV Rental License expired.
00-00-0000	A letter was sent to the owner notifying that the hearing before the Council will be held March 12, 2018

<u>Prior Type IV Rental License approval activities for license that expired on 02/28/2018:</u>

02-28-2017	The previous Type IV Rental License expired.
04-05-2017	The owner, Cosco Properties, LLC c/o MSP Rental, applied for renewal of the rental dwelling license for 2913 Nash Rd, a single family dwelling.
05-03-2017	An initial rental license inspection was conducted. Twenty one property code violations were cited, see attached rental criteria.
05-31-2017	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
05-18-2017	A $600 Administrative Citation was issued for renting without a license.
06-12-2017	The $100 reinspection fee was charged to the property.
06-19-2017	A third inspection was conducted and rental license passed.
07-03-2017	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
07-03-2017	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.
08-22-2017	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.

COUNCIL ITEM MEMORANDUM

11-30-2017 A Mitigation Plan was submitted.
11-30-2017 The Mitigation Plan was finalized.
12-01-2017 A letter was sent to the owner notifying that the hearing before the Council will be held December 11, 2017.

Current Type IV Rental License approval activities for license that expires on 08/31/2017:

07-03-2017 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
07-03-2017 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.
08-22-2017 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.
08-31-2017 The previous Type IV Rental License expired.
09-18-2017 The owner, Cosco Properties LLC c/o MSP Home Rental, applied for renewal of the rental dwelling license for 2913 Nash Rd, a single family dwelling.
10-05-2017 An initial rental license inspection was conducted. 10 property code violations were cited, see attached rental criteria.
11-06-2017 A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
11-20-2017 A third inspection was conducted and corrections complete. However, the reinspection fees remain unpaid.
11-21-2017 A $1200 Administrative Citation was issued for renting without a license.
11-27-2017 The $100 reinspection fees were paid and rental license passed.
11-30-2017 A Mitigation Plan was submitted.
11-30-2017 The Mitigation Plan was finalized.
12-01-2017 A letter was sent to the owner notifying that the hearing before the Council will be held December 11, 2017.

Prior Type IV Rental License approval activities for license that expired on 2/28/2017:

06-02-2016 The owner, Urban Enterprises, applied for renewal of the rental dwelling license for 2913 Nash Rd, a single family dwelling.
06-22-2016 An initial rental license inspection was conducted. Seven property code violations were cited, see attached rental criteria.
07-21-2016 A second inspection was conducted and failed.
08-31-2016 The previous Type IV Rental License expired.
10-11-2016 A third inspection was conducted and rental license passed.
12-06-2016 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
12-06-2016 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.

COUNCIL ITEM MEMORANDUM

01-10-2017	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.
01-20-2017	A Mitigation Plan was submitted.
01-27-2017	A $300 Administrative Citation was issued for renting without a license.
01-29-2017	The Mitigation Plan was finalized.
02-03-2017	A letter was sent to the owner notifying that the hearing before the Council will be held February 13, 2017.

Prior Type IV Rental License approval activities for license that expired on 8/31/2016:

12-16-2015	The owner, Chen Xuan Zhou, applied for renewal of the rental dwelling license for 2913 Nash Rd, a single family dwelling.
01-08-2016	An initial rental license inspection was conducted. Nine property code violations were cited, see attached rental criteria.
02-09-2016	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
03-30-2016	A third inspection was conducted; corrections complete. Reinspection fees are still owed.
02-28-2016	The previous Type IV Rental License expired.
04-12-2016	The $100 reinspection fee was paid.
04-13-2016	All corrections made and rental license passed.
04-19-2016	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
04-19-2016	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.
05-09-2016	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.
06-03-2016	A Mitigation Plan was submitted.
05-31-2016	The Mitigation Plan was finalized.
06-03-2016	A letter was sent to the owner notifying that the hearing before the Council will be held June 13, 2016.

Prior Type IV Rental License approval activities for rental license that expired on 02/28/2016:

06-12-2015	The Owner, Godiva Properties, LLC, applied for renewal of the rental dwelling license for 2913 Nash Rd, a single family dwelling.
06-30-2015	An initial rental license inspection was conducted. 10 property code violations were cited, see attached rental criteria.
08-17-2015	A second rental inspection was conducted and passed.
08-31-2015	The previous rental license expired.
09-03-2015	City records indicate zero validated police nuisance incidents occurred in the past twelve months.

COUNCIL ITEM MEMORANDUM

09-03-2015 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.
09-17-2015 A Mitigation Plan was submitted.
09-17-2015 The Mitigation Plan was finalized.
09-21-2015 A letter was sent to the owner notifying that the hearing before the Council will be held September 28, 2015.

If approved, after six months, a new rental license is required. The license process will begin in approximately four 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 a Type IV Rental License for 2913 Nash Rd

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 2913 NASH RD

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 2913 Nash Rd, was issued a Type IV Rental License on December 11, 2017; and

WHEREAS, the property qualifies for a Type IV Rental License based on the number of property code violations (10) 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 2913 Nash Rd, Brooklyn Center, MN.

March 12, 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:	2913 Nash Road		
Owner's Name(s):	Godiva Properties, LLC	Local Agent:	Michael Schaeffer
Owner's Address:	5660 Comstock Lane North Plymouth, MN 55446	Agent Address:	1200 Centre Pointe Curve, Suite 300 Mendota Heights, MN 55120
Owner's Phone:		Agent's Phone:	651-797-6913
Owner's Email:		Agent's Email:	bethany@msphomerental.com
Current Expiration Date:	2/28/2018	Pending Expiration Date:	8/31/2018

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.

<u>Read carefully and be sure to follow instructions, otherwise your plan will not be approved.</u>

City of Brooklyn Center—Community Development

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 _____ (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 3/16/2018 9:30AM

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	pre-2013	G	2021
Water Heater	pre-2013	G	2021
Kitchen Appliances	pre-2013	G	2023
Laundry Appliances	October 2017	N	2032
Smoke Alarms/ Carbon Monoxide Alarms	October 2017	N	2027
Exterior Items			
Paint/Siding	pre-2013		2020
Windows	pre-2013		2026
Roof	pre-2013		2028
Garage	pre-2015		2025
Driveway	pre-2015		2023
Fence	pre-2013		2035
Sidewalks	pre-2015		2023
Shed	N/A		

*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

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.

Michael Schaeffer, Property Manager, MSP Home Rental

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

2/22/2018

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

2/26/2018

Date

Community Development

2/22/18

Date

City Council Agenda Item No. 10b

COUNCIL ITEM MEMORANDUM

DATE: March 6, 2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Sharon Knutson, City Clerk

SUBJECT: Mayoral Appointment of Member to Serve on Housing Commission

Recommendation:
It is recommended that the City Council consider ratification of the Mayoral appointments of Paul Oman, 5239 East Twin Lake Boulevard, and Michael Stokes, 2900 Mumford Road, to the Housing Commission with terms to expire December 31, 2018.

Background:
The Housing Commission is composed of a chairperson and six members. There are two vacancies on the Commission. Notice of vacancy on the Commission was posted at City Hall and the Community Center and on the City's website, including Facebook and Twitter, since November 22, 2017.

A letter was sent to those persons who previously had submitted an application for appointment to a Brooklyn Center advisory commission informing them of the vacancy and requesting that they call the City Clerk if they are interested in applying for the Commission. They were given the choice of either submitting a new application or having their application previously submitted considered. Notices were also sent to current advisory commission members.

A copy of the applications received was forwarded to City Council Members in the March 2, 2018, update. Attached for City Council Members only are copies of the applications received:

Paul Miller	5930 June Ave N
Paul Oman	5239 East Twin Lake Boulevard
Michael Stokes	2900 Mumford Road

The applicants were notified that their application for appointment would be considered at the March 12, 2018, City Council meeting. Mayor Willson recommends appointment of Paul Oman and Michael Stokes to the Housing Commission.

As previously requested by the City Council, the City Advisory Commission Bylaws are not included in the materials but can be found on the City's website at www.cityofbrooklyncenter.org. The membership roster is also available at this site and in the City Council Reference Book.

Budget Issues:
There are no budget issues to consider.

City Council Agenda Item No. 10c

COUNCIL ITEM MEMORANDUM

DATE: March 6, 2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Sharon Knutson, City Clerk

SUBJECT: Mayoral Appointment of Members to Serve on Sister Cities Commission

Recommendation:
It is recommended that the City Council consider ratification of the following Mayoral appointments to the Sister Cities Commission with initial terms of one, two, three, four, and five years as indicated (thereafter, all appointments shall be for a term of five years or until a successor is qualified):

Sheku Samba	6427 Camden Ave N #312, Brooklyn Center	12-31-18
Jacob Saffert	4207 Lakeside Ave #328, Brooklyn Center	12-31-19
Tashawna Williams	6825 Zenith Ave N, Brooklyn Center	12-31-20
Anthony Ochoada	8117 Wyoming Ave N, Brooklyn Park	12-31-21
Issa Mansaray	7030 Humboldt Ave N, Brooklyn Center	12-31-22

Background:
The Sister Cities Commission is composed of five members. This is the initial appointment of members to serve on the Commission. Notice of vacancy on the Commission was posted at City Hall and the Community Center and on the City's website, including Facebook and Twitter, November 1, 2017, through March 1, 2018.

Six applications were received and forwarded to City Council Members in the March 2, 2018, update. Attached for City Council Members only are copies of the applications received:

Kevin Harris	4911 Vincent Ave N, Brooklyn Center
Issa Mansaray	7030 Humboldt Ave N, Brooklyn Center
Anthony Ochoada	8117 Wyoming Ave N, Brooklyn Park
Jacob Saffert	4207 Lakeside Ave #328, Brooklyn Center
Sheku Samba	6427 Camden Ave N #312, Brooklyn Center
Tashawna Williams	6825 Zenith Ave N, Brooklyn Center

The applicants were notified that their application for appointment would be considered at the March 12, 2018, City Council meeting.

Budget Issues:
There are no budget issues to consider.

Attachment: Resolution Establishing a Brooklyn Center Sister Cities Commission and Defining Duties and Responsibilities

RESOLUTION NO. 2015-159

RESOLUTION ESTABLISHING A BROOKLYN CENTER SISTER CITIES COMMISSION AND DEFINING DUTIES AND RESPONSIBILITIES

WHEREAS, the City of Brooklyn Center is among the most ethnically diverse communities in the State of Minnesota with more than 20% of its residents being foreign born; and

WHEREAS, the City has been approached on several occasions by residents wishing to establish a Sister City relationship between the City of Brooklyn Center and other communities throughout the world; and

WHEREAS, through a meeting arranged by New Horizons Resource Group, a non-profit organization in Minnesota, The Vice President of the Republic of Liberia, His Excellency Joseph Nyumah Boakai, asked that the City of Brooklyn Center establish a Sister City relationship; and

WHEREAS, the City of Brooklyn Center adopted a resolution on December 10, 2012, establishing a Sister City relationship between Voinjama Lofa County, Republic of Liberia, and the City of Brooklyn Center; and

WHEREAS, the City of Brooklyn Center on January 13, 2014, adopted a resolution approving a Memorandum of Understanding expressing our desire to foster ties of friendship, cooperation and mutual understanding between the two cities of Voinjama and Brooklyn Center in the areas of culture, sciences, education, health, tourism and sport; and

WHEREAS, a delegation of volunteer Citizens representing the City of Brooklyn Center accepted the invitation from The Vice President, His Excellency Joseph Nyumah Boakai, and The Honorable Mayor Yunger Sherman to participate in a cultural exchange in Liberia in January 2014; and

WHEREAS, all partners are committed to continuing, growing and developing this Sister City relationship into the unforeseen future; and

WHEREAS, upon return from the January 2014 exchange it was determined that the best way to fulfill our goal of maintaining a productive ongoing Sister City relationship between the City of Brooklyn Center and Voinjama City, Lofa County, Liberia, in the spirit of Sister Cities International Inc., founded in 1956 by President Dwight D. Eisenhower, is to establish an advisory Sister Cities Commission; and

WHEREAS, cities throughout the United States have established Sister City Advisory Commissions as an effective way to authorize the approval of Sister City relationships, to foster and perpetuate the continuation of successful international exchanges and mutually beneficial interaction between the partners of these relationships; and

WHEREAS, an advisory Sister Cities Commission will facilitate the orderly authorization of formal "people to people" Sister City relationships between the City of Brooklyn Center and other international communities by promoting the ideals of peace and understanding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Brooklyn Center Council does hereby establish an advisory Brooklyn Center Sister Cities Commission.

ARTICLE I.

NAME. The name of this organization shall be the Brooklyn Center Sister Cities Commission (hereafter referred to as the Commission).

ARTICLE II.

PURPOSE. The purpose of the Commission shall be to serve as an advisory body on matters affecting sister cities relationships, programs and activities. This Sister Cities Commission will also review applications for sister city affiliations and forward recommendations to the City Council for the establishment of future Sister City agreements. Commissioners are expected to volunteer time to participate in Sister City events projects outside the regular meetings.

ARTICLE III.

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

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

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

ARTICLE IV.

MEETINGS. Section 1. Official meetings of the Commission shall be held at City Hall or such other place as designated by the Chair of the Commission.

Section 2. Special meetings of the Commission may be called by the Chair, or in the absence of the Chair, by the Vice-Chair, or upon written request of a majority or more of the appointed Commissioners. Notice of a special meeting shall be given as prescribed by the Open Meeting Law.

Section 3. All meetings of the Commission shall be conducted according to Roberts' Rules of Order, but it shall be necessary in any event for a quorum to be present for the Commission to act. A quorum shall be defined as a simple majority of the existing members of the Commission.

Section 4. An agenda for each regularly scheduled meeting and the minutes of the last meeting shall be sent to each Commission member in advance of the meeting. The Chair shall approve the agenda for each meeting and additional items may be proposed by any member of the Commission.

Section 5. The Commission shall act as a body in making its decisions and announcing them. No Member other than the Chair shall speak or act for the Commission without prior authorization.

Section 6. All meetings of the Commission shall be open to the public, and notice of these meetings shall be provided in compliance with the Open Meeting Law of the State of Minnesota.

Section 7. Provided there is a quorum present, a majority of those present shall be required to adopt any item of business.

ARTICE V.

OFFICERS. Section 1. The officers of the Commission shall consist of a Chair, Vice-Chair, Secretary, and Treasurer, each of whom shall be elected by the Commission.

Section 2. Terms of officers shall be one (1) year and officers may succeed themselves.

Section 3. The duties of the officers shall be as follows:

CHAIR. The Chair shall preside over all meetings. The Chair shall appoint all standing and ad hoc committees. The Chair shall have the authority to call special meetings provided the proper notices are given. The Chair shall be responsible for establishing the monthly meeting agenda. The Chair shall be considered an ex-officio member of all committees.

VICE-CHAIR. In the event of the absences of the Chair, the Vice-Chair shall assume the duties of the Chair.

SECRETARY. The Secretary shall keep accurate records of all proceedings of the Commission. Minutes of all Commission meetings shall be promptly recorded and maintained and shall be open for public inspection. The Secretary shall keep an accurate record of attendance. The Secretary may be assisted in the execution of these duties by a person designated by City Manager.

TREASURER. The Treasurer shall keep an accurate record of all monies received and disbursed by the Commission and make a monthly written financial report to the Commission.

ARTICLE VI.

DUTIES AND POWERS. Section 1. The Commission shall have the following duties and powers.

a. The Commission shall adopt such rules and procedures not inconsistent with these provisions as may be necessary for the proper execution and conduct of business;

b. To develop guidelines inclusive of the guidelines described in EXHIBIT 1, and a program for a Sister City relationship with other cities throughout the world;

c. To prepare an annual report of the activities of the Commission for the Brooklyn Center City Council;

d. To develop a budget as necessary for Commission projects to be considered by the Brooklyn Center City Council, including the annual membership dues to Sister Cities International Inc.;

e. To initiate, sponsor, or conduct, alone or in conjunction with other cities or agencies, public programs to further public awareness of and interest in communities throughout the world emphasizing such things as the cultural, historical, and economic aspects of the City's adopted sister cities;

f. To advise and assist the City in connection with such other activities as may be referred to the Commission by the Brooklyn Center City Council;

g. To generally stimulate, facilitate, coordinate, and cooperate with existing organizations throughout the Country for the promotion and development of Sister City relationships.

Section 2. Fundraising Activities. To generally stimulate, facilitate, and coordinate fundraising activities as needed.

ARTICLE VII.

COMMITTEES. The Commission may include standing committees and other committees as deemed necessary and appropriate:

Special committees or task forces may be created by the Chair of the Commission. All Committees or task forces are advisory in nature and do not have the authority to make final decisions on Commission policy regarding any Commission business. Such decisions are reserved for the Commission itself and must be considered at a regular or special meeting as defined above.

ARTICLE VIII.

INDEMNIFICATION. The City of Brooklyn Center is required by Minnesota Statutes, section 466.07 to indemnify and defend Commissioners, within certain limits, for damages, including punitive damages, claimed or levied against them while serving on the Commission, provided the Commissioners were acting in the performance of their duties and they were not guilty of malfeasance in office, willful neglect of duty or bad faith.

ARTICLE IX.

AMENDMENTS OF BYLAWS. These bylaws may be amended at any regular business meeting of the Commission by a two-thirds vote of the entire membership, provided the amendment has been submitted in writing at the previous regular business meeting, and shall become effective when approved by the Brooklyn Center City Council.

EXHIBIT 1

Sister City Q&A

What is the purpose of a Sister City Program?

Brooklyn Center has established and supports Sister City relationships in the belief that person-to-person ties are the strongest and to work for peace and better understanding of all cultures. Sister City relationships are created to develop lasting friendships on the human level and to provide a forum for the exchange of ideas and views.

What are the guidelines for starting a Sister City Program?

There shall exist areas of mutual interest and involvement with the prospective city in the areas of culture, business, technology, education, agriculture, sports or humanitarian goals.

There should be evidence of strong, diverse, local community support for the prospective Sister City relationship in order to assure an adequate financial base and ongoing interest in exchanges.

There should be an active local organization to support and commit to the creation of a committee and its work.

How does on apply to become a Sister City?

In 2015 the Brooklyn Center Sister Cities Commission was established with the primary purpose to coordinate and support Sister City activities. The Commission was also charged with reviewing applications of proposed Sister City relationships and passing their recommendations onto the City Council for action.

The Brooklyn Center Sister Cities Commission, prior to consideration of the proposed sister city, shall meet the following conditions:

Shall have a formal structure with officers and appropriate sub committees.

Shall submit to the Sister City Advisory Commission a work plan including activities and goals, accompanying the proposed resolution requesting an official Sister City relationship, showing how the activities of the committee will further the objectives of the Sister City Program for the next 12 months, as well as a report on all activities the committee has been involved in during the previous 12 months.

Shall present to the Sister City Advisory Commission a budget for the first year's activities following the request for a formal affiliation, showing the funds available to meet the budget requirements and indicating how the committee plans to fund its activities in the future.

There shall be a counterpart organization in the prospective sister city, with which, the Brooklyn Center committee has correspondence and obtained a written agreement concerning affiliation; or the Brooklyn Center committee must have obtained a positive written indication from the government of the foreign city that a sister city relationship would be welcome within a period of two years following approval of the Brooklyn Center City Council of the Sister City relationship.

Shall apply for 501c3 status from the Internal Revenue Service or become fiscally sponsored by an established non-profit organization within two years from the passing of the resolution.

What are the responsibilities of a recognized Sister City Program?

Submit to the Sister Cities Advisory Commission annual work plans/activities. As part of annual plan, provide specific plans for citizen participation in committee planning and trips.

Make arrangements to all trips, activities, events, ceremonies, documents and gift selection and assume responsibility for related expenses and payments.

Take steps to achieve formal status as tax exempt organization (IRS 501c3 designation) within a two-year period following approval of the Brooklyn Center City Council of the Sister City Relationship. Tax exempt status must be maintained as long as the sister city relationship is determined to be achieved by the Sister Cities Advisory Commission.

Clear all requests for functions involving Mayoral members of the City Council or City Staff appearances with the City Manager's Office.

Work Session Agenda

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
March 12, 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. Emergency Private Utility Repair Assessment Policy

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 12, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director NR

SUBJECT: Emergency Private Utility Repair Assessment Policy

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding the proposed 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 right-of-way or 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. The assessment will include a certification fee and interest as determined by the City's special assessment policy.

Utility service line connections to the main line (curb stops) are replaced with neighborhood reconstruction projects. On these projects the contractor provides a warranty that covers the 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

Policy Issues:

Does the City Council support the proposed emergency private utility repair assessment policy?

MEMORANDUM – COUNCIL WORK SESSION

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 12, 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 right-of-way or 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.

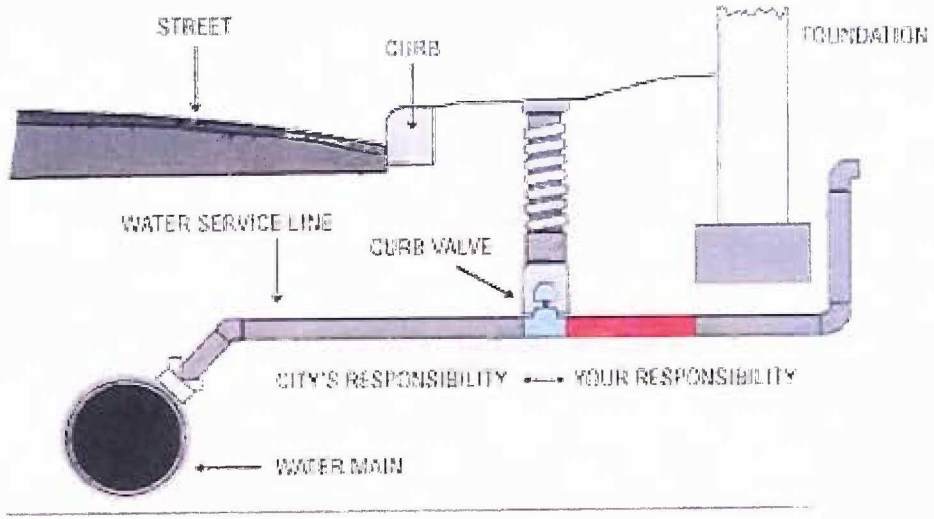
Subdivision 2. Repair Requirements. No sanitary sewer service line between the street main and the building being served shall be repaired or adjusted until a licensed plumber has obtained a repair permit from the City planning and inspection department. Any adopted permit fee shall be paid to the City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

Emergency Private Utility Repair Assessment Policy

City of Brooklyn Center
City Council Work Session
March 12, 2018

Background

- Per City Ordinance service lines for water and sewer are the property owners responsibility. This begins and includes the curb stop (connection to the main service line) to the building being served and any grade adjustments.



Background

- Initial connections to the curb stop are completed by a City hired contractor
  - Warrantied by the contractor for one to two years
  - City practice is to cover repairs after the contractor warranty period for up to ten years
- Repairs must be completed by a licensed plumber and a permit is required
- Typical cost of repair between $2,500 and $5,000
- Minnesota State law does allow the City to recover these costs through special assessments to the property
- Eleven repairs currently in the process of being assessed



Policy

- Provides City Council consent to:
  - Repair curb-stops for 10 years from initial install
  - Allow owners the option to have repair costs assessed over a five-year period
- Eligibility requirements
  - Owner-occupied home
  - Must be current on property taxes and utility payments
  - Repair cost must be approved in advance by the City
  - Signed special assessment agreement

Policy Issue

- Does the City Council support the proposed emergency private utility repair assessment policy?

