

Council Study Session

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
83701143117# Passcode:
397465#
February 28, 2022

AGENDA

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

CITY COUNCIL MEETING

VIRTUAL meeting being
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AGENDA



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

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

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

2. Invocation - 7 p.m.

3. Call to Order Regular Business Meeting

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

a. Council Norms

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

- a. Approval of Minutes
 - *Motion to approve the following minutes:*
 - 2-14-22 -Study Session Meeting
 - 2-14-22 -Regular Session Meeting
 - 2-14-22 -Work Session
- b. Approval of Licenses
 - *Motion to approve the licenses as presented.*
- c. Resolution Approving 2022 Fee Schedule Amendments
 - *Approve a resolution amending the 2022 Fee Schedule for the Special Events Permit*
- d. Resolution Accepting State Contract Pricing and Awarding a Contract, Project No. 2022-07, 2022 Park Playground Replacements
 - *Motion to approve the resolution accepting the State Contract pricing and award a contract to Landscapes Structures, Inc. for Project No. 2022-07, 2022 Playground Replacement.*
- e. Resolution Declaring a Public Nuisance and Ordering the Removal of Dead Trees at Certain Properties in Brooklyn Center, Minnesota
 - *Motion to approve a resolution declaring a public nuisance and ordering the removal of dead trees at certain properties as listed in the resolution*
- f. Resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees at Certain Properties in Brooklyn Center, Minnesota
 - *Motion to approve a resolution declaring a public nuisance and ordering the removal of diseased trees at certain properties as listed in the resolution.*

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

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

- a. Resolution Approving the Projected Use of Funds for the 2022 Urban Hennepin County Community Development Block Grant Program and Authorizing Signature of a Subrecipient Agreement with Hennepin County
 - *Motion to open public hearing, take public comment, and close public hearing*
 - *Motion to approve a resolution approving the projected use of funds for the 2022 Urban Hennepin County Community Development Block Grant program and authorizing signature of a subrecipient agreement with Hennepin County*

9. Planning Commission Items

10. Council Consideration Items

- a. An Ordinance Amending Chapter 12 of the City Code of Ordinance Regarding Tenant Protections and Approve a Resolution to allow a Summary Publication of the Ordinance
 - *Motion to approve a resolution approving of the second reading of an ordinance amending Chapter 12 of the City of ordinances regarding tenant protection and summary publication of the ordinance.*
- b. Resolution Establishing the Community Safety and Violence Prevention Implementation Committee
 - *Motion to approve a resolution establishing the Community Safety and Violence Prevention Implementation Committee and appointing its membership.*

11. Council Report

12. Adjournment

We Agree To

Internal Council Relations – Norms for 2021 – Practiced for next 90 days

- Seek to not repeat or re-iterate points that were already shared
- Engage in discussion and sharing alternate perspectives *without* weaponizing other people's words
- Recognize others with "What I heard you say is _____, with your permission, I'd like to move forward now."
- Call for consensus when it's time to make a discussion
- Allow new solutions in a time of dynamic change, process: (1) name the problem (2) find the process to resolve (3) have the discussion (4) make a decision.
- After open discussion, close down the chat during council chamber discussion (*need to vote on it).

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- Motion to approve the following minutes:

- 2-14-22 -Study Session Meeting
- 2-14-22 -Regular Session Meeting
- 2-14-22 -Work Session

Background:

In accordance with Minnesota State Statute 15.17, the official records of all meetings must be documented and approved by the governing body.

Budget Issues:

None

Inclusive Community Engagement:

None

Antiracist/Equity Policy Effect:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
2.14 Study Session	2/22/2022	Backup Material
2.14 Regular Session	2/22/2022	Backup Material
2.14 Work Session	2/22/2022	Backup Material

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

STUDY SESSION
FEBRUARY 14, 2021
VIA ZOOM

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:01 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Reggie Edwards, Community Development Director Meg Beekman, and City Clerk Barb Suciu.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Lawrence-Anderson stated she had questions about Consent Agenda Item 6f. Resolution Approving Lease Agreement with Phu Bia Produce LLC for City-owned property at 1350B Shingle Creek Crossing. She asked if they could move the item under 10. Council Consideration Items to become item 10b.

Mayor Elliott confirmed they could move 6f. Resolution Approving Lease Agreement with Phu Bia Produce LLC for City-owned property at 1350B Shingle Creek Crossing to become 10b. Resolution Approving Lease Agreement with Phu Bia Produce LLC for City-owned property at 1350B Shingle Creek Crossing.

City Manager Reggie Edwards stated Staff was not prepared to present on Consent Agenda Item 6e. Resolution Declaring a Public Nuisance and Ordering the Removal of Dead Trees at Certain Properties in Brooklyn Center, Minnesota.

Mayor Elliott confirmed Consent Agenda Item 6e. Resolution Declaring a Public Nuisance and Ordering the Removal of Dead Trees at Certain Properties in Brooklyn Center, Minnesota could be removed.

Councilmember Graves stated there have been updates on the Tenant Protection Ordinance since the last meeting. She noted she was not present at the last Council meeting due to illness. She stated there will be plenty of time to receive feedback from interested parties during Council Consideration Item 10a. An Ordinance Amending Chapter 12 of the City Code of Ordinance Regarding Tenant Protections and Approve a Resolution to allow a Summary Publication of the Ordinance, but she is not sure if the Council will be ready to vote on the item. Councilmember Graves asked if they could table the item after public input.

Mayor Elliott confirmed they could table the item after public comment. He added they could move the item into the Work Session. He agreed they would likely want more time to consider the item after receiving public input. Councilmember Graves stated some parties would like to provide further input after the changes have been made to the Ordinance.

Councilmember Lawrence-Anderson noted her appreciation of Councilmember Graves' input. As a matter of process, the Council utilizes advisory commissions on topics. Through their bylaws, the Housing Commission is supposed to provide input on all housing matters. The Housing Commission will be meeting the following night, and the Housing Commission Chairperson has not seen the most updated version of the Ordinance. Councilmember Lawrence-Anderson suggested they receive public input at the current meeting then table the topic. She explained she is the liaison to the Housing Commission and would be attending the meeting the following evening.

MISCELLANEOUS

COMMON SENSE RETREAT DATES

Dr. Edwards stated a few dates have been suggested by Councilmembers for a retreat with Common Sense. He explained he wanted to confirm the dates. The potential dates for the retreat are March 12, May 7, August 6, and November 5, 2022.

Mayor Elliott asked if all four dates would be needed for meetings. Dr. Edwards stated there need to be four meetings with Common Sense throughout the year. Mayor Elliott stated the dates work for him. He asked for all of the meetings to be put on the calendar.

Councilmember Graves stated she does not see any obvious conflicts, but there is a potential conflict on August 6 for a family camping trip. Councilmember Butler added these dates work for her.

Councilmember Ryan stated the dates work for him. He asked if the venue for the meetings would be the Heritage Center. Dr. Edwards stated they are currently planning on meeting at the Heritage Center.

Councilmember Lawrence-Anderson noted she has already added the four meeting dates to her calendar.

Dr. Edwards added Staff has been trying to keep the Councilmember's calendars updated with notes regarding if events are mandatory or optional. Councilmember Lawrence-Anderson thanked Dr. Edwards for his comment.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

Mayor Elliott suggested they rearrange the order of the items to account for presenters. Dr. Edwards stated only Staff is scheduled to present on the items.

Mayor Elliott stated the first item, Continue Allocation of American Rescue Plan Act Funds, will take the longest. He added there are members of the public that would like to participate in the discussion of the third item, Heritage Center and Minnesota Orchestra Hall Concert. Mayor Elliott suggested starting with the item regarding Community Development Block Grant Funding Allocation Discussion. From there, they could discuss the Heritage Center and Minnesota Orchestra Hall Concert and then the item Continue Allocation of American Rescue Plan Act Funds.

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING ALLOCATION DISCUSSION

Dr. Edwards introduced Community Development Director Meg Beekman to give the Staff presentation.

Ms. Beekman explained the item is before the Council each year. She stated City Staff is seeking direction from the City Council on the allocation of 2022-2023 Community Development Block Grants (CDBG) funds. CDBG funds are provided by the U.S. Department of Housing and Urban Development (HUD) to help with community development activities that benefit low and moderate-income persons. The funds are primarily intended for brick and mortar improvements, as opposed to public service activities. Hennepin County receives CDBG funds directly from HUD. Brooklyn Center is considered a Direct Allocation City and is a sub-recipient of the funds through Hennepin County.

Ms. Beekman stated The Federal Authorizing Statute for the CDBG program requires that each funded CDBG activity meet one of three national objectives: benefiting low-income persons, preventing or eliminating slums or blight, or meeting urgent community needs. At least 70 percent of the CDBG expenditures during the program year be used for activities benefiting low or very low-income persons.

Ms. Beekman noted as part of the administration of the CDBG funds, Hennepin County adopts a 5-year funding plan, which further defines the priority needs of the program and clarifies what activities are eligible for funding. Last year Hennepin County adopted a new five-year funding plan. Overall, the priority needs are centered around continuing what's working while shifting the focus to preserving affordability and reducing disparities in housing stability. The priorities include preserving and creating rental opportunities, preserving and creating homeowner opportunities, housing opportunities for homeless populations, supporting education, outreach, and services, encouraging neighborhood revitalization, and stimulating economic development.

Ms. Beekman explained because Hennepin County is responsible for the monitoring and reporting of the CDBG funds, the County oversees the use of funds within the consolidated pool. Cities that wish to diverge from the typical use of funds must seek permission from the County. Before 2018, cities were allowed to allocate up to 15 percent of their CDBG funding to public services. While Brooklyn Center regularly did so, other communities chose not to. In addition, the reporting requirements for the funds are onerous, and the County determined that it would be easier to pool the public service allocation and administer the distribution of those funds internally.

Ms. Beekman stated CDBG funding allocations from July 1 to June 30 each year. The 2021-2022 CDBG funding round was allocated by the City Council in February 2021 and is set to run through June 30, 2022. \$100,000 of the allocation was used for the Down Payment Assistance Program, and the remainder of the funds were allocated to the Hennepin County Home Rehab Program. These are programs that provide deferred or forgivable loans to low-income homeowners to make needed repairs and maintenance to their homes.

Ms. Beekman showed a slide that depicted the County's CDBG 2019 budget allocations. While they do not yet know the exact amount of CDBG allocation for the next cycle, Staff has been advised by Hennepin County to use the estimate of \$258,000, based on last year's allocation, to determine the allocation of funds. However, this allocation amount could be adjusted once HUD provides final amounts. Hennepin County receives the lump sum from HUD and determines the allocation among the participating cities based on a formula that takes into account population and need.

Ms. Beekman stated one allocation option is the Hennepin County Home Rehab Program. As CDBG funds are the only source of funding to maintain the City's existing single-family housing stock, one option would be to increase the allocation of CDBG funds for this use. 86 percent of Brooklyn Center's housing supply is single-family homes, nearly all of which were constructed before 1975. Many of these homes need maintenance, and for low-income homeowners, the cost can be overly burdensome. Maintaining the City's housing stock through this program not only provides stable homeownership for low-income folks but also maintains an affordable housing stock for new buyers as well. Further, the waitlist for the program had continued to grow, and the current waitlist is 164. Due to restructuring at Hennepin County, the program can accommodate an increase in application processing.

Ms. Beekman explained another allocation option is the Down Payment Assistance Program. Brooklyn Center allocated \$100,000 towards home buyer assistance each year with the 2020 and 2021 CDBG funding. The City has had four down payment loans closed. Due to the pandemic and the low number of homes available on the market, the program has had a slower than an anticipated start.

Ms. Beekman added in 2020, the Council made changes to the program to expand eligibility to applicants who work in Brooklyn Center, have a family member who attends school in Brooklyn Center, own a business in Brooklyn Center, or reside in Brooklyn Center. The assistance amount was increased to \$10,000.

Ms. Beekman noted Staff has increased advertising of this program. Mailers have gone out to all rental properties in the City, there has been outreach to local businesses, as well as information shared with Brooklyn Center Schools. PRG, a nonprofit that helps prepare people for homeownership, has seen a 34 percent increase in calls from Brooklyn Center. However, only two additional loans have closed since then. The number of restrictions on this program due to it being federally funded, combined with the City's restrictions, and the limited supply of homes for sale in Brooklyn Center has continued to eliminate most applicants before they apply.

Ms. Beekman added a review of the MLS listing for Brooklyn Center on January 31, 2022, provided that there were only four single-family homes and one condo actively available for purchase. Currently, the program has \$215,000 funds available from 2019, 2020, and 2021 allocations.

Ms. Beekman explained the recommendation from Staff is to discontinue the use of CDBG funds for the Down Payment Assistance Program and allocate the entire amount towards the Home Rehab Program due to the high number of applicants on the waiting list. It is recommended that the Down Payment Assistance Program remain in place, but instead be funded with TIF 3 housing funds rather than CDBG. Further, through the housing study that is currently underway, it is possible areas of need or programs may be identified. At that time, Staff may bring forward a request for reallocation of CDBG funding.

Ms. Beekman stated based on City Council's direction, a resolution will be prepared and a public hearing will be scheduled for the February 28, 2022, City Council meeting. She added she was available to answer any questions.

Councilmember Butler stated she supports the Down Payment Assistance Program, but it is difficult for people to find homes in Brooklyn Center currently. Therefore, she supports the plan as recommended by Staff.

Councilmember Ryan noted his support of the recommendation. Considering the demand for homes has been driving up the cost of homes, he asked if the income requirements for eligibility for the down payment assistance program are becoming an obstacle. The program is meant to support lower-income folks, but they need to ensure the participants can afford the mortgage.

Ms. Beekman explained the income limits are determined by HUD. The idea is that folks do not spend more than 30 percent of their income on a mortgage. It is a balancing act to ensure they are not setting people up for failure. Councilmember Ryan stated Staff could contact HUD to receive feedback on the income limits. He noted his agreement for making the funds more accessible through the Home Rehab Program.

Councilmember Graves stated she concurred with the previous comments. She agreed they could reassess the funds after the completion of the housing study. Councilmember Lawrence-Anderson noted her agreement with other Councilmembers' support of the Staff's recommendation. She thanked the staff for their thorough work on the matter.

Mayor Elliott asked if they can use the existing funds for the Home Rehab Program then allocate the new funds for the down payment assistance program. It could be a way to use the stale money first. Ms. Beekman stated Staff could speak with Hennepin County about their preference for use of the funds. If the Council intends to continue funding the Down Payment Assistance Program and the Home Rehab Program, then Staff can work with the County to find the most efficient use of funds.

Mayor Elliott stated there is no shortage of people trying to help with down payments. If the funds are not being utilized due to the market and the competition with cash buyers, he asked how the

City can use its buying power to help potential new homeowners. He asked for Staff to explore that and return to the Council with their findings. Ms. Beekman confirmed they would look into the concept.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Hearing no objections, Mayor Elliott adjourned the Study Session at 6:40 p.m.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of a Study Session of the City Council of the City of Brooklyn Center held on February 28, 2022.
2. That said meeting was held under due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its February 28, 2022, Regular Session.

Barbara Suciu, City Clerk

Mike Elliott, Mayor

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 14, 2021
VIA ZOOM

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 Mike Elliott at 6:41 p.m.

ROLL CALL

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

Mayor Mike Elliott opened the meeting for the Informal Open Forum.

Diane S. congratulated the Council on putting together the event for May 10, 2022. She thanked the Council for moving forward with the event and noted she has the date on her calendar. Diane S. added she listened to the recent meeting on the Community Center and explained she hopes the Council will consider the City's diverse population in making decisions about the Heritage Center.

Diane S. stated she shops at the Vinai Food Market on Brooklyn Boulevard. She noted she would like to hear about the new market the City is considering. The existing Vinai Food Market was not offered the same deal by the City although they have been in the community for over 20 years.

Randy C. requested for the Council to consider the mission, vision, and values of Brooklyn Center as they review the agenda items. The mission of the City of Brooklyn Center is to ensure an attractive, clean, safe, and inclusive community that enhances the quality of life for all people and preserves public trust.

Erik F. asked to speak to the tenant protection ordinance. Mayor Elliott stated they would come back to him at the appropriate time.

City Clerk Barb Suciu noted Shana T. emailed her and also would like to speak to the tenant protection ordinance.

Joy asked if it was the appropriate time to speak about the American Rescue Plan Act (ARPA) funds. Mayor Elliott stated the item Continue Allocation of American Rescue Plan Act Funds is

a Work Session item that does not have public comment built-in. However, he was not opposed to receiving public comments. Mayor Elliott asked the Council for their input on receiving public comment after Council receives a presentation.

Councilmember Ryan stated the Work Session procedures are clear that Council receives a presentation from Staff, deliberates, and makes a decision. From there, the public is welcome to comment on the topic afterward. The public can also submit a written statement if they have lengthier comments, and the statement could be put into the record at a later date.

Mayor Elliott stated they can receive comments from the public after the presentation and noted they are not voting on the topic that evening. Joy thanked the Council for their responses to her comments.

Alfreda D. stated the Council needs to hold themselves accountable for the way they engage with the community. She explained she was on the call two meetings ago, and the environment was uncomfortable when discussing the name change of the Heritage Center. The Council rushed the public in their comments, and Councilmembers refused to do the invocation because the public was taking up too much of their time. She reminded the Council members were elected to do the specific job of serving the City. As a community member and organizer, Alfreda D. stated she felt uncomfortable and as though she was wasting the time of the Council. The Council's behaviors were inappropriate and could prevent community members from attending the meetings.

Mayor Elliott stated it is important for the Council to remember who they work for. It is never a bother for the Council to listen to the community and the City's residents.

Joy stated she sat in on the Charter Commission meeting call last week. In that space, it was a very similar environment. It was very uncomfortable to bring ideas to the table. She explained in the middle of her comments, a vote was called for and silenced her. Joy stated the meeting also included comments about how it was difficult and not according to how they normally do meetings. They need to include the community in the conversations if they are going to be a community-centered City. Both Councilmembers and Staff need to engage in the broader community.

Randy C. noted his agreement with Joy's and Alfreda D.'s comments. The City needs to consider input, but they also need to have clear directions about how and where the input is received. Certain meetings do not have input. The Council doesn't advertise when they allow input and chooses to allow input at the spur of the moment. It is confusing for the community, and Randy C. asked for the Council to provide more clear direction on when comments are and are not allowed.

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

Motion passed unanimously.

2. INVOCATION

Mayor Elliott stated he was aware of the killing of Amir Locke on February 2, 2022, by the Minneapolis Police Department. Mr. Locke was not a suspect nor fleeing from police. He was simply sleeping on a sofa. In the words of his cousin, “you shouldn’t be gunned down by the police in a home you feel safe in, especially if you haven’t broken the law.”

Mayor Elliott noted he felt sick after hearing the comments of Mr. Locke’s parents. He explained he thought of his younger brother who has spent many nights sleeping at a friend’s house on the sofa. Sadly, it is another example of why the work the City is doing to transform public safety is deadly important.

Mayor Elliott stated Minneapolis has executed a large number of no-knock warrants, whereas St. Paul has executed close to zero no-knock warrants since 2016. The traditional ideas to keep people safe are not working.

Mayor Elliott stated Brooklyn Center is working to reimagine the meaning of public safety. It does not look like awaking in the early morning to multiple guns pointed at one’s face and being killed. The City is charged with throwing off old ideas of safety and making sure people have the resources they need to feel safe.

Mayor Elliott explained he has cried too many times in the last couple of weeks to shed any more tears. He thanked the Brooklyn Center City Council for their commitment to transformation. Brooklyn Center can be a beacon of hope to young people like Amir Locke who are being traumatized each time they see a black man killed by police.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:06 p.m.

4. ROLL CALL

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

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Elliott noted they changed an item on the Consent Agenda. They moved 6f. Resolution Approving Lease Agreement with Phu Bia Produce LLC for City-owned property at 1350B Shingle Creek Crossing to become 10b. Resolution Approving Lease Agreement with Phu Bia Produce LLC for City-owned property at 1350B Shingle Creek Crossing.

Mayor Elliott moved and Councilmember Ryan seconded to approve the Agenda and Consent Agenda, as amended, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. January 24, 2022 – Study Session
2. January 24, 2022 – Regular Session
3. January 24, 2022 – Work Session

6b. LICENSES

MECHANICAL

Avid Heating & Cooling	7700 County Road 110 West Minnetrista, MN 55364
Blue Ox Heating & Air LLC	5720 International Parkway New Hope, MN 55428
GPI Fireplace Services LLC	735 Leon Street Jordan, MN 55352
Home Energy Center	2415 Annapolis Lane North Plymouth, MN 55441
JCX Heating and Cooling	5912 Washburn Avenue North Brooklyn Center, MN 55430
Jayhawk Mechanical Inc.	3301 North 2nd Street Minneapolis, MN 55412
Majestic Customs Const. DBA Majestic Custom Heating	8800 Royal Court Northwest Ramsey, MN 55303
Michal's HHH Inc.	2779 161st Avenue Northwest Andover, MN 55304
Myles Mechanical	17522 Concord Drive Ham Lake, MN 55304
Regency Plumbing Inc.	3414 Louisiana Avenue North Golden Valley, MN 55427

RENTAL

INITIAL (TYPE IV – six-month license)
7124 West River Road

Segun Olataya

INITIAL (TYPE II – two-year license)

7025 Drew Avenue North

Home SFR Borrower LLC

RENEWAL (TYPE IV – six-month license)

6106 Aldrich Avenue North

Home SFR Borrower LLC

7211 Camden Avenue North

Sean Bannerman /Bannerman Real
Estate

6718 Colfax Ave N

Home SFR Borrower LLC

3018 Ohenry Road

Chen Zho / Cosco Property I LLC

RENEWAL (TYPE III – one-year license)

5901 Aldrich Avenue North

Home SFR Borrower LLC

5712 Bryant Avenue North

Home SFR Borrower LLC

7225 Major Avenue North

Kin Chew / Iasis III LLC

6400 Noble Avenue North

Zamzam Gesaade

RENEWAL (TYPE II – two-year license)

3328 49th Avenue North

Sherman Kho

5316 Colfax Avenue North

Home SFR Borrower LLC

5322 Logan Avenue North

Mary Jo Schwanz

5548 Logan Avenue North

Lateef Olarinde

6661 Xerxes Place

Ashwin Goel / MN Housing I LLC

RENEWAL (TYPE I – three-year license)

5843 Fremont Avenue North

Fremont LLC / Stephanie Steiner

5332-5336 Russell Ave North

Douglas Ryan

5614 Bryant Avenue North

Xian Lin / Properous Property

6215 Bryant Avenue North

Tuuyen Tran

6828 Fremont Place North

Ali Sajjad / 786 Homes LLC

7131 Halifax Avenue North

Joan Gunderson / Open Hands Inc.

7125 Kyle Avenue North	Xian Lin / Prosperous Property
4207 Lakeside Ave #327	Rachel Petz
5301 Logan Avenue North	MNSF II W1 LLC
5509 Lyndale Avenue North	Bret Hildreth / Dragon Property Management
807 Woodbine Lane	Jon & Erin Green

- 6c. RESOLUTION NO. 2022-22; ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, IMPROVEMENT PROJECT NOS. 2021-01, 02, 03, 04, AND 12, GRANDVIEW SOUTH AREA STREET, STORM DRAINAGE, AND UTILITY IMPROVEMENTS, AND 53RD AVENUE UTILITY IMPROVEMENTS**
- 6d. RESOLUTION NO. 2022-23; APPROVING AND AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE CITY OF MINNEAPOLIS FOR THE IMPROVEMENT OF A PORTION OF 53RD AVENUE NORTH (PENN AVENUE NORTH TO MISSISSIPPI DRIVE NORTH)**
- 6e. RESOLUTION DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DEAD TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA (REMOVED FROM AGENDA)**

Motion passed unanimously.

- 7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS**
- 8. PUBLIC HEARINGS**
- 9. PLANNING COMMISSION ITEMS**
- 10. COUNCIL CONSIDERATION ITEMS**
- 10a. AN ORDINANCE NO. 2021-08; AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCE REGARDING TENANT PROTECTIONS AND APPROVE A RESOLUTION TO ALLOW A SUMMARY PUBLICATION OF THE ORDINANCE**

Dr. Edwards introduced the item and invited Community Development Director Meg Beekman to make the Staff presentation.

Ms. Beekman explained the City Council met on December 13, 2021, and held the public hearing on this item. After the public hearing and Council discussion, the vote on the second reading of the ordinance was delayed until January 24, 2022. Based on direction from the City Council in response to the public hearing, Staff held two meetings with landlords and other stakeholders to discuss the proposed ordinance. Based on the feedback received, and in discussions with both landlords and housing advocates, Staff made three modifications to the proposed ordinance.

Ms. Beekman stated there were three changes suggested. First, there was an addition of a provision that would require property managers to track and report to the city any non-renewals of leases, and the reason for the action. She noted the County tracks the data very well, and the proposed change will help the City track data better and understand the magnitude of the City's housing issues.

Ms. Beekman stated the second change was to reduce the pre-eviction notification period from 30 days to 14 days. The change would match Minneapolis' ordinance and would keep any actions within a single rent cycle, which was the request of the landlords. She added there is pending legislation related to the item, and the new language would be in line with the potential legislation.

Ms. Beekman added the last change to the Ordinance was to add a provision that would allow landlords the option of either following the non-renewal with the just cause requirements or providing a 90-day notice of a lease termination notice without needing to give any reason. This would provide options to deal with the examples of bad neighbors that property managers raised at the public hearing but would still allow for greater notice to renters than the existing 30-day notice period.

Ms. Beekman explained that just cause non-renewals to establish requirements that prevent a property owner or property manager from non-renewing an existing tenant lease without just cause. They added an alternative option for tenants to be non-renewed without just cause with a 90-day notice of non-renewal.

Ms. Beekman stated there were other tweaks to clean up the language. First, a waiver is not allowed by a tenant to waive their rights under the new Ordinance. The Ordinance allows for private enforcement, meaning a tenant or former tenant of an affordable housing unit harmed by an owner in violation of this ordinance may bring an action against the owner in district court. Lastly, there was an added separability and severability statement, which is common for ordinances.

Ms. Beekman noted if the Council would prefer to make additional changes or remove the modifications, the Staff would recommend that those changes be made by the City Attorney and brought back to the next Council meeting for approval of the second reading. Ms. Beekman offered to answer any questions. She added the public comment period was closed in December, but the Council could allow for additional comments.

Mayor Elliott thanked Ms. Beekman for her presentation. He explained tenants have expressed 14-day notice will cause more harm. It is difficult to find new housing in 14 days, and it is

inhumane. Mayor Elliott stated even 30 days is not enough. He stated he wants an ordinance that would allow for at least 30 days.

Mayor Elliott added the 90 days loophole would allow the landlords to evict residents without cause if they speak out against living conditions. Mayor Elliott has spoken with tenants and tenant protection organizations. He explained he would like Staff to speak with those parties and return to the Council with more alterations. Mayor Elliott stated the proposed Ordinance is ultimately a step backward. He noted there were people from the community that would like to speak on the issue as well.

Councilmember Lawrence-Anderson stated the Housing Commission is meeting the next day. She explained she volunteered with the Housing Commission from 2000 through 2012. It is the role of the Housing Commission to advise the Council on matters related to housing. The Commission has not yet seen the latest version of the Ordinance, and they should be able to provide feedback.

Councilmember Lawrence-Anderson pointed out Ms. Beekman and Staff have done a great job working on the Ordinance. Councilmember Lawrence-Anderson noted she was at the joint meeting, and the proposed timeline is agreeable. Nonetheless, it is important to hear from the Housing Commission as that is their role.

Councilmember Butler noted she was prepared to vote for the original version of the Ordinance as she trusts the City Attorney and Staff. She explained she is not supportive of the current form and will be in touch with Staff about portions she disagrees with.

Councilmember Graves stated she is interested in feedback from the Housing Commission and any public comments on the call. Councilmember Graves noted Ms. Beekman stated evictions are thoroughly tracked by the County but non-renewals are not. Therefore, Councilmember Graves supports that portion of the Ordinance. She asked if there are any data or case studies about similar ordinances and if there have been issues with landlords being able to evict tenants with such ordinances.

Councilmember Graves stated she likes portions of the new Ordinance, but she does not feel good about the two options for landlords. 14 days is a short amount of time, especially considering the issue of wintertime in Minnesota and the recent pandemic.

Councilmember Lawrence-Anderson stated she hopes they can table the vote to hear from the Housing Commission and other comments. She asked what the ultimate objective of the evening was.

Mayor Elliott stated they are going to table the item and have Staff return with a further revised version based on where they end up that evening. However, the last time they tabled the discussion, residents reached out to him regarding retaliation they were still facing. Mayor Elliott suggested they get more information but they still need to make sure they move forward efficiently.

Councilmember Graves noted Ms. Beekman stated the State has pending legislation similar to the 14-day timeline. Councilmember Graves asked what the time frame was before and how the new legislation would impact the City's ability to craft an Ordinance.

Mayor Elliott asked what the likelihood is for the legislation to pass. Ms. Beekman stated it is early in the legislative session, and the wording of the legislation may change in the meantime. She added there are only two cities that have passed an eviction notification period. Minneapolis's ordinance requires 14 days of notice, and St. Louis Park requires 7 days for a pre-eviction notice. Therefore, there wouldn't be data to answer Councilmember Graves' questions about case studies or similar ordinances. However, the courts are upholding the other ordinances.

Mayor Elliott stated housing, like many other areas, has needed work to be done. Housing issues point to the underlying need for justice in the country.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to table an Ordinance amending Chapter 12 of the City of ordinances regarding tenant protection to February 28, 2022.

Mayor Elliott asked Councilmembers if they would be willing to hear public comments on the topic. Councilmember Graves confirmed she would be open to hearing from the public.

Motion passed unanimously.

Erik F. noted the issue impacts everyone in Brooklyn Center. The proposal includes a notice of a potential eviction, which is not the same thing as affecting how many days the people have to leave. The notice starts the rest of the eviction timeline process. If there is not an understanding reached between the landlord and tenant, then the issue goes to eviction court. Eviction court itself takes three to five weeks. All in all, the process after the notice period could take at least six weeks.

Erik F. added the eviction moratorium has been phased out since last summer and they haven't seen a wave of evictions as forecasted. Minnesota is in the bottom five states with evictions since the moratorium.

Erik F. stated just cause evictions must be able to be documented in court, be it criminal activity or nonpayment of rent. The just cause non-renewal would require the same standard of documentation. Therefore, a non-renewal would become the same as an eviction. Non-renewals are a tool used by landlords to address issues with tenants such as being a nuisance to other tenants. It is a way to protect residents from bad neighbors. Erik F. noted his appreciation of the continued discussion of the Ordinance.

Mayor Elliott stated he would like to see more about the numbers regarding Minnesota and evictions. Erik F. stated the numbers he cited were from a Princeton study. Mayor Elliott stated Minnesota is at the bottom of the list for racial disparity concerns.

Lovetee P. noted she is an organizer at Georgetown Park Apartments. She explained she is

frustrated with the process because they have discussed the Ordinance for 12 months. At the December 13, 2021 meeting, they talked about how the Ordinance would protect tenants and were considering the 30-day notice. She explained the non-renewal option is currently hurting tenants.

Lovetee P. stated the reduction of the 30-day notice is discouraging for tenants. The tenants tried to find people to speak on their behalf. Lovetee P. stated her voice has not been heard. She explained she is frustrated because people are losing their homes. They have wasted a lot of hours on the issue.

Lovetee P. stated the residents of Brooklyn Center elected the Council to support them. The residents are watching the Council, and the residents know what they want. The residents want 30 days of notice, and the non-renewals negatively impact tenants, especially those who speak up for their rights.

Shana T. explained she is an attorney with the Housing Justice Center, a nonprofit organization with the mission to preserve and protect affordable housing in Minnesota. She noted she has worked with many tenants in Brooklyn Center for about a year regarding various tenant protections.

Shana T. pointed out just cause is not a new concept, and it is a presumption that people will not be displaced from their homes without reason. Evictions are what can be used to eliminate bad neighbors. It is the responsibility of the property owner to do an investigation into the matter and target the correct person. The clause protects families and protects the community from flippers. She noted the Minnesota Supreme Court does support the Constitutionality of just cause reasoning.

Shana T. there were five housing advocates and 15 landlords in attendance at the outreach meeting. Much like the imbalance of power that exists when negotiating a lease, there was no equality in the meeting. The City tried to moderate the conversation, but the meeting itself showed why a tenant protection ordinance is needed. The Council needs to show bravery to serve every resident in its community.

Shana T. stated just cause is particularly necessary as certain tenant protections are ending. For example, people that have used COVID-19 rental assistance are facing non-renewals as the landlords claim they will be unable to pay rent down the line.

Joy asked if anyone has looked at the option of mutual lease terminations. It could be used to address bad tenants. The property owner would not have to pay a filing fee for evictions and it wouldn't go on the tenant's record. Joy pointed out the term "landlord" itself implies a power dynamic.

Joy asked how many property owners live in Brooklyn Center themselves and know the community. She asked how many people on the Housing Commission are current renters. If the Housing Commission is giving recommendations, they may not be considering the perspective of renters.

Joy stated the conversation is uneven and is unfair to tenants. The conversation has lasted a long time, and renters are waiting. Joy stated the Council needs to look at how they can promote property owners that support and build up the community. There are sums of money available for property owners to provide services to their tenants.

Fadumo M. explained she is a Housing Organizer with African Career and Education Resource (ACER) and works closely with renters. Fadumo M. stated affordable housing renters do not have attorneys available to them as property owners might. There are legal organizations that may be able to assist renters, but it takes weeks to months to go through the application and attorney assignment process. Tenants also have to take off work to attend any eviction hearings. Overall, they do need a 30-day notice for renters to get their ducks in a row for any eviction court cases.

Fadumo M. stated housing instability ultimately leads to community instability. Housing instability means families cannot plan for their futures. Just cause non-renewals allow for families to become more invested in their neighborhoods and schools. Fadumo M. stated she knows a family that has rented in Brooklyn Center for 11 years and was then forced into a month-to-month lease. They do not know when it will be their last month, and it takes a toll on their mental health.

Fadumo M. stated when property owners have a good reason to displace tenants, they can be evicted. If they don't have a good enough reason, then they use non-renewals.

Fadumo M. pointed out she was at the last meeting with property owners and housing advocates. A landlord stated they put all of their landlords, regardless of history and reliability, on 60-day notices. That creates a great deal of instability in the community.

Jayne noted her agreement with previous comments. She explained she applied for rent help in October. In December, she received a letter for non-renewal without reason. She noted she has never had a police call and has been a model tenant for two years. Jayme explained she was evicted because she reached out for help. The Council needs to help the tenants in the community.

Mai H. stated she is a small-time landlord with one unit in Brooklyn Center. She noted she hears the comments and concerns of people. Mai H. explained she has been working with a tenant for a couple of years by waiving late fees and providing ample opportunities for the tenant to pay her rent.

Mai H. explained reducing the 30-day notice to 14 days will allow smaller landlords like her to continue renting properties. She noted she does not have excess money to keep paying mortgages while tenants may take advantage of the situation. Tenants need to know they need to pay their rent before spending money on a new car or a vacation. The 14-day notice shows tenants paying their rent is serious. If there is a 30-day notice, then the tenant would be two or three months behind before they could be evicted. In that scenario, Mai H. would have to eat the cost of non-payment. Mai H. stated small landlords also need to have an opportunity in America to invest in something for their benefit and to support their children.

Randy C. stated he owned a single-unit townhome and noted his agreement with Mai H. It is difficult for smaller landlords to juggle the shorter time constraints. The Council needs to consider

large landlords, small landlords, and renters to come to a fair conclusion. Randy C. noted his appreciation of the Council's careful consideration of the issue.

Samuel S. explained he is an attorney with HOME Line. He noted HOME Line supports the Ordinance, and the best version of the Ordinance supports renters. The protections are greatly needed. 14 days is a short period, and they are talking about people's homes. People deserve time to solve those issues or figure out how to protect themselves.

Samuel S. added forcing people out of their homes affects the entire community. Just cause non-renewals are used to scare tenants into not asserting their rights more than anything else. He noted his appreciation of the City.

Lisa R. stated 30 days is appropriate, be it small or large property owners. 14 days is not enough time for someone to find new housing. She noted she is experiencing retaliation by her landlord after calling the City because they have been paying rent for six months without their landlord having a rental license.

Lisa R. stated her rent increased after three years of living in the same residence. She added she is disabled, and she has a disabled daughter. It is disrespectful to treat her in that way while she has been a model tenant.

Mayor Elliott stated he would like the original Ordinance to be presented to the Council at the next meeting with the addition of pieces the Staff thought were prudent to add such as tracking data. He added he would like to hear from the Housing Commission.

Councilmember Graves stated the dialogue was respectful, and she learned a lot from the public's comments. She asked which states Shana T. was referring to during her comments. Councilmember Graves added she would like to learn more about mutual lease terminations as mentioned in comments made by Joy. Additionally, it is important to consider how property owners may treat all tenants the same without taking their rental history or circumstances into consideration.

Councilmember Graves stated the best scenario with the changes is to protect lower-income tenants. The worst-case scenario would allow a bad neighbor to stay 30 days longer than before. She noted her appreciation of the smaller property owners and the impact of the Ordinance on them.

Councilmember Graves thanked Jayme for sharing her experiences. Councilmember Graves asked if they could make two different periods for smaller or larger landlords, as that is what equity is about. Ordinances currently treat all landlords and all tenants the same, and there needs to be more nuanced in that area.

Mayor Elliott thanked commenters for sharing their thoughts.

ADJOURNMENT

Mayor Elliott moved and Councilmember Butler seconded adjournment of the City Council meeting at 8:23 p.m.

A resident noted they never closed the comment session. Mayor Elliott stated they did not officially hold a public hearing, so there was no need to close anything.

Dr. Edwards stated there was another item on the agenda to address.

Mayor Elliott, Councilmember Butler, Councilmember Graves, Councilmember Lawrence-Anderson, and Councilmember Ryan voted against the same. Motion failed.

10b. RESOLUTION NO. 2022-24; APPROVING LEASE AGREEMENT WITH PHU BIA PRODUCE LLC FOR CITY-OWNED PROPERTY AT 1350B SHINGLE CREEK CROSSING

Dr. Edwards introduced the item and noted Councilmember Lawrence-Anderson had asked for the item to be moved from the Consent Agenda to become a Council Consideration item. He explained the property is owned by the City. It has a liquor store on one portion of the land and the other area is vacant. He invited Ms. Beekman to present.

Ms. Beekman stated she does not have a formal presentation, but she was available to answer any questions the Council may have.

Councilmember Lawrence-Anderson asked Ms. Beekman to give a summary of the item. Councilmember Lawrence-Anderson asked how the particular business was selected. She asked if there is a clause in the lease for sub-letting. The City was going to charge a base rate of \$15 per square foot, including any common area maintenance fees. Councilmember Lawrence-Anderson asked what the market rate is for the area. She noted that instead of a build-out allowance, six and a half months of rent will be waived to support cash flow and minimize startup expenses.

Ms. Beekman stated the shell space intends to provide brick and mortar space for small business owners and maintain commercial affordability in Brooklyn Center. They chose to do that because the City did not need the entire parcel, and it was inexpensive to add a shell space. The Housing and Redevelopment Authority was instructed to find a use for the space that supported small business owners.

Ms. Beekman explained currently, the shell space is empty and not utilized. Having a tenant in the shell space at this time would occupy a vacant space and generate a source of revenue to further support commercial affordability efforts in the City of Brooklyn Center. Rent collected will be used to offset the costs of construction towards shell space. The staff has consulted with organizations that support small businesses to identify a user for the space. They also wanted to find a user that would address the debt on the space.

Ms. Beekman stated they have tried to find a use for the space over the years, but nothing has arisen. They considered using it as a small business incubator, but it was determined the Opportunity Site would be a better location for that program.

Ms. Beekman stated Mai Y Lor is a woman of color who would be selling fresh fruits and vegetables in Brooklyn Center. She will be bringing in goods from all over the world and becoming a strong contributor to the healthy food ecosystem in Brooklyn Center. Ms. Lor currently sells her produce in St. Paul and has been looking to expand. It does not compete directly with existing grocers as the produce is culturally-specific and not easy to find in mainstream grocery stores. Also, it is a trusted small business in the community.

Ms. Beekman added at their January 24, 2022, meeting the Economic Development Authority (EDA) approved a \$70,000 commercial build-out loan to Phu Bia Produce LLC with the condition of executing a lease agreement between Phu Bia Produce LLC and the City of Brooklyn Center for the use of this space.

Ms. Beekman noted the City of Brooklyn Center will be charging a base rate of \$15 per square foot for the space, this is inclusive of any common area maintenance fees. Rent of new construction single-story retail is in the \$30 to \$40 range to counteract the expenses such as new roads, similar to the construction at Shingle Creek Crossing. Therefore, it is difficult for small businesses to enter that space. The staff has been working with the owner to bring down the rent to be more accessible.

Ms. Beekman explained the shell space is more affordable because all of the parking and landscaping amenities were already on the site. The debt service on the original cost of the construction of the shell was closer to \$11 per square foot. The fees to address snow removal and other common area maintenance is \$3 or \$4 per square foot. Therefore, the shell space is more affordable than Shingle Creek Crossing but might be slightly more than other business sites in the City.

Ms. Beekman stated it is typical in new construction for the tenant to build out the space. The project scope consists of new flooring, painted walls, a walk-in cooler, expanding back exit doors for accessibility of pallets, and installation of a brand new bathroom. It is not atypical for a landlord to provide a build-out allowance to cover some of those costs because the owner of the property will retain the benefits of the improvements beyond the rental by the tenant. Therefore, six and a half months of rent will be waived to support cash flow and minimize startup expenses.

Councilmember Lawrence-Anderson stated the City Council decided they would take chance at leasing the space at market value down the line while they were building the liquor store. She asked if the \$70,000 loan would be paid back to the EDA. Ms. Beekman confirmed the \$70,000 loan would be paid back to the EDA.

Councilmember Lawrence-Anderson asked if the project is not successful, what is the risk to the City. Economic Development Coordinator, Vong Thao, explained the City has a personal guarantee on the loan, which means whatever the renter personally owns will be liable as collateral on the loan. The build-out allowance, the inventory, and the fixtures will have a blanket lien. As the business grows in assets, the City will have a collateral blanket lien on the business. There is always a risk when giving out a loan. However, having collateral is the only way to counteract the risk.

Councilmember Lawrence-Anderson stated they have another long-term business that specializes in a similar type of food product. She asked if that business was offered the use of the space. She explained she is worried about competition in such a niche area. Councilmember Lawrence-Anderson stated she wants to multiply options for the City and support current businesses.

Mr. Thao stated provisions are being in Shingle Creek Crossing. For example, the square footage of the products offered by Mai Y Lor would be small enough to not be competitive with Walmart. They looked at potential competing businesses within Shingle Creek, and businesses such as a nail salon, Asian restaurant, Mexican restaurant, or shoe store would not work. With that in mind, it has to be a unique business for the shell space to not compete with existing businesses.

Councilmember Lawrence-Anderson asked if Staff reached out to the existing product market. She also asked how long Mai Y Lor has been in business.

Mr. Thao stated Mai Y Lor has been in business for many years and has owned different types of businesses over the years. She owned a temp agency, a transportation company, and an event hall, so she has experience in the business. She currently owns a janitorial business. From a government standpoint, they have to take risks in places that businesses typically lend to. If the City doesn't take a risk on the business, then no one will.

Councilmember Lawrence-Anderson asked why Mai Y Lor no longer has those businesses. Councilmember Lawrence-Anderson explained she is concerned about the City's exposure. The only recourse the City may have is to sue the tenant, and that is not something she would not like the City to do. If no one else will provide the loan, it begs the question if it is responsible for the City to provide the loan.

Ms. Beekman stated the EDA already approved the loan and is contingent on the lease agreement. If the loan defaulted, the City would retain the improvements to the facility. Those dollars need to be spent no matter what business uses the space. There is also collateral on the loan. The goal is to have a successful business.

Ms. Beekman added Mr. Thao's background is in underwriting small businesses. He has put together a loan committee that reviews the loan, the business, and the applicant. They considered the applicant's net worth and other information that is not public. The committee that reviewed the materials was confident that the applicant has the balance sheet to uphold the collateral on the loan.

Councilmember Lawrence-Anderson asked if the Planning Commission gave input on the item. Ms. Beekman stated the item does not relate to the Planning Commission's work on the zoning codes, so they did not review it.

Councilmember Graves thanked Councilmember Lawrence-Anderson for asking her questions. She stated she was in favor of building the shell space to support future small businesses. Additionally, it made sense financially to build a space rather than renting a space as they used to.

Councilmember Graves stated she is excited about someone getting into the space and the City can begin to make back the money they put into the project. She noted she would have liked to have a presentation on the item because they should be telling these types of stories to their City. From the planning of the Council to the story of the applicant, the community should know what is happening. They tend to under-celebrate.

Councilmember Graves noted Staff has done a great job finding a use for the space that fits in with existing businesses. Also, exotic fruits next to a liquor store make sense. She thanked Staff for their presentation.

Councilmember Ryan echoed the sentiments of other Councilmembers. He stated he initially approved of the construction of the annex, but his focus was for a space for the City to market as an additional source of revenue. There wasn't a demand for the City to lease the space at \$30 or \$40 per square foot. The City needs to address the issue because they are competing against other serious retail spaces in neighboring cities.

Mayor Elliott stated the proposal is the exact type of businesses they want to see in the Brooklyn Center community. They want to see diversity in their businesses and create a thriving local economy for their residents. People of all backgrounds can appreciate the type of business offered by Mai Y Lor.

Mayor Elliott moved and Councilmember Graves seconded to approve Resolution No. 2022-24 approving a commercial lease agreement with Phi Bia Produce Limited Liability Company to lease City-owned retail property located at 1350B Shingle Creek Crossing.

Motion passed unanimously.

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Mayor Elliott moved and Councilmember Graves seconded adjournment of the City Council meeting at 8:58 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of a Regular Session of the City Council of the City of Brooklyn Center held on February 28, 2022.
2. That said meeting was held under due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its February 28, 2022, Regular Session.

Barbara Suciu, City Clerk

Mike Elliott, Mayor

Barbara Suciu, City Clerk

Mike Elliott, Mayor

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 14, 2021
VIA ZOOM

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 9:37 p.m.

ROLL CALL

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

HERITAGE CENTER AND MINNESOTA ORCHESTRA HALL CONCERT

Mayor/President Elliott explained the music event has been in the making for a while. The goal of the concert is to incorporate the music of the Minnesota Orchestra with the various cultures represented in Brooklyn Center. The concert is an opportunity to celebrate what makes Brooklyn Center unique. He thanked the Orchestra for the work they have done and for collaborating with the City and its residents.

Mayor/President Elliott invited Kau Guannu, a member of the Community Concert Planning Committee, to continue the presentation. He stated Ms. Guannu is a long-term resident of Brooklyn Center and was a participant on the Youth Council in the past. He noted she is an attorney and still lives in the community.

Ms. Guannu stated they have been working on planning the concert for a few months. The Committee is excited to be planning such a culturally rich concert. The theme for the event is the "Rhythm of Life," and the ultimate goal is to create an epic music experience offering unique performances to the community and cementing its united cause of supporting Brooklyn Center. She noted it is a great time to unite the entire community under the umbrella of togetherness through music.

Ms. Guannu explained the Minnesota Orchestra along with Brooklyn Center musical artists have come together to create a concert. The concert will be held on May 9, 2022, as a dress rehearsal, and on May 10, 2022, for the public concert to be held at the Heritage Center. They have hired a conductor and are commissioning a composer.

Ms. Guannu noted the Community Concert Planning Committee itself is diverse, and they hope to bring together musicians reflecting the diversity of Brooklyn Center. They will also have community organizations tabling at the event. The community concert will help promote local businesses because food from local cultural restaurants will be catering for the event. Music will get people in the door, but the Committee wanted to have other resources available to the community.

Ms. Guannu stated community concert will be open to the public and the cost for admission will be a donation of \$5.00. However, they will be giving away free tickets to ensure that the concert is accessible to all.

Jessi Ryan, Director of Education & Community Engagement for the Minnesota Orchestra, explained they were honored to be asked by Mayor/President Mike Elliott to host an event in the community. The Minnesota Orchestra has done events in the community and collaborated with community artists, and they love getting to have an artistic exchange with others. Ms. Ryan noted they have been focused on planning the May 10, 2022 concert, but they hope to develop a more long-term relationship.

Beth Kellar-Long, Vice President of Orchestra Administration for the Minnesota Orchestra, thanked Mayor/President Mike Elliott for inviting the Orchestra to partner with Brooklyn Center and Ms. Guannu for chairing the Community Concert Planning Committee.

Mayor/President Mike Elliott thanked Ms. Guannu, Ms. Ryan, and Ms. Kellar-Long for their comments. He noted it will cost \$13,000 to \$14,000, and they need to identify additional sources of funding to help pay for food for the event.

Councilmember/Commissioner Ryan asked how detailed the Community Concert Planning Committee has been in its planning process and what the staffing requirements would be for the event.

City Manager Reggie Edwards stated if they are not leasing the space, it would cost \$13,000 to \$14,000. They do need to identify gaps in needed equipment. The primary costs would be the use of the space and reserving the space.

Councilmember/Commissioner Ryan asked how the event would affect the overall revenue of the Heritage Center. The City wants to provide a service for the community that reflects well on the community and is financially feasible. He explained if they set a precedent with such an event, although it is a good event, they would deviate from the policy of having events pay for themselves by charging fees.

Mayor/President Elliott stated one of the goals of the Heritage Center is for it to be accessible to the community beyond gaining revenue. He noted both are important goals to achieve.

Dr. Edwards explained it is the choice of the City Council/EDA to determine the use of the space for public events without charge. They wanted to create more opportunities for celebration in the City. They anticipate more similar events in the future, but it is up to the City Council/EDA to

determine the threshold of the events. The City Council/EDA must decide if the event is significant enough to offer such an event. The Heritage Center is usually self-sustaining financially.

Councilmember/Commissioner Lawrence-Anderson stated the City Council/EDA needs to have thoughtful discussions about when they utilize enterprise revenue sources for a non-revenue event. She stated she doesn't want to confuse the Community Center with the Heritage Center. It is a very nice, exciting event proposed, but the City Council/EDA needs to decide the parameters for when they can host an event without a fee base.

Councilmember/Commissioner Lawrence-Anderson stated the City has an emergency mask mandate in place and maybe in place in May. They have had high COVID-19 numbers, but they seem to be decreasing. The City Council/EDA may want to lift the mandate earlier than May to recoup costs the City has lost.

Ms. Guannu stated the Minnesota Orchestra has very strict COVID-19 policies such as masking and vaccinations that would be applied to the event whether or not the City repeals their mandates. Ms. Ryan confirmed masks are required at the Orchestra, and all attendees are required to show a vaccination card or a negative test within the previous 72 hours. However, they cannot know what those policies will look like in May.

Ms. Guannu added she spoke to a coordinator at the Heritage Center regarding COVID-19 safety procedures. The coordinator confirmed they have a masking policy, but guests do not need to wear one while eating. Ms. Guannu stated the pandemic is a situation they are closely monitoring in regards to the concert.

Councilmember/Commissioner Lawrence-Anderson stated the current emergency mask mandate in place does not allow eating at all. She added the City does not require proof of vaccinations or negative tests for any event attendance. She thanked Ms. Guannu and Ms. Ryan for their comments.

Mayor/President Elliott stated the current mask requirement has a provision that allows for food to be eaten at the Heritage Center. Ms. Guannu noted she had confirmed with the Heritage Center that they are allowed to eat with the current City mask mandate.

Councilmember/Commissioner Lawrence-Anderson stated she would like the City Council/EDA to look at the current COVID-19 data for the City and consider rescinding the mask mandates to allow Heritage Center to add revenue to the rolls.

Councilmember/Commissioner Butler asked if the food was a necessity of the event because it seems as though the ultimate goal is to expose the community to the Minnesota Orchestra. Considering the masks and eating are a point of tension, the food concern could be eliminated from the event altogether.

Mayor/President Elliott stated the Community Concert Planning Committee could consider that option, but it seems as though food would be integral to the cultural components of the event. The Committee has also considered eating to be held in the courtyard area of the Heritage Center.

Councilmember/Commissioner Butler stated the event is a great opportunity for the community to gain exposure to the Minnesota Orchestra. Also, considering the event is on a Tuesday, it is unlikely it would be used for any other purpose. She noted the City has provided in-kind donations for the benefit of the community in the past.

Councilmember/Commissioner Butler pointed out the time was 10:12 p.m. and explained she would not stay on past 10:15 p.m. She stated they cannot continue to go past 10:00 p.m. consistently for their meetings.

Mayor/President Elliott stated there is one item left on the agenda to address, but they may have to schedule a Work Session to discuss it.

Cordell Wiseman, Recreation Director, confirmed eating is allowed at the Heritage Center, but people need to continue wearing masks when guests are not eating. City Attorney Jason Hill stated there is nothing in the emergency ordinance related to the Heritage Center, but there is an exception for eating and drinking.

Councilmember/Commissioner Graves stated they do need to vote if the meeting is going to continue beyond 10:00 p.m. She suggested they prioritize the discussion of the Allocation of American Rescue Plan Act Funds at the next meeting. Councilmember/Commissioner Graves added the Orchestra partnership is news to the rest of the Council, so they need to further discuss that piece.

Mayor/President Elliott stated the Community Concert Planning Committee is looking for direction regarding the event date and where the City Council/EDA so they can continue to plan. He asked if the City Council/EDA was in support of the event.

Councilmember/Commissioner Graves stated the City Council/EDA supports the idea of the concert, but they do not necessarily support waiving the fees. She pointed out it was the first the City Council/EDA has heard of the idea and it was a late hour. Councilmember/Commissioner Graves pointed out Councilmember/Commissioner Butler left the call and noted her appreciation of those who have stayed on the call.

Mayor/President Elliott asked City Council/EDA what information they would need from the Community Concert Planning Committee.

Councilmember/Commissioner Graves stated she would like to hear more about members of the Committee and what performances would be held. She added she would like to know what the donations would be used for.

Mayor/President Elliott stated if there were any further questions for the Committee, they should be sent to him for the Community Concert Planning Committee to review.

ADJOURNMENT

Mayor/President Elliott moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 10:18 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of a Work Session of the City Council of the City of Brooklyn Center held on February 28, 2022.
2. That said meeting was held under due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its February 28, 2022, Regular Session.

Barbara Suciu, City Clerk

Mike Elliott, Mayor

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

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

-

Garbage Hauler License

Suburban Waste MN LLC	7125 126th St W #500 Savage MN 55378
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-

Hospitality Accommodations License

Brooklyn Center Hotel Group LLC	6250 Earle Brown Dr
dba: Fairfield Inn & Suites	Brooklyn Center MN 55430

-

Mechanical Licenses

Alliance Heating & Cooling LLC	1603 Morgan Ave N Minneapolis MN 55411
Appliance Connections Inc	12850 Chestnut Blvd Shakopee MN 55379
DNA Heating & Cooling	950 Bayview Dr Excelsior MN 55331

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
Rentals 2-28-2022	3/1/2022	Backup Material

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	Number of Units	Property Code Violations per Inspected Unit
Type I – 3 Year	1-2 units	0-2
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 2 but not more than 5
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 5 but not more than 9
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 9
	3+ units	Greater than 3

b. Police Service Calls.

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are “Family or household members” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

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

Rental Licenses for Council Approval on February 28, 2022

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
1713 70th Ave N	Single	Initial	Priscilla Tiffany Chen/Larkin Street Housing	2	II	N/A	II	
6813 Beard Ave N	Single	Initial	Ethan Lucas Spaid/Beard Bros Housing	0	II	N/A	II	
5410 France Ave N	Single	Initial	SFR Acquisitions 1 LLC/Pathlight	0	II	N/A	II	
6937 France Ave N	Single	Initial	Susan Obwaya	3	II	N/A	II	
7018 Girard Ave N	Single	Initial	Carmen Ganga	18	IV	N/A	IV	
6436 June Ave N	Single	Initial	Terry Williams/Spirit Properties LLC	2	II	N/A	II	
6718 Quail Ave N	Single	Initial	Ikran Hassa	14	IV	N/A	IV	
7201 Riverdale Rd	Single	Initial	Gavindra Persaud	6	III	N/A	III	
6601 Xerxes Pl N	Single	Initial	Gary Schlotfeldt	0	II	N/A	II	
1302 69th Ave N Carrington Dr Apts	Multi 4 Bldgs 127 Units	Renewal	Aeon Holdings/Carrington Drive Holdings - met requirements	366 2.88 per unit	III	9 valid calls .07 per unit 1302 69th Ave N 3/20/21 Motor Vehicle Theft 4/11/21 Robbery 8/13/21 Burglary/Breaking & Entering 1308 69th Ave N 6/15/21 Disturbance 7/15/21 Robbery 6910 Humboldt Ave N 5/22/21 Theft from Motor Vehicle 7/10/21 Destruction / Damage / Vandalism of Property 7/17/21 Weapon Law Violations	III	III
4703 68th Ave N	2 Family 1 Unit	Renewal	Bernard McDonough	0	I	0	I	I
3412 62nd Ave N	Single	Renewal	Neng Zhang	4	II	0	II	I
1001 65th Ave N	Single	Renewal	Messiah Moore/Bright Path Homes - met requirements	6	III	0	III	IV
6336 Beard Ave N	Single	Renewal	Chen Zhao / Cosco Property I LLC - met requirements	3	II	0	II	IV
2023 Brookview Dr	Single	Renewal	Home SFR Borrower / Scott Beck	24	IV	0	IV	I
6701 Bryant Ave N	Single	Renewal	IH2 Property LLC/Invitation Homes - met requirements	2	I	0	I	III

Rental Licenses for Council Approval on February 28, 2022

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
6207 Chowen Ave N	Single	Renewal	Doreen Kalema/Butterfly Bound Care - met requirements	21	IV	0	IV	III
5147 Drew Ave N	Single	Renewal	Frank Jin & Emily Zhao	0	I	0	I	I
5333 Dupont Ave N	Single	Renewal	Home SFR Borrower / Scott Beck - met requirement	23	IV	0	IV	IV
6734 France Ave N	Single	Renewal	Alexander Lang	3	II	0	II	I
6800 France Ave N	Single	Renewal	Wilburt Brooks - met requirements	0	I	0	I	IV
3816 France Pl	Single	Renewal	Segun Olatayo/Olejola Azum	4	II	0	II	IV
6413 June Ave N	Single	Renewal	D Wahl/Cel Monton - met plan	4	II	0	II	III
5406 Sailor La	Single	Renewal	James Waters - met requirement	8	III	0	III	III

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

** License Type Being Issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk/Interim Assistant City Manager

SUBJECT: Resolution Approving 2022 Fee Schedule Amendments

Requested Council Action:

- Approve a resolution amending the 2022 Fee Schedule for the Special Events Permit

Background:

In January 2022, the city council approved an ordinance for Special Events and requiring a permit to be associated with such events. For the Special Events permit the fee for the permit is \$100 which is set by the Fee Schedule.

Tonight, staff is asking for approval of the fee for the Special Events Permit.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
page from fee schedule	2/22/2022	Backup Material

Permits*City of Brooklyn Center*

Permit Type	Fee	City Code Reference
Plumbing Minimum Fee Repair or alteration of existing system New residential or commercial building Plumbing Plan Review (only when submitted without a building permit) Residential Water Heater up to 4 units Residential Water Softener up to 4 units Residential Water Heater and Softener up to 4 units Plumbing Fixtures	Res. No. 2018-09 \$25 2% of estimated cost 2% of estimated cost 65% of base permit fee \$60 \$60 \$60 \$60 up to 3 fixtures; \$10 for each additional	3-103
Right-Of-Way Administration Fee Excavation Fee Obstruction Fee Pole Attachment Fee Extension Delay Penalty	Res. No. 2018-42 \$100 per permit \$250 per permit \$200 per permit \$1,500 per site \$50 per permit \$50/day for pavement; \$25/day for boulevard/turf	25-1009
Sewer and Water Sewer or water connection Sewer or water disconnection Sewer and water disconnection New commercial sewer and water connection New residential sewer and water connection Commercial/Industrial fire line Water/Sewer repair Storm Water Minimum Fee	Res. No. 2005-65 \$50 \$50 \$90 \$150 \$100 \$50 \$50 \$50 \$50	3-103
Sign 50 sq. ft in area or less Over 50 sq. ft in area Minimum Fee Footing inspection, when required	Res. No. 2005-65 \$50 \$50/1st 50 sq. ft and \$15.00 for each additional 50 sq. ft or fraction \$50 \$50	34-150
Special Events Application Fee	\$100	23-2600

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Michael Marsh, Acting Director of Public Works

SUBJECT: Resolution Accepting State Contract Pricing and Awarding a Contract, Project No. 2022-07, 2022 Park Playground Replacements

Requested Council Action:

- Motion to approve the resolution accepting the State Contract pricing and award a contract to Landscapes Structures, Inc. for Project No. 2022-07, 2022 Playground Replacement.

Background:

The Capital Improvement Program (CIP) includes three more projects over the next three years to replace park playground equipment over a four year period, starting in 2021. A total of 20 parks located within Brooklyn Center contain 21 separate playground equipment areas, 18 that are maintained by the City and three that are maintained by the adjacent schools. All of the playgrounds with the exception Centennial East are at, near or over 20 years old with the oldest being almost 30 years old (see attached inventory). Two playgrounds, Happy Hollow and Freeway, suffered fire damage and portions of the playgrounds were replaced since the original construction.

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

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

The 2021 Park Playground Replacement Project was completed in the fall of 2021. The 2022 project is to replace the existing playgrounds at Centennial West, Kylawn, Marlin, Riverdale and West Palmer Parks. The 2022 project is to replace the existing playgrounds at Centennial West, Kylawn, Marlin, Riverdale and West Palmer Parks. All the park equipment vendors are available through Minnesota State contracting so we can order off the state contract in lieu of having the vendors bid the project. Conversations were had with neighboring communities (Crystal and New Hope) about their playground replacement process and community engagement. After hearing their experience and feedback, it was decided to go with one vendor in order to provide a more genuine community engagement process. Flagship Recreation/Landscape

Structures was selected due to their high recommendations from other communities, inclusive design and community engagement. It was agreed upon to provide two different designs for each playground that was up for replacement as well as attend neighborhood meetings. Meetings were held at each park location and a survey was available online for those who could not attend. Based on community response designs were selected and edited to fit the consensus comments. The final proposals were presented to the Parks and Recreation Commission on January 18th and a vote passed to recommend them to City Council. Below are the pricing totals from Landscape Structures:

Landscape Structures				
<u>Park</u>	<u>Equipment Bid</u>	<u>State Contract Discount</u>	<u>Removal/Install Costs</u>	<u>Total</u>
Centennial West	\$94,742.00	\$7,539.36	\$36,382.80	\$123,585.44
Kylawn	\$87,370.00	\$6,949.60	\$37,364.12	\$117,784.52
Marlin	\$43,511.00	\$2,580.66	\$13,423.05	\$54,353.39
Riverdale	\$54,457.00	\$3,237.42	\$29,129.86	\$80,349.44
West Palmer	\$82,336.00	\$6,546.88	\$42,773.15	\$118,562.27
Total	\$362,416.00	\$26,853.92	\$159,072.98	\$494,635.06

Attached are images of the playgrounds that were presented to the public for review and below is a description of each playground proposed by Flagship Recreation/Landscape Structures:

Centennial West Park is designed as a medium sized community park that engages with all seven (7) senses, **tactile, proprioception, vestibular, visual, auditory, motor planning and social/imagination**. The focus is on equipment for the 5-12 age group, but there is a small structure for the 2-5 age group. The equipment for the 5-12 consists of a traditional post & deck system with the slides accessible by a transfer station that is play functionally linked to a Netplex structure to create a continuous play loop that provides the kids with options to experience a wide variety of play experiences with each visit to the park. The design also incorporates the popular Omni Spin, Oodle Swing (seats up to six), traditional swings with a tot seat extension.

Kylawn Park is designed as a medium sized community park that engages with all seven (7) senses, **tactile, proprioception, vestibular, visual, auditory, motor planning and social/imagination**. The main structure is a 5-12 structure that has a slide easily accessible by younger kids from the transfer station. The structure provides graduated challenge with components like the Space Walk and the Vertical Ascent Climber. The structure is play functionally linked to a six (6) panel Mobius Climber that provides endless climbing routes for those kids ready for a challenge. The independent equipment consists of the multi person Oodle Swing & Friendship Swing, traditional swings with tot seat extension, Chill Spinner, Curva Spinner and a learning wall for the littlest playground users.

Marlin Park is designed as a small neighborhood/pocket park playground. The goal was to pack as much equipment as possible into the small space provided. The main structure has climbing, sliding and imaginative play options span a wide age range. The Saddle Spinner provides a component that will assist with the development of the vestibular system and the 2 Person Seesaw provides an opportunity for collaborative play.

Riverdale Park is designed as a neighborhood park that engages all seven (7) senses, **tactile, proprioception, vestibular, visual, auditory, motor planning and social/imagination**. The focus is on equipment for the 5-12 age group with a small independent Wee Planet Climber specifically for the younger 2-5 age group. The main 5-12 structure is provides a graduated challenge continues play option through

the play functionally linked climbing and balance circuit utilizing the Cascade Climber, Pod Steppers, Curved Balance Beam, Loop Arch Climber, and a Double Wave Climber connecting decks of different heights. The younger park users have a sliding option that is accessible from the transfer step. Independent components consist of traditional swings, molded bucket seat swing and a tot seat extension and a Chill Spinner. The container also includes the Vibra Chimes Major Cords which provide a beautiful sound, and the vibrations provide for a fun sensory experience.

West Palmer Park is designed as a medium sized community park that engages with all seven (7) senses, **tactile, proprioception, vestibular, visual, auditory, motor planning and social/imagination.** The playground is highlighted by the Smart Play Tree Tops structure. Tree Tops gives kids the sense of exploring a forest canopy branch by branch. But beyond the normal ups and downs of traditional tree-climbing, here kids can also navigate their way across wiggly bridges, crawl through the O-Zone® 3-ring climber, roar down two different slides, plus so much more. Such a great range of interconnected activities at multiple levels will spark hours of imaginative and energetic play, all protected by plenty of built-in shade. Tree Tops is complimented by two of our most popular independent components, ZipKrooz (50') and Topsy Turny Spinner. For the younger playground users there is Wee Planet Climber and learning wall with a Rain Sound, Bongo and Xylofun panels. Due to space limitation the swings are limited to a single traditional swing, molded bucket seat and tot seat extension.

Budget Issues:

The proposal amount of \$494,635.06 is within the 2022 budgeted amount \$495,000.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Safe, Secure, Stable Community

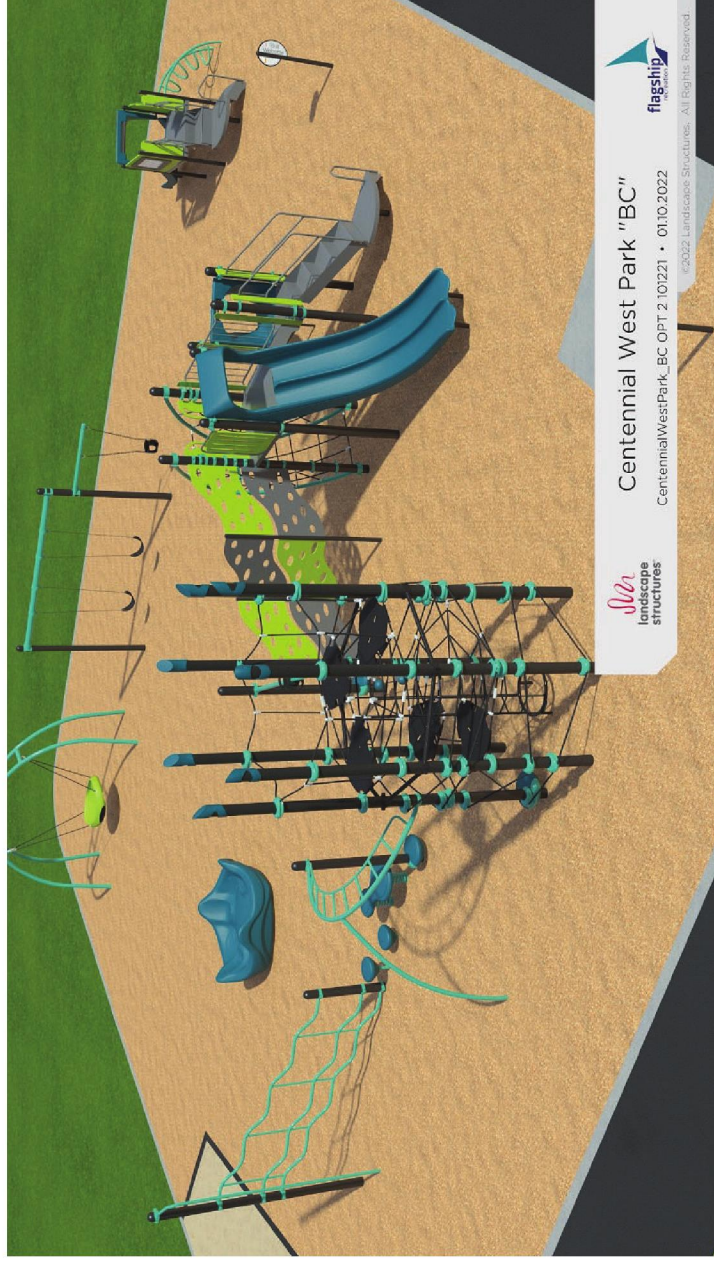
ATTACHMENTS:

Description	Upload Date	Type
Winning Designs	2/22/2022	Cover Memo
Resolution	2/22/2022	Cover Memo
Pricing Breakdown	2/22/2022	Cover Memo
Centennial West Park	2/22/2022	Cover Memo
Kylawn Park	2/22/2022	Cover Memo
Marlin Park	2/22/2022	Cover Memo
Riverdale Park	2/22/2022	Cover Memo
West Palmer Park	2/22/2022	Cover Memo

2022 Winning Playground Designs



Centennial West Park



Kylawn Park



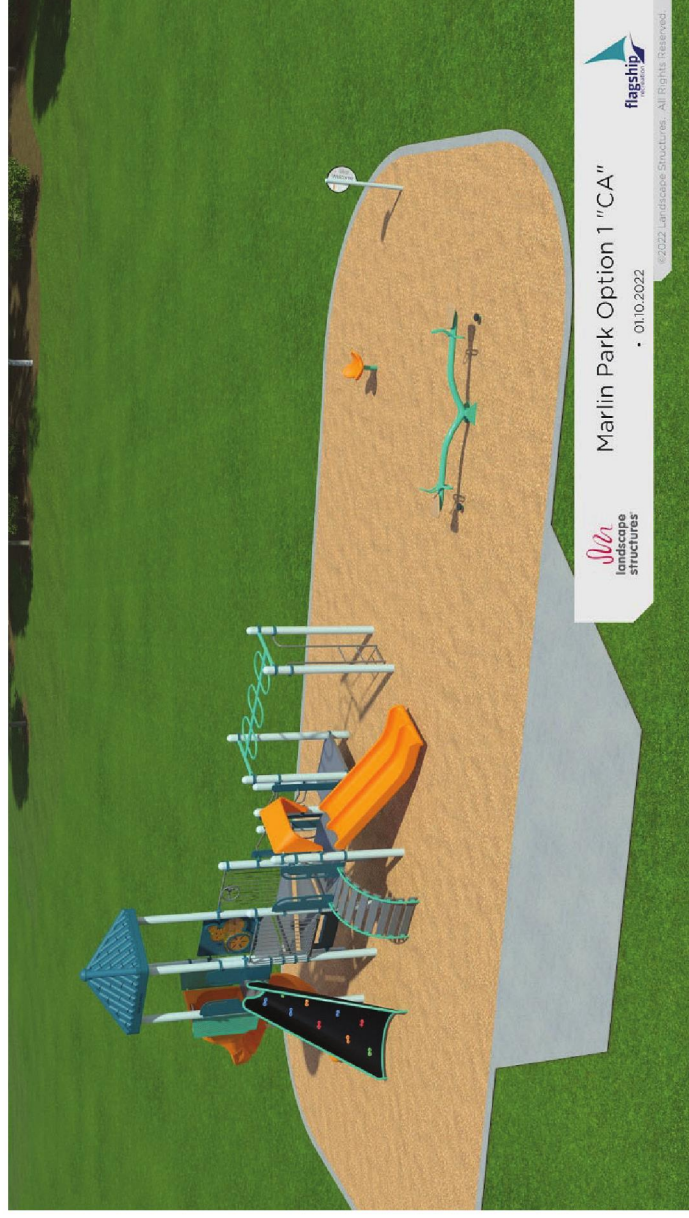
landscapes
PROVIDES

Kylawn Park - Color Option 3
Kylawn_BrooklynCenter 112321 • 11/23/2021

flagship
LANDSCAPE ARCHITECTURE • ALLIANCE • NEW YORK



Marlin Park



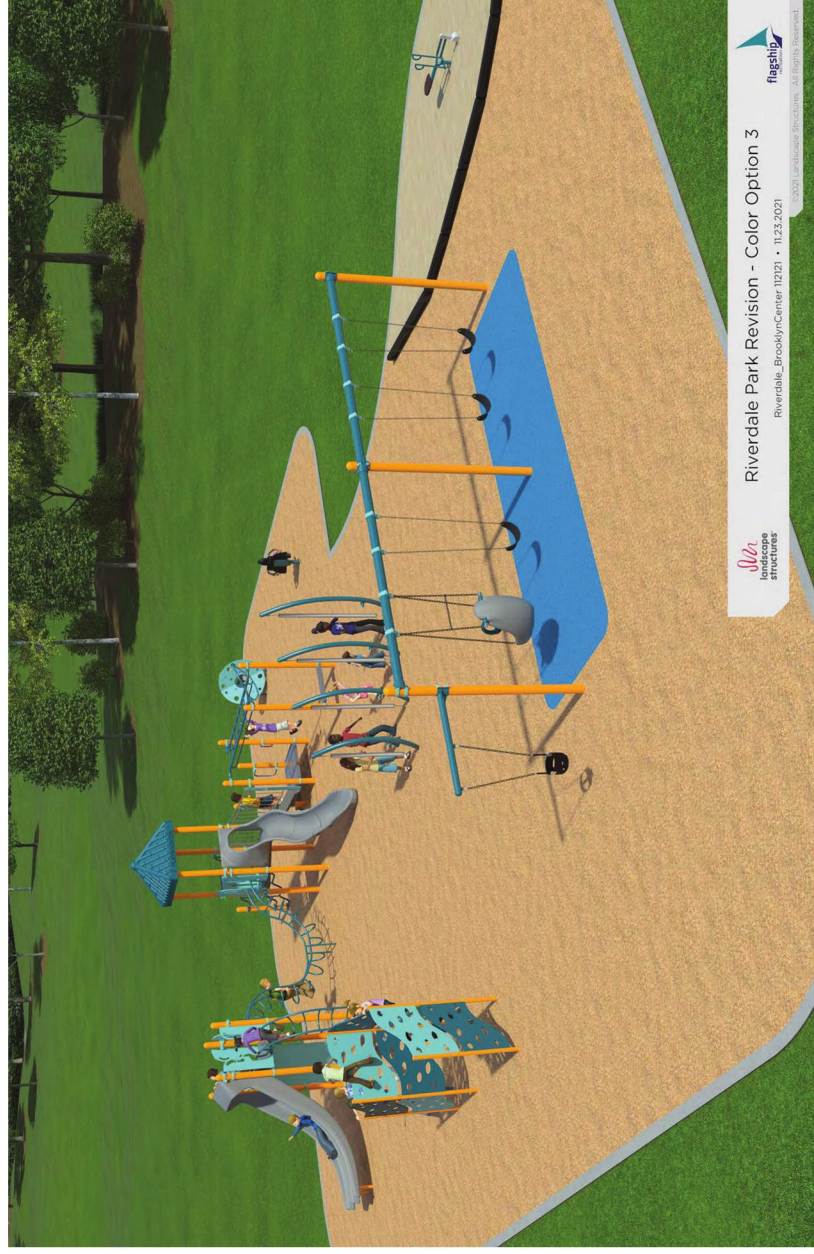
Marlin Park Option 1 "CA"
• 01.10.2022



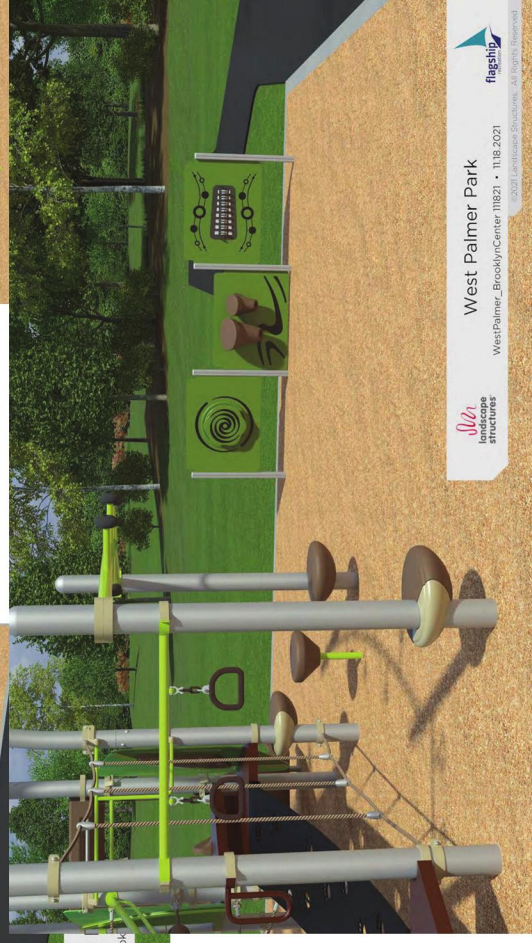
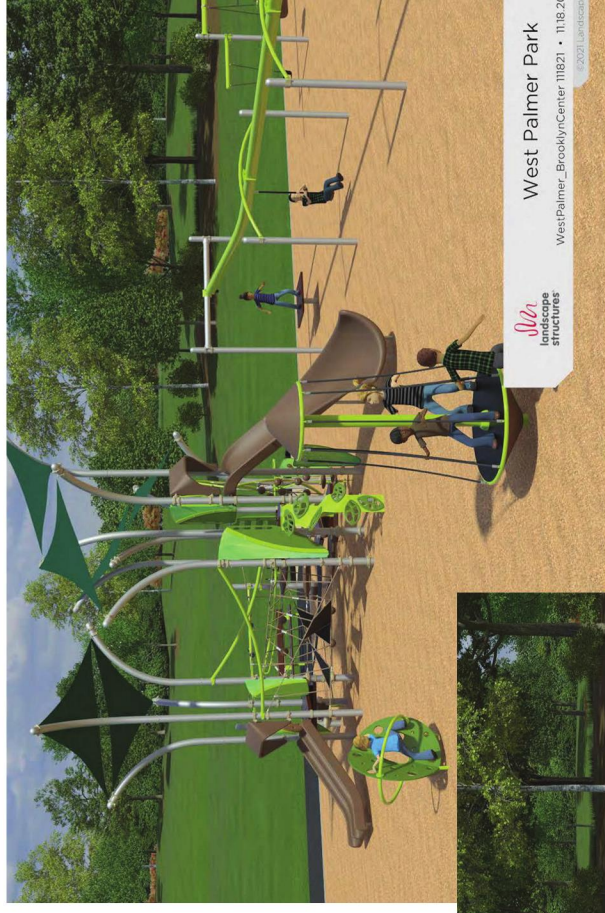
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Riverdale Park



West Palmer Park



Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT,
IMPROVEMENT PROJECT NO. 2022-07, 2022 PARK PLAYGROUND
REPLACEMENT

WHEREAS, pursuant to The Recreation Department's desire to create a more genuine community engagement process, Flagship Recreation/Landscape Structures was selected due to their high recommendations from other communities, inclusive design and community engagement . Through a communication process with community the following pricing was selected of Minnesota State Contract pricing. Pricing as follows:

Landscape Structures				
<u>Park</u>	<u>Equipment Bid</u>	<u>State Contract Discount</u>	<u>Removal/Install Costs</u>	<u>Total</u>
Centennial West	\$94,742.00	\$7,539.36	\$36,382.80	\$123,585.44
Kylawn	\$87,370.00	\$6,949.60	\$37,364.12	\$117,784.52
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Riverdale	\$54,457.00	\$3,237.42	\$29,129.86	\$80,349.44
West Palmer	\$82,336.00	\$6,546.88	\$42,773.15	\$118,562.27
Total	\$362,416.00	\$26,853.92	\$159,072.98	\$494,635.06

WHEREAS, Landscape Structures of Delano, Minnesota pricing is off the Minnesota State Contract pricing and was the selected bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Landscape Structures Inc. of Delano, Minnesota in the name of the City of Brooklyn Center, for Project No. 2022-07.
2. The estimated project costs and revenues are as follows:

<u>COSTS</u>	<u>Estimate</u>	<u>per State Contract</u>
Contract	\$495,000.00	\$495,000.00
Total Estimated Project Cost	\$495,000.00	\$495,000.00

<u>REVENUES</u>	<u>Estimate</u>	<u>per State Contract</u>
-----------------	-----------------	---------------------------

RESOLUTION NO. _____

Capital Projects Fund

\$495,000.00

\$495,000.00

February 28, 2022

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.

Landscape Structures

<u>Park</u>	<u>Equipment Bid</u>	<u>State Contract Discount</u>	<u>Removal/Install Costs</u>
Centennial West	\$94,742.00	\$7,539.36	\$36,382.80
Kylawn	\$87,370.00	\$6,949.60	\$37,364.12
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West Palmer	\$82,336.00	\$6,546.88	\$42,773.15
Total	\$362,416.00	\$26,853.92	\$159,072.98

Total

\$123,585.44

\$117,784.52

\$54,353.39

\$80,349.44

\$118,562.27

\$494,635.06



Centennial Park West 6254 Brooklyn Drive Brooklyn Center, MN 55430	Landscape Structures 601 7th St. S Delano, MN 55328
--	---

Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Landscape Structures, Inc. SDS 12-0395 PO Box 86 Minneapolis, MN 55486-0395
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[illegible]

Page 1 of 2

Terms & Conditions

Contract: Seller's Copy of signed quote represents the contract between Seller and Buyer. This form supersedes all previous communications and negotiations and constitutes the entire agreement between the parties. Any changes to this contract are not binding unless jointly agreed in writing via Change Order.

Project Scope (This Section For Quotes Including Installation)

Inclusions:

- One Mobilization
- Accepting & Unloading of Order Prior to Installation
- Unpacking of Play Equipment
- Assembly of Play Equipment
- Placing, Digging or Surface Mounting Equipment (as specified)
- Concrete for Play Equipment Footings
- Standard Insurance Offer (Detail Provided Upon Request)
- Standard Warranty Offer (Detail Provided Upon Request)
- Standard Wage Rates

Exclusions (Unless Specifically Quoted):

- Storage or Security of Equipment
- Private Utility Locates (irrigation, low voltage, lighting, etc.)
- Additional Labor Due to Site Access. Require 8' Wide Clearance from Staging Area to Play Space.
- Additional Labor and/or Related Costs Due to Subsurface Conditions (Rock, Hardpan, Heavy Clay, Ground Water, etc.)
- Additional Labor and/or Related Costs Due to Working in Unstable Soils (Sand, Pea Rock, Mud, Poor Site Drainage, etc.)
- Offsite Removal of Spoils From Footing Holes or Other Excavation. Can be stockpiled for owner removal or left in play space
- Disposal of Packing Material. Can be Stockpiled for Owner Removal or Deposited in Owners Onsite Dumpster
- Removal of Existing Play Equipment, Border or Safety Surfacing Material
- Site Work of Any Kind. Exclusions include, site grading (owner to provide max slope of 1%), site restoration, drainage, etc.
- Border for Play Space
- Bonding of Any Type
- Permits of Any Kind

Force Majeure: In the event performance of this Agreement, or any obligation hereunder, is either directly or indirectly prevented, restricted, or interfered with by reason of fire, flood, tornado or like acts of God, wars, civil commotion, explosion, acts of public enemy, embargo, acts of the government, labor difficulties, including without limitation, strikes, slowdowns, picketing, or boycotts, unavailability of equipment from vendor, changes requested by Customer, or any other circumstances beyond the reasonable control and without the fault or negligence of Flagship Recreation, Flagship Recreation, upon giving prompt notice to the Customer, shall be excused from such performance on a day-to-day basis to the extent of such prevention, restriction, or interference (and the Customer shall likewise be excused from performance of its obligations on a day-to-day basis until the delay, restriction or interference has ceased); provided however, that Flagship Recreation so affected shall use diligent efforts to avoid or remove such causes of non-performance and both Parties shall proceed whenever such causes are removed or cease.

Material Cost Escalation: If, during the performance of this contract, the cost of materials significantly increases, through no fault of Flagship Recreation, the price of this contract shall be equitably adjusted by an amount reasonably necessary to cover any such significant increase in the costs of materials. As used herein, a significant cost increase shall mean any increase in cost of materials exceeding 5% experienced by contractor from the date of the contract signing. Such increase in material costs shall be documented through quotes, invoices, or receipts. Where the delivery of materials delayed, through no fault of the contractor, as a result of the shortage or unavailability of the materials, contractor shall not be liable for any additional costs or damages associated with such delay(s).

Acceptance of Quotation:

Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$87,202.64



State Contract Pricing



PROJECT INFORMATION

Project name	Centennial West Park
Address	6254 Brooklyn Dr
City, State ZIP	Brooklyn Center, MN 55430
Contract Year	2022

EQUIPMENT INFORMATION & PRICING

<u>Qty</u>	<u>Item No.</u>	<u>Description</u>	<u>Price</u>	<u>Ext Price</u>
1	124863C	SlideWinder2 48"Dk DB 1 Straight 1 Left	\$2,909	\$2,909.00
1	130390A	Double Swoosh Slide 72"Dk DB	\$2,636	\$2,636.00
1	202625A	Crest Climber w/Permalene Handholds	\$6,212	\$6,212.00
1	150975B	Cascade Climber 72"Dk DB Only	\$3,454	\$3,454.00
1	152907B	Deck Link w/Barriers Steel end panels 2 Steps	\$2,288	\$2,288.00
1	184489C	Overhead Trekker Ladder w/o Deck Connections DB	\$2,727	\$2,727.00
1	193173C	TightRope Bridge w/o Deck Connections	\$1,863	\$1,863.00
1	166809A	E-Pod Seat	\$343	\$343.00
1	193168A	Netplex 7-Post No Roof Steel Posts and DB Only	\$7,413	\$7,413.00
1	152911C	Curved Transfer Module Right 48"Dk DB	\$3,252	\$3,252.00
1	111231A	Triangular Tenderdeck	\$884	\$884.00
1	111228A	Square Tenderdeck	\$1,146	\$1,146.00
3	111404C	132"Alum Post DB	\$414	\$1,242.00
1	111404F	108"Alum Post DB	\$333	\$333.00
1	111404D	124"Alum Post DB	\$399	\$399.00
2	111404W	156"Steel Post DB	\$460	\$920.00

2	111404A	148"Alum Post DB	\$439	\$878.00
1	193175A	Skyport Climber for 7-Post Mainstructure DB Only	\$23,286	\$23,286.00
1	120711A	Pod Climber 16" DB	\$318	\$318.00
1	158997A	Pod Climber 10" DB	\$313	\$313.00
1	201889A	JigJag Climber Single w/Firepole Aluminum Posts and DB Only	\$2,348	\$2,348.00
1	158105A	Wobble Pod DB Only	\$1,707	\$1,707.00
1	173591A	OmniSpin Spinner Surface Mount	\$9,130	\$9,130.00
1	177349G	Half Bucket Seat ProGuard Chains for Toddler Swing	\$313	\$313.00
2	174018A	Belt Seat ProGuard Chains for 8' Beam Height	\$141	\$282.00
1	177337A	Toddler Swing Add-On Beam	\$556	\$556.00
1	173592A	Oodle Swing DB Only	\$6,116	\$6,116.00
1	182503C	Welcome Sign (LSI Provided) Ages 5-12 years Direct Bury	\$0	\$0.00
1	177332A	Single Post Swing Frame 8' Beam Height Only	\$1,419	\$1,419.00
1	132155A	Double Slide 32"Dk DB	\$2,045	\$2,045.00
1	139262A	Loop Arch 32"Dk DB	\$1,480	\$1,480.00
1	113211A	Chimes Panel Above Deck	\$1,485	\$1,485.00
1	153020A	Curved Transfer Module 32"Dk Right DB	\$2,404	\$2,404.00
1	111237A	Square Tenderdeck	\$869	\$869.00
4	111397D	98"Post DB	\$318	\$1,272.00
1	182503A	Welcome Sign (LSI Provided) Ages 2-5 years Direct Bury	\$0	\$0.00

Total Equipment Cost at State Contract Pricing

\$94,242.00



Centennial Park West 6254 Brooklyn Drive Brooklyn Center, MN 55430	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
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Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
---	--

[illegible]

Subtotal	\$36,382.80
Freight	\$0.00
Sales Tax	Tax Exempt Cert
Total	\$36,382.80

Minnesota State Contract #119795

***Terms: Net 30 days; 1.5% finance charge on balances over 30 days**

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Inclusions:

- One Mobilization
- Accepting & Unloading of Order Prior to Installation
- Unpacking of Play Equipment
- Assembly of Play Equipment
- Placing, Digging or Surface Mounting Equipment (as specified)
- Concrete for Play Equipment Footings
- Standard Insurance Offer (Detail Provided Upon Request)
- Standard Warranty Offer (Detail Provided Upon Request)
- Standard Wage Rates

Exclusions (Unless Specifically Quoted):

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- Private Utility Locates (irrigation, low voltage, lighting, etc.)
- Additional Labor Due to Site Access. Require 8' Wide Clearance from Staging Area to Play Space.
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- Removal of Existing Play Equipment, Border or Safety Surfacing Material
- Site Work of Any Kind. Exclusions include, site grading (owner to provide max slope of 1%), site restoration, drainage, etc.
- Border for Play Space
- Bonding of Any Type
- Permits of Any Kind

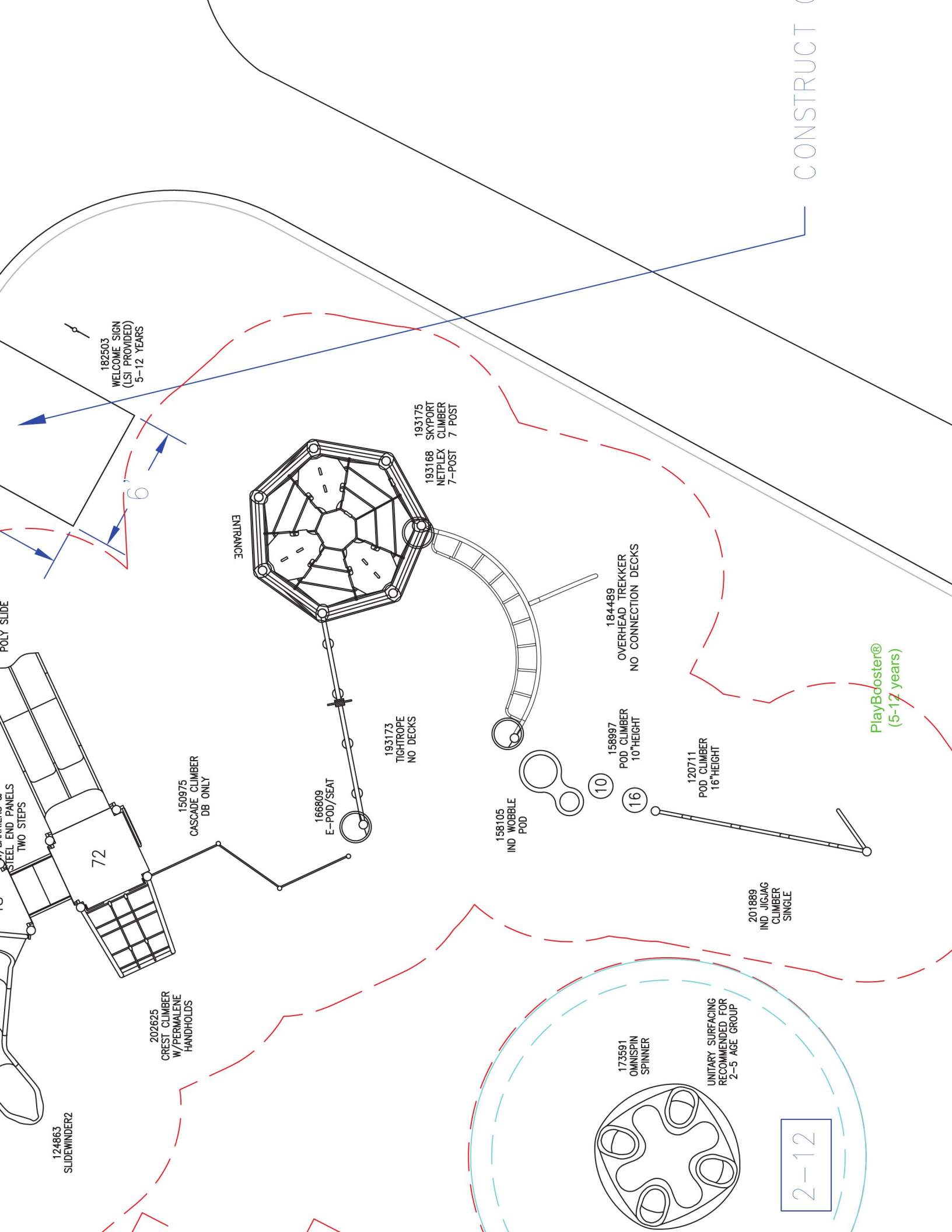
Force Majeure: In the event performance of this Agreement, or any obligation hereunder, is either directly or indirectly prevented, restricted, or interfered with by reason of fire, flood, tornado or like acts of God, wars, civil commotion, explosion, acts of public enemy, embargo, acts of the government, labor difficulties, including without limitation, strikes, slowdowns, picketing, or boycotts, unavailability of equipment from vendor, changes requested by Customer, or any other circumstances beyond the reasonable control and without the fault or negligence of Flagship Recreation, Flagship Recreation, upon giving prompt notice to the Customer, shall be excused from such performance on a day-to-day basis to the extent of such prevention, restriction, or interference (and the Customer shall likewise be excused from performance of its obligations on a day-to-day basis until the delay, restriction or interference has ceased); provided however, that Flagship Recreation so affected shall use diligent efforts to avoid or remove such causes of non-performance and both Parties shall proceed whenever such causes are removed or cease.

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Acceptance of Quotation:

Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$36,382.80





CONSTRUCT

PlayBooster®
(5-12 years)

2-12

UNITARY SURFACING
RECOMMENDED FOR
2-5 AGE GROUP

173591
OMNISPIN
SPINNER

201889
IND. JIGJAG
CLIMBER
SINGLE

120711
POD CLIMBER
16\"

158997
POD CLIMBER
10\"

184489
OVERHEAD TREKKER
NO CONNECTION DECKS

193175
SKYPORT
NETPLEX CLIMBER
7-POST 7 POST

ENTRANCE

182503
WELCOME SIGN
(LSI PROVIDED)
5-12 YEARS

150975
CASCADE CLIMBER
DB ONLY

202625
CREST CLIMBER
W/PERMALENE
HANDHOLDS

124863
SLIDEWINDER2



Kylawn Park 6015 Kyle Ave N Brooklyn Center, MN 55429	Landscape Structures 601 7th St. S Delano, MN 55328
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Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Landscape Structures, Inc. SDS 12-0395 PO Box 86 Minneapolis, MN 55486-0395
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Page 1 of 2

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- Bonding of Any Type
- Permits of Any Kind

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Acceptance of Quotation:

Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$80,420.40



State Contract Pricing



PROJECT INFORMATION

Project name **Kylawn Park**

Address **Address**

City, State ZIP **Brooklyn Center, MN 55430**

Contract Year **2022**

EQUIPMENT INFORMATION & PRICING

<u>Qty</u>	<u>Item No.</u>	<u>Description</u>		<u>Price</u>	<u>Ext Price</u>
1	125688A	Loop Arch 90*Tri-Deck 48"Dk DB	\$	2,030.00	\$ 2,030.00
1	145107A	SpaceWalk Climber	\$	8,605.00	\$ 8,605.00
1	145624D	Vertical Ascent 72"Dk	\$	1,510.00	\$ 1,510.00
1	152907B	Deck Link w/Barriers Steel end panels 2 Steps	\$	2,288.00	\$ 2,288.00
1	157427B	Pod Climber w/Handloop 32"Dk DB Left Handhold	\$	1,611.00	\$ 1,611.00
2	111228A	Square Tenderdeck	\$	1,146.00	\$ 2,292.00
2	121948A	Kick Plate 8"Rise	\$	131.00	\$ 262.00
1	121949A	Tri-Deck Kick Plate 8"Rise	\$	187.00	\$ 187.00
4	122197A	90* Triangular Tenderdeck	\$	960.00	\$ 3,840.00
1	152911C	Curved Transfer Module Right 48"Dk DB	\$	3,252.00	\$ 3,252.00
1	116244B	Pipe Barrier w/Wheel Above Deck	\$	914.00	\$ 914.00
1	116244A	Pipe Barrier Above Deck	\$	697.00	\$ 697.00
1	127953B	Handhold Panel	\$	187.00	\$ 187.00
1	130873A	Ring Pull	\$	732.00	\$ 732.00
1	141886A	Access/Landing Assembly Rails Barrier Right 24"Dk	\$	763.00	\$ 763.00
1	142887A	2"Horizontal Ladder	\$	1,313.00	\$ 1,313.00

4	111403D	158"Alum Post For Roof DB	\$	460.00	\$	1,840.00
2	111404F	108"Alum Post DB	\$	333.00	\$	666.00
5	111404E	116"Alum Post DB	\$	343.00	\$	1,715.00
1	111404D	124"Alum Post DB	\$	399.00	\$	399.00
2	111404C	132"Alum Post DB	\$	414.00	\$	828.00
3	111404A	148"Alum Post DB	\$	439.00	\$	1,317.00
1	118110A	Square Poly Roof Custom Logo Panels	\$	1,439.00	\$	1,439.00
1	123336A	Double Wave Slide 48"Dk DB	\$	3,025.00	\$	3,025.00
1	144414A	Cloudburst Triple Slide 72"Dk DB	\$	5,030.00	\$	5,030.00
2	120711A	Pod Climber 16" DB	\$	318.00	\$	636.00
1	150636A	Mobius Climber 6-Panel DB Only	\$	17,534.00	\$	17,534.00
1	184854A	Hole Panel	\$	525.00	\$	525.00
1	184858A	Driver Panel	\$	838.00	\$	838.00
1	184859A	Finger Maze Panel	\$	692.00	\$	692.00
2	115201B	LW Post 1"Panel DB	\$	283.00	\$	566.00
2	115201A	LW Post 10"Panel DB	\$	288.00	\$	576.00
1	247179A	Curva Spinner DB Only	\$	2,086.00	\$	2,086.00
1	247189A	Chill Spinner DB	\$	2,283.00	\$	2,283.00
1	100041A	Curved Balance Beam DB	\$	914.00	\$	914.00
1	173592A	Oodle Swing DB Only	\$	6,116.00	\$	6,116.00
4	174018A	Belt Seat ProGuard Chains for 8' Beam Height	\$	141.00	\$	564.00
1	176038G	Full Bucket Seat ProGuard Chains for Toddler Swing	\$	384.00	\$	384.00
1	177337A	Toddler Swing Add-On Beam	\$	556.00	\$	556.00
2	177345A	Single Post Swing Frame 52" Bury Additional Bay 8' Beam Height Only	\$	1,126.00	\$	2,252.00
1	237296A	Friendship Swing w/Single Post Frame 52" Bury ProGuard Chains	\$	3,606.00	\$	3,606.00
1	182503C	Welcome Sign (LSI Provided) Ages 5-12 years Direct Bury	\$	-	\$	-

Total Equipment Cost at State Contract Pricing

\$86,870.00



Kylawn Park 6015 Kyle Ave N Brooklyn Center, MN 55429	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
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Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
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[illegible]

Subtotal	\$37,364.12
Freight	\$0.00
Sales Tax	Tax Exempt Cert
Total	\$37,364.12

Minnesota State Contract #119795

***Terms: Net 30 days; 1.5% finance charge on balances over 30 days**

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Inclusions:

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- Assembly of Play Equipment
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Acceptance of Quotation:

Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$37,364.12



120711 125688
POD CLIMBER TRI-DECK
16"HEIGHT LOOP ARCH



Marlin Park 6404 Marlin Dr Minneapolis, MN 55429	Landscape Structures 601 7th St. S Delano, MN 55328
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Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Landscape Structures, Inc. SDS 12-0395 PO Box 86 Minneapolis, MN 55486-0395
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[illegible]

Page 1 of 2

Terms & Conditions

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Acceptance of Quotation:

Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$40,930.34



State Contract Pricing



PROJECT INFORMATION

Project name	Marlin Park
Address	6404 Marlin Dr
City, State ZIP	Brooklyn Center, MN 55430
Contract Year	2022

EQUIPMENT INFORMATION & PRICING

<u>Qty</u>	<u>Item No.</u>	<u>Description</u>	<u>Price</u>	<u>Ext Price</u>
1	123293A	Cozy Climber Perm Handholds 40"Dk DB	\$2,717	\$2,717.00
1	143199A	Conical Climber 72"Dk DB	\$4,707	\$4,707.00
1	152908B	Deck Link w/Handrails Permalene infill panel 2 Steps	\$1,722	\$1,722.00
2	111228A	Square Tenderdeck	\$1,146	\$2,292.00
2	121948A	Kick Plate 8"Rise	\$131	\$262.00
2	121949A	Tri-Deck Kick Plate 8"Rise	\$187	\$374.00
4	122197A	90* Triangular Tenderdeck	\$960	\$3,840.00
1	185852A	Transfer Step w/2 Handloops DB	\$1,126	\$1,126.00
1	115254A	Storefront Panel	\$697	\$697.00
1	116244B	Pipe Barrier w/Wheel Above Deck	\$914	\$914.00
1	116244A	Pipe Barrier Above Deck	\$697	\$697.00
1	117146A	Gear Panel Above Deck	\$2,161	\$2,161.00
1	120901A	Grab Bar	\$217	\$217.00
1	111273A	End Vertical Ladder w/Alum Posts DB	\$1,470	\$1,470.00
1	119805A	Single Beam Loop Horiz Ladder 84"	\$1,172	\$1,172.00
4	111403A	182"Alum Post For Roof DB	\$495	\$1,980.00

1	111404H	92"Alum Post DB	\$313	\$313.00
1	111404G	100"Alum Post DB	\$328	\$328.00
4	111404E	116"Alum Post DB	\$343	\$1,372.00
1	111404D	124"Alum Post DB	\$399	\$399.00
1	111404C	132"Alum Post DB	\$414	\$414.00
1	129816A	Square Peak Tile Roof Custom Logo Panel	\$1,616	\$1,616.00
1	123331B	Double Slide 40"Dk DB	\$2,303	\$2,303.00
1	222708A	WhooshWinder Slide 72"Dk DB	\$5,641	\$5,641.00
1	148636A	Seesaw 2-Seats DB	\$3,136	\$3,136.00
1	152179A	Saddle Spinner DB 16"Height	\$1,141	\$1,141.00
1	182503C	Welcome Sign (LSI Provided) Ages 5-12 years Direct Bury	\$0	\$0.00

Total Equipment Cost at State Contract Pricing

\$43,011.00



Marlin Park 6404 Marlin Dr Minneapolis, MN 55429	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
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Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
---	--

[illegible]

Subtotal	\$13,423.05
Freight	\$0.00
Sales Tax	Tax Exempt Cert
Total	\$13,423.05

Minnesota State Contract #119795

Page 1 of 2

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- Border for Play Space
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Acceptance of Quotation:

Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$13,423.05





Riverdale Park 7031 Dallas Road Brooklyn Center, MN 55430	Landscape Structures 601 7th St. S Delano, MN 55328
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Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Landscape Structures, Inc. SDS 12-0395 PO Box 86 Minneapolis, MN 55486-0395
---	---

[illegible]

Page 1 of 2

Terms & Conditions

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Acceptance of Quotation:

Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$51,219.58



State Contract Pricing



PROJECT INFORMATION

Project name	Riverdale Park
Address	7031 Dallas Rd
City, State ZIP	Brooklyn Center, MN 55430
Contract Year	2022

Brooklyn Center, MN 55430+A10:A28

<u>Qty</u>	<u>Item No.</u>	<u>Description</u>		<u>Price</u>		<u>Ext Price</u>
1	123293A	Cozy Climber Perm Handholds 40"Dk DB	\$	2,717.00	\$	2,717.00
1	143199A	Conical Climber 72"Dk DB	\$	4,707.00	\$	4,707.00
1	152908B	Deck Link w/Handrails Permalene infill panel 2 Steps	\$	1,722.00	\$	1,722.00
2	111228A	Square Tenderdeck	\$	1,146.00	\$	2,292.00
2	121948A	Kick Plate 8"Rise	\$	131.00	\$	262.00
2	121949A	Tri-Deck Kick Plate 8"Rise	\$	187.00	\$	374.00
4	122197A	90* Triangular Tenderdeck	\$	960.00	\$	3,840.00
1	185852A	Transfer Step w/2 Handloops DB	\$	1,126.00	\$	1,126.00
1	115254A	Storefront Panel	\$	697.00	\$	697.00
1	116244B	Pipe Barrier w/Wheel Above Deck	\$	914.00	\$	914.00
1	116244A	Pipe Barrier Above Deck	\$	697.00	\$	697.00
1	117146A	Gear Panel Above Deck	\$	2,161.00	\$	2,161.00
1	120818A	Playstructure Seat	\$	429.00	\$	429.00
1	120901A	Grab Bar	\$	217.00	\$	217.00
1	166809A	E-Pod Seat	\$	343.00	\$	343.00
1	119805A	Single Beam Loop Horiz Ladder 84"	\$	1,172.00	\$	1,172.00

4	111403A	182"Alum Post For Roof DB	\$	495.00	\$	1,980.00
1	111404H	92"Alum Post DB	\$	313.00	\$	313.00
1	111404G	100"Alum Post DB	\$	328.00	\$	328.00
6	111404E	116"Alum Post DB	\$	343.00	\$	2,058.00
1	111404D	124"Alum Post DB	\$	399.00	\$	399.00
1	111404C	132"Alum Post DB	\$	414.00	\$	414.00
1	129816A	Square Peak Tile Roof Custom Logo Panel	\$	1,616.00	\$	1,616.00
1	123331B	Double Slide 40"Dk DB	\$	2,303.00	\$	2,303.00
1	222708A	WhooshWinder Slide 72"Dk DB	\$	5,641.00	\$	5,641.00
3	120711A	Pod Climber 16" DB	\$	318.00	\$	954.00
1	156435A	Hemisphere Climber DB Only	\$	13,655.00	\$	13,655.00
2	158997A	Pod Climber 10" DB	\$	313.00	\$	626.00
1	182503C	Welcome Sign (LSI Provided) Ages 5-12 years Direct Bury	\$	-	\$	-

Total Equipment Cost at State Contract Pricing

\$53,957.00



Riverdale Park 7031 Dallas Road Brooklyn Center, MN 55430	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
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Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
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Page 1 of 2

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Inclusions:

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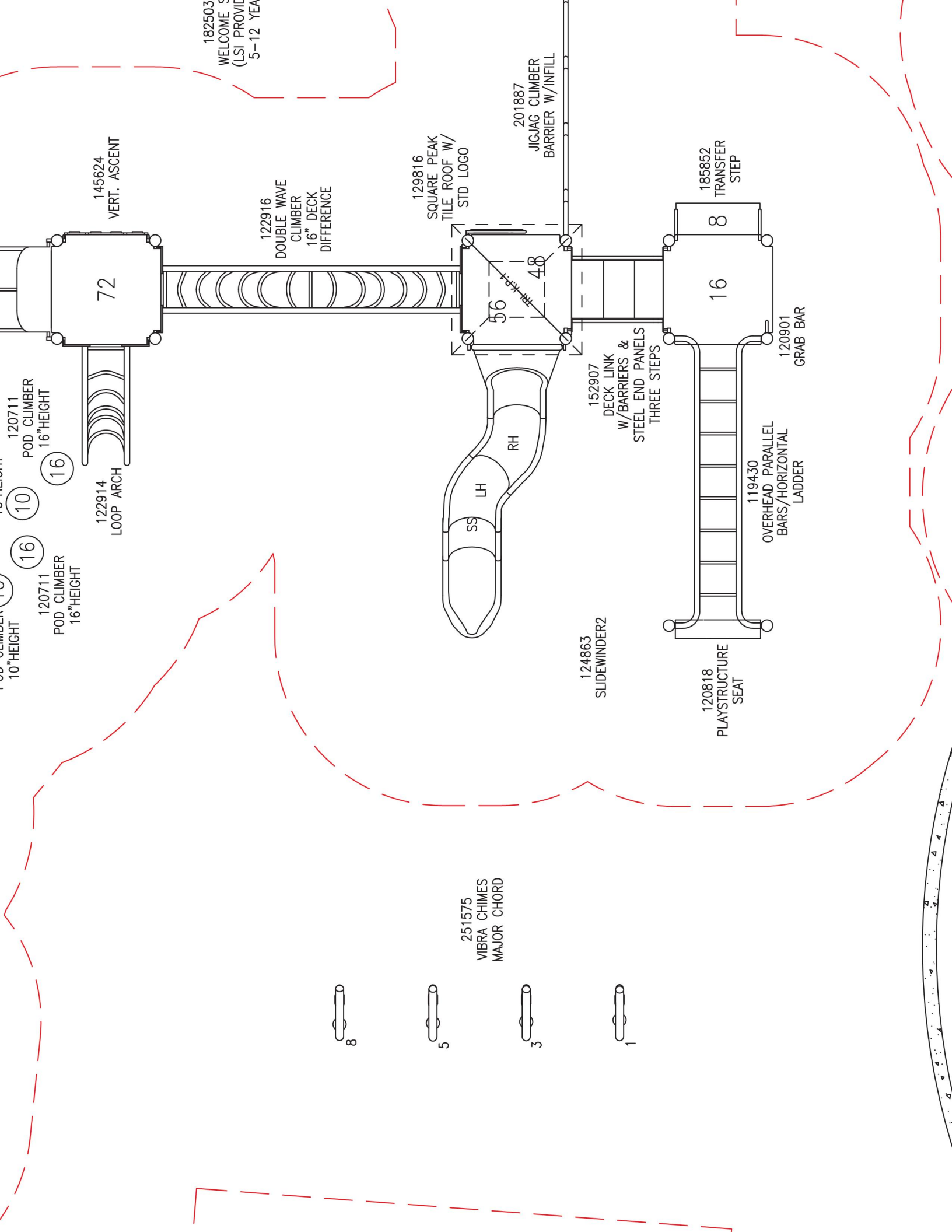
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Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$29,129.86







West Palmer Park 7110 Palmer Lake Dr Brooklyn Center, MN 55430	Landscape Structures 601 7th St. S Delano, MN 55328
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Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Landscape Structures, Inc. SDS 12-0395 PO Box 86 Minneapolis, MN 55486-0395
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[illegible]

Page 1 of 2

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Acceptance of Quotation:

Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$75,789.12



State Contract Pricing



PROJECT INFORMATION

Project name	West Palmer Park
Address	6301 Shingle Creek Parkway
City, State ZIP	Brooklyn Center, MN 55430
Contract Year	2022

Brooklyn Center, MN 55430+A10:A28

<u>Qty</u>	<u>Item No.</u>	<u>Description</u>	<u>Price</u>	<u>Ext Price</u>
1	200677A	Wee Planet Climber DB	\$2,742	\$2,742.00
1	184889A	Bongo Panel	\$990	\$990.00
1	184895A	Xylofun Panel	\$2,666	\$2,666.00
1	184899A	Rain Sound Wheel Panel	\$2,308	\$2,308.00
4	115201A	LW Post 10"Panel DB	\$288	\$1,152.00
1	194663B	ZipKrooz 50' w/Aluminum Posts DB	\$15,801	\$15,801.00
1	205800A	TopsyTurny Spinner 42"Bury DB Only	\$5,515	\$5,515.00
1	182503C	Welcome Sign (LSI Provided) Ages 5-12 years Direct Bury	\$0	\$0.00
6	100626A	30" Galvanized Stake	\$15	\$90.00
5	119214A	Tuff-Timber 4'	\$59	\$295.00
1	174018A	Belt Seat ProGuard Chains for 8' Beam Height	\$141	\$141.00
1	177332A	Single Post Swing Frame 8' Beam Height Only	\$1,419	\$1,419.00
1	177337A	Toddler Swing Add-On Beam	\$556	\$556.00
1	177349G	Half Bucket Seat ProGuard Chains for Toddler Swing	\$313	\$313.00
1	177351A	Molded Bucket Seat (5-12 yrs) w/Harness ProGuard Chains for 8' Beam Heig	\$954	\$954.00
2	141683A	72" TenderTuff Bench w/Back No Armrests DB	\$687	\$1,374.00

1	CP016776A-0 DTR PB Tree Tops w/Steel Post DB Only	\$45,520	\$45,520.00
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Total Equipment Cost at State Contract Pricing

\$81,836.00



West Palmer Park 7110 Palmer Lake Dr Brooklyn Center, MN 55430	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
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Brooklyn Center Parks & Recreation 6301 Shingle Creek Parkway Brooklyn Center, MN 55430	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
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[illegible]

Subtotal	\$42,773.15
Freight	\$0.00
Sales Tax	Tax Exempt Cert
Total	\$42,773.15

Minnesota State Contract #119795

***Terms: Net 30 days; 1.5% finance charge on balances over 30 days**

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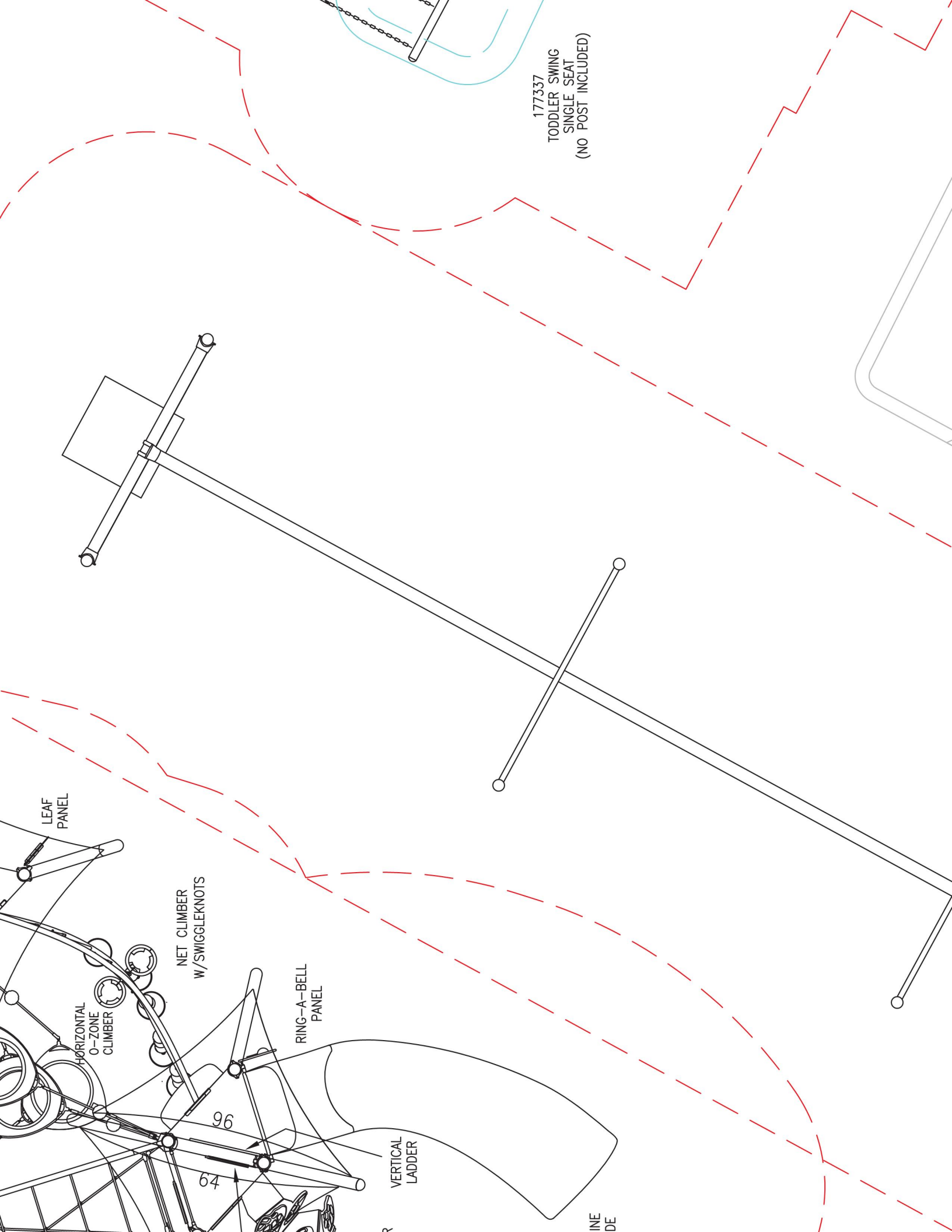
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Accepted By (Print)	Carissa Goebel	PO#:	
Signature:		Email:	cgoebel@ci.brooklyn-center.mn.us
Title:		Phone:	
Date:		Purchase Amount:	\$42,773.15



177337
TODDLER SWING
SINGLE SEAT
(NO POST INCLUDED)



LEAF
PANEL

NET CLIMBER
W/SWIGGLEKNOTS

HORIZONTAL
O-ZONE
CLIMBER

RING-A-BELL
PANEL

96

64

VERTICAL
LADDER

LINE
IDE

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Mike Marsh, Acting Public Works Director

BY: Cynthia Majors, Public Works Admin Technician

SUBJECT: Resolution Declaring a Public Nuisance and Ordering the Removal of Dead Trees at Certain Properties in Brooklyn Center, Minnesota

Requested Council Action:

- Motion to approve a resolution declaring a public nuisance and ordering the removal of dead trees at certain properties as listed in the resolution

Background:

The attached resolution represents the official City Council action required to expedite removal of dead trees that were recently marked by the City Tree Inspector and have become a public safety issue due to being a hazard. The removal of dead trees is defined in City Ordinance Chapter 20-202 and 19-101 through 19-106.

Property owners are given the opportunity to remove the dead tree on their own or enter into an agreement to allow the City to remove the dead tree. A minimal administrative charge of \$50 is applied to the costs associated with the tree removal when an agreement with the property owner is executed.

If the owner does not respond within ten (10) days, they are provided with a second notice notifying them of the City Council meeting where the dead tree is declared a public nuisance. If the property owner does not correct the violation or enter into an agreement, the City will remove the dead tree. A minimum administrative abatement service charge of \$150 will be imposed based on the cost of the abatement.

Budget Issues:

The cost of removal of dead trees located on private property is the responsibility of the respective property owner, and if unpaid, is specially assessed to the property.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description

Upload Date

Type

Resolution

2/23/2022

Resolution Letter

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION DECLARING A PUBLIC NUISANCE AND ORDERING THE
REMOVAL OF DEAD TREES AT CERTAIN PROPERTIES IN BROOKLYN
CENTER, MINNESOTA

WHEREAS, Brooklyn Center City Code Section 20-202 and 19-101 thru 19-106,
declares any dead tree a public nuisance and provides for abatement by the City if not corrected by
the property owner; and

WHEREAS, removal of dead trees and abatement of the public nuisance is
necessary to prevent the hazard and to protect the safety of the public in neighborhoods; and

WHEREAS, a Notice to Abate Nuisance and a Dead Tree Removal Agreement has
been issued to the owners of certain properties in the City of Brooklyn Center giving the owners
ten (10) days to remove dead trees on the owners' property; and

WHEREAS, the City can expedite the removal of these dead trees by declaring
them a public nuisance.

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

1. The dead tree at the following address is hereby declared to be a public nuisance.

Property Address	Tree Type	Tree Number
3212 QUARLES RD	MAPLE	43

2. After ten (10) days from the date of the initial notice, the property owner(s) was
notified of the council action regarding the determination by the City Council
declaring the dead tree a public nuisance.
3. The property owner(s) will receive a final written notice providing five (5) business
days in which to contest the determination of the City Council by requesting, in
writing, a hearing. Said request shall be filed with the City Clerk.
4. After five (5) days, if the property owner fails to request a hearing, the tree(s) shall
be removed by the City. The cost of abatement shall be recorded and become the
personal responsibility of the owner of record. If unpaid, the costs shall be
specially assessed to the property in accordance with city codes and Minnesota
Statutes Chapter 429.

RESOLUTION NO. _____

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Mike Marsh, Acting Public Works Director

BY: Cynthia Majors, Public Works Admin Technician

SUBJECT: Resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees at Certain Properties in Brooklyn Center, Minnesota

Requested Council Action:

- Motion to approve a resolution declaring a public nuisance and ordering the removal of diseased trees at certain properties as listed in the resolution.

Background:

The attached resolution represents the official City Council action required to expedite removal of diseased trees that were recently marked by the City Tree Inspector. The City has maintained a policy of removing and properly disposing of diseased trees in order to prevent tree diseases from spreading throughout the community. The removal of diseased trees is defined in City Ordinance Chapter 20-301 to 20-306. Although the City has historically focused on Dutch Elm disease, other transmissible diseases and infestations are addressed as well.

Property owners are given the opportunity to remove the diseased tree on their own or enter into an agreement to allow the City to remove the diseased tree. Where an agreement with the property owner is executed, a minimal administrative charge of \$50 is applied to the costs associated with the tree removal.

After a diseased tree is declared a public nuisance by the City Council, another Compliance Notice will be provided to the property owner allowing additional time, at least five (5) days, for voluntary correction, again providing an option for an agreement with the City. If the property owner does not correct the violation or enter into an agreement, the City will remove the diseased tree. An administrative abatement service charge will be imposed based on the cost of the abatement, with a minimum charge of \$150.

Budget Issues:

The City's share of the cost of removal for diseased trees within the public right-of-way and on City property is included in the 2022 budget under the Public Works Forestry operating budget. The cost of removal for diseased trees located on private property is the responsibility of the respective property owner, and if unpaid, is specially assessed to the property.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description

Upload Date

Type

Resolution

2/23/2022

Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DISEASED TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA

WHEREAS, Brooklyn Center City Code Section 20-301 declares any diseased tree a public nuisance and provides for abatement by the City if not corrected by the property owner; and;

WHEREAS, removal of diseased trees and abatement of the public nuisances is necessary to prevent the spread of tree diseases and to protect the environmental quality and desirability of neighborhoods; and

WHEREAS, a Notice to Abate Nuisance and a Diseased Tree Removal Agreement has been issued to the owners of certain properties in the City allowing the owners twenty (20) days to remove diseased trees on the owners' property; and

WHEREAS, the City can expedite the removal of these diseased trees by declaring them a public nuisance.

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

1. The diseased tree at the following address is hereby declared to be a public nuisance.

Property Address	Tree Type	Tree Number
6920 Emerson Ave N	Ash	74
5715 Knox Ave N	Ash	76
5700 Girard Ave N	Ash	77, 78, 79
5410 France Ave N	Ash	82
6413 June Ave N	Ash	86

2. After twenty (20) days from the date of the initial notice, the property owner(s) will receive a second written notice providing five (5) business days in which to contest the determination of the City Council by requesting, in writing, a hearing. Said request shall be filed with the City Clerk.
3. After five (5) days, if the property owner fails to request a hearing, the tree(s) shall be removed by the City. The cost of abatement shall be recorded and become the personal responsibility of the owner of record. If unpaid, the costs shall be specially assessed to the property in accordance with City codes and Minnesota Statutes Chapter 429.

RESOLUTION NO. _____

January 10, 2022

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Jesse Anderson, Deputy Director of Community Development

SUBJECT: Resolution Approving the Projected Use of Funds for the 2022 Urban Hennepin County Community Development Block Grant Program and Authorizing Signature of a Subrecipient Agreement with Hennepin County

Requested Council Action:

- *Motion to open public hearing, take public comment, and close public hearing*
- *Motion to approve a resolution approving the projected use of funds for the 2022 Urban Hennepin County Community Development Block Grant program and authorizing signature of a subrecipient agreement with Hennepin County*

Background:

This item was discussed at the City Council Work session on February 14, 2022. The deadline for submitting a resolution for allocation is the end of February.

CDBG funds are provided by the U.S. Department of Housing and Urban Development (HUD) to help with community development activities that benefit low and moderate income persons. The funds are primarily intended for bricks and mortar improvements, as opposed to public service activities.

Hennepin County receives CDBG funds directly from HUD as part of a consolidated pool of funds, which is administered on behalf of participating suburban Hennepin County communities. Bloomington, Eden Prairie, Minnetonka and Plymouth do not participate in the consolidated pool and receive CDBG funds directly from HUD. Brooklyn Center is considered a Direct Allocation City and is a sub-recipient of the funds through Hennepin County.

CDBG Statutory and Administrative Requirements

The Federal Authorizing Statute for the CDBG program requires that each funded CDBG activity meet one of three national objectives:

1. Benefiting low income persons
2. Preventing or eliminating slums and/or blight
3. Meeting urgent community needs.

The Federal Law also specifies that each recipient receiving funds must insure at least 70 percent of the CDBG expenditures during the program year be used for activities benefiting low and/or very low income persons. Each city must meet this requirement at the local level.

As part of the administration of the CDBG funds, Hennepin County adopts a 5-year funding plan, which further defines the priority needs of the program and clarifies what activities are eligible for funding. Last year Hennepin County adopted a new 5-year funding plan. Overall, the priority needs are around continuing what's working, while shifting the focus to preserving affordable and reducing disparities in housing stability.

These include:

- Priority Need 1: Preserve & Create Rental Opportunities
- Priority Need 2: Preserve & Create Homeowners Opportunities
- Priority Need 3: Housing Opportunities for Homeless Populations
- Priority Need 4: Support Education, Outreach, and Services
- Priority Need 5: Encourage Neighborhood Revitalization
- Priority Need 6: Stimulate Economic Development

Because Hennepin County is responsible for the monitoring and reporting of the CDBG funds, the County oversees the use of funds within the consolidated pool. Cities that wish to diverge from the typical use of funds must seek permission from the County.

Prior to 2018, cities were allowed to allocate up to 15 percent of their CDBG funding to public services. While Brooklyn Center regularly did so, other communities chose not to. In addition, the reporting requirements for the funds are onerous, and the County determined that it would be easier to pool the public service allocation and administer the distribution of those funds internally. Each city is now asked to send a representative to a committee, which reviews public service funding requests and makes a determination as a whole as to which public service organizations get funding and how much.

Previous CDBG Allocation

CDBG funding allocations run from July 1st-June 30th each year. The 2021-2022 CDBG funding round was allocated by the City Council in February 2021 and is set through June 30, 2022. The funding was allocated as follows:

2021 CDBG Amount	Allocation Recommendation	Program
\$100,000	\$100,000	Down Payment Assistance
\$158,000	Remaining (\$158,000)	The remaining funds were allocated to the Hennepin County Home rehab program

The use of the funds is limited to allowed uses under HUD program eligibility and further narrowed by Hennepin County's 5-year funding plan. Most cities utilize CDBG to fund their housing rehab programs. These are programs that provide deferred/forgivable loans to low income home owners to make needed repairs and maintenance to their homes. For communities with an aging housing stock such as Brooklyn Center's, this is the only source of funds available to assist with the maintenance and upkeep of homes. Brooklyn Center has allocated roughly \$85,000 to \$158,000 annually to its housing rehab program. The funds assist 8-10 households annually. There is currently a waiting list of 164 people seeking funding from the housing rehab program as additional funds become available.

Brooklyn Center had allocated \$150,000 of funds towards supporting the Code Enforcement and Neighborhood Revitalization Program since 2009, with 2019 funds being reduced to \$75,000. In 2020 the Code Enforcement and Neighborhood Revitalization funding was discontinued.

2022-2023 CDBG Allocation

While we do not yet know the exact amount of CDBG allocation for the next cycle, we have been advised by

Hennepin County to use the estimate of \$258,000, based off last year's allocation, for the purposes of determining the allocation of funds. However, this allocation amount could be adjusted once HUD provides final amounts. Hennepin County receives the lump sum from HUD and determines the allocation among the participating cities based on a formula that takes into account population and need.

Funding Allocation Options

Housing Rehab Program - As CDBG funds are the only source of funding to maintain the City's existing single family housing stock, one option would be to increase the allocation of CDBG funds to this use. 86 percent of Brooklyn Center's housing supply is single family homes, nearly all of which were constructed prior to 1975. Many of these homes are in need of maintenance, and for low income home owners this cost can be overly burdensome. Maintaining the city's housing stock through this program not only provides stable home ownership for low income home owners, but also maintains an affordable housing stock for new buyers as well. Further this wait list for this program had continued to grow, the current wait list is 164. Further, due to restructuring at Hennepin County, the program is able to accommodate an increase in application processing.

Down Payment Assistance - Brooklyn Center allocated \$100,000 towards home buyer assistance with the 2020 and 2021 CDBG funding. The City is contracting with Center for Energy and Environment (CEE) to administer the program. The city has had four down payment loans closed. Due to the pandemic and the lower number of homes available on the market the program has had a slower than anticipated start.

In 2020, the city council made changes to the program to expand eligibility to applicants that work in Brooklyn Center, have a family member who attends school in Brooklyn Center, own a business in Brooklyn Center, or reside in Brooklyn Center. The assistance amount was increased to \$10,000.

Staff have increased advertising of this program and coordinated through CEE and PRG. Mailers have gone out to all rental properties in the city, there has been outreach to local businesses, as well as information shared with Brooklyn Center Schools. PRG has seen a 34% increase in calls for Brooklyn Center. However, only two additional loans have closed. The number of restrictions on this program due to it being federally funded, combined with the City's restrictions, and the limited supply of home for sale in Brooklyn Center has continued to eliminate most applicants prior to them submitting an application. A review of the MLS listing for Brooklyn Center on January 31, 2022 provided that there were only 4 single family homes and one condo actively available for purchase. Currently, the program has \$215,000 funds available from 2019, 2020, and 2021 allocations.

Scattered site acquisition/rehab - The scattered site acquisition is done in New Hope. It is similar to the City's previous buy and replace program. It allows for the purchase and renovation or demo of a blighted structure, which is then sold to a low/moderate income household. The individual cost per unit is high, minimizing the impact of this program.

Infrastructure improvements - These are physical improvements to community or public facilities that are utilized by low and moderate income residents. Some cities have use CDBG funds to purchase play ground equipment or make other physical improvements. One challenge with the use of CDBG funds in this manner is that it triggers Federal Fair Wage standards, which require a significant amount of reporting and paperwork, and increasing the cost of the project above what it would be if other funds were available, making small scale improvements more work and more expensive than the value of the funding being used.

Small Business Entrepreneur Funding - Options for using CDBG funds for programs to support the creation/support of small businesses were discussed with Hennepin County staff. HUD rules allow for CDBG funds to be used in this manner under certain circumstances, specifically to support job creation.

According to Hennepin County staff, use of the funds requires demonstrated job creation over an extended amount of time. Not unlike other uses of CDBG funds, it requires extensive reporting, which falls on individual small business owners and monitoring is required over a number of years. Federal funding often comes with stringent reporting and monitoring requirements, which can create a barrier. Alternatively, the city's EDA funds may be a better mechanism to serve small businesses as the funds can be more nimbly applied.

Resolution

A resolution has been prepared for City Council's consideration to approve the 2022 CDBG program. The total preliminary allocation for CDBG Program Year 2022 is estimated \$258,000. The resolution allocates the full allocation to the Hennepin County Rehab program.

The resolution included with this memorandum also authorizes signature of a Subrecipient Agreement, which is the agreement between Hennepin County and the City of Brooklyn Center relative to CDBG funds. This agreement is a standardized agreement developed by Hennepin County and will be submitted after approval of the City's 2021 CDBG program.

Budget Issues:

CDBG funds are exclusively federal dollars.

Inclusive Community Engagement:**Antiracist/Equity Policy Effect:****Strategic Priorities and Values:**

Resident Economic Stability

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/16/2022	Resolution Letter

Member
adoption:

introduced the following resolution and moved its

RESOLUTION NO. _____

RESOLUTION APPROVING PROJECTED USE OF FUNDS FOR 2022 URBAN
HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM, AUTHORIZING SIGNATURE OF SUBRECIPIENT AGREEMENT
WITH HENNEPIN COUNTY

WHEREAS, the City of Brooklyn Center, through execution of a Joint Cooperation Agreement with Hennepin County, is cooperating in the Urban Hennepin County Community Development Block Grant (CDBG) Program; and

WHEREAS, the City of Brooklyn Center has developed a proposal for the use of Urban Hennepin County CDBG funds made available to it; and

WHEREAS, the City of Brooklyn Center held a Public Hearing on February 28, 2022 to obtain the view of citizens on housing and community development needs and priorities and the City's proposed use of **\$258,000** from the 2022 Urban Hennepin County Community Development Block Grant; and

WHEREAS, the City of Brooklyn Center, through execution of a Joint Cooperation Agreement with Hennepin County, is a Subrecipient community in the Urban Hennepin County Community Development Block Grant Program; and

WHEREAS, pursuant to the Subrecipient Agreement between the City of Brooklyn Center and Hennepin County, the City agrees to assume certain responsibilities for the utilization of Community Development Block Grant funds; and

WHEREAS, a notice to solicit public comment was published and comments were solicited for a period of 10 days, ending on February 28, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that it approves the following project(s) for funding from the 2019 Urban Hennepin County Community Development Block Grant Program and authorizes submittal of the proposal to Urban Hennepin County.

<u>Project</u>	<u>Budget</u>
Home Rehabilitation Program (Rehabilitation of Private Property)	\$258,000

BE IT FURTHER RESOLVED, that the City Council hereby authorizes and directs the Mayor and its' City Manager to execute the Subrecipient Agreement and any required Third

Party Agreement on behalf of the City to implement the 2022 Community Development Block Grant Program.

BE IT FURTHER RESOLVED, that should the actual amount of FY2022 CDBG available to the city be different from the preliminary amount provided to the City, the City Council hereby authorizes the city manager to adjust the following activity budget(s) at this rate:

<u>Project</u>	<u>Budget Adjustment</u>
Home Rehabilitation Program (Rehabilitation of Private Property)	100%

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Jesse Anderson, Deputy Director of Community Development

SUBJECT: An Ordinance Amending Chapter 12 of the City Code of Ordinance Regarding Tenant Protections and Approve a Resolution to allow a Summary Publication of the Ordinance

Requested Council Action:

- Motion to approve a resolution approving of the second reading of an ordinance amending Chapter 12 of the City of ordinances regarding tenant protection and summary publication of the ordinance.

Background:

Overview

Based on feedback from the City Council, staff have prepared and attached a draft resolution and ordinance that includes the 30 day pre-eviction notice and removes the 90 day notice of non-renewal without just cause provision.

February 15, 2022 – The Housing Commission met and discussed the different version of the ordinance. They passed a motion stating the following:

- A tenant protection ordinance is needed.
- The commission would prefer a 30 day pre-eviction notice, but would consider the 14 day time period to be a good compromise.
- The commission was split on whether or not to include the 90 day non-renewal notice without just cause.
- (3 Commissioners preferred to remove the 90 day non-renewal without just cause and 2 Commissioners preferred to keep it in the ordinance)
- The commission agrees that the property owners/managers should be required to document and report non-renewals.
- The Housing Commission passed the following motion:

Commissioner Hester moved and Commissioner Oman seconded to provide feedback to the City Council that the Housing Commission agrees there is a need for a tenant protection ordinance, favors the 30-day pre-eviction notification but can compromise with the 14-day pre-eviction notification, is split on the just cause non-renewal provision, and supports the data collection provision. The motion passed.

February 14, 2022 - The City Council met and discussed a revised version of the ordinance. The Council suggested additional feedback from the Housing Commission and it was requested that staff return with an ordinance including the 30 day pre-eviction notice and no 90 day renewal without just cause.

January 19, 2022 – An email went out to the property owners/managers who attended the public hearing or ARM Meeting, tenant Advocacy groups, and the Housing Commission with a copy of the revised ordinance.

January 12, 2022 - January 12, 2022 staff met with rental owners, property managers, and tenant advocacy representatives. Staff met with rental owners, property managers, and tenant advocacy representatives. Generally, the majority of landlords spoke against the ordinance as a whole and would prefer that no version of an ordinance be adopted. The suggested compromise by landlords was to reduce the notice period for the pre-eviction notice to 7 or 5 days and to adopt a renewal notice period rather than a just cause non-renewal.

January 6, 2022 - staff met with approximately 20 landlords at the ARM Meeting and discussed the proposed ordinance. The feedback from landlords was consistent with the feedback provided at the public hearing.

December 13, 2021 - The City Council met and held the public hearing on this item. After the public hearing and Council discussion, the vote on the second reading of the ordinance was delayed until January 24, 2022.

November 8, 2021 – The City Council met and approved the first reading and called for a public hearing for December 13, 2022.

October 19, 2021 - The Brooklyn Center Housing Commission meet on and discussed the proposed tenant protection ordinance. The Housing Commission unanimously approved a recommendation to approve the proposed ordinance.

Feedback from the City of Minneapolis

City staff received the following feedback from the City of Minneapolis regarding their tenant protection ordinance.

- Has the city received complaints from residents about not receiving the notice?
 - We have not yet received a complaint regarding this ordinance yet
- How does the city handle complaints?
 - Enforcement is on a complaint basis only right now
 - We rely on complaints coming from renters through our 311 call center, a case is created and sent to myself and a team of liaisons
 - We have a group of Renter Housing Liaisons who will do research and follow up to ask for documentation and other supporting evidence to confirm there was a violation.
 - If a violation is found we have a process for issuing a violation notice and possible citations – the citations are administrative and can be put on a property as a special assessment if not paid by the end of the year
- How has the courts help or hurt this ordinance?
 - To my knowledge we haven't had any issues with the courts on this ordinance.
 - We were very mindful of talking with our City Attorneys to ensure we could pass an ordinance that would be able to be held up
- Other info?
 - We are only able to enforce this if we get a complaint right away and are limited to sending violation notices and citations or fees – we rely on partners like HomeLine and other external stakeholders who would represent a renter if they had to go to court to fight an eviction or use the pre-eviction filing notice ordinance as a defense if 14 day notice was not given.
 - We created a template for notice as a sample for owners to use in case they had questions, we have it on our website – <https://www2.minneapolismn.gov/business-services/licenses-permits/rental-licenses/renter-protections/renter-notification-requirements/>
 - An important thing to note is that we passed this ordinance during the eviction moratorium so we implemented it during a time that evictions for non-payment of rent weren't really happening.

- Do you guys get feedback on whether the 14 days was too long / too short?
 - When I talked with St. Louis Park they did 7 days and we knew that would probably be too short. We presented the 14 day notice and we got feedback at our public hearing that we should look at 30 days. We aligned our 14 days with the provision of emergency assistance and the involved timeframes for accessing and obtaining assistance. Again, this was pretty early on before issues with RentHelpMN and long wait times, but it worked for us to align it to something existing.

Ordinance Summary

The proposed ordinance amendment summary:

- Pre-Eviction Filing Notice requires an owner of an affordable housing unit to provide a 30 day written notice to a tenant prior to filing an eviction.
- Just Cause Non-Renewals establishes requirements that prevents a property owner or property manager from non-renewing an existing tenant lease without just cause.
 - Non-Payment of Rent
 - Material Non-compliance
 - Refusal to Renew
 - Occupancy by property owner or family member
 - Building Demolishing or Conversion
 - Rehabilitation or Renovation
 - Complying with a Government order to vacate
 - Occupancy conditioned on employment
 - (90 day non-renewal notice without just cause removed)
- Waiver is not allowed by a tenant to waive their rights under the new ordinance.
- Private Enforcement – A tenant or former tenant of an affordable housing unit harmed by an owner in violation of this ordinance may bring an action against the owner in district court.
- Require property managers to track and report to the city any non-renewals of leases, and the reason for the action.
- Added Separability and Severability statement

Background

City staff have had multiple discussions with the City Council relating to affordable housing policies and programs. The City is currently working with the Center for Urban and Regional Affairs (CURA) and Research in Action (RIA) on a citywide housing study. That work has completed its engagement phase, and the Housing Advisory Council is being reconvened to begin reviewing that work and identifying policy recommendations for the City. The housing study is anticipated to be completed in early 2022. The deliverables from the study will be used to complete a Housing Policy Action Plan to address the housing priorities in the city. Staff is anticipating moving forward with programs and policies based on the results of that study. However, while that work is wrapping up, Brooklyn Center and the Twin Cities region are continuing to experience ongoing and extreme low vacancy rates. According to a recent 2020 Census Report (<https://www.census.gov/library/stories/2021/08/united-states-housing-vacancy-rate-declined-in-past-decade.html>), Minneapolis has the lowest vacancy rate among the 30 largest U.S. cities. In addition to a significant and sustained housing shortage, the state legislature recently repealed the eviction moratorium. The state has created an off-ramp process to step back from the moratorium, but already Brooklyn Center has seen increased calls about evictions, and is seeing an increased number of filings. With the lifting of the eviction moratorium, landlords can once again get rid of unwanted tenants through non-renewals, avoiding the eviction process altogether. Staff has been meeting regularly with residents to talk about issues related to tenant protections

and to understand the concerns and increased issues they are facing as a result of compounding regional and national housing shortage trends.

As a result of extensive input from community, Staff have been working with the City Attorney's office to draft an ordinance relating to tenant protections. This ordinance was to include multiple areas of concerns from tenants.

- Just Cause Non-renewal
- Pre-eviction Notices
- Maintenance Fees
- Damage Deposits
- Material changes to the lease
- Discrimination relating to public assistance status

Based on the current low vacancy rates and the urgency created by the phasing out of the Eviction Moratorium, staff thought it to be necessary to expedite the ordinance relating specifically to items addressing evictions and non-renewals. Putting anti-displacement measures into effect sooner rather than later is intended to get ahead of a growing problem, and provide renters with more leverage in negotiations with landlords.

Housing and the policy issues related to housing have become some of the most pressing and important matters facing communities today. For most suburban communities, housing comprises a significant majority of a city's land use and tax base. Maintaining and preserving a safe, quality, and desirable housing stock is critical to a community's long term economic health and resiliency. Further, a diverse housing stock which offers a wide range of housing choices and price points ensures that a community can be resilient through economic ups and downs as well as provide housing options for a diverse population throughout their lives. In addition to maintaining a quality and diverse supply of housing, communities are more and more becoming focused on concerns regarding livability and accessibility of housing.

Brooklyn Center's Current Rental Housing

The result of the regional trends facing the Twin Cities are being felt in Brooklyn Center. Vacancy rates in the community remain lower than the regional average, hovering around 2 percent. This is common in communities with more affordable rental units. Thirty-seven percent of Brooklyn Center's housing stock is comprised of rental units. Nearly 100 percent of the multi-family housing in Brooklyn Center are one and two bedroom units built between 1961 and 1971, and nearly all of it is naturally occurring affordable housing (NOAH).

Average rents in Brooklyn Center are naturally occurring affordable because the market rents, based on the age and condition of the units make them affordable at around 50 percent AMI in the metropolitan area. Rents in Brooklyn Center are lower than the regional average. While NOAH properties are affordable, they can be at risk of being lost as market demand increases and rents continue to go up. They can also experience disinvestment over time, causing deterioration, loss of value, and most importantly poor quality or unsafe living situations if they are not properly inspected and maintained.

The City's 2040 Comprehensive Plan identifies several broad housing goals

2040 Housing & Neighborhood Goals:

- Promote a diverse housing stock that provides safe, stable, and accessible housing options to all of Brooklyn Center's residents.
- Recognize and identify ways to match Brooklyn Center's housing with the City's changing demographics.
- Explore opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents.
- Maintain the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement.

- Explore opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods.

In addition to these goals, the 2040 Comprehensive Plan identifies implementation strategies as well as resources and tools for achieving its housing goals.

Budget Issues:

There are no budgetary issues to consider at this time.

Inclusive Community Engagement:

Staff has been working closely with housing advocacy groups, and met regularly with residents to gather information regarding the need for this ordinance.

Staff held an ARM Meeting on January 6, 2022 at city hall. All licensed landlords/property owners were invited to attend. Feedback was provided and a summary is attached.

A discussing was held with advocacy groups and rental landlords on January 12th, 2022. A summary of that discussion is attached.

Antiracist/Equity Policy Effect:

Renters in Brooklyn Center are disproportionately more likely to be people of color than home owners. Over 50 percent of Brooklyn Center renters pay more than 30% of their incomes on rent and are considered low income. Low income renters have the fewest housing choices and are more likely to experience retaliation by landlords, evictions and displacement. The purpose of this ordinance is to provide protections for primarily low-income and renters of color in Brooklyn Center.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/22/2022	Resolution Letter
Tenant Protection Ordinance	2/22/2022	Ordinance
Tenant Protection Ordinance - Redlined Version	2/22/2022	Backup Material
10-19-2021 Draft Housing Commission Minutes	10/25/2021	Backup Material
2-18-2022 Draft Housing Commission Minutes	2/18/2022	Backup Material
January 12 Joint Meeting Recap	1/14/2022	Backup Material
January 6 ARM Meeting Recap	1/18/2022	Backup Material

Member
adoption:

introduced the following resolution and moved its

RESOLUTION NO. 2022-____

CITY OF BROOKLYN CENTER, MINNESOTA

A RESOLUTION APPROVING THE SECOND READING OF AN ORDINANCE
AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING
TENANT PROTECTION AND SUMMARY PUBLICATION OF THE ORDINANCE

WHEREAS, the City of Brooklyn Center (“City”) previously amended the City Code to establish certain protections for tenants of affordable housing units and now desires to expand those protections; and

WHEREAS, City staff developed a proposed ordinance titled “An Ordinance Amending Chapter 12 of the City Code of Ordinances Regarding Tenant Protections” (“Ordinance”), which amends Sections 12-201, 12-912D and 12-1401 of the City Code; and

WHEREAS, the City Council discussed this issue at several work sessions and the proposed Ordinance was presented to the City Council to conduct a first reading on November 8, 2021 in accordance with Section 3.04 of the City Charter; and

WHEREAS, the proposed Ordinance was presented to the City Council to conduct a public hearing and a second reading on December 13, 2021 in accordance with Section 3.04 of the City Charter; and

WHEREAS, the City Council continued the second reading from December 13, 2021 to February 28, 2022, and the City Council acted at its meeting on February 28, 2022 to adopt the above-referenced Ordinance; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication of adopted ordinances by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council determines publishing the entire text of the Ordinance is not in the best interests of the City as the Ordinance is readily available to the public on the City’s website and by contacting City Hall; and

WHEREAS, the City Council determines the following summary clearly informs the public of the intent of Ordinance and where to obtain a copy of the full text.

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

1. A second reading has been conducted and the Ordinance is hereby adopted.

2. The City Clerk is hereby authorized and directed to publish the following notice and summary of the Ordinance, which is hereby approved, once in the City's official newspaper:

City of Brooklyn Center

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY
CODE OF ORDINANCES REGARDING TENANT PROTECTION**

Please take notice that the City Council of the City of Brooklyn Center has adopted an ordinance to amend Chapter 12 of the City Code by amending Section 12-912D to expand the protections provided to tenants of affordable housing units. The ordinance establishes new requirements for landlords to provide tenants a notice at least 30 days before filing an eviction action, to provide notice explaining the basis of a just cause nonrenewal of a lease, and to provide for filing a private enforcement action in district court for a violation of the tenant protections under the section, including the seeking of an award of attorney's fees. A copy of the full ordinance is available on the City's website.

3. City staff and consultants are authorized to take such other actions as may be needed to incorporate the Ordinance into the City Code and to otherwise carry out the intent of this Resolution.

February 28, 2022

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

Notice is hereby given that a public hearing will be held on the 13th day of December, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard to consider an ordinance related to tenant protections. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING TENANT PROTECTION

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Legislative Findings. The City Council of the City of Brooklyn Center hereby finds and determines as follows:

- a. Tenants of affordable housing units have an income of 80% or less, and in some case much less, of the area median income and so have few resources to fight predatory practices, unjustified repair fees, retaliation, or other practices that exploit tenants within affordable housing buildings;
- b. Vacancy rates in the City, at approximately 2%, are very low and are even lower than the Twin Cities regional average;
- c. In addition to a significant and sustained housing shortage, the residential eviction moratorium enacted in Minnesota in response to the COVID-19 pandemic has nearly been entirely phased out, and with only very limited exceptions, tenants are able to be evicted;
- d. The City Council regularly receives complaints at its meetings from residents of affordable housing units regarding how they are treated by the owners and the resulting negative emotional and financial impacts of those interactions;
- e. The City's 2040 Comprehensive Plan identifies several broad housing goals, including (1) promoting a diverse housing stock that provides safe, stable, and accessible housing option to all of the City's residents, (2) recognition and identification of ways to match the City's housing with the City's changing demographics, (3) exploring opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents, (4) maintaining the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement, and (5) exploring opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods;

- f. In addition to these goals, the 2040 Comprehensive Plan identifies implementation strategies as well as resources and tools for achieving its housing goals;
- g. The City Council previously adopted Section 12-912D to establish certain tenant protections for those living within affordable housing units as an initial step to address the exploitation of these tenants, and the City is currently working with the Center for Urban and Regional Affairs and Research in Action on a citywide housing study;
- h. However, in light of the current housing shortage, the reversal of the eviction moratorium, and in response to complaints from tenants of affordable housing units in the City, the City Council determines it is necessary to expand the initial protections in order to promote housing stability and protect the health, safety, and welfare of those living within affordable housing units; and
- i. The tenant protections adopted as part of Section 12-912D are intended to be part of the health and safety covenants in Minnesota Statutes, section 504B.161, subdivision 1(a)(4) and as additional conditions provided for by ordinance as acknowledged in subdivision 4 of the same statute.

Article II. Brooklyn Center City Code, Section 12-201 is amended by adding the following definition and renumbering the subsequent definitions as needed:

 . Just Cause – any of the bases listed under Section 12-912D(5) upon which an owner of an affordable housing building may terminate tenancy.

Article III. Brooklyn Center City Code, Section 12-912D is amended by adding subsections 12-912D(4), 12-912D(5), and 12-912D(6) as follows, and renumbering the subsequent subsections as needed:

- 4. Pre-Eviction Filing Notice. Except as provided otherwise in this subsection, an owner of an affordable housing unit shall provide at least 30 days' written notice to a tenant prior to filing an eviction action on the basis of either: (a) an alleged non-payment of rent; or (b) an alleged material breach of a lease.
 - a. Notices for Non-payment of Rent. For an allegation of any non-payment of rent, the notice shall, at a minimum, include the following information:
 - (1) The name, mailing address, and telephone number of the person authorized to receive rent and fees on behalf of the owner;
 - (2) The total amount of money due and owing to the owner by the tenant;
 - (3) A specific accounting of the money due and owing to the owner by the tenant, including any past due rents, any late fees, and any other charges; and

- (4) The deadline by which the total amount due and owing to the owner by the tenant shall be paid to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered.
- b. Notices for Material Breach of a Lease. For an allegation of a material breach of a lease, the notice shall, at a minimum, include the following information:
 - (1) The name, mailing address, and telephone number of the owner;
 - (2) A description of the specific conduct that the owner alleges is a violation of the lease, including the dates of the violations and the persons who committed the alleged violations;
 - (3) Identification of the specific clause of the lease alleged to have been violated;
 - (4) Notification that the tenant has the right to correct the alleged breach;
 - (5) Notification of how the tenant may correct the alleged breach;
 - (6) The deadline by which the alleged breach shall be corrected to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered; and
 - (7) A copy of the lease attached to the notice.
- c. Exception for Expedited Eviction Actions. For an expedited eviction action filed pursuant to Minnesota Statutes, section 504B.321, subdivision 2, the owner shall provide the notice required by Section 12-912D(4)(d) at least three days in advance of filing the eviction action.
- d. Additional Notice Requirements. All notices under this subsection shall also include the following information:
 - (1) Notification that the tenant may be evicted if they do not pay the past due rent or correct the alleged breach of lease by the deadline, as applicable;
 - (2) Information about accessing rental assistance by calling 211 or visiting <https://www.211unitedway.org/>; and
 - (3) Information about accessing legal help by visiting the Law Help Website at <https://www.lawhelpmn.org/>.
- e. Delivery of Notice. The owner, or an agent for the owner, shall deliver any notice required by this subsection personally or by first-class mail to the address of the affordable housing unit. Such notice may, in addition to but not in place of personal

delivery or delivery by first-class mail, be delivered to any email or other electronic means to the tenant at the tenant's email address or electronic account.

- f. Enforcement. In addition to any other remedy available at equity or law, failure to comply with the provisions of this subsection may result in adverse rental license actions, the imposition of administrative fines, or other penalties as provided in law.
- g. Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.

5. Just Cause Notice of Nonrenewal of Lease to Tenants.

- a. Just Cause Notice. An owner of an affordable housing unit shall not issue a notice of nonrenewal of tenancy, refuse to renew, or issue a notice to quit unless the owner is able to establish one or more of the following grounds for such action:
 - (1) Non-payment of Rent. The tenant fails to pay all monies owed to an owner after receiving a written notice of non-payment from the owner;
 - (2) Material Non-Compliance. The tenant fails to cure a material breach of the lease after receiving a written notice from the owner;
 - (3) Refusal to Renew. The tenant refuses to renew or extend the lease after the owner requests in writing that the tenant do so;
 - (4) Occupancy by Property Owner or Family Member. The owner, in good faith, seeks to recover possession of the unit so that the owner or a family member may occupy the unit as that person's principal residence;
 - (5) Building Demolishment or Conversion. The owner either:
 - (i) Elects to demolish the building in which the affordable housing unit is located, convert it to a cooperative, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B, or convert it to non-residential use, provided that the owner shall obtain all permits necessary to demolish or change the use before terminating any tenancy;
 - (ii) The owner seeks, in good faith, to recover the unit to sell it in accordance with a condominium conversion, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B; or
 - (iii) The unit is being converted to a unit subsidized under a local, state, or federal housing program and the tenant does not qualify to rent the unit under that program;

- (6) Rehabilitation and Renovation. The owner seeks, in good faith, to recover possession of the unit that will render the unit uninhabitable for the duration of rehabilitation or renovation;
 - (7) Complying with a Government Order to Vacate. The owner is complying with a government agency's order to vacate, order to abate, or any other order that necessitates the vacating of the unit as a result of a violation of City Code or any other provision of law including, but not limited to, Section 12-911 related to conduct, disorderly activities, or nuisances; or
 - (8) Occupancy Conditioned on Employment. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated.
 - b. Owner Responsibilities. Any lease for an affordable housing unit shall include just cause notice language as follows:

"The landlord under this lease shall not unilaterally terminate or attempt to terminate the tenancy of any tenant unless the landlord can prove that just cause exists. The reasons for termination or nonrenewal of tenancy listed in the City of Brooklyn Center's Just Cause Notice (Section 12-912D(5)), and no others, shall constitute just cause under this provision."
 - c. Nonrenewal Notice Requirements. An owner providing a notice of nonrenewal of a tenancy to a tenant of an affordable housing unit shall: (1) comply with all notice requirements under the lease and applicable law; (2) include in such notice a written statement of the reasons for the nonrenewal and the facts in support of those reasons, and (3) maintain documentation totaling the number of notices of nonrenewal issued by the owner.
 - d. City Right to Inspection of Nonrenewal Notices. Within ten days of any request by the City, the owner of an affordable housing building shall provide to the City copies of its documentation totaling the number of notices of nonrenewal issued by the owner.
 - e. Application. This Section applies to every lease, written or oral, for an affordable housing unit.
 - f. Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.
- 6. Private Enforcement of Tenant Protection Ordinance. Any tenant or former tenant of an affordable housing unit harmed by an owner's violation of this Section 12-912D may bring an action against the owner in district court. Such person shall be entitled to all remedies available at law or in equity including, but not limited to, damages and injunctive relief. Any plaintiff that prevails in such action may be awarded reasonable attorney's fees and expenses.

Article IV. Brooklyn Center City Code, Section 12-1401 is amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Section 12-1401. SEPARABILITY. Every Section, provision, or part of this ~~Ordinance~~ Chapter is declared separable from every other Section, provision, or part to the extent that if any Section, provision or part of the Chapter shall be held invalid, it shall not invalidate any other Section, provision or part thereof.

Article V. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

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

Adopted this 28th day of February, 2022.

Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 13th day of December, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard to consider an ordinance related to tenant protections. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING TENANT PROTECTION

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Legislative Findings. The City Council of the City of Brooklyn Center hereby finds and determines as follows:

- a. Tenants of affordable housing units have an income of 80% or less, and in some case much less, of the area median income and so have few resources to fight predatory practices, unjustified repair fees, retaliation, or other practices that exploit tenants within affordable housing buildings;
- b. Vacancy rates in the City, at approximately 2%, are very low and are even lower than the Twin Cities regional average;
- c. In addition to a significant and sustained housing shortage, the residential eviction moratorium enacted in Minnesota in response to the COVID-19 pandemic has nearly been entirely phased out, and with only very limited exceptions, tenants are able to be evicted;
- d. ~~b.~~ The City Council regularly receives complaints at its meetings from residents of affordable housing units regarding how they are treated by the owners and the resulting negative emotional and financial impacts of those interactions;
- e. The City's 2040 Comprehensive Plan identifies several broad housing goals, including (1) promoting a diverse housing stock that provides safe, stable, and accessible housing option to all of the City's residents, (2) recognition and identification of ways to match the City's housing with the City's changing demographics, (3) exploring opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents, (4) maintaining the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement, and (5) exploring opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods;

- f. In addition to these goals, the 2040 Comprehensive Plan identifies implementation strategies as well as resources and tools for achieving its housing goals;
- g. ~~e.~~ The City Council previously adopted Section 12-912D to establish certain tenant protections for those living within affordable housing units as an initial step to address the exploitation of these tenants, and the City is currently working with the Center for Urban and Regional Affairs and Research in Action on a citywide housing study;
- h. ~~d. The~~ However, in light of the current housing shortage, the reversal of the eviction moratorium, and in response to complaints from tenants of affordable housing units in the City, the City Council determines it is necessary to expand ~~these~~ the initial protections in order to promote housing stability and protect the health, safety, and welfare of those living within affordable housing units; and
- i. ~~e.~~ The tenant protections adopted as part of Section 12-912D are intended to be part of the health and safety covenants in Minnesota Statutes, section 504B.161, subdivision 1(a)(4) and as additional conditions provided for by ordinance as acknowledged in subdivision 4 of the same statute.

Article II. Brooklyn Center City Code, Section 12-201 is amended by adding the following definition and renumbering the subsequent definitions as needed:

Just Cause – any of the bases listed under Section 12-912D(5) upon which an owner of an affordable housing building may terminate tenancy.

Article III. Brooklyn Center City Code, Section 12-912D is amended by adding subsections 12-912D(4), 12-912D(5), and 12-912D(6) as follows, and renumbering the subsequent subsections as needed:

- 4. Pre-Eviction Filing Notice. Except as provided otherwise in this subsection, an owner of an affordable housing unit shall provide at least 30 days' written notice to a tenant prior to filing an eviction action on the basis of either: (a) an alleged non-payment of rent; or (b) an alleged material breach of a lease.
 - a. Notices for Non-payment of Rent. For an allegation of any non-payment of rent, the notice shall, at a minimum, include the following information:
 - (1) The name, mailing address, and telephone number of the person authorized to receive rent and fees on behalf of the owner;
 - (2) The total amount of money due and owing to the owner by the tenant;
 - (3) A specific accounting of the money due and owing to the owner by the tenant, including any past due rents, any late fees, and any other charges; and

- (4) The deadline by which the total amount due and owing to the owner by the tenant shall be paid to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered.
- b. Notices for Material Breach of a Lease. For an allegation of a material breach of a lease, the notice shall, at a minimum, include the following information:
- (1) The name, mailing address, and telephone number of the owner;
 - (2) A description of the specific conduct that the owner alleges is a violation of the lease, including the dates of the violations and the persons who committed the alleged violations;
 - (3) Identification of the specific clause of the lease alleged to have been violated;
 - (4) Notification that the tenant has the right to correct the alleged breach;
 - (5) Notification of how the tenant may correct the alleged breach;
 - (6) The deadline by which the alleged breach shall be corrected to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered; and
 - (7) A copy of the lease attached to the notice.
- c. Exception for Expedited Eviction Actions. For an expedited eviction action filed pursuant to Minnesota Statutes, section 504B.321, subdivision 2, the owner shall provide the notice required by Section 12-912D(34)(d) at least three days in advance of filing the eviction action.
- d. Additional Notice Requirements. All notices under this subsection shall also include the following information:
- (1) Notification that the tenant may be evicted if they do not pay the past due rent or correct the alleged breach of lease by the deadline, as applicable;
 - (2) Information about accessing rental assistance by calling 211 or visiting <https://www.211unitedway.org/>; and
 - (3) Information about accessing legal help by visiting the Law Help Website at <https://www.lawhelpmn.org/>.
- e. Delivery of Notice. The owner, or an agent for the owner, shall deliver any notice required by this subsection personally or by first-class mail to the address of the affordable housing unit. Such notice may, in addition to but not in place of personal

delivery or delivery by first-class mail, be delivered to any email or other electronic means to the tenant at the tenant's email address or electronic account.

- f. Enforcement. In addition to any other remedy available at equity or law, failure to comply with the provisions of this subsection may result in adverse rental license actions, the imposition of administrative fines, or other penalties as provided in law.
- g. Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.

5. Just Cause Notice of Nonrenewal of Lease to Tenants.

- a. Just Cause Notice. An owner of an affordable housing unit shall not issue a notice of nonrenewal of tenancy, refuse to renew, or issue a notice to quit unless the owner is able to establish one or more of the following grounds for such action:
 - (1) Non-payment of Rent. The tenant fails to pay all monies owed to an owner after receiving a written notice of non-payment from the owner;
 - (2) Material Non-Compliance. The tenant fails to cure a material breach of the lease after receiving a written notice from the owner;
 - (3) Refusal to Renew. The tenant refuses to renew or extend the lease after the owner requests in writing that the tenant do so;
 - (4) Occupancy by Property Owner or Family Member. The owner, in good faith, seeks to recover possession of the unit so that the owner or a family member may occupy the unit as that person's principal residence;
 - (5) Building Demolishment or Conversion. The owner either:
 - (i) Elects to demolish the building in which the affordable housing unit is located, convert it to a cooperative, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B, or convert it to non-residential use, provided that the owner shall obtain all permits necessary to demolish or change the use before terminating any tenancy;
 - (ii) The owner seeks, in good faith, to recover the unit to sell it in accordance with a condominium conversion, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B; or
 - (iii) The unit is being converted to a unit subsidized under a local, state, or federal housing program and the tenant does not qualify to rent the unit under that program;

- (6) Rehabilitation and Renovation. The owner seeks, in good faith, to recover possession of the unit that will render the unit uninhabitable for the duration of rehabilitation or renovation;
- (7) Complying with a Government Order to Vacate. The owner is complying with a government agency's order to vacate, order to abate, or any other order that necessitates the vacating of the unit as a result of a violation of City Code or any other provision of law including, but not limited to, Section 12-911 related to conduct, disorderly activities, or nuisances; or
- (8) Occupancy Conditioned on Employment. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated.
- b. Owner Responsibilities. Any lease for an affordable housing unit shall include just cause notice language as follows:
- "The landlord under this lease shall not unilaterally terminate or attempt to terminate the tenancy of any tenant unless the landlord can prove that just cause exists. The reasons for termination or nonrenewal of tenancy listed in the City of Brooklyn Center's Just Cause Notice (Section 12-912D(5)), and no others, shall constitute just cause under this provision."
- c. Nonrenewal Notice Requirements. An owner providing a notice of nonrenewal of a tenancy to a tenant of an affordable housing unit shall: (1) comply with all notice requirements under the lease and applicable law; ~~and~~ (2) include in such notice a written statement of the reasons for the nonrenewal and the facts in support of those reasons, and (3) maintain documentation totaling the number of notices of nonrenewal issued by the owner.
- d. City Right to Inspection of Nonrenewal Notices. Within ten days of any request by the City, the owner of an affordable housing building shall provide to the City copies of its documentation totaling the number of notices of nonrenewal issued by the owner.
- e. ~~d.~~ Application. This Section applies to every lease, written or oral, for an affordable housing unit.
- f. ~~e.~~ Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.
6. Private Enforcement of Tenant Protection Ordinance. Any tenant or former tenant of an affordable housing unit harmed by an owner's violation of this Section 12-912D may bring an action against the owner in district court. Such person shall be entitled to all remedies available at law or in equity including, but not limited to, damages and injunctive relief.

Any plaintiff that prevails in such action may be awarded reasonable attorney's fees and expenses.

Article IV. Brooklyn Center City Code, Section 12-1401 is amended by adding the double-underlined language and deleting the stricken language as follows:

Section 12-1401. SEPARABILITY. Every Section, provision, or part of this Ordinance Chapter is declared separable from every other Section, provision, or part to the extent that if any Section, provision or part of the Chapter shall be held invalid, it shall not invalidate any other Section, provision or part thereof.

Article V. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

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

Adopted this ~~13~~28th day of ~~December~~February, ~~2021~~2022.

Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

Document comparison by Workshare 10.0 on Friday, February 18, 2022 3:27:21 PM

Input:	
Document 1 ID	PowerDocs://DOCSOPEN/672010/12
Description	DOCSOPEN-#672010-v12-Tenant_Protection_Ordinance_Amendment
Document 2 ID	PowerDocs://DOCSOPEN/672010/15
Description	DOCSOPEN-#672010-v15-Tenant_Protection_Ordinance_Amendment
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	29
Deletions	12
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	41

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

REGULAR SESSION
OCTOBER 19, 2021

CALL TO ORDER

The Brooklyn Center Housing Commission was called to order by Chairperson Goodell at 7:00 p.m. The meeting was conducted virtually.

MEETING ATTENDEES

Chair Mark Goodell
Commissioner Paul Oman
Commissioner Michael Donnelly
Commissioner Zarita Hester
Commissioner Johnson Yang

City Staff present: Staff Liaison Jesse Anderson, Community Development Director Meg Beekman, City Attorney Sam Ketchum, Planning Staff Olivia Boerschinger, and City Council Liaison Kris Lawrence-Anderson.

Also present: Anab; Agnes; Leah DeGrazia; Lana Hamilton; Victoria Karmo; Madeleine Lerner, ACER; Fadumo Mohamed; Lovetee Polahn; Eric Hauge, HOME Line; Samuel Spaid, HOME Line; Tally; Shana Tomenes; Marie Vincent.

APPROVAL OF AGENDA

There was a motion by Commissioner Oman and seconded by Commissioner Donnelly to approve the agenda as submitted. The motion passed.

APPROVAL OF MINUTES

There was a motion by Commissioner Oman and seconded by Commissioner Donnelly to approve the minutes of the Housing Commission meeting on August 18, 2021. The motion passed.

TENANT PROTECTION ORDINANCE DISCUSSION AND DRAFT ORDINANCE REVIEW

Staff Liaison Jesse Anderson gave an overview of the proposed tenant protection Ordinance. He added the City Council has held multiple work sessions regarding housing programs, and the City is currently undergoing a City-wide housing study, which will provide recommendations for City housing policies, housing priorities, and a housing action plan.

Mr. Anderson stated there is urgency related to this issue created by the phasing out of the eviction moratorium as well as low vacancy rates. The proposed Ordinance addresses evictions, requiring a 30-day written notice as well as preventing landlords or property owners from not renewing an existing tenant lease without cause. He added some just cause reasons for non-renewal, as listed in the proposed Ordinance, are non-payment of rent; material non-compliance; refusal to renew;

conversion, demolition, rehab or renovation; compliance with a government order; or occupancy conditional upon employment. He noted the Ordinance also addresses evictions and non-renewal and provides support for tenants who have just cause to bring action against landlords.

Mr. Anderson stated City Staff received feedback and recommendations from ACER, HOME Line and the Housing Justice Center to expedite the proposed Ordinance due to urgency related to evictions and non-renewals. He added representatives of community organizations have joined tonight's meeting. He noted the proposed Ordinance will likely have its first reading at the November 8, 2021 City Council meeting, and second reading and public hearing scheduled for the City Council's December 13, 2021 meeting, with the Ordinance going into effect in January 2022.

Chair Goodell requested feedback and comments from the Housing Commissioners and guests.

Commissioner Oman requested clarification regarding the timing of the Ordinance and actions that can be brought against landlords for something that has already happened. Mr. Anderson stated the Ordinance would go into effect in January 2022, so any violations could not have happened before that.

City Attorney Sam Ketchum agreed with Mr. Anderson's assessment. He added the enforcement provisions would apply to evictions after the Ordinance goes into effect.

A resident requested clarification regarding what control renters have with regard to friendly rental agreements. Chair Goodell stated he believes there has been some investigation into concerns about rental agreements, in terms of changes to a renewal or other limitations.

Mr. Anderson stated the proposed Ordinance amendment relates to non-renewals and evictions. He added there are some areas of the Ordinance that have not been brought forward yet, that could provide limitations on changes to lease agreements, which may be discussed under a future Ordinance amendment.

The resident stated he has been living at Georgetown for 11 years, and management does whatever they want, and imposes restrictions. He added he got a letter that they will not renew his lease and put him on a month-to-month lease. He added he is concerned and hopes the Commission can make some changes. He asked whether the Commission could go into people's homes and find out how they live and how they are being treated.

Chair Goodell thanked the resident for his comments. He added the Commission is interested in hearing about the issue of lease agreements, although tonight's amendment relates to evictions and non-renewals. He added City Staff is researching these other important issues, and he appreciates the resident bringing his concerns to the Housing Commission's attention.

A resident, Tally, stated retaliation by landlords at Georgetown is not fair to tenants, and they are not allowed to have visitors. She added they are not being treated as though Georgetown is their home. She noted they have been towing cars and not giving any information about restrictions or when they can park their cars.

Another resident agreed, stating people do not speak up because they are afraid that they will get an eviction notice. She added she was given an eviction notice because she did not apply for rental assistance. She noted she told them her application was pending.

Tally stated it is not fair to Georgetown residents. She said the landlord does not fix anything, but no one asks questions or asks for help. She added they are taking cars.

Lovetee stated she has been a Georgetown tenant for 2-3 years. She added she is concerned about tenant protections. She asked what it will protect. She noted she has 6 living children, and the Ordinance cannot protect her from being evicted. She added her lease has not been renewed for no reason, and the landlord gave her 3 months to find a new home.

Lovetee stated she went to the office to ask about why her lease cannot be renewed, and she was told she could not enter the office and she was not welcome. She added she is a tenant, and they have no reason for not renewing her lease. She noted this is an emergency and she asked the City for help. She noted the Ordinance needs to be passed now so their leases can be renewed.

Lovetee asked whether something can be added to the Ordinance about lease renewal. She added the only reason a lease should not be renewed is if a tenant does something crazy. She noted landlords should not be able to renew leases without a reason.

Chair Goodell stated there are some serious issues with renewal of leases and evictions, and it is his understanding that this Ordinance amendment will address both lease renewals and evictions. He added the Ordinance would put restrictions on evictions and eviction notices, and a limit list of reasons why a lease cannot be renewed. He noted the Ordinance will directly affect the residents' situations when it is passed.

Chair Goodell stated the Housing Commission will not be passing the Ordinance, but rather making a recommendation to the City Council. He added the Commission is a board of volunteer citizens, and their job is to provide feedback and recommendations to the City Council. He noted he truly appreciates everyone's comments and feedback.

Sam Spaid, staff attorney for HOME Line, stated his organization supports the proposed Ordinance. HOME Line is a state-wide nonprofit organization providing free, confidential legal advice to residential tenants in Minnesota. He added the personal statements that are being expressed tonight are the same things that HOME Line staff hear on a daily basis from tenants in Minnesota. He noted the proposed Ordinance will address many of these issues – preventing non-renewal without cause and giving tenants time to solve the problem when there are eviction threats, and to seek legal advice to protect their interests.

Mr. Spaid stated there are tenant protections under State law, but they fall short of providing solutions and do not help tenants as much as they should. He added tenant protections are extremely important especially now that Covid restrictions are being lifted.

Madeleine Lerner, Organizing Manager at ACER, thanked the Housing Commission for the opportunity to address this issue. She added the proposed Ordinance is a critical first step in

instituting more comprehensive tenant protections in the City of Brooklyn Center. She noted ACER staff continuously hears these same stories about evictions without notice, no direct contact from landlords, and insufficient notice period for eviction or non-renewal.

Commissioner Zarita Hester stated she fully supports the Ordinance as there should be protection for renters, because there is protection for landlords. She asked whether the Ordinance addresses non-renewal of a lease if the property changes hands. She asked whether the Ordinance addresses leases that are reduced to month-to-month leases.

Mr. Anderson stated there is an existing Ordinance on the books adopted 2 years ago that has a notification requirement of 120 days before the landlord can make any changes to a lease.

Mr. Anderson stated the issue of month-to-month leases is not addressed and could be reviewed in a different revision of this Ordinance, and a future policy change.

A resident asked whether there must be a specific cause for a landlord to change to a month-to-month lease. He added landlords are using month-to-month leases as a form of retaliation.

Mr. Anderson stated just cause for non-renewals is included as a requirement in the Ordinance. The proposed Ordinance will make it more enforceable.

Marie Vincent stated she has lived in Georgetown for 2 years. The lease renewal and eviction issues are very serious, and reasons for eviction should be revealed to the tenant. One neighbor stated that she could not go to the office and speak her mind because she was afraid of being evicted. Brooklyn Center should be a free place for people to live and speak their minds, but they are not able to do so at Georgetown. She asked for the Commission's help with these issues.

Chair Goodell stated the proposed Ordinance includes a limited list of items that could be a reason for eviction or non-renewal of lease, but notice needs to be given to the resident, and there must be facts to support it.

Tally asked if the agreement could include information about when cars are going to be towed in Georgetown. She asked whether the City has anything in place for people with a low credit score to help them get a home, so they don't have to go through this anymore.

Chair Goodell stated he is unsure about the towing regulations at Georgetown. He added the proposed Ordinance being reviewed tonight does not address towing in particular.

Mr. Anderson agreed, adding further discussions can be initiated with the City Attorney for this issue under future Ordinances, regarding regulations and enforcement.

Mr. Anderson stated the City of Brooklyn Center has a down payment assistance program that provides up to \$10,000 assistance for current Brooklyn Center renters who want to buy a home in Brooklyn Center.

Chair Goodell agreed to post a link for the down payment assistance program in the chat function.

A resident asked what the Commission is doing to support townhomes and rental complexes as homes that people live in. He added people should not have their cars towed. He asked whether the Commission plans to do something to see how people are living.

Chair Goodell stated he understands the resident is interested in having the Commission or City do a survey of rental properties to find out what conditions tenants are living in, and what their lives are like. He added there are concerns about towing. He noted the proposed Ordinance is related to evictions and just causes for lease changes, but there are many other areas that the City is looking at and these items can be included.

Chair Goodell stated the Housing Commission is a volunteer board that makes recommendations to the City Council, with input from City Staff. He added the City will continue to look into these issues and he appreciates everyone sharing their stories and concerns.

Eric Hauge, HOME Line, stated his organization has provided suggestions and recommendations regarding policies for immediate response to the end of the eviction moratorium. He added his organization hears about these kinds of issues regularly, and there has been inadequate response from the State legislature to address tenant and landlord issues. He noted HOME Line is committed to working with the City of Brooklyn Center to address these issues, recognizing that the majority of tenant/landlord law is at the State level, but cities like Brooklyn Center are taking important roles in regulating the businesses that operate in their City.

Community Development Director Meg Beekman stated the City began a Housing Study in January 2021. An Advisory Council was formed, and the City contracted with CURA and Research in Action to provide quantitative and qualitative analysis regarding housing stock and housing gaps. The Advisory Council, made up of residents, will provide recommendations focused on housing needs in the community, including anti-displacement and tenant protections, as well as housing choice and diversity. The recommendations of the Advisory Council are expected to be received by the City Council early in 2022. These recommendations will form the basis of City-wide Housing Policy Action Plan.

Ms. Beekman stated tenant protection issues are important and extremely urgent, and some housing topics have been tabled until the Housing Study is completed, to form recommendations and implement solutions, so tenant protections can move forward more rapidly. She added City Staff have met with tenants of Georgetown multiple times, as well as ACER and HOME Line, to identify a broad collection of regulations pertaining to tenant protections, and to address concerns that have been voiced this evening, including repairs and maintenance, towing policies, and safety and security.

Ms. Beekman stated, as part of this review, the City has looked at how other cities, particularly St. Paul, have addressed these issues. The City of St. Paul adopted a broad tenant protection Ordinance last year, which covers many of the provisions proposed in the draft Ordinance, including non-renewal without just cause. St. Paul was promptly faced with a lawsuit brought by landlords, and the city rescinded the Ordinance due to an injunction. This situation has been part of the City of Brooklyn Center's consideration and discussions, and the provisions addressed in

the proposed Ordinance that is being reviewed tonight address urgent anti-placement concerns driven by the ending of the eviction moratorium.

Ms. Beekman stated there will be many more discussions, and City Staff will continue to work with residents and community organizations. She added she wants to underscore that the City Council takes these issues very seriously and they have directed City Staff to focus on actively pursuing solutions.

Chair Goodell stated, to underscore the urgency of the situation, the eviction moratorium ended on October 12, 2021.

Sam Spaid, HOME Line, stated most protections ended October 12, but there is still protection for tenants who are behind on rent but have already applied for financial assistance through Rent Help. He added protection for tenants with pending applications is extended through June 2022.

Meg Beekman stated these issues are not unique to Brooklyn Center. She added it has been a failing of the State legislature to leave cities to deal with these concerns. She noted no other cities have adopted a non-renewal without just cause Ordinance, and this is new territory, so the City wanted to be fairly cautious about how it is brought forward to address concerns within the authority of the City.

Mr. Hauge stressed the importance of understanding that there is nothing that automatically stops an eviction from happening, which is why this Ordinance is so critically important. He added housing instability can happen even when there are protections in place. He expressed his agreement with Ms. Beekman that this is a unique and important protection that no other city in Minnesota has ever done and that the State of Minnesota has not provided support in these areas.

Chair Goodell requested feedback from the Commissioners.

Lovetee asked how strong the Commission is in its relationship with the City. She added the Commissioners have said they are a group of volunteers. She asked how much influence the Commission has over the City. She asked whether the City could have a meeting with landlords and tenants, to create a safe environment for renters and keep people safe in their homes. She added she wants the City to create an atmosphere in which landlords and tenants can be friendly and cooperative, so that non-renewals and evictions will stop. She noted she has lived in Brooklyn Park and Crystal where meetings were held with landlords to evaluate leases.

Chair Goodell stated the Housing Commission is an advisory body comprised of citizens of Brooklyn Center, whose job it is to review issues related to housing and provide recommendations to the City Council. He added the Commission will provide a recommendation to the City Council regarding this Ordinance, and that will be part of their consideration, but the Commission does not pass Ordinances. He noted there have been questions in the past about improving relationships between landlords and tenants.

Ms. Beekman stated the State law related to landlord/tenant relations is vague and untested, and what cities can and cannot do has not been addressed in State statute. She added some cities are

considering measures, including Minneapolis, which is looking into a Charter amendment via referendum that would circumvent State statute with regard to addressing these issues. She noted it is difficult to regulate mutual respect and common decency in landlord/tenant interactions, especially when there are underlying factors, although many landlords and property owners have positive relationships with their tenants.

Ms. Beekman stated City Staff is exploring ways to clarify expectations for how residents should be treated, and what regulations are within the City's authority to impose. She added the City does not regulate private contracts but has some leverage with rental housing licensing. She noted Type 3 and Type 4 rental license properties are required to enter into a mitigation plan, which includes demonstrating communication with tenants.

Commissioner Oman stated the Ordinance should be passed as soon as possible, as it is well-written and concise, and addresses concerns raised by the community.

There was a motion by Commissioner Oman and seconded by Commissioner Hester to recommend City Council approval of the Tenant Protection Ordinance. The motion passed.

Chair Goodell stated he supports expediting this Ordinance as much as possible.

Commissioner Donnelly asked whether the lawsuit regarding the St. Paul Ordinance affects this Ordinance in any way, and whether the City should be concerned about lawsuits.

Ms. Beekman stated the City Attorney's office drafted the proposed Ordinance and followed the proceedings in St. Paul very closely, although no decisions were made in that case.

Mr. Spaid stated the proposed Ordinance is quite different from St. Paul's Ordinance, as it focuses on two items – notice for non-renewal and evictions. He added there is always a risk for a lawsuit in this arena, but this Ordinance is taking a more targeted approach toward anti-displacement.

Chair Goodell thanked everyone for their input, and for sharing their stories and concerns. He added it has been very moving and he appreciates all the comments. He noted the issue of tenant rights and protections is of primary concern to the City Council and Commissions, and there will be many more discussions on this issue.

A resident thanked the Housing Commission for listening to them and expressed her appreciation for everything the City is trying to do for them.

Another resident thanked the Housing Commission for listening. She added she is overwhelmed and hopeful that things will work out. She added the Commission and City Staff explained things well, and she hopes that the City will move as fast as possible so change can come, and they can be happy in their homes.

Lovetee requested a recap of the timetable for the Ordinance. Mr. Anderson stated the first reading of the proposed Ordinance will be at the City Council's November 8, 2021 meeting, at which they will call for a second reading and public hearing, to be held at the City Council's December 13,

2021 meeting. He noted the earliest the proposed Ordinance would go into effect would be mid-January 2022.

NEW NEIGHBOR WELCOME PROGRAM

Chair Goodell stated there have been two deliveries of New Neighbor welcome bags since the Housing Commission's last meeting, and they covered approximately 100 homes. He added there are 139 homes left on the list, and he would like to suggest a few weekend dates for deliveries. He noted, after the last meeting, he sent out a poll with potential dates, and he can do that again. The Commissioners agreed.

City Council Liaison Kris Lawrence-Anderson requested that she be added to the email distribution list. Chair Goodell agreed.

Chair Goodell thanked Commissioners Oman and Yang for delivering bags with him last time. He thanked Mr. Anderson for putting the welcome bags together.

COUNCIL LIAISON REPORT

City Council Liaison Lawrence-Anderson stated City Staff are updating the City calendar with links to Commission meetings. She requested that the Housing Commission meeting information be sent to City Clerk Barb Suci to be added to the calendar. She added she would like to receive links to the Charter Commission meetings as well.

City Council Liaison Lawrence-Anderson stated the City Council will be finalizing 2022 budgets at their first meeting in December.

City Council Liaison Lawrence-Anderson stated the City is working to secure the safety of residents and City Staff in preparation for the trial of Kim Potter which starts on November 30, 2021.

City Council Liaison Lawrence-Anderson stated she hopes to request a City Council review of the issue of solicitor's licenses in terms of predatory practices. She added this could be related to tenant protections.

Chair Goodell asked whether there has been any movement from the City Council on Commission re-appointments. He stated he received Commissioner Amdahl's resignation recently, so there will be another opening. He added Commissioner Amdahl has been on the Housing Commission since 2008.

City Council Liaison Lawrence-Anderson stated that is very sad, and she will reach out to Commissioner Amdahl.

City Council Liaison Lawrence-Anderson stated the City Council reviewed several applications at our their meeting, and additional appointments will be reviewed at the next meeting in November.

Chair Goodell asked whether that will include re-appointments for Commissioners whose terms have expired. City Council Liaison Lawrence-Anderson confirmed this.

CHAIRPERSONS REPORT

Chair Goodell expressed his appreciation to the Commissioners at tonight's meeting. He thanked City Staff for their hard work on the proposed Ordinance.

OTHER BUSINESS

There was no other business addressed by the Commission.

ADJOURNMENT

There was a motion by Commissioner Oman and seconded by Commissioner Yang to adjourn the meeting. The motion passed. The Brooklyn Center Housing Commission adjourned at 8:41 p.m.

Chair Goodell

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

REGULAR SESSION
FEBRUARY 15, 2022

CALL TO ORDER

The Brooklyn Center Housing Commission was called to order by Chairperson Goodell at 7:00 p.m. The meeting was conducted virtually.

MEETING ATTENDEES

Chair Mark Goodell
Commissioner De'Ja 'Carter
Commissioner Michael Donnelly
Commissioner Zarita Hester
Commissioner Paul Oman

City Staff present: Staff Liaison Jesse Anderson, and City Council Liaison Kris Lawrence-Anderson.

Also present: Adam; Alexander Koenig; Marty McDonough, MHA; Fadumo Mohamed, ACER; Lovetee Polahn.

APPROVAL OF AGENDA

There was a motion by Commissioner Oman and seconded by Commissioner Carter to approve the agenda as submitted. The motion passed.

APPROVAL OF MINUTES

There was a motion by Commissioner Oman and seconded by Commissioner Hester to approve the minutes of the Housing Commission meeting on January 18, 2022. The motion passed.

VICE CHAIR ELECTION

Chair Goodell explained they did not have full attendance at the last meeting, so it was decided to move the election to the February meeting. He noted the role of the Vice Chair is to run the meeting in the case the Chair is unavailable. He added people can nominate themselves or nominate another member of the Commission. Hearing no nominations, Chair Goodell stated the position would remain open for the time being.

UPDATE ON TENANT PROTECTION ORDINANCE PROGRESS

Staff Liaison Jesse Anderson explained the Tenant Protection Ordinance has been presented to the Council a few times. He noted the Ordinance was presented to the Commission and there was a first reading of the Ordinance in November 2021. The City Council met on December 13, 2021, and held the public hearing on this item. There was a lot of public comment at the hearing. After

the public hearing and Council discussion, the vote on the second reading of the ordinance was delayed until January 24, 2022.

Mr. Anderson stated based on direction from the City Council in response to the public hearing, Staff held two meetings with landlords to discuss the proposed ordinance. Then based on the feedback received, and in discussions with both landlords and housing advocates, staff made three modifications to the proposed ordinance. The Council met on February 14, 2022 and requested additional feedback from the Housing Commission.

Mr. Anderson stated there were three changes suggested and presented to the Council on February 14. First, there was an addition of a provision that would require property managers to track and report to the city any non-renewals of leases, and the reason for the action.

Mr. Anderson stated the second change was to reduce the eviction notification period from 30 days to 14 days. The change would match Minneapolis' ordinance and would keep any actions to within a single rent cycle, which was the request of the landlords.

Mr. Anderson added the last change to the Ordinance was to add a provision which would allow landlords the option of either following the non-renewal without just cause requirements in the ordinance or providing a 90-day lease termination notice without needing to give a reason. This would provide options to deal with the examples that property managers raised at the public hearing, but would still allow for a greater notice to renters than the existing 30-day notice period. Mr. Anderson noted there was an added separability and severability statement, which makes the Ordinance stronger legally.

Mr. Anderson stated the first version has a 30-day eviction notice and only just cause non-renewal. The second version, which was the most recent version proposed to the Council, includes a 14-day eviction notice and just case non-renewal or a 90-day notice for non-renewal.

Commissioner Hester asked if the 14-day notice would happen after the grace period landlords tend to give. Mr. Anderson stated the notice depends on the lease. They cannot provide notice of eviction if the tenant is not in violation of the lease. He added if the tenant wanted to avoid an eviction being filed on their record, they would have to leave within 14 days. However, if they went through eviction court, they could continue to live there through the court process.

Commissioner Hester stated she has a concern with landlords who give people a grace period for late rent or for people that have to pay in increments. The Ordinance could change the landlord's flexibility. She added there have been concerns brought by the public that the Ordinance could cause a long-term impact of increasing the rent.

Mr. Anderson stated a landlord could file the notice, be it a 14-day or 30-day notice, but they would not be required to file the eviction paperwork just because they provided the tenant with notice. He added landlords have mentioned they would be less flexible with the proposed eviction notice period.

Commissioner Donnelly asked when an eviction goes on someone's record. If someone is only 14 days late on rent and receives an eviction on their record, it makes it more difficult for them to obtain housing later on. Mr. Anderson stated the effect of an eviction record depends on the type of application they are using. He added the eviction record would make it more difficult for the person to find housing. Commissioner Donnelly explained he doesn't agree with the 14-day eviction notice as that would negatively impact the renter later on.

Chair Goodell stated one of the comments was that 30 days of notice is extreme. He asked what other communities have for eviction notice. Mr. Anderson stated St. Louis Park has a 7-day notice and Minneapolis has a 14-day notice for evictions. No other cities in the State have an eviction notice period. He added Community Development Director Meg Beekman mentioned pending legislation that would require a 14-day notice, but that is early on.

Commissioner Donnelly asked if there is any information about the differing effects on tenants between the 7-day notice in St. Louis Park and the 14-day notice in Minneapolis. Mr. Anderson stated a Councilmember asked for Staff to reach out to Minneapolis for information on the question, but housing advocacy groups would have better information on that as they are the ones working directly with renters.

Commissioner Hester noted her agreement with the 30-day filing notice component because evictions can be difficult to get expunged or wait for the eviction to leave their record after seven years.

Chair Goodell asked the Commission if they were open to hearing feedback from guests. Commissioner Donnelly stated he would like to hear from guests. There were no objections from Council.

Fadumo Mohamed, Housing Organizer with African Career and Education Resource (ACER), explained ACER is a housing advocacy group based in the north suburbs. She asked if they could do a round of introductions to get to know one another better.

Ms. Mohamed stated ACER worked with a Brooklyn Center tenant in 2021 who had an eviction filed against even though she didn't know what she was doing wrong. The idea of the notice period is to give tenants time to fix the issue. If they are unable to fix the issue, a tenant would need to work with an attorney. Landlords have attorneys on retainer, but tenants would need to find an attorney. The Ordinance is meant to protect low income folks, and there are limited housing attorney resources available. Housing advocacy organizations take several weeks for the intake process and being assigned to an attorney. Tenants must also take time off work to attend eviction court hearings. Ms. Mohamed explained the 30-day notice would allow for the tenant to obtain resources to fight the eviction.

Lovetee Polahn explained she is an organizer with Georgetown Apartments. She stated landlords are not doing maintenance work such as carpet. Tenants agree to pay rent if the facilities are being taken care of. Landlords are not doing their part.

Chair Goodell asked Mr. Anderson what action tenants can take if landlords are not maintaining their facilities. Mr. Anderson stated the City has a Code they enforce for rental properties. Carpet issues can be addressed through Code enforcement only if the carpet is a tripping hazard. He added City Staff have conversed with landlords regarding low interest loans to dedicate affordable units in a property.

Chair Goodell stated renters can contact the City if they have concerns. City Council Liaison Lawrence-Anderson put a phone number into the chat feature for the City.

Chair Goodell asked how long it takes for the City to respond to reports. Mr. Anderson stated they can have inspectors at a property within a day or two. If an inspector finds a violation, they would notify the landlord of the changes that need to be made. If the landlord does not address the changes, then the City would cite the landlord. Mr. Anderson noted it usually does not get to the point of citation. He added rental properties are inspected before licensing.

Chair Goodell added some tenants have expressed concerns about retaliation through non-renewals. Mr. Anderson stated landlords have noted there are anti-retaliation policies in place that prohibit them from non-renewals as a form of retaliation. However, landlords currently don't need to provide a reason for non-renewal. Therefore, the landlords are not retaliating in the eyes of the law.

Ms. Mohamed stated the tenants she work with support the first draft of the Ordinance with the 30-day notice and just cause for non-renewals. It is easy for landlords to hide behind non-renewals currently. If landlords have concrete evidence for wrongdoing, then they go the route of eviction.

Chair Goodell stated landlords have commented the just cause non-renewal requirement would prevent them from getting rid of bad tenants. He asked if anyone on the call has had the experience of a tenant moving out due to bad neighbors.

Commissioner Hester stated she works in housing. She has not worked with tenants that have moved due to bad neighbors, but she has worked with landlords that have to file a lot of paperwork due to the population. There is an addendum to leases that require no drugs or criminal activity in rental units. Commissioner Hester stated if landlords are concerned about removing problematic tenants, then they could add an addendum for tenants to sign.

Commissioner Hester noted one landlord stated people have moved out of their properties because of one nuisance neighbor. Being an annoying neighbor is not a viable excuse to push back on the Ordinance so much.

Mr. Anderson stated one landlord gave an example of a tenant smoking marijuana. A neighbor moved out due to the smell, but the landlord was unable to remove the tenant who may have been smoking marijuana.

Commissioner Hester explained someone could be using marijuana for medical practices and removing someone for medical marijuana use would be discriminatory. Landlords are just trying

to keep loopholes in place to benefit themselves. Renters are able to move if they do not like who they live next to.

Commissioner Donnelly stated he did a quick google search, and an eviction notification would not count against a renter in the future.

City Council Liaison Lawrence-Anderson stated the Council had a very lengthy discussion and she wanted the item to go to the Housing Commission for review. She stated they need buy-in from landlords and from tenants, so they need to compromise to create an Ordinance that almost everyone can agree on.

City Council Liaison Lawrence-Anderson noted she is worried about the unintended consequences and long-term effects of the Ordinance. They want to make sure they have a livable City while maintaining housing stock. St. Paul was sued for their ordinance, but the Brooklyn Center City Attorney has worked to remedy some of the issues St. Paul had in their ordinance. If there isn't a compromise, the Ordinance will go to court. No one wants an eviction to happen.

City Council Liaison Lawrence-Anderson stated that non-renewal is the only option for landlords besides evictions. The second draft of the Ordinance would allow landlords to have the option of 90-day lease termination notice without needing to give a reason or to do a just cause non-renewal. The 14-day notice in question is not a 14-day notice for the person to move out.

City Council Liaison Lawrence-Anderson stated she would have liked all parties to be present at the November 2021 meeting, similar to the meeting held in January 2022 because the meeting was very informative. She noted the area of just cause notification is where people are hung up, but the Council wants the best outcome for everyone.

City Council Liaison Lawrence-Anderson added she is concerned the proposed Ordinance will not address the concerns expressed by the tenants. They need to consider what the City can and cannot do and make sure the City doesn't take over the role of landlord.

Ms. Polahn stated they staged a protest last year. The tenants had their cars broken into, and they requested security cameras from the landlord. Right after the protest, two tenants were evicted. She explained she has always paid her rent on time, but she is still facing retaliation. She asked how landlords can distinguish between problematic and non-problematic tenants.

Chair Goodell clarified the first Ordinance requires a just cause for non-renewal, while the second Ordinance allows for a just cause non-renewal or for a 90-day eviction notification. Therefore, attending a protest would not be a reason for a just cause. Ms. Polahn thanked Chair Goodell for the clarification.

Ms. Mohamed stated housing advocates are working to balance power. The fair thing to do would be to give renters protection. Home is more than four walls; it is where people do life. Some people view rentals as a way to make money while others view it as a foundation of their lives.

Ms. Mohamed added landlords are business owners. It is their job to attend meetings relevant to conducting their business. It is not fair to punish renters because landlords fail to attend meetings. It is not the role of the Council to ensure landlords attend certain meetings.

Ms. Mohamed stated there are low vacancy rates, and it will take several years for the vacancy rates to level out. Housing instability leads to community instability. The entire community has a stake in the matter.

Marty McDonough introduced himself as Director of Government Affairs for the Minnesota Multi Housing Association (MHA). He stated the Council meeting happened just last night, so Ms. Mohamed was not being fair to landlords with her comments. He added the item was on the Council's agenda before landlords knew it was happening, so advocacy groups are behind when they are forced to respond to an ordinance.

Mr. McDonough explained MHA has been trying to work with the Council. In short, a lease is a legal document. Tenants know the rules of the lease when they sign a lease. Currently, if a renter is late on their rent, the landlord reaches out on the third day or so to check in. After a couple of weeks of non-payment, the landlord will check in again. Forcing a 14-day or 30-day eviction notice period will push landlords to require the rent is due on the first day of the month and not have as much flexibility. From there, the landlord is in the position to file the 14-day or 30-day notice on the second day of the month. Filing the notification will create unnecessary stress in landlord to tenant relationships. Mr. McDonough stated it should be no surprise to tenants for being evicted for not paying their rent.

Mr. McDonough added the current law states that non-renewal is the same time period for the tenant and the landlord. A landlord has to give 60 or 30 days' notice if they are not going to renew the lease. A tenant has the same requirement if they are not going to renew the lease. It has been that way for a long time. There are times when a tenant may not be a good match for the property and may be receiving complaints from neighbors. Good neighbors are the ones that would have to suffer the effects of the bad neighbors.

Mr. McDonough stated he believes they should start the process over. At the Council meeting, it appeared the Mayor and Councilmembers disliked both drafts of the Ordinance. The stakeholders should all get together to create something more people support.

Chair Goodell added they had a discussion on the matter back in November and had community comment at the Housing Commission meeting at that time, so it is not a new topic for the Housing Commission to address.

Commissioner Hester thanked Mr. McDonough for his comments. If the Ordinance goes into effect and the landlords change their practices, it is their choice. Landlords can continue to function the same way. The Ordinance is a protection for renters with landlords who do not do their jobs. There are plenty of landlords doing their jobs. The Ordinance gives a baseline for new landlords on how to function as a good landlord.

Commissioner Hester stated a renter is still a tenant until they move out. The should still be treated with respect by all parties while they remain a tenant. She explained she is pro-tenant, but that does not mean she is anti-landlord. She added giving landlords the wiggle room to choose the option of a 90-day eviction notice without cause does not hold landlords accountable.

Mr. McDonough stated a 90-day non-renewal notice would be the last 90 days of the lease. A non-renewal only occurs at the end of a leasing period, and it is a business decision. The notice periods would cause the landlords to be out of even more rent money, which may be required for the landlords to afford mortgages.

Commissioner Hester stated there may need to be another conversation about ways to help cover the expense of the landlords if they do not receive the money owed to them. Mr. McDonough noted his agreement with Commissioner Hester's comment.

Ms. Mohamed stated City Council Liaison Lawrence-Anderson's comments about not swaying too far one way or another comes with the assumption that there is currently a fair balance. There is a power imbalance, and tenants have very little if any negotiating power with the current market. The Ordinance allows for landlords to remove bad tenants within the confines of the law.

Commissioner Donnelly stated he would like more information on what reasons for just cause could be. He added even 90 days may not be enough time for a tenant to find another affordable housing unit. He asked for response on each of his comments.

Mr. Anderson showed a slide with a list of just cause reasons. The reasons include non-payment of rent, material non-compliance, tenant non-renewal, occupancy by property owner of family member, building demolishing or conversion, rehabilitation or renovation, completing with a government order to vacate, and occupancy conditioned on employment.

Commissioner Donnelly asked for further explanation of the material non-compliance just cause. Mr. Anderson stated any violation of the lease would be an example of material non-compliance. Potential forms of material non-compliance could be having a pet against the rules or property damage.

Commissioner Donnelly asked what the differences would be for a landlord between a 90-day notice and a 30-day notice. Mr. McDonough stated behaviors are not covered on the list of just causes. Having large parties, smoking, or propping open doors are things that bother neighbors that would not be covered for the just cause non-renewal.

Mr. McDonough stated the goal of the MHA is making property ownership a profession and keeping landlords out of trouble. He noted Brooklyn Center has good tenants in the community. In most situations, the landlord doesn't have to give a reason for non-renewal just as the tenant doesn't have to give a reason for non-renewal. He explained there was a circumstance where a tenant took pictures of children at the facility's pool. It is not against the rules of his lease, so the just cause list would mean the landlord couldn't do anything to protect the children. St. Paul's tenant protection ordinance was rescinded after being ruled unjust by a federal judge. Ultimately, the just cause requirement will tie the hands of landlords from addressing behavioral issues.

Commissioner Donnelly asked what effects the 60-day notice would have in comparison to a 90-day notice. Mr. McDonough stated the MHA uses a the 60-day notice option in their leases. Even if a staff member were harassed, they would have to continue dealing with the tenant for the entirety of the notice period.

Mr. McDonough added landlords do not issue non-renewals for good tenants. Chair Goodell stated people are worried about retaliation for protesting living conditions or landlords not maintaining the facilities. He asked if Mr. McDonough can understand that. Mr. McDonough stated he can understand that, but it is against the law for landlords to retaliate. Chair Goodell stated renters cannot prove retaliation if there is no reason for a non-renewal. Mr. McDonough stated renters can claim anything is retaliation. There are times when a renter is not a good fit for a property, and both the property owner and the tenant should have a right to act on that poor fit.

Commissioner Carter noted her agreement with Mr. McDonough. There are times when a tenant may have poor attitudes or other issues that make them a poor fit for the living situation. She added 60 days is enough time for someone to find a new place to live. If a tenant is having issues with a landlord, they would not want to continue living there.

Commissioner Hester stated she has no criminal background, a full-time job, and a decent credit score. However, it took her six months to find somewhere to live even before the pandemic. Having worked in housing, she has never been able to house someone within a month, but she may be able to house someone within three months if they are lucky.

Commissioner Hester stated taking photos of children on private property, that is a safety concern, and there should be something in the lease that should speak to that. If someone is causing harm to other tenants, that should be addressed in the lease.

Ms. Mohamed stated just case non-renewals has been approved by the United States Supreme Court, so it has judicial backing. The St. Paul ordinance covered a variety of items, so it is speculation to say the just cause portion caused it to be overturned.

Ms. Mohamed added it is a good question to ask why a tenant would want to live somewhere where they have a problem with their landlord. She explained people live in certain places because of the communities, school districts, proximity to amenities, or other considerations. Moving a child to a new school district has long-term negative effects on the youth and the overall community.

Commissioner Oman stated the 14-day notice is more than enough time for an eviction notification, and they are never going to find a solution that everyone likes. He added that the issue of landlords losing money is disingenuous because almost all leases require first and last month's rent to be paid in advance.

Commissioner Carter stated not every landlord requires first and last months of rent. Commissioner Oman stated the landlord does have the option to require first and last months of rent in the lease if they choose to protect themselves in that way. Commissioner Carter stated if a

landlord does not require first month's rent, the last month's rent, and a security deposit, it is better for the tenant. There aren't many tenants who can afford to pay all of those expenses at one time.

Chair Goodell asked if there is a requirement for a 30-day or 60-day non-renewal notice in leases or if that is a choice made by the landlords in their writing of the lease. Mr. McDonough stated the only requirement is that both the tenant and the landlord have the opportunity to not renew.

Commissioner Donnelly noted his agreement with Commissioner Carter that collecting first month's rent and last month's rent does not guarantee the landlord will not lose money. Landlords may lose multiple months of rent in the process of removing a tenant, especially if the property owner is more flexible with the timeline of a tenant paying their rent.

Chair Goodell noted his agreement with Commissioner Donnelly about losing money as a landlord. Chair Goodell noted he is a part-time landlord, and losing money is the cost of being a landlord. The Commission needs to balance the needs of the renters and the property owners. From the perspective of a landlord, they would want very little regulation. On the other side, the renter would like as much regulation as possible. Ultimately, the Ordinance needs to balance those two perspectives.

Commissioner Donnelly stated he agreed with the comments of Chair Goodell. Being a business owner comes with risk, and they must be prepared for unprecedented circumstances with a financial cushion.

Chair Goodell stated the Council is looking for feedback and a recommendation from the Housing Commission about the two versions of the Ordinance. He asked Mr. Anderson what the concerns of the Council were.

Mr. Anderson stated there were questions from multiple Councilmembers regarding the success of the tenant protections in Minneapolis and other items. The Mayor seemed to prefer the first version of the Ordinance. Councilmembers have asked for more data and more discussion on the matter.

Chair Goodell noted the original version of the Ordinance was recommended by the Housing Commission previously. Mr. Anderson confirmed the original version of the Ordinance was recommended by the Housing Commission previously. He added the Council is open to recommendations beyond the two options that have already been presented to them.

Commissioner Hester stated she can appreciate the option for a 14-day eviction notice, but not without a just cause non-renewal requirement. The 14-day notice doesn't go on the record, but it provides them the opportunity to resolve any issues with the landlord.

Commissioner Donnelly noted his agreement with Commissioner Hester. He explained he would like to find a compromise between the two versions, but he does not have a specific preference either way. Commissioner Donnelly added he would like to hear from a landlord and a housing advocate as to which of the portions of the versions are most important.

Ms. Mohamed stated both portions of the Ordinance are important. Ms. Polahn agreed with Ms. Mohamed. Ms. Mohamed added the notice and the just cause components are bare bones of tenant protections.

City Council Liaison Lawrence-Anderson pointed out the 30 days and the 14 days refer to pre-eviction notices. Chair Goodell asked City Council Liaison Lawrence-Anderson to outline the process. City Council Liaison Lawrence-Anderson stated she does not understand the entirety of the process.

City Council Liaison Lawrence-Anderson noted the purpose of the non-renewal currently is to avoid the eviction process. Landlords have expressed concerns that evictions would increase with a just cause non-renewal requirement. The 14-day notice and the 30-day notice would allow for a grace period to resolve concerns before an eviction were to be filed.

City Council Liaison Lawrence-Anderson stated she was in the room with HOMELine, ACER, and other tenant advocacy groups at two meetings. At the December Council meeting, she suggested they get all affected parties in the room together to discuss the Ordinance. From there, MHA, Minneapolis Realtors, and various Brooklyn Center landlords joined the discussion. The landlords have said they want to make the Ordinance work, but they do not want the end result to be more harmful.

City Council Liaison Lawrence-Anderson added there may be a third meeting incorporating all of the parties. It was her hope for that meeting to happen before presenting the Ordinance to the Council for a second time.

Commissioner Oman stated the second version is a good compromise between the interested parties.

Commissioner Hester noted she has concern about the language surrounding the 90-day non-renewal without just cause as that is too much of an open arena for landlords. Chair Goodell asked if she had an idea of a better time period for the non-renewal without just cause. Commissioner Hester stated they could do something close to 60 days, but she didn't have a specific timeline in mind. She explained landlords can use the non-renewal without just cause to get rid of tenants, and the language did not sit well with her.

Ms. Polahn stated when laws are made, it may affect people positively or negatively. Poor people are the ones who are more likely to be negatively impacted. Many landlords don't live in the community, and they aren't familiar with the suffering they experience. Just cause non-renewal would be fair for tenants.

Ms. Mohamed explained the last meeting with landlords was very eye-opening for her. Landlords see property as a source of income rather than a life-or-death situation. Housing is crucially connected to health. One landlord said they put all of their tenants on a 60-day lease regardless of their history, which is an example of predatory behavior by landlords. The two portions of the Ordinance being asked for by tenants and housing advocates is a bare minimum to provide stability to renters.

Chair Goodell stated he has heard that the Housing Commission feels an ordinance is important. Commissioners Oman, Donnelly, and Hester stated they agree an ordinance is important. Chair Goodell added he is hearing there is not a consensus between the two options. Commissioners Oman, Donnelly, and Hester noted their agreement with that statement.

Chair Goodell asked if there was consensus for the 14-day or 30-day pre-eviction notification. Commissioner Hester stated she would be okay with the 14-day pre-eviction notification, but she would prefer the 30-day pre-eviction notification.

Commissioner Oman stated he would support the 30-day pre-eviction notification, but he could be okay with the 14-day pre-eviction notification.

Commissioner Donnelly noted they need to find a compromise, and the pre-eviction notification seems easier to compromise on than the other portion of the Ordinance. Therefore, it would be a good compromise to allow for a 14-day pre-eviction notification rather than a 30-day eviction notification.

Commissioner Oman stated a concern he has heard with the 90-day non-renewal just cause requirement is already built into some leases so that both the landlord and the tenant would have the ability to not renew the lease with the same amount of time. If they require the 90-day non-renewal just cause portion of the Ordinance, they would take away that portion of the lease agreements. That is likely why the compromise was suggested, and it is reasonable.

Chair Goodell stated the first proposal requires a just cause for all non-renewals, and the second proposed draft gives landlords the options of a just cause for a non-renewal or a 90-day notice for non-renewals without cause. He asked if that is a correct summary. Mr. Anderson confirmed Chair Goodell's summary was correct. He added the first proposal would require a 30-day pre-eviction notice, and the second proposal would require a 14-day pre-eviction notice.

Chair Goodell stated the lease can determine the notification for either side to choose not to renew the lease. If they pass the Ordinance to give landlords the options of a just cause for a non-renewal or a 90-day notice for non-renewals without cause, then there would be an imbalance for the landlords to provide longer notice than the tenants.

Chair Goodell stated people have said they would prefer the 30-day eviction notification, but they would accept the 14-day pre-eviction notification as a point of compromise. He asked for comments regarding the just cause portion of the Ordinance.

Commissioner Oman stated having 90 days of notice for a non-renewal without cause is a reasonable compromise. Commissioner Hester stated having 90 days of notice for a non-renewal without cause is not agreeable because there should be a reason for the landlord to not renew the lease.

Chair Goodell noted his agreement with Commissioner Hester considering the current housing climate. He asked if Commissioner Carter or Commissioner Donnelly had any additional comments.

Commissioner Carter stated she would prefer the second version of the Ordinance where the landlords have the option of a just cause for a non-renewal or a 90-day notice for non-renewals without cause.

Commissioner Donnelly added 90 days doesn't seem to be enough time because of the limited housing options.

Chair Goodell summarized the Housing Commission agrees there is a need for the ordinance, the Commission favors the 30-day pre-eviction notification but can compromise with the 14-day pre-eviction notification, and the Commission is split on the just cause provision.

Commissioner Donnelly pointed out they had not discussed the provision requiring the tracking of data related to evictions and non-renewals. Commissioner Hester stated the data needs to be tracked.

Commissioner Oman explained he has not heard any concerns about the data collection provision, so it is a reasonable portion of the Ordinance. Chair Goodell noted his agreement with the comments of other Commissioners.

Mr. Anderson read the portion of the Ordinance related to data collection requirements. He explained the landlords do not have to report the data to the City unless requested. Chair Goodell asked if the City asks landlords for any metrics regularly. Mr. Anderson stated the City requests rent rolls occasionally, but not regularly otherwise.

Chair Goodell thanked Commissioner Donnelly for mentioning the data collection portion of the Ordinance. He stated the consensus of the Commission is in favor of the data collection portion of the Ordinance.

Commissioner Hester moved and Commissioner Oman seconded to provide feedback to the City Council that the Housing Commission agrees there is a need for a tenant protection ordinance, favors the 30-day pre-eviction notification but can compromise with the 14-day pre-eviction notification, is split on the just cause non-renewal provision, and supports the data collection provision. The motion passed.

Chair Goodell thanked the Commissioners and the community members for their thoughtful discussion and comments regarding the Ordinance.

UPDATE ON CDGB PROGRAMS

Mr. Anderson stated the City Council reviews the allocation of the 2022 Community Development Block Grant (CDGB) funds. There is \$258,000 available in the fund for 2022. In previous years, the City has allocated approximately \$100,000 to Down Payment Assistance Program and the remaining \$158,000 towards the Hennepin County Home Rehab Program. In 2021, they had four

loans close through the Down Payment Assistance Program.

Mr. Anderson explained the down payment assistance program is not very productive as there are very few homes available in the City and it is a complicated process to get the loan. There is still around \$215,000 in the down payment assistance fund.

Mr. Anderson noted the Council recommended the 2022 CDGB funds be used entirely for the Hennepin County Home Rehab Program and for the \$215,000 to be retained for the Down Payment Assistance Program. There is a contingency that the funds may be reallocated based on the outcome of the housing study.

Mr. Anderson explained the Hennepin County Home Rehab Program is a forgivable loan for low-income homeowners to improve their homes. The Down Payment Assistance Program offers \$10,000 for the purchase of the home and is forgiven after ten years.

Chair Goodell noted the housing stock availability is not something the City can control. He asked if the City can do anything to make the application process less onerous. Mr. Anderson stated the City has partnered with the Center for Energy and Environment (CEE), which is the agency that processes the applications and PRG, which is an organization that helps people on the path towards home ownership. PRG helps folks prepare to own a house and CEE helps with the application.

Chair Goodell asked how the City is advertising the programs. Mr. Anderson stated a mail flyer was sent out to every tenant in the City and reached out to businesses to encourage employees to consider the program. They also sent it to schools in the hopes they would send the information home with students for their parents. Because of those efforts, PRG saw a 34% increase in calls from Brooklyn Center. Mr. Anderson added they had two loans close through the Down Payment Assistance Program in January 2022.

COUNCIL LIAISON REPORT

City Council Liaison Lawrence-Anderson asked if they wanted a report from her due to the late hour. Chair Goodell stated City Council Liaison Lawrence-Anderson could share anything she thought was important.

City Council Liaison Lawrence-Anderson stated the Tenant Protection Ordinance has been a focus of the Council's. She added the Implementation Committee process is underway, and the Council will receive Committee recommendations at the next meeting. She stated they should fill the existing Commissions and address those who have been serving with expired terms before selecting the Implementation Committee. The Council has been negligent in making those appointments, and they need to take care of the existing business first.

Chair Goodell thanked City Council Liaison Lawrence-Anderson for her report.

CHAIRPERSONS REPORT

Chair Goodell thanked Commissioners who have been able to attend the additional meetings and their efforts.

OTHER BUSINESS

City Council Liaison Lawrence-Anderson thanked the Commission for their thorough discussion and the time they have spent serving the Housing Commission.

ADJOURNMENT

There was a motion by Commissioner Oman and seconded by Commissioner Donnelly to adjourn the meeting. The motion passed. The Brooklyn Center Housing Commission adjourned at 9:07 p.m.

Chair Goodell

Tenant / Landlord Tenant Protection Meeting Recap

January 12, 2022

There were a total of 25 participants, 3 city staff, city attorney, and 2 council members.

Staff provided a brief overview the current tenant protection ordinance stating that it applies to the transfer of ownership.

Staff provided a brief recap of the concerns that were brought up at the ARM meeting. Those concerns were:

- What is the definition of affordable housing, needed some clarification about affordable.
- The city getting involved with a private contract between landlord and tenant, city getting involved with contract law.
- Landlords calling the police for service would impact their license type.
- If landlords are required to give a 30 day notice it would further delay their rent collection and could take as long as 90 days to get the unit back.
- There were questions about the data used to come up with the ordinance.
- State statutes give tenants' rights such retaliation protection and tenant remedies act in the event that the repairs are not being done.
- Possible compromise such as shortening the 30 day notice to 14 days and replacing just cause non-renewal with a notice period for just cause.

Staff provided an explained the 30 day eviction notice. Minneapolis give a 14 day and St. Louis Park's is 7 days. Staff cited that the city is open for a discussion.

The concern regarding the 30 day windows is that it is too long to resolve the issue and would push it into another month of the tenant potentially being late again on rent. Landlords often work with tenants on resolving the matter and requiring a 30 day notice would mean that a notice would be given on the 2nd day requiring eviction which may cause tenants to panic and break down the communication between landlord and tenant.

The most common issues that cause late rent is car breakdown or medical bill. If the notice is 30 days, most landlords isn't willing to do a payment plan beyond 30 days.

Staff gave an example of issuing a code violation notice. Staff stated the notice is not a citation but the notice states the amount of time given and also includes language about an abatement or a citation. Once a payment plan is entered into and the tenant breaks that agreement, a Hennepin county judge will throw the case out and would require a new notice.

The citation doesn't pay the mortgage and a tenant who doesn't pay impacts the landlord's mortgage. Pushing the rent back 30 days would compound the amount of rent due making it more difficult for them to pay.

Sam from Homeline stated that landlords who make payment arrangements and could extend for 30-60 and if the tenant defaults the arrangement could be held up in court.

If the notice is sent with language stating that the tenant is behind on rent, and rent isn't paid, another notice will be sent. The tenant would be behind on rent and before housing court, landlords have bent over backwards to assist landlords. Many landlords reach out and willing to work something out.

A notice that states Eviction will cause a lot of stress, notices for noise violations already cause a lot of stress, and a notice stating eviction will further cause stress. Tenants don't know that they can call the office to work out plan on how to pay the rent owed.

If a notice is not given to tenants and do not get a heads up they might not know that there is issue. A suggestion was about crafting the notice so it is not threatening or intimidating. Regardless of the language in the notice, the 30 day requirement would still mean the notice is given on day 2.

A concern about criminal would delay an eviction if a 30 day notice is required. It was stated that criminal activity is exempt from the ordinance and there are state statutes that would allow for expedited eviction.

Another concern was about the different rules that each city has in implementing tenant protection laws. Staff stated that landlords should lobby MN Multi-Housing to lobby the legislature to pass laws that would be implemented state wide.

Evictions take a long time and often times that tenants leave and landlords are not able to collect on the back rent. If there are a few bad landlords only, why implement ordinance that impact the entire rental property in the city. Further, the city already has a difficult rental license program and it is only compounding regulation.

The cost of 30 days has impact on single family homes since there small margins on single family rentals and as large investment companies leave and new ones move in, the cost of rent will increase. The payment of rent language is in the lease and staff is willing to work with a date that will work with everyone. It was suggested that the notice is shorted to 7 days. 7 days is not enough time for tenants prepare and the more notice is preferred. Homeline suggested that the 30 day notice does not get changed.

Staff stated that the courts have upheld Minneapolis and St. Louis Park's ordinance so both dates would be acceptable. 30 days would be in conflict with state statute, state statute is 14 days for a tenant to file a rent abatement.

Landlords don't want to file an eviction and have built a relationship with tenants. Using the word eviction ruins the relationship. It was then stated that the relationship is a business relationship and not friendship relationship.

An example of non-renewal just cause is a tenant who smokes marijuana but the landlord cannot evict because there isn't enough evidence which causes good tenants to move out. If the tenants are not willing to testify, there is no way to get rid of the tenant. The only way would be to non-renew the tenant. BC police does not respond to calls for service for marijuana and the current language would require that the tenant is given an opportunity to correct the behavior.

Staff stated that there are real concerns that the city has continued to hear from residents about maintenance and management practice and staff has to balance the interests of everyone.

ARM Meeting Comments

We have 13 people that signed in, however, there were about 20 people that showed up. Emails (where emails were provided) were sent to invite them back for the January 12th meeting. Notes are not in any particular order of discussion. Let me know if there are additions to this that I may have missed.

1. Questions were asked about the use of the word affordable housing and what would be considered affordable housing. It was explained that affordable housing in the context of the ordinance would be the rent amount based at 80% of AMI. The AMI amounts were referenced in the ARM newsletter. It was suggested that the city adopt the state's definition of affordable housing.
2. The owner stated that due to the rent in Brooklyn Center, 80% of AMI would mean all properties in the city are subject to this new ordinance since the rents are not more than the chart.
3. There were concerns about how the city is interfering with contract law since the contract is between a landlord and tenant not with the city. There was a follow up about enforcement. Staff explained that the ordinance would allow tenants to be more proactive and would be able to use the ordinance as a defense in court. The city would not be enforcing the ordinance.
4. A concern expressed if landlords are non-renewing because of police calls, they would need to call the police for service which would ultimately impact their license type. Staff showed the police calls for service chart and explained that not all calls for service would impact their license type.
5. Many owners/landlords/managers expressed that they are already working with tenants on rent issues and the ordinance would inhibit them to work with tenants since they would have to serve a eviction notice after the 1st of them month.
6. A question about the data used for the reason to come up with the non-renewals. Staff explained that the data for non-renewals do not exist however the data for eviction filings, vacancy rates, and housing costs exist which was used to craft the ordinance to prevent further displacement of low income families who lack housing options. Staff also cited the U of MN study which showed the housing issues.
7. There was concern that the city would be creating an ordinance that would be in conflict with state statutes around tenant rights. It was also expressed that retaliation is outlined in state statutes along with rent escrow procedures for repair or other issues.
8. Questions about why staff didn't engage landlords in a conversation sooner and waited till it was about to be approved by city council.
9. Giving tenants a 30 day notice for eviction filing would mean that every tenant that does not pay rent on the 1st will be served a notice of eviction. Tenants would be upset and cause additional work for landlords. It would also further delay actual evictions up to 60 days and landlords would be without rent up to 3 months without rent collection.
10. It would deter landlords from working with tenants, most already do try to work something out if the tenants are behind on rent.
11. The city is allowing tenants who can't pay rent to live rent free and not allowing the landlord to get the tenant out sooner.
12. Retaliation is already a right under MN statute and if a landlord is retaliating, the tenant has rights that they can utilize.
13. If landlord isn't repairing things, the tenant can file a rent escrow which is protected under MN statute as well.

14. This ordinance is protecting bad tenants and allowing them to live in the unit while the good tenants are going to suffer.
15. This is going to drive out good tenants because landlords won't be able to evict bad tenants quickly enough.
16. Just cause eviction would require that the landlords have enough evidence to prove in court which is often difficult to do such as smoking or marijuana smoking.
17. The city should consider looking at St Louis Park's tenant protection ordinance and change it to 7 day notice vs 30 day notice.
18. Comments were made about RentHelpMN and questions were asked if the city is helping with tenants who need it. Staff stated that staff is not doing the technical assistance but referring to partnering agencies such as CEAP and other organizations that assist with application and in-person assistance. RentHelpMN is down to 30 days for 1st time applicants and 2nd time applicants are as long as 5 months.

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Mayor Mike Elliott

BY: David Zaffrann, Public Safety Implementation Committee Manager

SUBJECT: Resolution Establishing the Community Safety and Violence Prevention Implementation Committee

Requested Council Action:

- Motion to approve a resolution establishing the Community Safety and Violence Prevention Implementation Committee and appointing its membership.

Background:

On May 15, 2021, the City Council adopted the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act, which required the City to create an Implementation Committee including residents from the City and other local, state and national experts in public health-oriented approaches to community safety, to be chaired by the Mayor, and with members recommended by the Mayor and confirmed by the City Council.

This Committee will propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption and/or implementation by City Council or City staff, as appropriate, that would fully implement the will and intent of the City Council as expressed in the Act.

Applications to serve on the Implementation Committee were distributed and accepted over a period of several months, twenty-seven applications were received, and twenty-four people were subsequently interviewed by a panel.

Budget Issues:

The manager and activities of the Community Safety and Violence Prevention Implementation Committee have a combined budget of \$150,000 in 2022.

Inclusive Community Engagement:

The Implementation Committee is a fundamental component of inclusive community engagement for the implementation of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act, as this Committee is empowered to make recommendations to the City Council for the implementation of the Act. The Committee and its activities will demonstrate the City's commitment to transparent, responsive, deliberately inclusive, and culturally sensitive community engagement.

The formation of this Committee and the application process for its membership has been informed by numerous community listening sessions and in consultation with community members.

Antiracist/Equity Policy Effect:

The purpose of this Committee is to make recommendations for ordinances, policies and program implementations that reduce racial disparities in public safety outcomes and promote racial justice in Brooklyn Center.

Strategic Priorities and Values:

Inclusive Community Engagement, Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Application - Bourque	2/23/2022	Backup Material
Application - Dameida	2/23/2022	Backup Material
Application - Dimock	2/23/2022	Backup Material
Application - Garcia	2/23/2022	Backup Material
Application - Solomon	2/23/2022	Backup Material
Application - Viste	2/23/2022	Backup Material
Application - Welch	2/23/2022	Backup Material
Application - Wright	2/23/2022	Backup Material
Resolution	2/23/2022	Resolution Letter
List of Applicants	2/23/2022	Backup Material



**Application For Appointment
Brooklyn Center**

Community Safety and Violence Prevention Implementation Committee

Background:

On May 15, 2021 the Brooklyn Center City Council passed The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. This groundbreaking resolution creates an entirely new Department of Community Safety and Violence Prevention, a new Community Response Department and a new Traffic Enforcement Department. The Community Safety and Violence Prevention Implementation Committee (Implementation Committee) will be responsible for making recommendations, proposing ordinances, policies or other guidelines for adoption to the City Council or City staff, as appropriate, that will fully implement the intent of the resolution. Members of the Implementation Committee must share the commitment to create a safer, healthier, more just, and more thriving community by promoting a diversity of responses to community safety needs that do not rely solely on armed enforcement officers.

NAME: Julie Bourque

RESIDENCE ADDRESS: 3343 49th Ave. N. Brooklyn Center, MN 5542
Street City Zip

MAILING ADDRESS: Same
P.O. Box/ Street City Zip

BUSINESS/EMPLOYER ADDRESS: N/A - Not representing agency
P.O. Box/ Street City Zip

EMAIL ADDRESS: julie.bourque@peopleincorporated.org

OCCUPATION/PROFESSION: Children's Mental Health Case Manager

PRIMARY PHONE: 952-412-3749 ALTERNATE PHONE: _____

*** DEMOGRAPHIC SURVEY - PLEASE COMPLETE **

Please indicate whether you are currently a student: ___ Yes ☒ No



Please indicate the racial / ethnic category which you most closely identify with below
(response optional - please check only one category):

[Redacted area for racial/ethnic category selection]

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY EXPERIENCE :

Name	Relation	Phone/ Email
1. Robert Morneau Regional Ombudsman for	Mental Health / Former Colleague	651-757-1810 Robert.morneau@state.mn.us
2. Linda Stokes	Former Colleague	

AFFIDAVIT OF RESIDENCY*

For Resident Members (Brooklyn Center Residents Only)

I, Julie Bourque hereby declare, under penalty of perjury, that I am a resident of Brooklyn Center. I understand that, with the exception of a temporary relocation outside of Brooklyn Center not to exceed six months, I may no longer serve on a Brooklyn Center Commission should this cease to be true.

Signature of Applicant:

[Signature]

Date: 7-13-21

**For Brooklyn Center Residents Only*



All members of the Brooklyn Center Implementation Committee must live, work or be stakeholders in Brooklyn Center and committed to its success and goals. Additionally, pursuant to the enabling legislation, in order to maintain the Council's commitment to centering the voices of those most impacted, appointments to the Implementation Committee should reflect a diverse range of experiences, knowledge, expertise and representation, and be made with the goal of achieving a balance of the following criteria:

I represent one or more of these Impacted Communities and backgrounds: ☐ Formerly incarcerated individuals ☐ Victims/family members of violent crime ☐ Immigrant communities ☐ Communities impacted by high crime, over policing and police violence	☐ Faith-Based Community Leaders ☒ Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, Restorative or Transformative Justice ☒ Mental Health/Public Health Expertise ☐ Law Enforcement Operation Knowledge ☐ City Budget Operations/Knowledge ☐ Historically marginalized populations
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Each member of the Implementation Committee will serve on at least one subcommittee. Subcommittees will be made up of Implementation Committee members as well as other members of the community and experts in each issue area. Please indicate which areas of interest you are most interested in serving on.

Please indicate one or more areas interest: ☐ Traffic Enforcement ☒ Mental Health Response ☒ Community Responses ☐ Dispatch Call System	☐ General Law Enforcement Policy ☐ Policy and Research ☐ Budget and Fiscal Policies ☒ Community Safety and Violence Prevention Department
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Describe how your experience, education, attributes, and training qualify you for appointment to the Implementation Committee, and which membership criteria listed above apply to you. Let us know why serving on this committee to fully implement the intent of The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act is important to you. Attach additional pages if needed.

I have been a Children's Mental Health Case Manager in the metro for 11 years. During that time, I have watched countless numbers of clients be profiled, targeted, and brutalized by the police. There is a lack of understanding within the department about the needs of those suffering a mental health crisis. Rather than meeting people with patience, empathy, and understanding, they are often met with brute force, which often further escalates things. I have watched in horror while traumatized and sick individuals are tackled and handcuffed rather than listened to. De-escalation is often thrown out the window, and even though I have tried to use my voice in those situations, I have often been ignored. Things need to change. I feel I can provide perspective as someone who has watched first-hand the mishandling of those with mental health concerns, and who understands what is needed in those moments. We can do better. We need to do better and I would love to have the opportunity to help implement these changes moving forward.

Return this form to Office of the City Clerk, 6301 Shingle Creek Pkwy, 1st Floor, Brooklyn Center, MN 55430



**Application For Appointment
Brooklyn Center
Community Safety and Violence Prevention Implementation Committee**

Background:

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NAME: Joecelia Dalmeida

RESIDENCE ADDRESS: 6843 Colfax Ave N Brooklyn Center MN 55430

Street	City	Zip
MAILING ADDRESS: <u>6843 Colfax Ave N Brooklyn Center MN 55430</u>		

P.O. Box/ Street	City	Zip
BUSINESS/EMPLOYER ADDRESS: <u>67111 West Broadway Ave Brooklyn Park MN 55428</u>		

EMAIL ADDRESS: Joeceliadalmeida@yahoo.com

OCCUPATION/PROFESSION: Coordinator/ Direct Support Personnel (DSP)

PRIMARY PHONE: (763) 267-2195 **ALTERNATE PHONE:** _____

***** DEMOGRAPHIC SURVEY – PLEASE COMPLETE ****



Please indicate whether you are currently a student: ☒ Yes ☐ No



Please indicate the racial / ethnic category which you most closely identify with below
(response optional - please check only one category):

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY EXPERIENCE :

Name	Relation	Phone/ Email
1. Princess Onyemeh-Sea	Coworker	(612) 250-1587
2. Mateneah Addey	Mentor	(612) 432-0275

AFFIDAVIT OF RESIDENCY*

For Resident Members (Brooklyn Center Residents Only)

I, Joecelia Dalmeida hereby declare, under penalty of perjury, that I am a resident of Brooklyn Center. I understand that, with the exception of a temporary relocation outside of Brooklyn Center not to exceed six months, I may no longer serve on a Brooklyn Center Commission should this cease to be true.

Signature of Applicant: _____

Date: 01/28/2022

**For Brooklyn Center Residents Only*

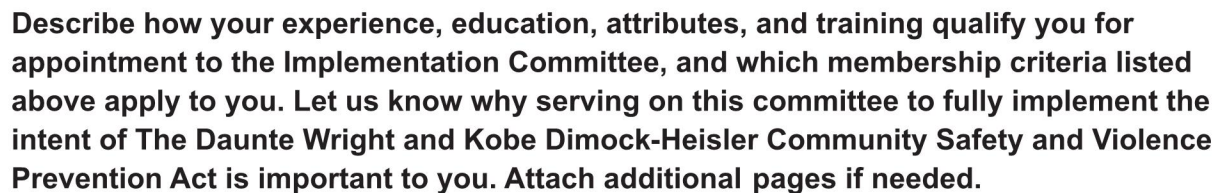


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I represent one or more of these Impacted Communities and backgrounds: ☐ Formerly incarcerated individuals ☐ Victims/family members of violent crime ☒ Immigrant communities ☒ Communities impacted by high crime, over policing and police violence	☐ Faith-Based Community Leaders ☐ Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, Restorative or Transformative Justice ☐ Mental Health/Public Health Expertise ☐ Law Enforcement Operation Knowledge ☐ City Budget Operations/Knowledge ☒ Historically marginalized populations
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Each member of the Implementation Committee will serve on at least one subcommittee. Subcommittees will be made up of Implementation Committee members as well as other members of the community and experts in each issue area. Please indicate which areas of interest you are most interested in serving on.

Please indicate one or more areas interest: ☐ Traffic Enforcement ☒ Mental Health Response ☒ Community Responses ☐ Dispatch Call System	☒ General Law Enforcement Policy ☒ Policy and Research ☐ Budget and Fiscal Policies ☒ Community Safety and Violence Prevention Department
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Return this form to Office of the City Clerk, 6301 Shingle Creek Pkwy, 1st Floor, Brooklyn Center, MN 55430



**Application For Appointment
Brooklyn Center
Community Safety and Violence Prevention Implementation Committee**

Background:

On May 15, 2021 the Brooklyn Center City Council passed The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. This groundbreaking resolution creates an entirely new Department of Community Safety and Violence Prevention, a new Community Response Department and a new Traffic Enforcement Department. The Community Safety and Violence Prevention Implementation Committee (Implementation Committee) will be responsible for making recommendations, proposing ordinances, policies or other guidelines for adoption to the City Council or City staff, as appropriate, that will fully implement the intent of the resolution. Members of the Implementation Committee must share the commitment to create a safer, healthier, more just, and more thriving community by promoting a diversity of responses to community safety needs that do not rely solely on armed enforcement officers.

NAME: Amity Dimock

RESIDENCE ADDRESS: 3566 State Hwy 210 Boxter, MN 56425
Street City Zip

MAILING ADDRESS: Same
P.O. Box/ Street City Zip

BUSINESS/EMPLOYER ADDRESS: Future plan by Ascensus Remote

EMAIL ADDRESS: kcomida@yahoo.com

OCCUPATION/PROFESSION: Accountant

PRIMARY PHONE: (218) 330-5197 ALTERNATE PHONE: N/A

Please indicate whether you are currently a student: ___ Yes ☒ No



Please indicate the racial / ethnic category which you most closely identify with below
(response optional - please check only one category):

[Redacted area for racial/ethnic category selection]

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY EXPERIENCE :

Name	Relation	Phone/ Email
1. Michelle Gross	Friend / President of CUAPB	(612) 703 - 1612
2. Lori Bardal	Friend	(763) 245-3343

AFFIDAVIT OF RESIDENCY*

For Resident Members (Brooklyn Center Residents Only)

I, _____ hereby declare, under penalty of perjury, that I am a resident of Brooklyn Center. I understand that, with the exception of a temporary relocation outside of Brooklyn Center not to exceed six months, I may no longer serve on a Brooklyn Center Commission should this cease to be true.

Signature of Applicant: _____

Date: _____

**For Brooklyn Center Residents Only*

I am Kobe Heister's mother. I live in Baxter, MN



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**Application For Appointment
Brooklyn Center**

Community Safety and Violence Prevention Implementation Committee

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NAME: Joylenna Garcia

RESIDENCE ADDRESS: 3000 Nash Rd, Brooklyn Center 55429

Street City Zip

MAILING ADDRESS: _____

P.O. Box/ Street City Zip

BUSINESS/EMPLOYER ADDRESS: _____

EMAIL ADDRESS: joylenna.garcia@gmail.com

OCCUPATION/PROFESSION: _____

PRIMARY PHONE: 763-898-6586 ALTERNATE PHONE: _____

Please indicate whether you are currently a student: ___ Yes X No



Please indicate the racial / ethnic category which you most closely identify with below
(response optional - please check only one category):

[Redacted area for racial/ethnic category selection]

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY EXPERIENCE :

Name	Relation	Phone/ Email
1. Amity Dimock	Friend	218-330-5197
2. Katie Wright	Friend	612-227-3660

AFFIDAVIT OF RESIDENCY*

For Resident Members (Brooklyn Center Residents Only)

I, Joylenna Garcia hereby declare, under penalty of perjury, that I am a resident of Brooklyn Center. I understand that, with the exception of a temporary relocation outside of Brooklyn Center not to exceed six months, I may no longer serve on a Brooklyn Center Commission should this cease to be true.

Signature of Applicant: Joylenna Garcia

Date: 12/28/2021

**For Brooklyn Center Residents Only*



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**Application For Appointment
Brooklyn Center**

Community Safety and Violence Prevention Implementation Committee

Background:

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NAME: John Solomon

RESIDENCE ADDRESS: 6819 Emerson Avenue North BC
Street City Zip

MAILING ADDRESS: _____

BUSINESS/EMPLOYER ADDRESS: 6819 Emerson Ave N. BC
P.O. Box/ Street City Zip

EMAIL ADDRESS: JSolobro@a.yahoo.com 53430

OCCUPATION/PROFESSION: Principal/ Social Worker - Retired

PRIMARY PHONE: 763 569-9769 ALTERNATE PHONE: 612 707-7964

Please indicate whether you are currently a student: ☐ Yes ☒ No



Please indicate the racial / ethnic category which you most closely identify with below (response optional - please check only one category):

[Redacted area for racial/ethnic category selection]

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY EXPERIENCE :

Name	Relation	Phone/ Email
1 Marguifa Butler	Daughter	763-350-9753
Tiffany Lewis	Daughter	763-370-8101

AFFIDAVIT OF RESIDENCY*

For Resident Members (Brooklyn Center Residents Only)

I, _____ hereby declare, under penalty of perjury, that I am a resident of Brooklyn Center. I understand that, with the exception of a temporary relocation outside of Brooklyn Center not to exceed six months, I may no longer serve on a Brooklyn Center Commission should this cease to be true.

Signature of Applicant: _____

Date: _____

**For Brooklyn Center Residents Only*



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Please indicate one or more areas interest: ☐ Traffic Enforcement ☐ Mental Health Response ☒ Community Responses ☐ Dispatch Call System	☒ General Law Enforcement Policy ☒ Policy and Research ☐ Budget and Fiscal Policies ☒ Community Safety and Violence Prevention Department
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Describe how your experience, education, attributes, and training qualify you for appointment to the Implementation Committee, and which membership criteria listed above apply to you. Let us know why serving on this committee to fully implement the intent of The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act is important to you. Attach additional pages if needed.

7 yrs - USAF - Communications - traveled many countries
lived among many cultures
5 yrs - Metropolitan Police Dept. Washington DC - Police Officer
2 yrs - Social Worker - Max. Juvenile Corrections Facility - OHIO
Dept of Youth Services
31 yrs - Social Worker - Yuba County DHS,
Hennepin County DHS - Child Protection,
Investigations, Case Management, Counseling
Degrees - AA - Criminal Justice, Sociology - NVCC
BA - Behavioral Sciences - UNH
MA - Counseling Psychology - U of Cal: Davis
Community Activist - 31 years
Coaching Youth Sports - 36 years

Worked with Senator Jare Ransom on MN Racial
Profiling Bill in 2000, testified at Senate
Raised in Inner City Cleveland, Ohio - immensely affected
by over policing since childhood.

Studied American History, African-American History and
have a full understanding of its origins, rationale,
politics and how and why it has functioned the
way it has and harmed specific communities, as
well as solutions and improving it.

Currently involved with City Community Crisis Response

Return this form to Office of the City Clerk, 6301 Shingle Creek Pkwy, 1st Floor, Brooklyn
Center, MN 55430

6 Oct 2021

Mark Viste
7243 Logan Ave N
Brooklyn Center, MN 55430
763-222-6039
markviste@gmail.com

Office of the City Clerk
6302 Shingle Creek Parkway
Brooklyn Center, MN 55430

To the City Clerk,

Please find my enclosed application for appointment to the Community Safety and Violence Prevention Implementation Committee.

As a 20-year resident of Brooklyn Center, I am familiar with the need to improve racial equity. In one of the earliest conversations after moving in to my house, my new neighbor expressed gratitude that I was White. I've heard many reports from my non-white neighbors that they are not treated by the police in the same way I am. I believe this committee is an excellent opportunity to reduce racial disparities in our city.

While I do not have specific training related to policing or violence prevention, I believe I have skills that could be of use to the committee. My professional work is as a battery scientist; perhaps data analysis skills could be of some use. In my personal life, serving as treasurer for local political campaigns has provided experience in working in multicultural groups led by people of color. I currently serve as council president at St James Lutheran Church in Crystal, where our membership includes African immigrants and African Americans as well as members of the LGBTQIA+ community. Church council meetings also provide experience in the difficulty and importance of making meeting time impactful.

I would like to be a part of the important work Brooklyn Center is undertaking.

Regards,



Mark Viste



**Application For Appointment
Brooklyn Center**

Community Safety and Violence Prevention Implementation Committee

Background:

On May 15, 2021 the Brooklyn Center City Council passed The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. This groundbreaking resolution creates an entirely new Department of Community Safety and Violence Prevention, a new Community Response Department and a new Traffic Enforcement Department. The Community Safety and Violence Prevention Implementation Committee (Implementation Committee) will be responsible for making recommendations, proposing ordinances, policies or other guidelines for adoption to the City Council or City staff, as appropriate, that will fully implement the intent of the resolution. Members of the Implementation Committee must share the commitment to create a safer, healthier, more just, and more thriving community by promoting a diversity of responses to community safety needs that do not rely solely on armed enforcement officers.

NAME: Mark Viste

RESIDENCE ADDRESS: 7243 Logan Ave N Brooklyn Center 55430
Street City Zip

MAILING ADDRESS: same

BUSINESS/EMPLOYER ADDRESS: 6800 Shingle Creek Parkway, Brooklyn Center 55430
P.O. Box/ Street City Zip

EMAIL ADDRESS: MARKVISTE@GMAIL.COM

OCCUPATION/PROFESSION: Scientist

PRIMARY PHONE: 763-222-6039 **ALTERNATE PHONE:** 763-514-0921

***** DEMOGRAPHIC SURVEY – PLEASE COMPLETE ****

Please indicate whether you are currently a student: Yes X No



Please indicate the racial / ethnic category which you most closely identify with below
(response optional - please check only one category):

[Redacted area]

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY EXPERIENCE :

Name	Relation	Phone/ Email
1. Kathleen Malecki	Friend	612-850-8486 / kdmalecki@gmail.com
2. Nancy Nord-Bence	Pastor	763-639-5941 Nancy.bence@gmail.com

AFFIDAVIT OF RESIDENCY*

For Resident Members (Brooklyn Center Residents Only)

I, MARK VISTE hereby declare, under penalty of perjury, that I am a resident of Brooklyn Center. I understand that, with the exception of a temporary relocation outside of Brooklyn Center not to exceed six months, I may no longer serve on a Brooklyn Center Commission should this cease to be true.

Signature of Applicant: Mark Viste

Date: 5 Oct 2021

**For Brooklyn Center Residents Only*



MARK VISTE

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Each member of the Implementation Committee will serve on at least one subcommittee. Subcommittees will be made up of Implementation Committee members as well as other members of the community and experts in each issue area. Please indicate which areas of interest you are most interested in serving on.

Please indicate one or more areas interest: ☒ Traffic Enforcement ☒ Mental Health Response ☐ Community Responses ☐ Dispatch Call System	☒ General Law Enforcement Policy ☒ Policy and Research ☒ Budget and Fiscal Policies ☐ Community Safety and Violence Prevention Department
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Date Application Received by City: _____

Application for Appointment

Brooklyn Center

Community Safety & Violence Prevention Implementation Committee

www.ci.brooklyn-center.mn.us

Background:

On May 15, 2021, the Brooklyn Center City Council passed the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. This groundbreaking resolution creates an entirely new Department of Community Safety and Violence Prevention, a new Community Response Department and a new Traffic Enforcement Department. The Community Safety and Violence Prevention Implementation Committee (Implementation Committee) will be responsible for making recommendations, proposing ordinances, policies or other guidelines for adoption to the City Council or City staff, as appropriate, that will fully implement the intent of the resolution. Members of the Implementation Committee must share the commitment to create a safer, healthier, more just and more thriving community by promoting a diversity of responses to community safety needs that do not rely solely on armed enforcement officers.

NAME: Kia Barnes-Welch

RESIDENCE ADDRESS: 6640 Humboldt Ave N #101 MPLS MN 55430

MAILING ADDRESS: Same

EMAIL ADDRESS: Kiabarneswelch@gmail.com

PRIMARY PHONE: 612-433-6812 ALTERNATE PHONE: 612-444-2228

BUSINESS/EMPLOYER ADDRESS: _____

OCCUPATION/PROFESSION: _____

****DEMOGRAPHIC SURVEY - PLEASE COMPLETE****

Please indicate whether you are currently a student: ____ Yes ☒ No

City of Brooklyn Center | www.ci.brooklyn-center.mn.us

6301 Shingle Creek Pkwy. Brooklyn Center, MN 55430

Phone: (763) 569-3300 | Fax: (763) 569-3494



Please indicate the racial / ethnic category which you most closely identify with below
(Response is optional - please check only one category):

[Redacted area for racial/ethnic category selection]

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY EXPERIENCE:

NAME	RELATION	PHONE / EMAIL
1. <u>Don Crombley</u>	<u>professional ref</u>	<u>312-6007-2056</u>
2. <u>Danecia Gipson</u>	<u>professional ref</u>	<u>763-600-9731</u>

AFFIDAVIT OF RESIDENCY*

For Resident Members (Brooklyn Center Residents Only)

I, Kia Barnes hereby declare, under penalty of perjury, that I am a resident of Brooklyn Center. I understand that, with the exception of a temporary relocation outside of Brooklyn Center not to exceed six months, I may no longer serve on a Brooklyn Center Commission should this cease to be true.

Signature of Applicant: Kia Barnes Date: 10/9/2008

**For Brooklyn Center Residents Only*



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I represent one or more of these impacted communities and backgrounds:

☒ Formerly incarcerated individuals

☒ Faith-based Community Leaders

☒ Victims/family members of violent crime

☒ Mental health/public health expertise

☐ Immigrant communities

☒ Law enforcement operation knowledge

☒ City budget operations/knowledge

☒ Historically marginalized populations

☒ Communities impacted by high crime, over policing and police violence

☒ Expertise/leadership in violence prevention, youth services, crisis intervention, restorative or transformative justice

Each member of the Implementation Committee will serve on at least one subcommittee. Subcommittees will be made up of Implementation committee members as well as other members of the community and experts in each issue area. Please indicate which areas of interest you are most interested in serving on.

Please indicate one or more areas of interest:

☒ Traffic Enforcement

☒ General law enforcement policy

☒ Mental health response

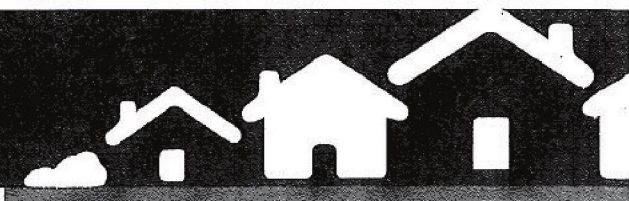
☒ Policy and Research

☒ Community Responses

☒ Dispatch call system

☒ Community Safety and Violence Prevention Department

☒ Budget and Fiscal Policies



**Application For Appointment
Brooklyn Center**

Community Safety and Violence Prevention Implementation Committee

Background:

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NAME: Katie Wright

RESIDENCE ADDRESS: 5155 Dupont Ave N, Minneapolis, 55430

Street City Zip

MAILING ADDRESS: _____

P.O. Box/ Street City Zip

BUSINESS/EMPLOYER ADDRESS: _____

EMAIL ADDRESS: katieannb1978@gmail.com

OCCUPATION/PROFESSION: _____

PRIMARY PHONE: 612-227-3660 ALTERNATE PHONE: _____



Please indicate whether you are currently a student: Yes X No



Please indicate the racial / ethnic category which you most closely identify with below (response optional - please check only one category):

[Redacted area for racial/ethnic category selection]

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY EXPERIENCE :

Name	Relation	Phone/ Email
1. Amity Dimock	Friend	218-330-5197
2. Michelle Gross	President of CUAPB	612-703-1612

AFFIDAVIT OF RESIDENCY*

For Resident Members (Brooklyn Center Residents Only)

I, _____ hereby declare, under penalty of perjury, that I am a resident of Brooklyn Center. I understand that, with the exception of a temporary relocation outside of Brooklyn Center not to exceed six months, I may no longer serve on a Brooklyn Center Commission should this cease to be true.

Signature of Applicant: _____ Date: _____

**For Brooklyn Center Residents Only*



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Member Elliott introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CREATING THE COMMUNITY SAFETY AND VIOLENCE
PREVENTION IMPLEMENTATION COMMITTEE

WHEREAS, on May 15, 2021, the City Council passed Resolution No. 2021-73, adopting the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act (the “Act”); and

WHEREAS, the Act required the City to create a Community Safety and Violence Prevention Implementation Committee (“Implementation Committee”), which is to include residents from the City and other local, state and national experts in public health-oriented approaches to community safety, is to be chaired by the Mayor, and with members recommended by the Mayor and confirmed by the City Council; and

WHEREAS, the City Council is authorized by Section 2.02 of the City Charter to create boards, commissions, and committees to assign to them specific duties; and

WHEREAS, in accordance with the Act, this Committee will propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption and/or implementation by City Council or City staff, as appropriate, that would fully implement the will and intent of the City Council as expressed in the Act; and

WHEREAS, applications to serve on the Implementation Committee were distributed and accepted over a period of several months, with the City receiving twenty-eight applications, twenty-four of which were interviewed; and

WHEREAS, upon completion of the interview process, the Mayor has recommended that the following individuals be confirmed as members of the Implementation Committee: Mayor Mike Elliott, Julie Bourque, Joecelia Dalmeida, Amity Dimock, Joylenna Garcia, John Solomon, Mark Viste, Kia (Kiki) Welch, and Katie Wright.

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

1. The Community Safety and Violence Prevention Implementation Committee is hereby established for the City of Brooklyn Center.
2. The following people are confirmed and appointed as members of the Implementation Committee: Mayor Mike Elliott, Julie Bourque, Joecelia Dalmeida, Amity Dimock, Joylenna Garcia, John Solomon, Mark Viste, Kia (Kiki) Welch, and Katie Wright.

RESOLUTION NO. _____

February 28, 2022

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.

Proposed Implementation Committee Members

Julie Bourque

Joecelia Dameida

Amity Dimock

Joylenna Garcia

John Solomon

Mark Viste

Kia Welch

Katie Wright

Other Applicants

Mark Allan

Lori Bordal

Karen Beelen

Leslie Blair

Dr. Ethan Hedges Capers

Melissa Carey

Will Dinga

Dawn Gieseke

Lori Hout

Barb Jensen

Linda Kirsch

Matthew Branch

Mikki McComb

Pastor McKinley Moore

Jakayala Neal

Trahern Pollard

Diane Sannes

Singleton David

Amy Watkins

One person withdrew their name after application

**Council/EDA Work
Session**

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
83701143117# Passcode:
397465#
February 28, 2022

AGENDA



ACTIVE DISCUSSION ITEMS

1. Continue Allocation of American Rescue Plan Act Funds (20 minutes)
- Consensus of the City Council to spend up to \$3,264,133 in American Rescue Plan Act funds through 2024.
2. 2022 Legislative Priorities
The Council is being asked to provide updates, modifications and/or recommended additions to establish the 2022 City of Brooklyn Center Legislative Priorities

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items

Council/EDA Work Session

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Continue Allocation of American Rescue Plan Act Funds (20 minutes)

Requested Council Action:

- *Consensus of the City Council to spend up to \$3,264,133 in American Rescue Plan Act funds through 2024.*

Background:

Overview

On March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA) of 2021 into law. The ARPA provides \$1.9 trillion in additional relief to respond to the novel coronavirus (COVID-19). According to the U.S. Department of the Treasury, the Coronavirus State and Local Fiscal Recovery Funds provide a substantial infusion of resources to help turn the tide on the pandemic, address its fallout, and lay the foundation for a strong and equitable recovery.

The City of Brooklyn Center received a total allocation of \$3,200,000 with half the funds received earlier in 2021 and another half available to be requested in 2022. Since June, the city has coordinated with community partners, residents, local businesses and nonprofit organizations, and city staff to develop an investment plan for ARPA funds.

When CARES Act funds were made available in 2020, the timeline to spend down those funds was very short. As a result, most of the the funding went to cover costs incurred by the City, or were otherwise focused internally. Funding supported a variety of projects including HVAC system upgrades, employee wages, small business support, food shelf operations, and community innovative initiatives. The City abided by several principles including:

1. Erring on the side of safety of staff and the public
2. Recover or reimburse the City for expenditures made in response to the COVID-Pandemic
3. Helping residents survive, respond and thrive beyond (up to 18 months) the COVID-19 Pandemic

ARPA Guiding Principles

Similar to CARES Act funding, similar principles for the use of ARPA Funding were established. An inter-department group of staff initially met to begin discussing the use of funds, the process for allocation, and to develop a framework through which decisions about funding would be made. The intent of principles outlined below was to serve as a guide for the City expenditure of ARPA funding.

- Serving a clear and direct public purpose and benefit
- Take measures that err on the side of improving the safety/health of staff and the public related to the

COVID-19 Pandemic

- Bolstering Long-term Communication Capacity between the City and residents (Citywide and Emergency communications – Electronic and otherwise) – promoting public health through encouraging vaccines, COVID awareness in general, Etc. Bolstering communications throughout the City related to events, facilities, accessibility, and services. Enhanced communication for various emergency and safety campaigns (i.e. code red, vaccines, etc.)
- Recovering or reimbursement for operational financial hardship
- Maximize use of funds to invest and increase capacity within the community to recover and thrive beyond the COVID-19 Pandemic
 - Year One - 60% community investment and 40% operational investment
 - Year Two - 70% community investment and 30% operational investment
- Use funding in a manner that provides long-term, multi-generational wealth building and economic stability.
- Use funding in a manner that lowers overall tax burden of residents
- Any new programs developed or funded with ARPA funds will have a clearly identified sustainability plan for how they will continue after funding period is over

With the framework established, city departments and community partners were asked to identify possible uses of funds, using the established guiding principles as a matrix.

Community Engagement Process

In summer of 2021, the City convened a group of community stakeholders to develop a framework for a new direction for the City. The results of that work was a report entitled *Evolving Brooklyn Center: A Community Centered City*, and formed the basis for funding requests to several philanthropic organizations. As part of a follow-up to this work, this group was reconvened over two meetings to provide input and guidance on the use of ARPA funds.

During their initial sessions, this group of community stakeholders identified four key areas that were critical to stabilizing community and initiating real change. These areas were around 1) Public Safety/Security; 2) Economic Development; 3) Public Health; and 4) Community Life Resources (i.e. food and housing). These four areas were carried forward into the ARPA funding discussions as a way to identify priorities and ensure that the funds were being used most effectively.

During their first meeting, the community stakeholders learned about the ARPA funding program, the established guiding principles, and the programs and projects that had been proposed previously. They identified gaps in the program proposals and discussed key areas of focus.

At their second meeting, the community stakeholders worked together to come to a consensus on priorities for the use of the funds and the programs to be funded. The input gathered from the work determined the funding priorities included in the ARPA Funding Plan.

ARPA Funding Plan

Based on the program priorities identified by the community stakeholder group, staff has prepared a proposed ARPA Investment Plan. The investment plan includes a mix of internal and external funding programs and allows flexibility in terms of what program year the funds will be delivered in.

Out of the community engagement process, and through the work of identifying program funding several themes arose around which ARPA funded initiatives revolved. The funding focuses on programs that:

1. Build capacity. This focus is achieved through leveraging existing assets in the community, strengthening partnerships and investing in community.
2. Center economic development and youth. A majority of the programs and initiatives that were prioritized through the community engagement process involved a focus on multi-generational wealth building and youth engagement.
3. Building community. The process to create the ARPA investment plan was imbedded in community, and involved community-based visioning. The funding centers around strengthening community partnerships and resources.

Last year, the City received CARES Act funding, which was intended to provide relief from the affects of the pandemic. These funds were distributed to communities with a very short timeline for spending them down, and with very little guidance in terms of how spending would be tracked. As a result, most of the funds were utilized internally to the City to provide recovery and make building and facility improvements. A smaller percentage of the funds were allocated externally and provided direct relief to small businesses in the community and to organizations provide direct community services.

With the ARPA funds, one of the guiding principles was to utilize a great proportion of the funds externally, and to build capacity within community. The proposed ARPA Investment Plan utilizes 75 percent of the funds externally and 25 percent of the funds on internal projects and revenue recovery.

The full ARPA Investment Plan is attached to this report, with more detailed descriptions of the funded programs/initiatives.

ARPA Funding Process

The ARPA Investment Plan is intended as a roadmap and guideline for how ARPA funds will be allocated. Funds are received over a two year period, and staff will move projects forward based on available funds and program timing.

Staff proposes to provide an annual report to the City Council on the use of the funds and program implementation. The Investment Plan allows for flexibility over time, and adjustments may need to be made as more information becomes known about individual initiatives.

Budget Issues:

The City will receive an estimated \$3,264,133 in American Rescue Plan Act funds which will fund the proposed APRA Investment Plan.

Inclusive Community Engagement:

Community engagement was utilized throughout the process to identify key focus areas, develop proposed programs and initiatives and prioritize the use of funding.

Antiracist/Equity Policy Effect:

Guiding principles of the use of ARPA funding included goals for economic development, youth outreach and engagement and multi-generational wealth building.

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2022	Resolution Letter
ARPA Investment Plan	1/4/2022	Backup Material

Member
adoption:

introduced the following resolution and moved its

RESOLUTION NO. 2021-____

CITY OF BROOKLYN CENTER, MINNESOTA

A RESOLUTION AUTHORIZING STAFF TO SPEND UP TO \$3,264,133 IN
AMERICAN RESCUE PLAN ACT FUNDS THROUGH 2024

WHEREAS, on March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (H.R.1319) into law. The American Rescue Plan Act provides \$1.9 trillion in additional relief to respond to the novel coronavirus (COVID-19); and

WHEREAS, the city of Brooklyn Center was allocated \$3,264,133 which can be used to support urgent COVID-19 response efforts to continue to decrease the spread of the virus and bring the pandemic under control, replace lost revenue for eligible state, local, territorial and Tribal governments to strengthen support for vital public services and help retain jobs, support immediate economic stability for households and business and address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic, as well as necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, on June __, 2021, the city of Brooklyn Center received \$1,623,762.20, and a supplemental distribution of \$53,173.74 of the \$3,264,133 with the remaining balance being available for requesting in June 2022; and

WHEREAS, the period of performance for the American Rescue Plan Act is from March 3, 2021 and must be obligated by December 21, 2024, which means all funds must be encumbered and projects contracted. By December 31, 2026, all projects must be complete, including all payments made for encumbrances and projects; and

WHEREAS, the city of Brooklyn Center has established guiding principles for the use of the funds and has utilized community feedback to develop a 2021-2024 investment plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the city of Brooklyn Center hereby authorizes staff to spend up to \$3,264,133 in American Rescue Recovery Act funds between 2022 and 2024 in accordance with the proposed investment plan.

BE IT FURTHER RESOLVED that all planned investments that do not occur in a given year will roll forward to the following year, provided all funds are expended by the end of 2024.

January 10, 2022

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.

Key Areas of Strategic Investment to Evolve the City

Public Safety
Public Health
Community Life and Resources (i.e. housing and food)
Economic Development

ARP Funding Principles

Serving a clear and direct public purpose and benefit

Take measures that err on the side of improving the safety and recognition of work during COVID

Bolstering Long-term Communication Capacity between the City and the community

Recovering or reimbursement for operational financial harm

Enhance, modify and/or maintain high level of city services

Maximize use of funds to invest and increase capacity with

- o Year One - 60% community investment and 40% city investment
- o Year Two - 60% community investment and 40% city investment

Use funding in a manner that provides long-term, multi-generational benefits

Use funding in a manner that lowers overall tax burden of the city

Any new programs developed or funded with ARPA funds

Scale or complete pilot for promising Beyond COVID Innovation

Leverage funding with potential partners to enhance impact

Possibility of spending allocation?

Total Alloc:	\$ 3,100,000	
Internal	\$ 930,000	30.00%
External	\$ 2,170,000	70.00%

General Framework:

New Guidance Highpoints

Framework of Interim Rule

- Non-exclusive lists of allowable expenditures
 - Categories include intervention for Quality of Life, economic development, infrastructure
- Encouraged expenditures
 - Categories include addressing racial and ethnic disparities
- Prohibited expenditures
 - Categories include pension funds, legal fees

Framework to Assess Eligibility for Funding

1. Identify the harmful effect of COVID-19 on the community
2. Assess the current resources available to the community

2. Assess the causal or component
3. Assess for disproportionate impact
4. Determine how to prove the case

Use of Funds:

Eligible Uses: COVID-19 Pandemic Response

To respond to the public health emergency with Disease 2019 (COVID-19) or its negative economic assistance to households, small businesses, and impacted industries such as tourism, travel, and

- COVID-19 Mitigation and Prevention
- Medical Expenses
- Behavioral Health Care Including Addictive
- Public Health and Public Safety Employees
- Data, Design, and Execution of Health Programs
- Health Disparities
- Survivors Benefits

Eligible Uses: COVID-19 Economic Impact

Presumption of Eligibility inside the QCT Tracks (QCT)

- Direct cash and loan intervention
- Assistance to business and non-profit
- Impacted industries and workers
- Housing and Community Development
- Homelessness
- Childcare and Education

Eligible Uses: Necessary Water, Sewer

Coronavirus State and Local Fiscal Recovery investments in water, sewer, or broadband

- Projects eligible under the Clean Water Act
 - Construct, improve, and repair wastewater treatment; pollution; create green infrastructure; manage waterbodies from pollution.
- Projects eligible under the Drinking Water
 - Build or upgrade facilities to improve water collection systems; consolidation or establishment of collection
- Cybersecurity
- Climate Change and Resilience

- Climate Change and Resilience
- Lead Service Line Replacement

Eligible Uses: Broadband

- Eligible projects **must**:
 - "be designed to provide service...to unserved"
 - Unserved and underserved = lacking access
 - Specific service areas and locations may be
 - Provide service that "reliably meets or exceeds the standard, if not possible, at least 100/20 Mbps with the ability to upgrade"
- Eligible projects are **encouraged** to:
 - consider affordability
 - avoid investing in locations with "existing broadband service meeting or exceeding the minimum speeds of 100/20 Mbps by December 31, 2022"
 - "deliver a physical broadband connection by wireline or fiber connections"
 - prioritize municipal, nonprofit, and cooperative projects
- Digital inclusion: assistance to households with low digital literacy, digital literacy assistance, are eligible uses

y/health of staff and the public related to the COVID-19 Pandemic - Staff safety,

he City and residents (Citywide and Emergency communications)
rdship

ces (COVID Related Response or New Way of Working)

hin the community to recover and thrive beyond the COVID-19 Pandemic

% operational investment

% operational investment

enerational **wealth building, health and/or economic stability.**

residents

ls will have a clearly identified sustainability plan for how they will continue at

ovative Initiatives prior to funding new initiatives

oact to Brooklyn Center residents and businesses.



penditures

ualified Census Tracts, public health, direct aid, community &

disparities, inequities, disproportionate harm

ial settlements, federal match requirements

or Projects and Services

COVID-19 the activity will address.

and the organization

unding connection.
mpact on distressed sectors or populations.
expense produces the expected outcome.

se

n respect to the Coronavirus
nomic impacts, including
nd nonprofits, or aid to
d hospitality.

on Treatment
es
rograms

acts

e Qualified Census

ions
on-profits
ers
elopment

er Projects

covery Funds – “necessary and infrastructure.”

State Revolving Fund
reatment plants; control non-point sources of
ge and treat stormwater; water reuse; protect

er State Revolving Fund
quality; transmission, distribution, and storage
drinking water systems



d and underserved households and businesses."

at least 25/3 Mbps wireline service

defined by community

ds symmetrical speeds of 100 Mbps" or, if

ility to scale to 100 Mbps symmetrical

reements to build reliable wireline service

ember 21, 2024"

prioritizing projects that achieve last-

/e-owned networks

ds, including internet access and digital

health (physical or mental) and morale and

ter funding period is over

Examples Given During Web

Minimum income for folks that

Workforce training

Impacted industries - travel and

Rehabing property for housing,

Very generous on supporting ch

you will show the outcomes if not explicitly identified in list

Can Transfer funds to:

Can cities transfer their allotted funds to counties?

The statute provides four categories in which a city can transfer funds.

1. A private nonprofit organization
2. A public benefit corporation involved in the transportation of passengers or cargo
3. A special-purpose unit of State or local government
4. A state government

The statute is silent on transferring funds to a county.

binar

can't find work?

tourism (no limit to aid to those disproportionately impacted.)

purchase properties to house homeless.

childcare and education.

Program item		Key Area	Purpose/description	Cost (Through 2024)
External/Community Partnerships				
Workforce Development Program		Economic Development (Resident and Business Economic Stability)	Sub-grants to community parnter organizations to deliver workforce development training (Parntership with Brooklyn Park)	\$ 560,000
			Youth Entrepreneurship Program - Expansion of Brooklyn Services and programming (Parntership with Brooklyn Park)	
			Connect higher barrier youth and Black Indigenous Person of Color (BIPOC) job seekers to jobs	
			Career Pathways Program - Focused on Adult (24+) workforce development (Partnership with Brooklyn Park)	
Youth Outreach and Engagement		Community Life Resources, Public Safety, Public Health, Economic Development	Contract with community partners to establish a Youth Outreach team	\$ 158,133
			Youth onBoards	
			Online and in-person youth outreach to enhance and expand youth and family participation and engagement	
Commercial Property Development Fund		Economic Development (Business Economic Stability)	Establish a fund to support local small businesses with the acquisition of bricks and mortar real estate. Funds will be used to provide equity to leverage private lending, and to provide gap financing for commercial development that supports small businesses.	\$ 700,000
Food Access		Community Life Resources	Funding to support food distribution operations in the City and expand access through the cretion of a mobile food distribution program in partnership with CEAP and CAPI	\$ 125,000
Small Business Resource Hub		Economic Development (Business Economic Stability)	Community-based space to support workforce development, co-working space, innovation lab, and hub for small business technical support	\$ 250,000
Humboldt Neighborhood Peace, Harmony and Prosperity Small Area Plan		Community Life Resources	Develop a community-led vision for the future of the Humboldt Neighborhood that includes goals for housing, open space, streetscaping and business development. Identify short and longer-term implementation strategy and support an initial investment in the neighborhood to catalyze the vision.	\$ 250,000
Health on the Go		Public Health	Expand upon the partnerships created as part of the pilot Health on the Go program and expand services to residents	\$ 225,000
Central Beautification and Business Improvement District		Public Safety and Community Life Resources	Utilize funds to establish a central Business Improvement District to enhance clean-up, snow removal, seasonal lights and greenery, and placemaking (programming to be designed in partnership with district businesses)	\$ 75,000
Public Art Matching Fund		Community Life Resources	Funding to cost share public art initiatives on private property	\$ 75,000

Daunte Wright Memorial	Community Life Resources	Commission art memorial	\$ 25,000
External Total			\$ 2,443,133

Internal Programs/Initiatives/Revenue Replacement			
Digital Message Boards	Public Health, Public Safety	External digital message boards at City facilities to promote better communication strategies	\$ 122,000
Code Red	Public Health, Public Safety	Revenue replacement to pay for Coe Red services for three years	\$ 24,000
Police labor study	Public Safety	Study to determine number of police officers needed to maintain services	\$ 130,000
Air Filters	Public Health	Installation of clean air filters in the cabs of fire trucks	\$ 12,000
Quantifit2 respirator testing system	Public Health	Purchase a respirator testing system to test respirator fit - testing required annually	\$ 13,000
Front Line Retention and Recognition Incentive	Community Life Resources	Provide a bonus for essential frontline employees who worked in-person through the pandemic	\$ 28,000
Public Safety Project Manager	Public Safety	New position to assist with coordinating the Public Safety Resolution Implementation Committee. This includes 1 FTE and supplies for 12 months.	\$ 150,000
Police Retention Incentive	Public Safety	This measure was taken as part of negotiations and a means to stabilize and retain police officers during civil unrest.	\$ 192,000
Heritage Center		Revenue replacement for the Heritage Center - utilize funds to explore ways to expand and enhance the Heritage Center's community benefits	\$ 150,000
Internal Total			\$ 821,000

Total investment	\$ 3,264,133
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Activity	Timeline
Receive ARP Guidelines	June, 2021
Receive ARP Funding	August, 2021
Establish ARP Expenditure Principles	September, 2021
Solicit internal spending via departments	September (3 rd week), 2021
Council Resolution Accepting ARP Funding	September (3 rd week), 2021
Group Select Internal	
Create staff update and progress report on Beyond COVID Innovation Initiatives	September (4 th week), 2021
Onboard evaluator consultant for evaluation of CARES ACT Innovation Initiatives and ARP Community Investment Projects	September, 2021 – September, 2022 (12 months)
Facilitate of discussion with a community group regarding recommendations of the use of funding intended for community capacity building	October (1 st week)–September (3 rd week), 2021
Solicit public ranking of needs (per identified areas for CARES Funding) and additions	October (2 nd week), 2021
Draft budget use of all ARP funding	November October –September (1 st 3 rd 4 th week), 2021
Present ARP funding expenditure plan to the City Council	November October 25, 2021
Implement the ARP funding expenditure plan.	November, 2021

Comment
Todd/Reggie
Meg send out form to departments.
Group
Carissa/Andrew H.
Reggie
BP – created buckets then RFP for community to conduct work in those areas
Group Reconvene – On Buckets or review of proposals
Process (2 part meeting): -Group Conversation and update on funding Informational session on partners efforts -Interactive discussion on priorities that inform buckets
Meg/Janelle/Reggie
Barb/Angel
Andrew S.
Group

Council/EDA Work Session

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards

SUBJECT: 2022 Legislative Priorities

Requested Council Action:

The Council is being asked to provide updates, modifications and/or recommended additions to establish the 2022 City of Brooklyn Center Legislative Priorities

Background:

The State Legislature has returned to session. On February 12, Council and staff participated in the Northwest Hennepin County Annual Legislative Breakfast, which it was indicated to the audience that the Council were in the process of developing its 2022 Legislative Priorities. Participating Brooklyn Center Council and staff did provide an brief overview of the bonding and sales tax legislative items approved by the Council.

Attached is a copy of the 2021 with a few modifications that are outlined in bold. On Monday, the Council will be asked, if there are any priorities that the Council would like to add for the 2022 legislative session.

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
Modified 2021 Legislative Agenda	2/23/2022	Cover Memo

City of Brooklyn Center 2022 Legislative Agenda



February 2022

Administration

- BCLG 01-2020 (Official Notifications / Information Access) – The City of Brooklyn Center supports the State eliminating outdated and unnecessary publication requirements that are no longer relevant or representative of the City’s technological capabilities.

Justification – Currently the State has laws mandating the City establish an “official” or “qualified” newspaper for formal city notifications. The law specifies that cities designate only “one” newspaper, it must be printed in English and if it is a daily newspaper it must be distributed at least five days each week, etc. While the notification standards established in 1949 were well intended, they may not be complete or applicable to contemporary methods of communication or cost efficient.

- BCLG 02-2020 (Election Judge Recruitment and Retention) – The City of Brooklyn Center supports efforts by the State to amend regulations to eliminate the party balance requirement of appointed and hired staff administering absentee balloting prior to Election Day and for city special elections. We further recommend that the legislature authorize time off for college students if they have been appointed to serve as an election judge.

Justification – City elections are non-partisan and govern elections in a non-partisan manner. One of the City’s strategic priorities is “community engagement across all segments of the City”. The City desires to engage as many residents as possible in the election process.

- BCLG 03-2020 (Liberian Refugee Immigration Fairness Act) – The City of Brooklyn Center supports the efforts of public and private organizations seeking to assist residents apply for permanent status under the LRIFA. We implore the State Legislature to provide funding in support of these efforts.

Justification – We estimate that there are more than 30,000 Liberians living in the State of Minnesota of which 4,000 or more would be subject to deportation if their current DED status is not changed. The LRIFA recently approved by Congress will provide individuals with DED extensions, one final year to complete their application for a change in their immigrant status. Failure to complete a qualifying application is likely to result in deportation of these individuals, many of whom have been residents for more than a decade. Historically the State Legislature, Governor and State Officials have supported Brooklyn Center and other communities in the efforts that have led to passage of the LRIFA. Now it is critical that every effort be made to assure that each eligible person is able to take advantage of this opportunity. There are several organizations planning to provide the necessary legal and other assistance required for individuals to submit a qualifying application under the Act. We urge the legislature to provide financial support to these organizations.

- BCLG 04-2020 Funding for Cultural Centers/Museums and other Community Building Assets- the City of Brooklyn Center encourages the Legislature to provide funding and provide new rules that will support the establishment of Cultural Museum/Centers that reflect the unique traditions and values provided by immigrants, new Americans and diverse communities; thereby enriching the lives of all Minnesotans.

Justification – As one of the most ethically and cultural diverse communities in the State of Minnesota. We believe that this strength should be valued and shared. A variety of cultural organizations and groups would love the opportunity to collaborate with government, non-profits and others to share the benefits of their culture. We believe the State can play an extremely valuable role by providing funding to build capacity and facilitate opportunities for these groups to add to the culture of Minnesota in a lasting and meaningful way. We believe existing Grant Programs should be modified or new funding should be approved to encourage Cultural Centers, Museums, and Arts to support the goal of cultural inclusion and diversity in the State.

Housing and Development

- Ensure housing security. The pandemic has accelerated the impacts of an existing housing crisis and has exposed many people to an immediate housing emergency. Tools like aid for tenants and landlords, eviction moratoria, and funding for affordable housing are important for immediate relief and longer-term recovery.
- Tenant protections. The City of Brooklyn Center supports revising existing regulations that restrict local governments from enacting tenant protection measures. Further, the City of Brooklyn Center supports new legislation that clarifies and creates tools that support tenant protection measures, both locally and state-wide. These tools include but are not limited to, local authority to enact rent control, prevent discrimination on the basis of income sources, limit tenant screening practices, prevent non-renewals of leases without just cause and prevent retaliation by rental property owners.
- BCLG 05-2020 (Affordable Housing) - The City of Brooklyn Center supports the creation of additional local tools and funding for workforce housing and affordable housing programs, including resources in a bonding bill. Specifically the State should establish a housing tax credit contribution fund, create a state funding match for local housing trust funds, increase funding for Economic Development and Challenge Fund Grant program and support dedicated funding for housing through bonding and general fund revenue.

Justification – The lack of workforce housing makes it difficult for employers to attract workers and for cities to attract new residents. Vacancy rates remain low and the market is not keeping up with demand for affordable housing options. Cities want to play a role in addressing this issue, but lack the resources and the flexible tools to create partnerships with public and private entities to ensure an adequate supply of affordable housing options

- BCLG 06-2020 (Group Homes and Housing with Services Establishments)- The City of Brooklyn Center requests the Legislature to examine the impacts of the established regulations, which limit the ability of municipalities to regulate group homes and

housing with services establishments to determine if regulations are having a disproportionate effect on low-income communities and communities of color.

Justification our experience is that single-family affordable housing neighborhoods are attractive locations to investors seeking to profit from the establishment Group Home and Housing with Services. The concentration of these homes in low-income neighborhoods reduces home ownership opportunities and wealth accumulation for residents and the concentration of these business can change the character of the neighborhood.

- BCLG 07-2020 (Building Officials) – The City of Brooklyn Center supports efforts of the State to increase its efforts to train new and diverse building officials, and provide sufficient education to help local officials administer and enforce construction regulations.

Justification – The City has established city priorities related to resident economic stability and a value of diversity and inclusion. There is a shortage of building officials in the State and greater shortage of building officials of color. Sufficient funding and support by the state would permit the City and other cities to have access to a broader pool of candidates for building official in the future.

Business and Economic Development

- BCLG 08-2020 (Youth Tax Credit) – The City of Brooklyn Center supports efforts by the State to create an internship to work tax credit for organizations hosting young workers in Brooklyn Center. This type of tax credit program exists now, but is targeted to Greater Minnesota.

Justification – One of the City's strategic priorities is "Resident Economic Stability". This program would provide an incentive for businesses to participate in the BrookLynk Program of the Brooklyn Bridge Alliance.

- BCLG 09-2020 (Workforce Readiness) – The City of Brooklyn Center supports efforts of the State to fund fully the Minnesota Job Skills Partnership and other workforce training programs. The City also supports the State providing flexible funding to local workforce councils and pursuing creative programming and funding. Finally, the City supports efforts to design and implement programs designed to address youth employment and workforce readiness.

Justification – One of the City's strategic priorities is "Resident Economic Stability". This program would provide an incentive for businesses to participate in the BrookLynk Program of the Brooklyn Bridge Alliance. This effort would also, support the City's strategic priority of "Resident Economic Stability".

- BCLG 10-2020 (Tax Increment Financing - TIF) – The City of Brooklyn Center supports efforts of the State to increase the ability of TIF to facilitate redevelopment and housing activities, The State should allow term extensions for redevelopment districts, which are taking longer to develop; amend Minn. Stat. § 469.1763, subdivision 3 to eliminate the “Five-year Rule” for districts that are taking longer to develop; and modify the housing district income qualification level requirements to allow the levels to vary according to individual communities.

Justification – The City would benefit by having the ability to extend the term for its redevelopment districts, which could have a positive impact on the financial stability and effectiveness of the districts.

- BCLG 11-2020 (Land Recycling and Redevelopment) – The City of Brooklyn Center supports the creation of a “land assembly grant or loan program” to assist cities and economic development authorities assemble small parcels for redevelopment. In addition, the City supports efforts by the State to amend the definition of redevelopment district under TIF Act to include the obsolescence and incompatible land use.

Justification – Due to the City being a fully developed city, the City would benefit from more resources and greater flexibility of existing economic development tools to redevelopment deteriorated, obsolete and vacant structures and contaminated land.

Financial

- BCLG 12-2020 (Metro Area Fiscal Disparities) - Brooklyn Center was once a net contributor to the Fiscal Disparities pool. Today as a net recipient, Fiscal Disparities is a major factor contributing to the fiscal stability of the City and our taxpayers. Without Fiscal Disparities, the property tax burden in Brooklyn Center would escalate dramatically, perhaps more than 25%. We strongly encourage continued legislative support for Metro Area Fiscal Disparities.
- BCLG 13-2020 (Sales Tax Exemption Simplification) - We advocate for a way to simplify the utility of the current sales tax exemption for construction materials. The process for using the current sales tax exemption on construction is so complicated, risky, and burdensome to contractors and cities that we are aware of no city that has decided to use this exemption. In Brooklyn Center, we estimate savings of \$300-\$400 thousand annually for our neighborhood street and utility construction projects if the sales tax exemption was viable.
- BCLG 14-2020 (Property Tax Relief) – The City of Brooklyn Center supports efforts of the State increase property tax relief for property owners experiencing high tax burdens due to property tax shifts.

Justification - The City has experienced significant shifts in tax capacity growth from commercial to residential properties throughout the years of the most recent economic recession. As a result, residential property owners have endured a tax shift burden. We expect this trend to continue for

the coming years as housing values continue to recover and commercial and industrial market values normalize.

- BCLG 15 -2020 (Local Government Aid - LGA) – The City of Brooklyn Center supports the existing LGA funding formula as an appropriate mechanism to distribute LGA and opposes special funding using LGA funds.

Justification – LGA has been cut for many years. The City’s budget stability continues to be dependent on LGA funding. Any changes in the formula or siphoning of funds from the overall pool for special projects may be detrimental to the City’s financial stability.

Law Enforcement & Public Safety

- **Race Identification on Drives License**

Justification – A self-identified race designation on the driver license will facilitate the automatic capture of accurate race related police activity data. This will improve our capacity to capture information for the purpose of developing policies and practices that reduce/eliminate racial bias and inequity in policing

- **BCLG 16 -2020 (Cop Autism Response Education and Vitals App)** The City of Brooklyn Center supports legislative funding for the expansion of the COP Autism Response Education (CARE) training model and VITALs app to better meet the needs of individuals on the Autism Spectrum and build more inclusive communities

Justification- Each year globally, an increasing number of children are being diagnosed with autism spectrum disorders. The State of Minnesota has the second highest autism prevalence rate in the United States. Individuals with Autism Spectrum Disorder are valued members of our community and help to strengthen the City of Brooklyn Center, Unfortunately individuals on the Autism Spectrum face significant barriers in utilizing emergency services due to sensory processing and other characteristics that are included in the diagnosis of Autism Spectrum Disorder. CARE and Vitals App are two significant tools that may be used improve efficacy and effectiveness of emergency response to persons living in our community diagnosed with Autism Spectrum Disorder.

- **BCLG 17-2020 (T-21 Raising the Age for Purchasing Tobacco Products to Age Twenty One)** - The City of Brooklyn Center supports a legislative change to increase the age of tobacco product purchases to twenty-one.

Justification - Brooklyn Center along with several Cities throughout the State of Minnesota has adopted local ordinance regulations increasing the legal age to purchase tobacco products to 21 because overwhelming evidence demonstrates the younger a person is when they begin smoking the more likely they will become addicted and suffer physically resulting from this addiction. Likewise, vaping and other caffeine delivery devices should be regulated, as there is growing evidence that they too are addicting and physically harmful to young people.

- BCLG 18 -2020 (Juveniles in Municipal Jails) – The City of Brooklyn Center supports efforts by the State to clarify state statute that would allow juveniles to be held for questioning and booking in the City jail for up to six hours.

Justification – The City would have more of an opportunity and time to work with a juvenile to resolve or remedy their situations prior to being transported to Hennepin County Jails should the state increase the max time juveniles may be held in a licensed municipal jail.

- BCLG 19 -2020 (21st Century Policing) – The City of Brooklyn Center supports action by the State to increase funding for peace officer training, peace officer wellness activities, and grants to the cities to deploy technologies such as dash and body worn cameras, all of which align with the President’s Task Force 21st Century Policing Report.

Justification - The City initiated efforts to implement 21st Century Policing soon after the report was published. The City continues to develop and train peace officers in accordance with the report. Funding support from the State would help advantage and stretch the use of City resources. To date the City has taken on the expense of such efforts at the City’s expense.

- BCLG 20 - HF 2867 Body Armor Reimbursement Legislation - The City of Brooklyn Center supports action by the State to expand eligibility reimbursements.

Justification – Currently the State has a program to offer a portion of the cost of ballistic vests be reimbursed for Peace Officers only. This new legislation expands the reimbursement to all Public Safety Officers. Public Safety Officer is defined as peace officer, firefighter or qualified emergency medical provider. The Brooklyn Center Fire Department purchased vests for each of their firefighters that will need to be replaced in 2026 and this would help offset some of the City’s cost for these replacements.

Transportation

- BCLG 21-2020 (MVLST Funding) - The City of Brooklyn Center supports including Hennepin County in the distribution of motor vehicle lease sales tax (MVLST).

Justification - Hennepin County residents contribute substantially to the MVLST but State Law excludes the county from receiving funding from this transportation source. If included, Hennepin County would receive \$10.7 million annually for roads, bridges, and pedestrian and bikeway projects. The rationale to exclude Hennepin and Ramsey counties from receiving MVLST formula funds was based on enabling of new taxing authority through the creation of the Counties Transit Improvement Board (CTIB). With CTIB's dissolution in 2017, this rationale

for excluding Hennepin and Ramsey counties from receiving MVLST Formula funds has ceased to exist.

- BCLG 22-2020 (Transportation Funding) – The City of Brooklyn Center supports the State providing more funding, including bonding, for improvements to all components of the transportation system. The City specifically supports The Blue Line Light Rail Extension. In addition, the City's highest State transportation priority is the much needed improvements to and conversion of TH 252 to a freeway with the addition of MnPASS lanes.

Justification – The City has various transportation needs ranging from constructing highway overpasses to upgrading Trunk Highway 252 to a freeway, as well as, transit related needs. Additional funding by the legislature would permit the City to access various funding sources from the Minnesota Department of Transportation for city projects. Improvements and conversion of Trunk Highway 252 to a freeway would benefit city residents and regional travelers with improved safety and less congestion on a corridor that lays claim to two of the top 10 and 5 of the top 100 intersections in statewide crash cost rankings.

Council/EDA Work Session

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reginald Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

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

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

**Economic Development
Authority**

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
83701143117# Passcode:
397465#
February 28, 2022

AGENDA



1. Call to Order

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet, including EDA (Economic Development Authority), is available to the public. The packet ring binder is located at the entrance of the council chambers.

2. Roll Call

3. Approval of Consent Agenda

The following items are considered to be routine by the Economic Development Authority (EDA) and will be acted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the consent agenda and considered at the end of Commission Consideration Items.

- a. Approval of Minutes
 - *Approve the meeting minutes from:*
 - 2-14-22 - EDA Session

4. Commission Consideration Items

- a. Resolution Approving First Amendment to Preliminary Development Agreement with JO Companies, LLC
 - Motion to approve a resolution approving a first amendment to Preliminary Development Agreement with JO Companies, LLC

5. Adjournment

Economic Development Authority

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Approve the meeting minutes from:*
 - 2-14-22 - EDA Session

Background:

In accordance with Minnesota State Statute 15.17, the official records of all meetings must be documented and approved by the governing body.

Budget Issues:

- None

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
2-14-22 EDA	2/22/2022	Backup Material

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

REGULAR SESSION
FEBRUARY 14, 2022
VIA ZOOM

1. CALL TO ORDER

The Brooklyn Center Economic Development Authority (EDA) met in a Regular Session called to order by President Mike Elliott at 9:06 p.m.

2. ROLL CALL

President Mike Elliott and Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were Executive Director Reggie Edwards, Community Development Director Meg Beekman, and City Clerk Barb Suciu.

3. APPROVAL OF AGENDA AND CONSENT AGENDA

Commissioner Graves moved and President Elliott seconded to approve the Agenda and Consent Agenda, and the following item was approved:

3a. APPROVAL OF MINUTES

1. January 24, 2022 – Regular Session

Motion passed unanimously.

4. COMMISSION CONSIDERATION ITEMS

4a. RESOLUTION NO. 2022-07 APPROVING A PRELIMINARY DEVELOPMENT AGREEMENT WITH ALATUS, LLC, PROJECT FOR PRIDE IN LIVING, LLC AND RESURRECTING FAITH WORLD MINISTRIES

Executive Director Reggie Edwards introduced the item and invited Community Development Director Meg Beekman to make the Staff report.

Community Development Director Meg Beekman stated the development team presented their concept plan to the City Council at their January 24, 2022 meeting and shared how the community engagement process has shaped the development plan. The Pilot Site is comprised of EDA-owned parcels within the Opportunity Site. The area is approximately 15 acres, and it is currently

largely vacant. The land use guidance is for transit-oriented development and mixed commercial use.

Ms. Beekman stated since 2007, several development concepts have been considered, but for various reasons, none have moved forward. On February 20, 2018, the City Council heard proposals from two developers regarding concepts for the Opportunity Site. After meeting with each development team, hearing their vision for the site, and reviewing the proposed concepts, the City Council directed staff to move forward with drafting a Preliminary Development Agreement (PDA) with Alatus, LLC.

Ms. Beekman explained in April of 2019, the Agreement was renewed. As part of the PDA, the City took the lead on the overall master planning work for the Opportunity Site, and Alatus began to focus on implementing an initial development that aligned with the City's vision for the area.

Ms. Beekman noted the City engaged with Bolton & Menk consulting and began a comprehensive small area plan for the Opportunity Site in collaboration with Alatus. In June 2021, the City Council adopted an Opportunity Site Master Plan Infrastructure Framework, setting the overall vision for the area and outlining for major areas of the overall plan: a transportation and access network, parks and open space network, a land-use plan, and a stormwater plan.

Ms. Beekman stated once the current phase of community engagement is completed, the work will be incorporated into an Opportunity Site implementation phase, which will complete the Opportunity Site master planning work. She added a Community Benefits Agreement (CBA) is in the process of being developed.

Ms. Beekman added over the last two years, Alatus has participated in community engagement efforts that altered and shaped their development concept. They expanded the development team to include Project for Pride in Living and Resurrecting World Faith Ministries to take on various aspects of the concept. Collectively, they are working with the Citizen's Advisory Taskforce.

Ms. Beekman stated the project team includes Alatus, Project for Pride in Living, Resurrecting Faith World Ministries, Design by Melo, and BKV Group. The Pilot Site Development Plan includes around 750 units, one-third being market-rate units, one-third being mixed-income units, and one-third being more deeply affordable units. The Pilot Site will also include an event center, childcare center, mental health, and therapy suites, barbershop and small business suites, EDA-controlled entrepreneurial incubator, public plaza, flex street, and a regional park, in partnership with the Three Rivers Park District.

Ms. Beekman explained the Preliminary Development Agreement is a document that covers the 15 acres. The PDA can be terminated by either party if the other party is not fulfilling its obligations under the agreement. A PDA provides a developer with exclusive rights to a site while they complete their due diligence, financing, and land use entitlement process. These agreements are necessary for developers to show they have site control as they put together financing applications.

Ms. Beekman added the PDA would outline the responsibilities of each party and the development team will reimburse the City for any costs associated with the project. The PDA would expire on October 30, 2022, so the development team would have to deliver on their roles before that date.

Ms. Beekman stated the role and responsibilities of the developer are to complete engagement efforts and negotiation of a CBA, conduct market, traffic, and environmental studies, conduct and participate in public engagement, secure financing, prepare a land-use application addressing specific topic areas, complete land use approvals for the development, and negotiate purchase and development agreements with the City and EDA. She noted the document in question is not a purchase agreement for the land.

Ms. Beekman added the City's role and responsibilities include identifying the entitlement process, identifying sources of public financing, and coordinating with the developer to pursue grants as available.

Ms. Beekman stated the next steps in the project are to engage with community partners, host a series of community-wide events, collaborate with the Citizen Advisory Taskforce on negotiating the CBA, continue to develop site plan in collaboration with the Citizen Advisory Taskforce, complete environmental review and open for a public comment period in February or March, develop entrepreneurial incubator implementation plan, conduct a formal land-use review with the Planning Commission and City Council in May or June, and negotiate a development agreement in May or June.

Commissioner Ryan stated the EDA has received a previous road map of the plan of action as well as the timeline of different housing components. He noted the plan is very important to the future of the City, and he has had concerns about the level of affordable housing included in the plans. The EDA has to either accept or reject the package. Some members of the EDA want more deeply affordable housing, but he is concerned about the long-term effects of additional affordable housing in Brooklyn Center.

Commissioner Ryan asked if the affordable housing component is inherent with the development partners. Ms. Beekman stated when putting together a project of such complexity, it is always a balancing act of competing interests. The project has to be financially feasible, but it also has to be something the community wants and needs and something the EDA is willing to sell their land for.

Ms. Beekman explained the project is being presented as a whole. The product before the Economic Development Authority is a result of years of community engagement, and the developer has put together a team that can deliver as many elements of the community input as possible. If there are elements that the Council is not interested in, then the development team can continue to adjust the plan.

Commissioner Ryan thanked Ms. Beekman for her comments and noted challenging potential projects can only make them better. He explained he has voted for every affordable housing project that Staff has brought forth to the Council because they have been in line with the

Metropolitan Council's transit-oriented goals. The Council needs to make sure the proposed project brings forth the most economic leverage for the City in both the present time and the future.

Commissioner Ryan explained he believes that they have infused too much affordable housing into the plan. He noted he cannot be the sole creator of a plan, but the rest of the Council, the public, and stakeholders need to provide input to the plan.

Commissioner Graves thanked Ms. Beekman for her presentation and the comments of Commissioner Ryan. She stated she would not present the exact plan as the Pilot Site stands, but she explained she understands there is room to adjust some details. She noted she would not want to move forward without discussing the results of the CBA. She added she was ready to make a motion and to move forward with the process.

Commissioner Graves moved and President Elliott seconded to adopt RESOLUTION No. 2022-07 approving a Preliminary Development Agreement with Alatus, LLC

President Elliott stated the Council will need to continue to work on the matter.

Motion passed unanimously.

5. ADJOURNMENT

President Elliott moved and Commissioner Butler seconded to adjourn the Economic Development Authority meeting at 9:36 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of an Economic Development Authority Session of the City Council of the City of Brooklyn Center held on February 28, 2022.
2. That said meeting was held under due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its February 28, 2022, Regular Session.

Barbara Suciu, City Clerk

Mike Elliott, Mayor

Economic Development Authority

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Resolution Approving First Amendment to Preliminary Development Agreement with JO Companies, LLC

Requested Council Action:

- Motion to approve a resolution approving a first amendment to Preliminary Development Agreement with JO Companies, LLC

Background:

On January 27, 2020, JO Companies concept plan was presented to the City Council for Concept Review. The proposal was for a development on four EDA-owned properties located at the northwest corner of 61st Avenue North and Brooklyn Boulevard, which total a combined 1.79 acres.

The configuration proposed on the site plan contemplated the redevelopment of the northwest corner of 61st Avenue North and Brooklyn Boulevard into a four story apartment building with up to 88 units. At the time the developer intended that at least half of the units in the building would be three-bedrooms. As such, the project would address a gap in larger rental units in the community. As the project is intended to provide housing options to those making 50 to 60% AMI (Area Median Income), the larger three-bedroom units would be attractive for families looking for rental options in Brooklyn Center. The developer also stated he was seeking project-based Section 8 vouchers for up to 25 percent of the building, which if received, would provide housing options at even more deeply affordable rents.

The developer submitted an initial proforma which indicated a total project cost of approximately \$22.5 million. The proforma indicated that there would be a gap in the financing and the developer anticipated applying for public subsidy to make the project feasible.

On February 28, 2020, The EDA authorized staff to enter into a Preliminary Development Agreement (PDA) with JO properties on the four EDA-owned lots that the project would be built on. The PDA expires on February 28, 2022. Additional time was granted to the developer due to delays in the project related to the pandemic. The PDA allows time to conduct a review of the property, obtain financing for the project, prepare appropriate plans, obtain necessary City approvals for the development, and negotiate with the EDA on an agreement for the sale of the Property.

The developer also discussed wanting to explore opportunities to leverage a direct connection to Wangstad Park, which is located immediately to the west, as well as utilize partnerships with neighboring properties to allow space for community gardens or other community-based amenities.

The developer has asked to come before the EDA this evening to provide an update on the project.

Project Update

The developer was able to obtain, with City support, a predevelopment grant from the Metropolitan Council to assist with site planning and financial analysis of the project. The developer has engaged Pope Architects and a financial consultant to complete the work.

The developer has conducted several community engagement meetings with the neighborhood over the last year. They also submitted an application for financing to Minnesota Housing Finance Agency in 2021, which was not successful. They are currently preparing an application for the next round of funding in July 2022.

The project team has also been refining the site and building plan and financial proforma. The development program has changed a bit. The developer is now contemplating 54 units on the site, as opposed to the initial 88 units. The building is still planned to be four stories in height. The smaller footprint has expanded the amount of greenspace and community amenities that fit on the property as well.

The unit mix has been adjusted to increase the likelihood that the project will be awarded tax credits from Minnesota Housing Finance Agency. One of the scoring criteria on the application is cost per unit, which makes three-bedroom units more difficult to incorporate. The project now contemplates 25% one-bedrooms, 50% two-bedrooms and 26% three-bedrooms. 96 parking stalls are provided in a mix of below grade and surface parking. This would equate to a ratio of 1.78 stalls per unit, an increase from the previous plan.

The developer has also supplied an updated proforma and sources and uses. There are assumptions in the financial plan that include grant awards from Hennepin County and the Metropolitan Council. Assuming that these grants are awarded at the projected amount, the developer is anticipating a financial gap, which would need to be filled with TIF. The project site is currently in a Housing TIF District that was created when the Sanctuary was developed.

The developer has also met with public works and recreation staff to discuss a direct connection to Wangstead Park from the site.

The developer will provide an overview of their project and be available to answer any questions from the EDA. No action is required at this time; however, the EDA may want to provide any feedback on the project as it stands today.

Budget Issues:

There are no budget issues to consider at this time.

Inclusive Community Engagement:

The developer contracted with LISC to conduct several neighborhood meetings with surrounding and impacted community members.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/22/2022	Resolution Letter
First Amendment to Preliminary Development Agreement with JO Companies, LLC	2/22/2022	Backup Material

Commissioner _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 2022-_____

RESOLUTION APPROVING A FIRST AMENDMENT TO
PRELIMINARY DEVELOPMENT AGREEMENT WITH JO
COMPANIES, LLC

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the “Authority”) received a proposal from JO Companies, LLC, a Minnesota limited liability company (the “Developer”) regarding the development of land owned by the Authority for the creation of a multifamily affordable housing apartment building, which proposal contemplates the Authority's conveyance of the property located at 6101, 6017 Brooklyn Boulevard and 3600 61st Avenue North (the “Authority Property”) to the Developer; and

WHEREAS, the Authority’s Board of Commissioners reviewed the Developer’s development concept; and

WHEREAS, On February 24, 2020 approved a Preliminary Development Agreement to allow the Developer to negotiate the purchase of the Authority Property, conduct due diligence, obtain the necessary financing and commitments to construct the development, apply for, and gain approval from the City for the development and any necessary public subsidy; and

WHEREAS, The Preliminary Development Agreement is set to expire on February 28, 2022; and

WHEREAS, On June 28, 2021 approved a Purchase Agreement for the Authority Property with the Developer; and

WHEREAS, The Developer has continued to forward their project by conducting community engagement meetings, refining the site and building plan, submitting applications for financing to appropriate agencies; and

WHEREAS, The Developer is requesting a one year extension to the Preliminary Development Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Economic Development Authority of Brooklyn Center, Minnesota (the “Board”), as follows:

1. The EDA hereby approves a first amendment to the Preliminary Development Agreement, extending the expiration to February 28, 2023, and substantially in accordance with the terms set forth in the form presented to the Board, together with any related documents necessary in connection therewith (collectively, the “Preliminary Development Documents”) and hereby authorizes the President and Executive Director to negotiate the final terms thereof and, in their discretion and at such time as they may deem appropriate, to execute the First Amendment to the Preliminary Development Documents on behalf of the Authority, and to carry out, on behalf of

the Authority, the Authority's obligations thereunder.

2. The approval hereby given to the Preliminary Development Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the Authority and by the officers authorized herein to execute said documents prior to their execution; and said officers are hereby authorized to approve said changes on behalf of the Authority. The execution of any instrument by the appropriate officers of the Authority herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Board by any duly designated acting official, or by such other officer or officers of the Board as, in the opinion of the City Attorney, may act in their behalf.

3. Upon execution and delivery of the Preliminary Development Documents, the officers and employees of the Authority are hereby authorized and directed to take or cause to be taken such actions as may be necessary on behalf of the Authority to implement the Preliminary Development Documents.

Resolution No. **2022-**_____

4. The Board hereby determines that the execution and performance of the Preliminary Development Documents will help realize the public purposes of the Economic Development Authority Act.

Date

President

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

FIRST AMENDMENT TO PRELIMINARY DEVELOPMENT AGREEMENT

FIRST AMENDMENT TO PRELIMINARY DEVELOPMENT AGREEMENT
dated this _____ day of _____, 2022, by and between the Economic Development Authority of Brooklyn Center, a Minnesota body corporate and politic, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430 (the “Authority”) and JO Companies, LLC, a Minnesota limited liability company, 3640 Dunbar Knoll, Brooklyn Park, MN 55443 (the “Developer”).

WHEREAS, the Authority is the fee owner of property located in the City of Brooklyn Center (the “City”) at 6101, 6107 Brooklyn Blvd and 3600 61st Ave North (the “Property”);

WHEREAS, the Authority entered into a Preliminary Development Agreement with the Developer for the Property on February 24, 2020, which expires on February 28, 2022;

WHEREAS, the Developer desires to extend the Preliminary Development Agreement one year to February 28, 2023;

WHEREAS, the Authority’s Board of Commissioners has reviewed the Development concept and the Developer’s request for an extension and is interested in development of the Property as proposed by the Developer and in granting a one year extension to the Agreement;

WHEREAS, if the Developer is successful in obtaining the necessary financing and commitments to construct the Development and agrees to construct the Development, then the Authority would be willing to enter into an agreement with the Developer for the conveyance of the Property and construction of the Development at a mutually agreed upon price together with other negotiated conditions for conveyance of the Development Property;

WHEREAS, the Developer has requested that the Authority execute this First Amendment to the Preliminary Development Agreement (“PDA”) agreeing to extend the expiration of the Preliminary Development Agreement to February 28, 2023, to provide the Developer with time to conduct review of the Development Property, obtain financing for the proposed Development, prepare appropriate plans for the Property, obtain necessary City approvals for the Development, and negotiate with the Authority on an agreement for the sale of the Development Property;

WHEREAS, the Authority is willing to enter into this First Amendment to the PDA for such purposes upon the terms and conditions provided herein.

NOW THEREFORE the parties agree as follows:

1. In consideration of the processing of the Development under the terms of this PDA, the Authority agrees that it will negotiate and work solely with the Developer on negotiations for sale of the Property to the Developer for the Developer’s proposed Development until February 28, 2023 (“Term”). Further, the Authority agrees that all other provisions of the PDA shall remain in full effect.

IN WITNESS WHEREOF, the Authority has caused this Agreement to be duly executed in its name and behalf and the Developer has caused this Agreement to be duly executed in its name and behalf on or as of the date first above written

**ECONOMIC DEVELOPMENT AUTHORITY
OF BROOKLYN CENTER, MINNESOTA**

By _____
Its President

By _____
Its Executive Director

JO COMPANIES, LLC

By _____
Its _____