

AGENDA
CITY COUNCIL STUDY SESSION
February 12, 2018
6:00 p.m.

City Hall Council Chambers

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

1. City Council Discussion of Agenda Items and Questions
2. Miscellaneous
3. Discussion of Work Session Agenda Items as Time Permits
4. Adjourn

CITY COUNCIL MEETING

City of Brooklyn Center

February 12, 2018

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 citizens. Questions from the Council will be for clarification only. Open Forum will not be used as a time for problem solving or reacting to the comments made but, rather, for hearing the citizen for informational purposes only.

2. Invocation – 7 p.m.

3. Call to Order Regular Business Meeting

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

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

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

b. Licenses

c. Resolution Calling for a Public Hearing on Proposed Special Assessments for Diseased Tree Removal Costs and Delinquent Weed Removal Costs

d. Resolution Calling for a Public Hearing on Proposed Special Assessments for Utility Repairs

e. Resolution Authorizing the City Manager to Write Off Uncollectible Accounts Receivable and Returned Checks

- f. Resolution Imposing a Civil Penalty for a Liquor License Violation at Jammin Wings in the City of Brooklyn Center
- g. Approval of Application and Permit for a Temporary On-Sale Liquor License for Church of St. Alphonsus, 7025 Halifax Avenue North, for a Social Event to be Held April 28, 2018
- h. Resolution of Support for the Mississippi Gateway Regional Park
- i. Resolution Authorizing Acquisition of Easements for Brooklyn Boulevard Corridor Project Phase 1, Project No. 2018-05
- j. Resolution Supporting Applications for 2018 Corridors of Commerce Program for Trunk Highway 252 Freeway Conversion and Adding MnPASS Lanes
- k. Resolution Approving Final Plat for NORTHTOWN PLAZA 4TH ADDITION
- l. Resolution Approving the Labor Agreement for Law Enforcement Labor Services (LELS) Local 82 (Police Officers and Detectives) and the City of Brooklyn Center for the Calendar Years 2018 and 2019

7. Presentations/Proclamations/Recognitions/Donations

- a. Proclamation Declaring February 15, 2018, "Not For Sale Day" to Raise Awareness About Sexual Exploitation

Requested Council Action:

–Motion to adopt proclamation.

8. Public Hearings

- a. An Ordinance Amending Chapter 35 of the City Code of Ordinances Regarding the Zoning Classification of Certain Land Generally Located in the Northwest Section of the City, Generally Situated Between Highway 94 to the South, 68th Avenue North to the North, Brooklyn Boulevard to the East, and Noble Lane to the West, and Locally Identified as 4435 68th Avenue North and 4321 68th Avenue North, Respectively

–This item was first read on January 22, 2018; published in the official newspaper on February 1, 2018; and is offered this evening for second reading and Public Hearing.

Requested Council Action:

- Motion to open Public Hearing.
- Take public input.
- Motion to close Public Hearing.
- Motion to adopt Ordinance.

- b. Resolution Approving Projected Use of Funds for 2018 Urban Hennepin County

Community Development Block Grant Program and Authorizing Signature of Subrecipient Agreement with Hennepin County

–This item was first read on January 8, 2018; published in the official newspaper on January 25, 2018; and is offered this evening for Public Hearing.

Requested Council Action:

- Motion to open Public Hearing.
- Take public input.
- Motion to close Public Hearing.
- Motion to adopt resolution.

9. Planning Commission Items

–None.

10. Council Consideration Items

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

1. 4309 63rd Ave N

Requested Council Action:

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

11. Council Report

12. Adjournment

Residents of Victoria Townhomes
6813 Grimes Place North
Brooklyn Center, MN 55429

City Council of Brooklyn Center
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430

February 9, 2018

Dear Council Members,

We the residents of Victoria Townhomes, many of us for over 10 years, have been living under unacceptable living conditions when it comes to how this complex looks, and how it is being managed.

We have little to no contact with management, and the turn-over rate for maintenance and management is high such that we do not know who to talk to when we have concerns about our living conditions. We are charged for any maintenance repairs despite not being told prior to move-in about such practices. Although we pay rent, management charges us again for the same rent period (double charged) if we can't provide proof that we had already paid the rent. If we refuse to pay the rent a second time, we are threatened with eviction and taken to court. At court we receive unlawful detainers making it difficult for us to find future places to live. We have endured all these issues while living in unacceptable living conditions. Many of us have not received the necessary repairs in our living spaces. Our carpets have not been cleaned and are ripping up from the floor. Our kitchen cabinets are outdated, and our stoves are not safe for us to use. We are being exploited and abused by management.

Therefore, we bring forth our complaints to you the elected officials to hold the property manager(s) accountable.

As residents, we would like to see improvements to the place we call home. We have the following concerns, and we would like to see a more inclusive process that involves us as residents in addressing them:

1. We want the City council to look at policies that will guarantee that the landlords will continue to accept public subsidies such as Section 8 Vouchers, GRH housing etc., and that the landlords will not discriminate against tenants who are on Section 8 vouchers by refusing to update appliances and provide necessary fixtures.
2. We would like for the property managers to see us as more than just tenants and keep better lines of communication with us. We would like to know who our management is and to have onsite management representation to address our concerns in a timely manner.
3. We want to be reimbursed for unfairly charged rent, and to secure rent payment methods with proper documentation in order to hold management accountable and prevent future disputes over rent payments.
4. We want management to stop taking us to court and threatening us with eviction despite receiving rent payment from us. The courts are issuing unlawful detainers in cases where we

Petition Concerning Victoria Townhomes

	Name:	Address:
22.	Christen Quinn-Nurson	6763
23.	Tatiana Colquitt	6755 Grimes Pl N.
24.	Jennifer Richards	4848 LTIMOS PL NW
25.		
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have been wrongfully accused of not paying rent, and it is impacting our credit and ability to find housing in the future.

5. We want management to be held accountable for providing maintenance that is in line with the city codes and is covered by rent payment (i.e., no additional charges for maintenance). City inspection should accurately reflect whether or not the apartments are not only up to code but are also in good, clean, and livable conditions. We need the city to enforce the code.
6. Given the current trend that we have seen in the metro area, we are concerned about being priced out of our homes. The city needs to keep track of how “affordable” these units remain, and how many affordable homes continue to be available for residents.

As your constituents, we would like to see the City Council of Brooklyn Center represent and safeguard our interests as residents first. The focus should not just be on preserving and building the structures, but on preserving and stabilizing the community first. As tax payers, we ask that you consider all these things as private entities continue to own and develop properties.

We look forward to continuing this discussion with you.

Sincerely,

Petition Concerning Victoria Townhomes

Name:

Address:

1. Quana McKee 6771 Grimes Pl N
2. Quana McKee 6756 Grimes Pl N
3. Sharon Pierce 6780 Grimes Pl. N.
4. Isata Sarjoh 6772 Grimes place^N
5. ~~Emmett~~ 6784 Grimes Pl N.
6. ~~Isata Sarjoh~~ 6768 Grimes Pl N
7. Lewis J. Logan 6760 Grimes pl. N
8. Yvonne Flomo 6752 Grimes place N
9. Leesi 6744 Grimes place N
10. Patricia Wunie 6740 Grimes Pl Brooklyn Center
11. Abel JOHNSON 6751 Grimes Pl Brooklyn Center
12. Marique Kromah 6861 Grimes Pl N Brooklyn C
13. Brenda Graham 6856 Grimes Pl N BC.
14. Maima Freeman 6852 Grimes Pl H BC
15. Christiana Ray-Taylor 6844 Grimes Place N.
16. Janel Brown - 6840 Grimes Pl. N
17. Lynette Clayton 6809 Grimes Pl N
18. ~~Gandee~~ 6775 Grimes pl N
19. Melissa Castillo 6812 Grimes Pl N
20. Geronimo Gordon 6808 Grimes Place N
21. Cathie Guerrero 6767 Grimes Pl N.

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
February 12, 2018
Immediately Following Regular City Council and EDA Meetings Which Start at 7:00 P.M.

City Hall Council Chambers

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ACTIVE DISCUSSION ITEMS

1. Regulation of Food Trucks (Mobile Food Units)

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

1. Naturally Occurring Affordable Housing Policy – February
2. South Opportunity Site Development – February
3. City Council Code of Policies (10-9-17 Study Session Discussion)
 - a. Section 2.70 Street and Alley Lighting Policy
 - b. Section 2.93 Long-Term Deer Population Management Plan
4. Tobacco Purchase Age 21 (Brooklyn Youth Council)
5. Organic Composting and Native Bee Habitat (1-8-18 Study Session Discussion)

City Council Agenda Item No. 6a

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

STUDY/WORK SESSION
JANUARY 22, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

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

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler (arrived at 6:25 p.m.), April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, City Clerk Sharon Knutson, Interim Community Development Director Michael Ericson, Planner and Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Lawrence-Anderson requested discussion on Item 8b, Consideration of Liquor License Enforcement Action at Jammin Wings, 2590 Freeway Boulevard, particularly on Page 1, last sentence of the report reading: 'The City Code does provide for the mandatory revocation of liquor license for certain intentional violations but this violation does rise to that level.'

City Attorney Troy Gilchrist clarified it should indicate 'this violation does not rise to that level.'

Councilmember Lawrence-Anderson stated she was not able to attend the last meeting but thoroughly read the minutes and is disappointed she missed the discussion on conducting City Council business electronically. She stated obviously, if this goes through, the i-Pad Pros would be City property and asked about the plan for replacing.

City Manager Curt Boganey explained all devices have a replacement schedule, usually three to five years, when the device reaches the end of its useful life. Mayor Willson noted in State service, the devices had three years and that was then changed to seven years.

MISCELLANEOUS

None.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

SATURDAY MARKETPLACE (LENNIE CHISM)

City Manager Curt Boganey introduced the item and reviewed the City Council's past consideration. He explained that Mr. Lennie Chism met with staff several times over the last few years regarding a concept for creating opportunities to help local entrepreneurs grow and develop. In the late summer of 2017, Mr. Chism requested an application for a one-day administrative permit, which allows an open air market that would operate on the Brookdale Health facility site. The permit was never submitted for final approval and it may be that finding adequate parking was an impediment to completing the application. Subsequent to that, Mr. Chism had conversations with Councilmember Butler and others about his desire to come before the City Council to share his interest in having a Saturday market in Brooklyn Center and to seek financial support from the City to accomplish that.

Lennie Chism described his background, noting he came to Minnesota through his database administration position with Cargill. He reviewed conversations with Mr. Boganey about his interest in establishing an open air market on property that had good traffic patterns and adequate parking, which led him to more questions and receiving a comment from a Facebook friend who works at Brookdale Health about their site. Mr. Chism reviewed the high traffic levels that travel by this corner site on Brooklyn Boulevard and County Road 10 and stated he thinks an open air market is a great opportunity to showcase Brookdale Health as a community supporter. He noted that in 2000, 70% of the City's population was white and now it was 47%, which is a tremendous drop.

Mr. Chism addressed ownership of commercial property, which he believed is where resident economic stability is raised because when you get new residents, they need jobs and new opportunities so they can provide for themselves. He stated in Brooklyn Center, the largest employer is Medtronics, then Target and Cub Foods.

Mr. Chism stated one of the City's objectives is to increase the economic stability of its residents. He described the prosperity of Jerry Jones, owner of the Dallas Cowboys, who had come from a modest background. Mr. Chism stated his grandfather was a farmer so he also understands land use.

Mr. Chism explained he is looking for a space to create an incubator for small business within Brooklyn Center and is making the same pitch to the City of Minneapolis for a former Jerry's Food site. In Brooklyn Center, he would like to use the Brookdale Health site on Saturday, when it is closed, to generate income and stability and teach entrepreneurship. Mr. Chism talked about the success of AG Gaston, noting many entrepreneurs are not college graduates yet are very successful.

Mr. Chism stated he is interested in the Brookdale Health site because it has good traffic patterns, amenities, power, water, adequate parking, and visibility.

Mayor Willson stated in 2014, he was invited to New York City to talk about entrepreneurialism and startup companies. He noted that 60% of new jobs in New York City were start up and new businesses. Since then, Brooklyn Center has looked at how to start moving that forward as well.

Mr. Chism stated they will have to talk to Cub Foods again about overflow parking and also address security, trash collection, creating uniform tents, and food vendors or food trucks. He noted all are designed to generate income and repeat customers. In addition, they will train entrepreneurs in how to meet people and promote their business. He proposed the open air market be open May to October on the first Saturday, rain or shine, from 10 a.m. to 5 p.m.

Mr. Chism described other events he has been involved with and stated if funding can be received, they will have things like a 'jump house' to attract families with kids. He stated if this works out, it will become a landmark and entice people to come to Brooklyn Center to enjoy the community. He explained he does not want to charge vendors for the first six months so instead they can put their income back into their businesses and be in a better position to be successful.

Mr. Chism recapped his plans to transform the Brookdale Health parking lot into an open air market with public restrooms, emergency response, garbage and recycling, eating area, food preparation and clean up areas, tents, chairs and tables, storage, electricity and water for freezers, and extra space, if possible, to hold workshops/product demonstrations, and children's play area. Mr. Chism asked the City to provide \$25,000 to be a Title Sponsor in this community investment.

Mayor Willson asked who will be on site during the events and who will provide security. Mr. Chism stated he will be on site for each event and the security will be provided by Derek Fischer who is licensed and bonded. If approved, the Minneapolis street market would be on the second Saturday of the month.

Mayor Willson asked who would do the setup for this event. Mr. Chism stated they would like to purchase the pop-up tents instead of renting them and the tents would be staked for wind.

Mayor Willson stated if people are there on a Saturday, once a month during the summer, that's only five or six times. He asked what is the path then for entrepreneurialism. Mr. Chism stated they will have to look at whether they want to build on the market platform or consider brick and mortar, which is a bigger risk. He explained they hope to help them build a customer base by asking questions of their customers so they start to build a relationship.

Councilmember Butler arrived at 6:25 p.m.

Mayor Willson stated the City has been working on an entrepreneurial strategy with the developer of The Crossings, for a semi-permanent building structure for more than just a Saturday. It would be an incubator the City would help support, along with the developer. Mayor Willson stated he favors that opportunity because it is more permanent than a one Saturday a month open air market. He stated eventually the City will need someone to manage that type of system through a new hire, which may come up this spring. He stated he does not want to duplicate that effort or spend City dollars on something the City will not support long term.

Councilmember Ryan stated he can appreciate how the traffic counts at the Brookdale Health site attract Mr. Chism for this use but his concern with this busy corner is that there is only one point of access off Bass Lake Road. He asked if that is adequate and stated it is his perception the existing businesses generate low traffic flow so he would like that addressed.

Mayor Willson noted Mr. Chism indicated he has an agreement with Cub Foods to use their parking lot, which would provide a lot of other access points. Mr. Chism stated they would barricade the Bass Lake Road access during the event.

Councilmember Ryan asked how potential legal liability would be addressed if the City became a Principal Sponsor. Mr. Chism stated they would have event insurance for every event. Mayor Willson stated the City will be held harmless as it is only providing a sponsorship for the tents. Mr. Chism stated the tents and working capital (security, garbage service). He explained the biggest thing he wants is to provide encouragement to take the risk so these new residents become part of the community even though they don't own commercial property.

Mayor Willson noted Brooklyn Center does have some farmer market sites that operate through the summer, including one at Sun Foods.

Councilmember Graves asked how many vendors were interested last year. Mr. Chism stated 15 vendors were interested and will be used as a springboard this year. Councilmember Graves asked how many were interested but the cost was an issue. Mr. Chism stated he did not track those types of calls but \$125 may be too much for some.

Councilmember Graves asked whether starting an open air market could be a natural connection to the City's initiatives. Mr. Chism answered in the affirmative and stated if the City hires staff for business development, he would hope to work closely with those individuals. Councilmember Graves stated she would be interested in getting more information on the strategy in how these events would directly connect into the City's initiative as well as a budget in how the sponsorship money would be used.

Mayor Willson stated the City Council will need to discuss whether and how a sponsorship could be considered. He asked what entrepreneurs would be on site beyond the food trucks. Mr. Chism stated they will want a mix of vendors without oversaturating any, noting some are buyers and resellers and others are creators and sellers.

Mayor Willson stated the City Council will need to see a business plan if any City monies are involved. In addition, the City Council will need to determine how to promote this effort with The Crossings so it results in starting new businesses.

Mr. Boganey stated ideally, if the City supported this effort, it would be a feeder for The Crossings but one may not necessarily be tied to the other.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Councilmember Graves moved and Councilmember Butler seconded to close the Study Session at 6:45 p.m.

Motion passed unanimously.

RECONVENE STUDY SESSION

Councilmember Lawrence-Anderson moved and Councilmember Graves seconded to reconvene the Study Session at 6:46 p.m.

Motion passed unanimously.

SATURDAY MARKETPLACE (LENNIE CHISM) - continued

Mr. Chism stated there is no failure in trying and he hopes people will learn and that the City will be participatory in giving its entrepreneurs this opportunity.

Mayor Willson stated for a few years he has been considering how to get an incubator going to promote new businesses, and especially with the diversity the City now has. He agreed it is difficult for a new business to purchase a building, which then has a high rate of failure. He stated the City Council is not ready to move forward at this point but he believes the City Council is willing to explore it further.

Councilmember Lawrence-Anderson described her employment with an entrepreneur who built a successful business and stated she supports further consideration of this effort.

Councilmember Butler stated she also supports further consideration and thinks it would be great if the two ideas can collaborate.

Mr. Boganey stated the City Council has voiced consensus that this proposal is consistent with the goals it has established, noting this and The Crossings effort do not need to be connected at this point. He stated if the City Council is inclined to consider Mr. Chism's proposal, he would suggest staff work with Mr. Chism to review the proforma and conduct a detailed analysis for presentation of specific options and response at a future Work Session.

Councilmember Ryan stated he has definite interest in this exciting concept and would like to see a business plan, vendor fee structure, and detailed analysis. He asked if the Chamber of Commerce or larger businesses, such as Medtronic, have been approached for sponsorship as they may find this an advantageous public service gesture. Mr. Chism stated in the past, he has talked with large corporations so he is familiar with that process but this concept is to find a Title Sponsor before looking for additional sponsors.

Councilmember Ryan stated he knows someone who has an event operation, Victory Tent, that provides different sizes of tents and he would be willing to share the name of that contact.

Mayor Willson encouraged Mr. Chism to contact Mr. Boganey to discuss the next steps as well as the City Attorney's office to address the financial request.

Councilmember Graves thanked Mr. Chism for his patience in scheduling tonight's presentation. She suggested that Brooklyn Center residents be considered when selecting vendors and asked if he has contacted a similar group in North Minneapolis. Mr. Chism stated he is familiar with that group and explained that each plays a unique role with their unique clientele so each can be an asset since the vendors need to understand the dynamics of what it means to 'skill up.'

It was the majority consensus of the City Council to support the suggestion of Mr. Boganey that staff work with Mr. Chism, review the proforma, and conduct a detailed analysis for presentation of specific options and response at a future Work Session.

ADJOURNMENT

Mayor Councilmember Ryan moved and Councilmember Graves seconded to close the Study Session at 6:59 p.m.

Motion passed unanimously

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

REGULAR SESSION
JANUARY 22, 2018
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

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

ROLL CALL

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

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

No one wished to address the City Council.

Councilmember Ryan moved and Councilmember Butler seconded to close the Informal Open Forum at 6:45 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Butler read a Martin Luther King quote as the Invocation.

3. CALL TO ORDER REGULAR BUSINESS MEETING

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

4. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Interim Community Development Director Michael Ericson, Planner and

Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Clerk Sharon Knutson, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. January 8, 2018 – Study/Work Session
2. January 8, 2018 – Regular Session
3. January 8, 2018 – Work Session

6b. LICENSES

GASOLINE SERVICE STATION

Boulevard Enterprise, Inc.

Dbas: Christy's Auto Service

5300 Dupont Avenue N.

MECHANICAL

H2O Control, Inc.

Minneapolis/St. Paul Mechanical

10499 West River Road, Brooklyn Park
1711 120th Lane NE, Blaine

RENTAL

INITIAL (TYPE II – two-year license)

4201 Lakeside Avenue #311

Sagal Mohamad

RENEWAL (TYPE III – one-year license)

The Avenue Apartments

6331 Beard Avenue N.

2113 55th Avenue N.

6425 Fremont Avenue N.

5550 Girard Avenue N.

7110 Riverdale Road

CCF1 Holdings LLC
Invitation Homes LLC
Troy Jones
Restart, Inc.
James Nelson/ACR Homes

RENEWAL (TYPE II – two-year license)

3808 61st Avenue N.

4118 Woodbine Lane

6649 Xerxes Place N.

Adedamola Ogundipe
Ron & Jeanette Blasewitz
Lane Schwartz

RENEWAL (TYPE I – three-year license)

6821 Noble Avenue N.

Reuben & Diane Ristrom

2900 67th Lane N.
2919 68th Lane N.
1600 71st Avenue N.
7218 Grimes Avenue N.

Dolores Ann Fischer
Ken LeFevre
RHA 3, LLC
Shawn & Djuana Banks

SIGNHANGER

Electro Signs and Design, LLC
Sign Maintenance Lighting & Electrical, Inc.

1680 99th Lane NE, Suite C, Blaine
700 Tower Drive, Medina

TOBACCO RELATED PRODUCT

Royal Tobacco

5625 Xerxes Avenue N.

- 6c. **RESOLUTION NO. 2018-24 APPROVING AGREEMENT BETWEEN DEPARTMENT OF TRANSPORTATION AND THE CITY OF BROOKLYN CENTER FOR FEDERAL PARTICIPATION IN CONSTRUCTION – AGENCY AGREEMENT NO. 1029924**
- 6d. **RESOLUTION NO. 2018-25 AUTHORIZING THE ACQUISITION OF A TAX FORFEITED PARCEL AS PART OF THE BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1**
- 6e. **AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING THE ZONING CLASSIFICATION OF CERTAIN LAND GENERALLY LOCATED IN THE NORTHWEST SECTION OF THE CITY, GENERALLY SITUATED BETWEEN HIGHWAY 94 TO THE SOUTH, 68TH AVENUE NORTH TO THE NORTH, BROOKLYN BOULEVARD TO THE EAST, AND NOBLE LANE TO THE WEST, AND LOCALLY IDENTIFIED AS 4435 68TH AVENUE NORTH AND 4321 68TH AVENUE NORTH, RESPECTIVELY –MOTION TO APPROVE FIRST READING OF ORDINANCE AND SET SECOND READING AND PUBLIC HEARING FOR FEBRUARY 12, 2018.**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

- None.

8. PUBLIC HEARINGS

8a. ORDINANCE NO. 2018-01 VACATING A PORTION OF RIGHT-OF-WAY: LILAC DRIVE NORTH

Director of Public Works Doran Cote introduced the item, discussed the history, and stated the purpose of the proposed ordinance to vacate a portion of right-of-way on Lilac Drive North. He noted the City owns a fee interest in certain lands originally acquired for highway purposes, all

of which are located adjacent to Lilac Drive North. The subject area for vacation was formerly used for a section of roadway that is being removed as part of the Brooklyn Boulevard Corridor Project Phase 1. This vacated area would be used to mitigate the loss of parking on the Brookdale Covenant Church property due to the installation of a new signal at Highway 100 south ramp and the extension of Lilac Drive North.

Mr. Cote described the land exchange agreement and explained the property owner will be required to dedicate a drainage and utility easement over the vacated portion of the right-of-way to maintain access to the existing utilities within the vacated area. He noted this item was first read on December 11, 2017, published in the official newspaper on December 21, 2017, and offered this evening for Public Hearing and adoption of the ordinance.

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

Motion passed unanimously.

No one appeared to address this item.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves moved and Councilmember Ryan seconded to adopt ORDINANCE NO. 2018-01 Vacating a Portion of Right-of-Way: Lilac Drive North.

Motion passed unanimously.

8b. CONSIDERATION OF LIQUOR LICENSE ENFORCEMENT ACTION AT JAMMIN WINGS, 2590 FREEWAY BOULEVARD

City Clerk Sharon Knutson introduced the item and stated the purpose of this agenda item to consider liquor license enforcement action at Jammin Wings, 2590 Freeway Boulevard. She presented history of this consideration, explaining that on November 27, 2017, Mr. Brown, owner of Jammin Wings, submitted a renewal application and fee for a State and City intoxicating liquor license and Sunday liquor license, as well as the City application for an optional 2 a.m. liquor license. On December 11, 2017, the City Council approved the issuance of these liquor licenses. On or about December 19, 2017, while preparing the licenses for issuance, she checked with the State of Minnesota Department of Alcohol and Gambling Enforcement Division website to make sure the 2 a.m. permit was active and discovered it had expired on August 1, 2017. Ms. Knutson stated she then contacted the Alcohol and Gambling Enforcement Division to confirm and they affirmed it had not been submitted as of that date.

Ms. Knutson stated she informed the City Manager and then Mr. Brown that the permit had lapsed so the City could not issue a liquor license until that permit had been approved by the State. Mr. Brown informed her that he had not received that application from the State and was

unaware it was not active at the time. Mr. Brown then took immediate action to renew the 2 a.m. permit with the State, which she confirmed with the State, and then issued that license.

Ms. Knutson stated on January 8, 2018, she received an email notification from the State AGED and learned the check submitted by Mr. Brown was NSF for a closed account so, therefore, the permit was not valid. In consulting with the City Manager and City Attorney, it was agreed a violation of Minnesota Statutes, Section 340A.504, subdivision 7, had occurred. Ms. Knutson noted the City Attorney has drafted a memorandum, which was provided in the meeting packet, to outline the enforcement action options that can be considered by the City Council following the Public Hearing.

Councilmember Lawrence-Anderson moved and Councilmember Graves seconded to open the Public Hearing.

Motion passed unanimously.

Mr. Brown explained that in the past, he got a package from the City to pay for the license and did not realize the State permit for optional 2 a.m. was due on August 1st. However, as the City Clerk stated, his account was closed. He said it was tampered with so the bank closed the account. He paid for the State permit, but the State took longer to go forward with the check and the account was closed by the bank on January 2, 2018. He stated he thought the State's check had cleared but it did not. Mr. Brown stated he paid the check to the State as well as the bounced check fee.

Mayor Willson explained that any time there is a violation, the City has to address it and it does not matter when it occurred, but that a violation did occur. So tonight, the City will hold the public hearing and obtain advice from staff as well as the City Attorney.

Mr. Brown stated he would like a 4 a.m. license during the upcoming Super Bowl. Mayor Willson referenced the memorandum that contained the request for the 4 a.m. license, which is a different issue than what is under consideration at this time.

Mr. Boganey asked questions of Mr. Brown to determine the dates the checks were written and when the account was closed. He recounted that the check was written on December 19, 2017, the State contacted the City on January 8, 2018, and the account closed on January 2, 2018. He asked if on December 19, 2017, when the check was written to the State there were sufficient funds on that date. Mr. Brown answered in the affirmative.

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

Motion passed unanimously.

City Attorney Troy Gilchrist clarified that on Page 1 of his memorandum, last sentence, it should indicate: "This violation does not rise to that level." He described the range of options before the City Council for a liquor license violation, noting this does not trigger mandatory revocation but ranges from no penalty at all, a civil penalty up to \$2,000, and/or suspension of the liquor license

for no greater than 60 days. He noted with each option, there is flexibility including a limited suspension or imposition of a penalty with suspension of a portion conditioned on not having another violation. Mr. Gilchrist stated the civil penalty can be in addition to suspension or revocation. He noted the violation was focused on serving after 1 a.m. without the appropriate permit.

Mayor Willson pointed out if the 2 a.m. permit is suspended, then the 4 a.m. permit cannot go forward. He asked about imposing an administration fee to cover staff time and expenses, such as is imposed with rental licenses, as well as a civil penalty so the violation is documented. Mayor Willson stated the City does not want to see any more violations but if one should occur, this will provide documentation to take stronger action. Mr. Gilchrist advised if the City Council is inclined to consider a suspension or revocation, he would recommend directing staff to prepare a resolution for consideration at the next meeting.

Councilmember Graves stated the City has been working with this business on other issues and the City Council has considered its liquor licenses, seating, and other requirements as well. She stated she enjoys going to Jammin Wings and likes that it is open until 2 a.m., noting it is one of the only Black-owned businesses in the City. But that being said, Councilmember Graves wanted to assure the rules are followed so Jammin Wings can stay there. She stated she supports imposing a civil penalty of up to \$2,000 and suspending it conditioned on there being no further violations.

Mr. Brown pointed out that in the four and a half years he has been in business, there has been only one violation, which not many bars or restaurants can say.

Mayor Willson stated the City needs to be consistent with enforcing its ordinances across the board. He offered the option to consider a \$1,000 civil penalty plus \$300 administrative fee to cover staff time and suspend the civil penalty. He noted this would be similar to a rental ordinance violation where an administration fee is charged. Mr. Boganey stated it would probably need to be a \$1,300 civil penalty and suspending \$1,000. He indicated the notion of \$300 being the amount to account for staff time may not be an unreasonable assessment of cost when considering his time, and the City Attorney's and City Clerk's time in dealing with this issue over the past several weeks.

Mayor Willson stated he would like to consider an administrative fee. Mr. Boganey asked whether the ordinance provides for an administrative fee penalty. Mr. Gilchrist agreed with Mr. Boganey that the penalty would need to be cast as a civil penalty, noting the City's cost at \$300 is modest but would be partial reimbursement.

Councilmember Lawrence-Anderson stated that is less than she was thinking to impose but is willing to consider that level. She suggested the resolution cite that no further violations shall occur, noting the City wants to make sure the new liquor establishments it is trying to attract know they are required to follow the rules.

Mayor Willson clarified the discussion was to suspend \$1,000 of the civil penalty unless another violation were to occur. In that case, the \$1,000 civil penalty would be imposed.

Councilmember Ryan noted that testimony from Mr. Brown indicates there was no intentional negligence. He asked how it operates with the State when there is a glitch in the payment and whether there is no communication from the State to the license holder of the need to cure the situation. Ms. Knutson described the permitting and licensing procedure, explaining that with the 2 a.m. license, the State of Minnesota Alcohol and Enforcement Division authorizes the City to issue the liquor license. The State issues a permit for one year from whenever the applicant applies and the City issues its license the calendar year from January 1 to December 31. Ms. Knutson explained the State does not notify the City that someone did not renew their permit and from August 1 to December 19, Jammin Wings did not have permission from the Commissioner of Public Safety to operate until 2 a.m. She stated this is the first time this situation has occurred, and Mr. Brown indicated he did not get anything from the State to say he needed to renew his permit.

Mr. Boganey explained the State timeframe is based on when the business owner makes application for their first permit. Up to this year, Jammin Wings always renewed the State permit but there was a change in the management structure of the business and that did not happen.

Councilmember Ryan stated while it is the owner's responsibility, it is an example of a mistake and they need to be held responsible but not in a punitive manner. He stated his support to consider a civil penalty with the greater part suspended unless subsequent violations occur.

Mr. Gilchrist asked for a sense of duration for the subsequent violations. Mayor Willson stated the license will be renewed December 31 so the suspension could be through the license period. The City Council agreed with the logic to tie the violation term to the license term.

Councilmember Ryan moved and Councilmember Graves seconded to direct staff to prepare a resolution to impose a \$1,300 civil penalty, suspending \$1,000, contingent upon no further liquor license violations.

Motion passed unanimously.

Councilmember Graves stated support to consider Jammin Wings' request for a 4 a.m. liquor license.

Mayor Willson asked staff if there is an underlying issue to not consider that request. Mr. Boganey stated he has no new information but in a previous memo discussing the optional 2 a.m. liquor license elimination, it was indicated that a significant number of violations and police calls occur after 1 a.m.

Mayor Willson pointed out that another violation would go against the license.

Mr. Brown noted it is only for a short period of time, during the Super Bowl, and they will increase security during that time.

Police Chief Tim Gannon stated there are a select number of days and at this time, he would not oppose this request.

Mr. Boganey indicated under the City's ordinance, staff has the authority to issue this permit if it is not opposed by the City Council.

The consensus of the City Council was to support the administrative issuance of a 4 a.m. liquor license to Jammin Wings during the Super Bowl.

9. PLANNING COMMISSION ITEMS

- None.

10. COUNCIL CONSIDERATION ITEMS

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

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

Mayor Willson polled the audience and asked whether anyone was in attendance to provide testimony on any of the rental licenses as listed on tonight's meeting agenda. Seeing no one coming forward, Mayor Willson called for a motion on Agenda Items 10a1 through 10a6.

10a1. 4200 JOYCE LANE

10a2. 6325 KYLE AVENUE N.

10a3. 6424 SCOTT AVENUE N.

10a4. RESOLUTION NO. 2018-26 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 4450 58TH AVENUE N.

10a5. RESOLUTION NO. 2018-27 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 6015 ALDRICH AVENUE N.

10a6. RESOLUTION NO. 2018-28 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 6718 COLFAX AVENUE N.

Councilmember Ryan moved and Councilmember Graves seconded to approve the issuance of a Type IV six-month provisional rental license and mitigation plan for the following: 4200 Joyce Lane, 6325 Kyle Avenue N., 6424 Scott Avenue N., and, adopt Resolution No. 2018-26 Approving a Type IV 6-Month Provisional Rental License for 4450 58th Avenue N.; Resolution No. 2018-27 Approving a Type IV 6-Month Provisional Rental License for 6015 Aldrich Avenue N.; and, Resolution No. 2018-28 Approving a Type IV 6-Month Provisional Rental License for 6718 Colfax Avenue N., with the requirement that the mitigation plans and all applicable ordinances must be strictly adhered to before renewal licenses would be considered.

Motion passed unanimously.

10b. AMEND CITY COUNCIL MEETING SCHEDULE TO ADD CITY COUNCIL WORK SESSION TO REVIEW DEVELOPMENT PROPOSALS FOR THE OPPORTUNITY SITE

It was noted the purpose of this agenda item is for the City Council to consider amending its meeting schedule to add a Work Session on Tuesday, February 20, 2018, starting at 5 p.m., to receive and review developer proposals for the South Opportunity Site between John Martin Drive and Bass Lake Road.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to amend the City Council meeting schedule to add a City Council Work Session on February 20, 2018, starting at 5 p.m., to review development proposals for the Opportunity Site.

Motion passed unanimously.

11. COUNCIL REPORT

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

- January 11, 2018: North Hennepin Area Chamber of Commerce State of the Cities Luncheon
- January 18, 2018: Highway 252 PAC Planning Meeting
- January 18, 2018: Brooklyn Center Lions Club Board Meeting
- January 23, 2018: MAC Meeting
- January 26, 2018: League of Minnesota Cities Experience Cities Conference
- January 27, 2018: Annual Legislature and Local Officials Breakfast Meeting
- March 11-13, 2018: Attending National League of Cities Congressional Conference in Washington, D.C., to address Blue Line federal funding to ensure obstacles at the federal level do not go unaddressed

Councilmember Lawrence-Anderson provided information on the following upcoming events:

- January 23, 2018: MAC meeting

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

- January 11, 2018: North Hennepin Area Chamber of Commerce State of the Cities Luncheon
- January 16, 2018: Community Activity Services Meeting
- January 18, 2018: Martin Luther King Jr. Celebration
- January 26-27, 2018: Minnesota League of Cities Events

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

- January 12, 2018: Spoke with Mr. Chism about his Open Market Concept
- January 18, 2018: Martin Luther King Breakfast
- January 23, 2018: MAC Meeting
- January 26, 2018: Resident Meeting

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

- January 9, 2018: CCX Mayor's Minutes
- January 11, 2018: Presented State of the Cities Address at the North Hennepin Area Chamber of Commerce Luncheon
- January 11, 2018: Blue Line CMC Meeting
- January 12, 2018: Met with Mr. Boganey
- January 16, 2018: Rotary Meeting Luncheon
- January 16, 2018: West Fire Station Relief Association Board Meeting
- January 17, 2018: Chaired the Brooklyn Bridge Alliance for Youth Meeting
- January 17, 2018: North Metro Mayors Association Meeting
- January 18, 2018: PAC 252 Meeting
- January 19, 2018: Met with Mr. Boganey
- January 19, 2018: Phone Interview about the Blue Line

12. ADJOURNMENT

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded adjournment of the City Council meeting at 7:54 p.m.

Motion passed unanimously.

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

WORK SESSION
JANUARY 22, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Tim Willson at 7:59 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

OVERNIGHT PARKING

Police Chief Tim Gannon introduced the item and explained staff is seeking direction pertaining to on-street parking and the duration vehicles are allowed to be parked on public streets. He provided a PowerPoint presentation detailing State Statute parking enforcement, City Ordinance relating to parking enforcement, variety of channels for parking complaints, number of parking complaint calls from 2013 (1,386) to 2018 (1,175), total parking citations issued from 2013 (996) to 2017 (3,191), average number of parking citations by month from 2013 to 2017, process to receive a parking exception permit, areas of parking ban, neighboring city's consecutive time limits, challenges and benefits of year-around overnight parking, and feedback from Building and Community Standards and Public Works.

It was noted the City restricts parking on any public right-of-way to six hours or less. The City also prohibits all on-street parking from 2 a.m. to 6 a.m. year-around. All street parking enforcement is conducted by the Police Department and the complaints from citizens are consistently worded that if the City has an ordinance for overnight parking, then it needs to enforce the ordinance.

Chief Gannon presented ordinance proposal Option 1 to make no change to the ordinance including police enforcement. He stated police enforcement occurs during the time when the fewest number of staff are on duty, it is highly likely that vehicles will not be tagged nightly, enforcement is focused on high complaint areas only (which is inequitable at best), and this option will facilitate continued sporadic complaints and criticism of City staff by citizens.

Chief Gannon then presented ordinance proposal Option 2 to make no change in the ordinance

but enhance enforcement with additional non-sworn staff being added during enforcement hours. He noted, however, the Department has more than doubled citations this year as compared to last year yet complaints are high; there has not been a difference seen in violations or complaints; one citation is \$46 (not a significant dollar amount); and, the Department forecasts a 30% increase in citations with additional staff, but that number may not be sustainable.

Councilmember/Commissioner Graves asked why the court gets part of the citation. Chief Gannon explained that parking citations are processed through the court system. Mayor/President Willson stated eventually if you are called into court for a moving violation, they will follow up on the parking violations if there are a lot of them.

Councilmember/Commissioner Ryan stated the only complaints he has received is about not enforcing the ordinance as people don't like to see cars parked on the street but he appreciates staff raising the equity issues as the City is not the same as it was years ago. Chief Gannon agreed the law should be enforced, noting it also involves an issue of community aesthetics.

Councilmember/Commissioner Ryan stated with streets that are not very wide, he gets complaints when vehicles are parked overnight. He stated if there are parking restrictions, some streets should be posted for no parking. Chief Gannon stated other areas of complaint are near apartment complexes.

Chief Gannon stated ordinance proposal Option 3 is to make seasonal restrictions for no parking from 2-6 a.m. from November 1 through April 1. There would be no on-street parking during any snow event of 2.5 inches or more until the roads are plowed curb-to-curb; no on-street parking for more than 12 continuous hours; a change to seasonal enforcement with a snow event clause would satisfy the Police Department, Public Works, and Building and Community Standards; allow the City to provide the best service to its citizens; and, towing vehicles during snow events would be more logical and justifiable. He stated the ordinance contains parking restrictions in four different sections and he would suggest consolidating that into one common area. Chief Gannon reviewed the benefits with Option 3 to reduce parking enforcement demand for officers, non-sworn Community Service Officers (CSOs), support services, and County dispatch personnel; reduce parking on grass complaints; and, be an efficient use of resources.

Chief Gannon stated he lives in Blaine where there are seasonal parking restrictions so when his daughter has sleep overs, her friends cannot park on the street.

Councilmember/Commissioner Butler stated she looks at this in two different ways. She stated while living with her parents and six siblings on Emerson, and with many cars, she received some tickets. But now as a home owner, she would not want to see a lot of cars parked on the street due to the image it creates. Also, she is sympathetic to people who live in apartments as some are only allotted one space in the parking lot so the other has to park elsewhere, which can cause violations. Councilmember/Commissioner Butler stated she also supports a change so the snowplows can get through and not have to divert around parked cars.

Councilmember/Commissioner Graves stated she would be interested to see a map noting the location where the majority of the complaints are received, whether close to apartment buildings. She stated she is concerned that certain people receive more citations, such as multigenerational families within one home. Councilmember/Commissioner Graves stated when talking about resident economic stability, she would lean more towards Option 3 as it would address some of the issues. She stated as the City continues to grow, she is concerned with the number of parking spaces being available. Councilmember/Commissioner Graves stated the complaint she hears is that the City needs to enforce its ordinances and she felt some complaints are not being called in or it's an ongoing thing they do all the time.

Councilmember/Commissioner Lawrence-Anderson stated support of Option 3 because if the City cannot enforce the existing ordinance adequately and equitably, then it needs to change. She likes the November 1-April 1 timeframe, 2.5-inch snowfall, and the twelve hours as there may be a family event like a sleep over. In addition, it will save time for the CSOs.

Councilmember/Commissioner Graves felt generating a complaint map would be helpful before discussing areas of parking restrictions.

Councilmember/Commissioner Ryan stated there are other ways the City Council/EDA addresses equity issues, noting driving is a privilege and there are a range of considerations with parking. He agreed the City needs clear authority to tow a car in the event of a 2.5-inch snow. He recounted the calls of complaint he receives are that people don't want to see cars parked on their street so if your apartment comes with only one parking space and you have more than one vehicle, then you need to find a different apartment. Councilmember/Commissioner Ryan stated if Option 3 is considered, his only concern is whether the majority of homeowners would not like it because residents speak in favor of the current parking restrictions as they don't like cars parked on the street. He stated support for Option 2 with clear authority to tow cars during snow events.

Councilmember/Commissioner Lawrence-Anderson stated the City already has that authority. She supported more signage and stated she does not think the City will see a dramatic influx of people parking on the street so she supports Option 3 with the towing provision.

Mayor/President Willson stated no matter the change, the City will receive complaints. He stated he has received two parking violations and paid them both. He stated Brooklyn Center is known for having its streets plowed in a timely manner, so if there is an ordinance change, the City needs to make sure that is clearly communicated and how towing is handled. He stated in bigger cities, they just tow the cars and then residents are upset.

Mayor/President Willson stated if parking on both sides of the street is allowed, fire trucks still need access to pass through, and that type of parking restriction can be delegated to the Advisory Traffic Committee for review and recommendation. He noted in 2017, there was a \$2,000 increase in citations issued yet he is not hearing from residents about being tagged. Instead, he hears residents support to enforce the ordinance. Mayor/President Willson stated if all cars are being tagged for overnight parking, then 4 hours is not long enough so maybe there should be a

12-hour window instead of a 6-hour window. Also, if additional CSOs are needed, the City Council/EDA needs to consider that budget item.

Mayor/President Willson stated support for Option 3 as long as emergency vehicles have access and there is a towing policy. He stated residents will need to be informed about any changes made, noting the final cost for an impounded car is much higher than \$46. Chief Gannon stated the parking restriction begins before snow falls so vehicle owners will know they are parking in violation. He suggested using the term 'snow event' instead of 'snow emergency' and agreed there will need to be an educational process. Mayor/President Willson concurred and stated he also does not agree with declaring a snow emergency. He again stated support to consider Option 3 with ordinance changes, where needed.

Councilmember/Commissioner Ryan noted should the City remove the parking restriction, there will be a lot of cars parked on the street with many angry residents. He recalled seeing many cars parked at one property, not all on pavement, because of space restriction. He stated this gets to the number of bread winners that need to be in a home to afford the mortgage. Councilmember/Commissioner Ryan stated others ask why the City does not restrict the number of cars that can be on a property, but he does not want to go there because it would impact the ability of people to live in those homes. He stated if restricting on street, he thinks it should stay with 12 hours as it is more enforceable and provides fair and equitable enforcement.

Mr. Boganey stated he has a question because to some degree, he feels a lot of tonight's discussion has centered around solutions. But before getting much further into solutions, he would like to hear from the City Council/EDA as to their perspective on the problems and issues that need to be addressed.

Councilmember/Commissioner Graves stated because it is complaint based, her concern is the equitable piece as the complaints are directed at the lowest income or those at risk and vulnerable. She stated she lives on Brooklyn Boulevard so she widened her driveway and has seen others doing the same with patio blocks, noting some of those homes may have multiple breadwinners.

Councilmember/Commissioner Ryan stated he does not have a concern with the time restriction, as long-standing residents support it but he does have a concern if there is difficulty with consistent enforcement. He noted residents want to access information from the City where the rules are clearly stated and not everyone understands how it is supposed to work. In addition, the City needs a clear expression of the rules to tow vehicles in violation.

Mayor/President Willson stated he has no problem with the ordinance as it is today. He agreed it could be enforced better, which means the City needs to hire additional CSOs. On the other hand, he asked how many speeding complaints the City received and whether the City puts 'big brother' on the streets to address them. Mayor/President Willson asked how much expense the City wants to go to in order to address a complaint about a car parked on the street. He agreed some apartment complexes have a parking issue, but that is not a City street issue. The problem is that the apartment owners did not build enough parking to accommodate those who live there. Mayor/President Willson stated he does not see a problem that needs to be solved.

Councilmember/Commissioner Lawrence-Anderson stated there is inadequate staff to enforce the ordinance on the books, and ticketing is inconsistent as not all vehicles in violation are ticketed.

Councilmember/Commissioner Butler stated she does not have a problem with the ordinance. She stated the City is getting complaints but anyone getting ticketed knows they parked in violation. She supports the ordinance as she does not want to see cars parked on her street.

Mayor/President Willson stated the City's Code Enforcement looks at neighborhoods for code violations but when there is a sweep of an area, not everyone is tagged at the same time and some don't get tagged. He felt the City does the best it can and it boils down to how much does the City want to spend to be 'big brother.'

Councilmember/Commissioner Ryan asked whether the City Council/EDA feels it is that important to improve on what they have. He stated he does not make this a high priority but noted if only partial payment on tickets was received, given the number issued, it would probably pay for most of the expense of a CSO. Councilmember/Commissioner Ryan stated he does not see this as a high priority but wanted to respond in the context of what he sees as problems.

Mr. Boganey stated to the extent that inconsistent enforcement, real or perceived, is something that is significant concern to the City Council/EDA at a policy level, there is more than one way to address that. He noted it may be more staff, it may be seasonal, or it may be something the City Council/EDA is willing to live with.

Mayor/President Willson polled each Councilmember/Commissioner, asking if there is consensus to move forward with changes to the ordinance.

Councilmember/Commissioner Graves stated the whole ordinance does not need to be changed but changes need to be made to address inconsistency and targeted enforcement. Mayor/President Willson stated he does not agree there is an effort to target enforcement. Councilmember/Commissioner Graves felt they are targeting where the complaints are received. Mayor/President Willson stated violators are ticketed because the car is parked on the street. Councilmember/Commissioner Graves supported directing staff to look at the ordinance and suggest changes.

Councilmembers/Commissioners Ryan, Lawrence-Anderson, and Butler, and Mayor/President Willson indicated they do not support ordinance changes at this time.

The majority consensus of the City Council/EDA was to not consider changes to the parking ordinance at this time.

CITY OF BROOKLYN CENTER 2018 STATE LEGISLATIVE ISSUES

Mr. Boganey introduced the item and referenced the staff report containing a list of key legislative issues that would serve the interest of Brooklyn Center, noting they are issues the City Council/EDA has identified and prioritized as important legislative issues. He asked for feedback on the list as drafted, indicating staff will prepare a final list of legislative issues to share with the City's legislative delegation.

Mayor/President Willson asked about adding the Blue Line. Mr. Boganey referenced the comment about transportation system improvements and stated the Blue Line could be specifically called out. Mayor/President Willson supported making that change.

Councilmember/Commissioner Ryan asked whether the City should consider adding the \$10.6 million gap on the 66th Avenue/Highway 252 project in the bonding bill. He referenced an article advocating for opposition by League member cities to various forms of pre-emption, one of which was the bill offered that if a city raises a levy over a certain amount, citizens could pass a petition and recall the issued levy. Mr. Boganey noted the City Council/EDA adopted a Resolution to that effect and it could be added to the list.

Mayor/President Willson commented on the efforts of Senator Eaton and stated why he would not support putting the \$10.6 million funding gap in the list.

Councilmember/Commissioner Graves supported including the issue of pre-emption as suggested by Councilmember/Commissioner Ryan. Councilmember/Commissioner Ryan stated he does not think it would hurt to consider that resolution again as a general principle. Mayor/President Willson stated if going on record the City does not want to see a bill with pre-emption, so he would not support inclusion. Councilmember/Commissioner Ryan stated the League offers model resolutions and it could state it is an expression of Brooklyn Center's belief it is improper for local authorities to be pre-empted.

Mr. Boganey stated if there is a consensus this evening on the items listed, staff will provide it at the Legislative breakfast on Saturday. He explained the issue of pre-emption can be considered by the City Council/EDA at a future Work Session and added later, if desired.

The majority consensus of the City Council/EDA was to accept the 2018 Brooklyn Center Legislative Agenda with the addition of the Blue Line.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Lawrence-Anderson seconded adjournment of the City Council/Economic Development Authority Work Session at 9:16 p.m.

Motion passed unanimously.

City Council Agenda Item No. 6b

COUNCIL ITEM MEMORANDUM

DATE: February 6, 2018
TO: Curt Boganey, City Manager *CB*
THROUGH: Reggie Edwards, Deputy City Manager
FROM: Rozlyn Tousignant, Deputy City Clerk *RT*
SUBJECT: Licenses for City Council Approval

Recommendation:

It is recommended that the City Council consider approval of the following licenses on February 12, 2018.

Background:

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

LIQUOR – ON-SALE INTOXICATING

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

LIQUOR – SUNDAY SALES

Jambo Africa Restaurant and Bar	1601 Freeway Boulevard
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MECHANICAL

Alternative Mechanical Solutions	3810 240th St W, Farmington
Glowing Hearth & Home	100 Eldorado Dr., Jordan
K & S Heating A/C & Plumbing Inc.	4205 Hwy 14 W, Rochester
Riccar Heating & Air	2387 Station Parkway N.W., Andover
Team Mechanical Inc.	3508 Snelling Ave, Minneapolis

RENTAL

See attached report.

COUNCIL ITEM MEMORANDUM

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

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

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

Budget Issues:

There are no budget issues to consider.

Rental Licenses for Council Approval February 12, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
6215 Bryant Ave N	Single Family	Initial	Tuuyen Tran	1	I	N/A	II	
2018 55th Ave N	Single Family	Renewal	Cosco Properties LLC c/o MSP Home Rental	4	II	0	II	I
3813 61st Ave N	Single Family	Renewal	Dhaneshwarie Himraj	3	II	1	II	II
1307 65th Ave N	Single Family	Renewal	Chia Thao	8	III	0	III	IV
3501 72nd Ave N	Single Family	Renewal	Cosco Properties LLC c/o MSP Home Rental (Missing 2 ARM Meetings)	7	III	0	III	III
6131 Bryant Ave N	Single Family	Renewal	Jun wang	8	III	0	III	IV
6626 Camden Dr	Single Family	Renewal	Jeremy Ronnebaum Sutton	3	II	0	II	I
6610 Colfax Ave N	Single Family	Renewal	RHA 3, LLC	6	III	0	III	III
5548 Dupont Ave N	Single Family	Renewal	John Ford Lindahl	4	II	0	II	III
5807 Dupont Ave N	Single Family	Renewal	Baumann (Missing all action plan items)	1	I	0	III	III
5426 Fremont Ave N	Single Family	Renewal	Matthew Klein	3	II	0	II	I
6353 Halifax Dr	Single Family	Renewal	Charles Anderson	2	II	0	II	II
5748 Humboldt Ave N	Single Family	Renewal	RHA 3, LLC	3	II	0	II	III
4019 Joyce La	Single Family	Renewal	Invitation Homes	0	I	0	I	II
5449 Lyndale Ave N	Single Family	Renewal	Living Well Disability Services	2	II	0	II	I
6316 Quail Ave N	Single Family	Renewal	Tim Xiong	7	III	0	III	III
7018 Regent Ave N	Single Family	Renewal	Danny Vo	2	II	0	II	I
5304 Vincent Ave N	Single Family	Renewal	Pao Vang	4	II	0	II	III
6448 Willow La N	Single Family	Renewal	Dragon Property Management	0	I	0	I	I
6500 Willow La N	Single Family	Renewal	Dragon Property Management	0	I	0	I	I

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

** License Type Being Issued Type I = 3 Year

Type II = 2 Year Type III = 1 Year

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

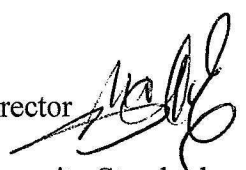
All properties are current on City utilities and property taxes

City Council Agenda Item No. 6c

COUNCIL ITEM MEMORANDUM

DATE: February 12, 2018

TO: Curt Boganey, City Manager 

THROUGH: Michael Ericson, Interim Community Development Director 

FROM: Jesse Anderson, Deputy Director of Building and Community Standards 

SUBJECT: Resolution Calling for a Public Hearing on Proposed Special Assessments for Diseased Tree Removal Costs and Delinquent Weed Removal Costs

Recommendation:

It is recommended that the City Council consider approval of the resolution ordering a Public Hearing for Monday, March 12, 2018 at 7 p.m. or as soon thereafter as the matter may be heard, to hear and pass upon any objections to the proposed special assessments for diseased tree removal costs and delinquent weed removal accounts.

Background:

The attached resolution calls for a Public Hearing to receive public testimony and comments regarding the proposed special assessments for diseased tree removal and weed removal accounts. The special assessment amounts are specified in the attached preliminary assessment rolls.

- All trees have been declared a public nuisance in past City Council resolutions, and the trees have been removed by the City's tree contractor in accordance with established policy.
- Property owners with delinquent accounts for weed destruction have received notice of delinquent accounts in accordance with the established collection policy, and payments have not been made.

At the scheduled Public Hearing, the City Council will consider adoption of the resolution to certify the special assessment levy rolls with Hennepin County. The 2018 interest rate for special assessments is 3.5 percent, as previously established by the Council. A copy of the special assessment pending levy roll is attached.

Budget Issues:

The proposed levy roll for diseased tree removal totals \$10,204.00. The proposed levy roll for delinquent weed removal costs totals \$16,830.00. An updated levy roll will be provided at the Public Hearing to reflect any additional payments made on these accounts.

COUNCIL ITEM MEMORANDUM

Strategic Priorities:

- Enhanced Community Image

Attachments:

- Resolution
- Notice of Public Hearing for publication
- Proposed levy roll

Member introduced the following resolution and moves its adoption:

RESOLUTION NO.

RESOLUTION CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR DISEASED TREE REMOVAL COSTS AND DELINQUENT WEED REMOVAL COSTS.

WHEREAS, the City performs and incurs costs for certain neighborhood maintenance services to protect public health, safety and welfare; and

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

WHEREAS, the City has performed neighborhood maintenance services, billed the property owners, and has not been reimbursed by certain property owners; and

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

1. A hearing shall be held on the 12th day of March, 2018, in City Hall at 7 p.m. or as soon thereafter as the matter may be heard, to pass upon the proposed assessments for the following charges:
 - Diseased Tree Removal Costs
 - Delinquent Weed Removal Costs
2. The City Clerk with the assistance of the Director of Building and Community Standards shall forthwith prepare assessment rolls for the above charges, and shall keep them on file and open to inspection by any interested persons.
3. The City Clerk is directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing.
4. The City Clerk shall cause mailed notice to be given to the owner of each parcel described in such assessment rolls not less than two weeks prior to the hearing.

BE IT FURTHER RESOLVED BY THE City Council of the City of Brooklyn Center that this resolution shall be effective immediately.

February 12, 2018

Date

Mayor

RESOLUTION NO. _____

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 OF PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS

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

DISEASED TREE REMOVAL COSTS

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

DELINQUENT WEED REMOVAL ACCOUNTS

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

UTILITY REPAIR COSTS

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

PROCEDURAL INFORMATION FOR OBJECTIONS TO SPECIAL ASSESSMENTS

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

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

AUXILIARY AIDS AVAILABLE UPON REQUEST

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

Sharon Knutson, City Clerk
By order of the City Council

Amended Special Assessment Certified Roll (Trees)
2017 Tree Removal
Printed January 24, 2018

Municipal Code No. 22

Levy Runs Five Years

<u>Levy No.</u>	<u>Property Address</u>	<u>Property ID</u>	<u>Pending Amount</u>	<u>Capital Interest Charge</u>	<u>Special Assessment Charge</u>	<u>Total Amount Certified</u>
19782	6001 Camden Ave N	01-118-21-21-0069	350.00	30.00	30.00	410.00
19782	5405 Fremont Ave N	01-118-21-33-0041	2,350.00	30.00	30.00	2,410.00
19782	5737 Irving Ave N	02-118-21-14-0058	685.00	30.00	30.00	745.00
19782	3319 61st Ave N	03-118-21-11-0023	300.00	30.00	30.00	360.00
19782	4019 58th Ave N	03-118-21-24-0012	1,150.00	30.00	30.00	1,210.00
19782	3524 53rd Ave N	03-118-21-43-0055	725.00	30.00	30.00	785.00
19782	7112 Morgan Ave N	26-119-21-42-0028	535.00	30.00	30.00	595.00
19782	4001 71st Ave N	27-119-21-34-0023	600.00	30.00	30.00	660.00
19782	6401 Major Ave N	34-119-21-32-0024	499.00	30.00	30.00	559.00
19782	2741 Freeway Blvd	35-119-21-23-0087	160.00	30.00	30.00	220.00
19782	2801 Nash Rd	35-119-21-33-0036	2,850.00	30.00	30.00	2,910.00

Total: 10,864.00

Amended Special Assessment Certified Roll (Grass/Weeds)

2017 Weed Destruction

Printed January 24, 2018

Municipal Code No. 22

Levy Runs One Year

<u>Levy No.</u>	<u>Property Address</u>	<u>Property ID</u>	<u>Pending Amount</u>	<u>Capital Interest Charge</u>	<u>Special Assessment Charge</u>	<u>Total Amount Certified</u>
19783	5919 Camden Ave N	01-118-21-21-0007	993.75	10.00	30.00	1,033.75
19783	6028 Fremont Ave N	01-118-21-22-0058	513.75	10.00	30.00	553.75
19783	5808 Fremont Ave N	01-118-21-23-0078	1,222.50	10.00	30.00	1,262.50
19783	816 57th Ave N	01-118-21-24-0066	1,597.50	10.00	30.00	1,637.50
19783	5415 Dupont Ave N	01-118-21-33-0080	480.00	10.00	30.00	520.00
19783	5355 Emerson Ave N	01-118-21-33-0111	720.00	10.00	30.00	760.00
19783	5405 Bryant Ave N	01-118-21-34-0057	480.00	10.00	30.00	520.00
19783	5307 Colfax Ave N	01-118-21-34-0086	1,200.00	10.00	30.00	1,240.00
19783	5350 Camden Ave N	01-118-21-43-0082	251.25	10.00	30.00	291.25
19783	5755 Humboldt Ave N	02-118-21-14-0089	240.00	10.00	30.00	280.00
19783	5407 Humboldt Ave N	02-118-21-44-0084	251.25	10.00	30.00	291.25
19783	3906 Eckberg Dr	03-118-21-31-0065	240.00	10.00	30.00	280.00
19783	3615 50th Ave N	10-118-21-13-0078	240.00	10.00	30.00	280.00
19783	7241 Fremont Ave N	25-119-21-32-0011	1,998.75	10.00	30.00	2,038.75
19783	6806 Perry Ave N	33-119-21-11-0035	1,200.00	10.00	30.00	1,240.00
19783	5230 65th Ave N	33-119-21-13-0046	240.00	10.00	30.00	280.00
19783	5112 66th Ave N	33-119-21-13-0107	720.00	10.00	30.00	760.00
19783	6301 Orchard Ave N	33-119-21-41-0046	240.00	10.00	30.00	280.00
19783	3219 67th Ave N	34-119-21-14-0023	262.50	10.00	30.00	302.50
19783	6407 Madin Dr	34-119-21-31-0072	787.50	10.00	30.00	827.50
19783	4007 Janet La	34-119-21-34-0027	720.00	10.00	30.00	760.00
19783	6206 Chowen Ave N	34-119-21-43-0027	262.50	10.00	30.00	302.50
19783	3206 Mumford Rd	34-119-21-44-0025	810.00	10.00	30.00	850.00
19783	3300 Lawrence Rd	34-119-21-44-0091	491.25	10.00	30.00	531.25
19783	6773 Humboldt Ave N	35-119-21-11-0023	120.00	10.00	30.00	160.00
19783	6130 Emerson Ave N	36-119-21-33-0030	547.50	10.00	30.00	587.50

Total: 17,870.00

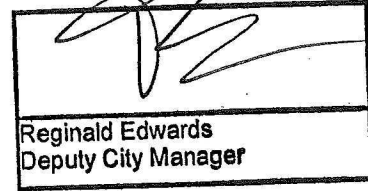
City Council Agenda Item No. 6d

COUNCIL ITEM MEMORANDUM

DATE: February 12, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director *AS GR NR*



SUBJECT: Resolution calling for a Public Hearing on Proposed Special Assessments for Utility Repairs

Recommendation:

It is recommended that the City Council consider approval of a resolution calling for a public hearing for Monday, March 12, 2018 on proposed special assessments for the cost of utility repairs.

Background:

The attached resolution calls for a Public Hearing to receive public comments regarding the proposed special assessments for utility repairs that were completed on private properties. There are a total of eleven outstanding invoices totaling \$44,393.15. An additional \$30.00 certification fee will be added to each assessment to bring the total proposed assessments to \$44,723.15. The utility repairs were necessary to maintain safe and working utilities for the properties impacted.

With the adoption of this resolution, a letter will be sent to each of these accounts informing them of the amount due on their account, the potential assessment of the amount to their property taxes, and informing them of the Public Hearing location, date and time. Following the Public Hearing on March 12, 2018 the Council will be asked to consider a resolution certify the assessment levy roll with Hennepin County. The 2018 interest rate is four percent, as previously established by the Council, and the assessments may be paid over a five year period.

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

Budget Issues:

The City will recoup the costs incurred for these utility repairs over the five-year period of 2019-2023.

Strategic Priorities:

- Safe, Secure, Stable Community

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR UTILITY REPAIRS

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

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

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

1. A hearing shall be held on March 12, 2018, in City Hall at 7:00 p.m. or as soon thereafter as the matter may be heard, to pass upon the proposed assessments for utility repairs.
2. The City Clerk, with assistance of the Finance Director, shall forthwith prepare assessment rolls for the above charges and shall keep them on file and open to inspection by any interested persons.
3. The City Clerk is directed to provide a notice of the Public Hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing.
4. The City Clerk shall cause mailed notice to be given to the owner of each parcel described in such assessment rolls not less than two weeks prior to the hearing.

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that this resolution be effective immediately:

February 12, 2018

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

RESOLUTION NO. _____

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

Special Assessment Roll
2017 Utility Repairs
Report Date: Febraury 5, 2018

<u>Property ID</u>	<u>Property Address</u>	<u>Original Amount</u>	<u>Special Assessment Charge</u>	<u>Total Pending Assessment</u>
01-118-21-12-0036	6006 Camden Ave N	\$ 4,551.00	\$ 30.00	\$ 4,581.00
02-118-21-22-0015	6000 Xerxes Ave N	2,500.00	30.00	2,530.00
03-118-21-24-0027	3901 58th Ave N	3,000.00	30.00	3,030.00
03-118-21-31-0028	3912 Burquest La	3,500.00	30.00	3,530.00
03-118-21-31-0038	3815 Burquest La	9,505.00	30.00	9,535.00
26-119-21-44-0004	7042 Logan Ave N	3,551.00	30.00	3,581.00
27-119-21-31-0008	7201 France Ave N	3,750.00	30.00	3,780.00
27-119-21-42-0026	7124 France Ave N	5,951.00	30.00	5,981.00
33-119-21-42-0108	5213 Eleanor La	2,051.00	30.00	2,081.00
33-119-21-42-0115	6318 Unity Ave N	2,500.00	30.00	2,530.00
36-119-21-34-0098	6252 Bryant Ave N	3,534.15	30.00	3,564.15
Total Count: 11		\$ 44,393.15	Total Pending Amount: \$	44,723.15

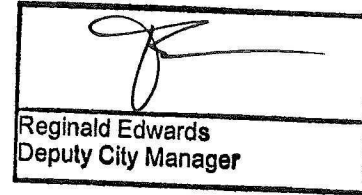
City Council Agenda Item No. 6e

COUNCIL ITEM MEMORANDUM

DATE: February 12, 2018

TO: Curt Boganey, City Manager

FROM: Nathan Reinhardt, Finance Director *NR*



SUBJECT: Resolution Authorizing the City Manager to Write-off Uncollectible Accounts Receivable and Returned Checks

Recommendation:

It is recommended that the City Council consider approval of a resolution authorizing write-off of uncollectible accounts and returned checks.

Background:

This action was last taken at the regular City Council meeting on November 23, 2015. The Council approved write off of 20 returned checks totaling \$1,220.34.

The following two accounts are requested to be deemed uncollectible and written off:

1. A returned check on a closed account from Tobias Murphy from January 2013 in the amount of \$272.00.
2. Uncollectible account from SIP Wealth Management from 2009 in the amount of \$4,516.12.

The returned check was an out of state check written from a closed account. The uncollectible account was the remaining balance for an event at the Earle Brown Heritage Center in 2009. We have attempted to collect these accounts on multiple occasions, which included utilizing a collection attorney services for attempted collections of the SIP Wealth Management outstanding balance. Collections have not been successful.

The total amount for both uncollectible accounts is \$4,788.12.

Budget Issues:

All items will be removed from receivables in the general ledger in 2018. Total account write-off (loss) is \$4,788.12.

Strategic Priorities:

- Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO WRITE OFF UNCOLLECTIBLE ACCOUNTS RECEIVABLE AND RETURNED CHECKS

WHEREAS, the City Manager has identified the following accounts receivable as unlikely to be collected ; and

WHEREAS, the following accounts have been placed for collection without success and have surpassed the time limits for valid collection; and

WHEREAS, all reasonable efforts have been made to collect on these receivables and returned checks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the City Manager is hereby authorized to write off the following accounts receivable and returned checks from the City of Brooklyn Center's accounts:

<u>Name</u>	<u>Amount</u>	<u>Original Date</u>	<u>Department</u>
Tobias Murphy	\$272.00	January 2013	Police
SIP Wealth Management	<u>4,516.12</u>	June 2009	EBHC
TOTAL	<u>\$ 4,788.12</u>		

February 12, 2018
Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

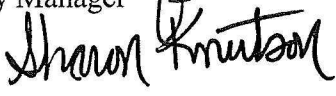
City Council Agenda Item No. 6f

COUNCIL ITEM MEMORANDUM

DATE: February 5, 2018

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy City Manager 

FROM: Sharon Knutson, City Clerk 

SUBJECT: Resolution Imposing a Civil Penalty for a Liquor License Violation at Jammin Wings in the City of Brooklyn Center

Recommendation:

It is recommended that the City Council consider adoption of a Resolution Imposing a Civil Penalty for a Liquor License Violation at Jammin Wings in the City of Brooklyn Center.

Background:

The City Council held a Public Hearing on January 22, 2018, to consider liquor license enforcement action at Jammin Wings, 2590 Freeway Boulevard, for a violation of Minnesota Statutes, section 34A.504, subdivision 7, which states that "no licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner."

Following the Public Hearing, the City Council directed City Staff to prepare a resolution imposing a \$1,300 civil penalty on the licensee as a result of the violation of State Law and the City's Code by serving intoxicating liquor after 1 a.m. during the period from August 1, 2017, to January 8, 2018, without the required 2 a.m. State Permit. The City Council requested that \$1,000 of the civil penalty be suspended conditioned that no other liquor license violation occurs at the establishment through December 31, 2018.

A resolution has been prepared to impose the civil penalty.

Budget Issues:

There are no budget issues to consider.

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION IMPOSING A CIVIL PENALTY FOR A LIQUOR LICENSE
VIOLATION AT JAMMIN WINGS IN THE CITY OF BROOKLYN CENTER

WHEREAS, the restaurant Jammin Wings ("Business"), which is located in the City of Brooklyn Center, is licensed to sell intoxicating liquor on-sale, including to 2 a.m.; and

WHEREAS, selling liquor to 2 a.m. requires issuance of a 2 a.m. permit from the Commissioner of Public Safety ("2 a.m. State Permit") and a 2 a.m. license from the City ("2 a.m. City License"); and

WHEREAS, the City, during the processing of the 2018 renewal of the 2 a.m. City License, discovered the Business did not renew the 2 a.m. State Permit, which had expired on August 1, 2017; and

WHEREAS, the City notified the Business owner of its discovery on approximately December 19, 2017 and, on the same day, the Business owner paid to renew the 2 a.m. State Permit; and

WHEREAS, the check issued for the 2 a.m. State Permit was not cashed for nearly three weeks and only after the account was closed by the bank to protect the account; and

WHEREAS, the City received notice on January 8, 2018 that the 2 a.m. State Permit was not in effect because the check issued for the permit fee did not clear; and

WHEREAS, the City notified the Business owner on January 8, 2018 of the lack of the 2 a.m. State Permit and the same day the Business owner issued new payment and received the 2 a.m. State Permit; and

WHEREAS, the serving of liquor after 1 a.m. without a 2 a.m. State Permit is a violation of Minnesota Statutes, section 340A.504, subdivision 7 and, as a result, subjects the Business to a license enforcement action under Section 11-125 of the Brooklyn Center City Code ("Code"); and

WHEREAS, the City Council held a public hearing on the violation on January 22, 2018, after providing the Business owner at least 10 days' notice, and at which the Business owner was provided an opportunity to be heard regarding the violation and the potential penalties the City Council could impose; and

RESOLUTION NO. _____

WHEREAS, the City Council considered the enforcement options presented to it in a memorandum from the city attorney dated January 12, 2018, which is incorporated in and made part of this Resolution by reference; and

WHEREAS, the City Council has considered this matter and hereby finds and determines as follows:

- (a) The Business violated the Code by serving intoxicating liquor after 1 a.m. without a 2 a.m. State Permit during the period from August 1, 2017 until the permit was finally secured on January 8, 2018;
- (b) The violation subjects the Business to a liquor license enforcement action under Section 11-125 of the Code including imposition of a civil penalty of up to \$2,000, suspension of the liquor licenses for up to 60 days, revocation of the liquor licenses, or a combination of these penalties;
- (c) The Business owner indicated that the person who had previously managed license renewals is no longer with the Business and he believed he had the required permits from the state as he received no notice that the 2 a.m. State Permit was due to renew by the end of July 2017;
- (d) The city did not receive notice of the failure to renew the 2 a.m. State Permit and only learned of the non-renewal as part of its investigation into renewing the 2 a.m. City License;
- (e) The failure to renew the 2 a.m. State Permit was an error of management and not an intentional violation of the Code;
- (f) The failed payment for the initial renewal of the 2 a.m. State Permit was due to a unique set of circumstances and timing, not an intentional effort to obtain the permit without payment;
- (g) Because the violation was not intentional, the City Council determines not to suspend or revoke the liquor licenses for the Business, but the violation needs to be recognized and the imposition of a civil penalty in the amount of \$1,300 is appropriate;
- (h) The city has incurred administrative and legal costs to process this license action, which are appropriate to recover from the Business as part of the civil penalty and which are set at \$300; and
- (i) The unintentional nature of the violation, and the Business owner's prompt actions to obtain the 2 a.m. State Permit when he learned it was not in effect, support the suspension of \$1,000 of the civil penalty through the remainder of the licensing period and conditioned on the Business not having any further liquor license violations during that period.

RESOLUTION NO. _____

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

1. The City Council hereby imposes a civil penalty on the licensee, Jammin Wings, in the amount of \$1,300 as a result of the violation of state law and the city's Code by serving intoxicating liquor after 1 a.m. during the period from August 1, 2017 to January 8, 2018 without the required 2 a.m. State Permit.
2. The Business shall pay \$300 of the civil penalty to the City to offset the administrative costs it incurred to process this liquor license action and the City Council hereby suspends imposition of the remaining \$1,000 portion of the civil penalty on the condition no other liquor license violation occurs at the Business through December 31, 2018. If another liquor license violation occurs during that period, the remaining \$1,000 shall immediately be imposed and become due and payable to the city.

February 12, 2018

Date

Mayor

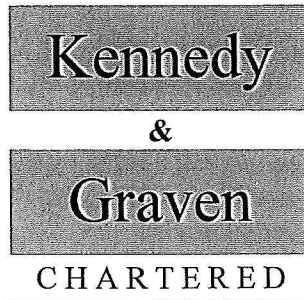
ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.



Troy J. Gilchrist
470 US Bank Plaza
200 South Sixth Street
Minneapolis MN 55402
(612) 337-9214 telephone
(612) 337-9310 fax
tgilchrist@kennedy-graven.com
<http://www.kennedy-graven.com>

Also: St. Cloud Office
501 W. Germain Street, Suite 304
St. Cloud, MN 56301
(320) 240-8200 telephone

MEMORANDUM

To: Curt Boganey, City Manager
From: Troy Gilchrist, City Attorney
Date: January 12, 2018
Re: Jammin Wings Liquor License Violation

In order for a business that is licensed for the on-sale of intoxicating liquor to serve after 1:00 a.m., it must obtain a 2 a.m. permit from the Commissioner of Public Safety ("2 a.m. State Permit") and a 2 a.m. license from the City ("2 a.m. City License"). As part of processing a renewal request from Jammin Wings ("Business") for a 2 a.m. City License, the City discovered the Business had failed to renew its 2 a.m. State Permit, which had expired on August 1, 2017. The same day (December 19, 2017) the City notified the Business that it was operating without the required 2 a.m. State Permit. The Business said it would correct the situation by obtaining the 2 a.m. State Permit.

The City then received notification from the State that the Business had paid for the 2 a.m. State Permit. However, shortly thereafter, the State notified the City that the check the Business used to pay for the 2 a.m. State Permit was returned NSF (apparently the check used to pay for the permit was written on a closed account) and so the permit was not valid. The City once again notified the Business that it did not have the 2 a.m. State Permit. The Business has since obtained the required 2 a.m. State Permit.

During the several months the Business served liquor after 1 a.m. without a 2 a.m. State Permit it was in violation of Minnesota Statutes, section 340A.504, subdivision 7, which states that "[n]o licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner." Under Section 11-125 of the City Code, when a licensee is found to have violated the state's liquor laws the "City Council may suspend or revoke any Liquor license or permit and may impose a civil penalty not to exceed \$ 2,000." The City Code does provide for the mandatory revocation of liquor license for certain intentional violations, but this violation does not rise to that level.

As a result of the violation, the issues of whether to take any action regarding the liquor licenses issued to the Business was scheduled for a public hearing and consideration by the City Council. The matter was scheduled for the January 22, 2018 meeting and the Business owner was provided at least 10 days' notice of the hearing before the City Council.

At the hearing, the owner must be provided an opportunity to speak to the violation and the potential license action the City Council may take. Once the City Council has heard this matter, the options the City Council has available to it include, but are not necessarily limited to, the following:

- (1) Impose no penalty.
- (2) Impose a civil penalty of up to \$2,000 (the civil penalty may be a stand-alone penalty, or it may be imposed in combination with a suspension or revocation).
- (3) Suspend the liquor license for up to 60 days (the suspension could be limited to the 2 a.m. City License).
- (4) Revoke the liquor license (the revocation could be limited to the 2 a.m. City License).
- (5) Impose a penalty, but suspend all or a portion of its imposition conditioned on compliance with certain conditions (e.g., no other liquor violations within a certain period of time).

Another aspect to this matter is the fact the Business has indicated a desire to obtain a special permit to serve until 4 a.m. over the Super Bowl event (February 2 through 4:00 a.m. on February 5). The City Council may consider whether the City should issue a special permit as part of its decision in this matter. Following the meeting, City staff would notify the Business in writing of the City Council's decision.

City Council Agenda Item No. 6g

COUNCIL ITEM MEMORANDUM

DATE: February 6, 2018

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy City Manager 

FROM: Sharon Knutson, City Clerk 

SUBJECT: Application and Permit for Temporary On-Sale Liquor License Submitted by St. Alphonsus Catholic Church, 7025 Halifax Avenue North, for a Social Event to be Held April 28, 2018

It is recommended that the City Council consider approval of the application and permit for a temporary on-sale liquor license submitted by St. Alphonsus Catholic Church, 7025 Halifax Avenue North, for a social event to be held April 28, 2018.

Background:

St. Alphonsus Catholic Church, 7025 Halifax Avenue North, has submitted an application and permit for a temporary on-sale liquor license for a social event to be held April 28, 2018.

The applicant has satisfied the City's requirements, submitted the \$25 fee for each day of the license, along with a certificate of coverage for liquor liability insurance, and has existed as a religious organization for at least three years. After Council review, the application and permit will be forwarded to the Minnesota Department of Public Safety Alcohol and Gambling Enforcement Division for approval.

City Ordinance Section 11-107 (6)

Temporary On-Sale Intoxicating Liquor License. This license may be issued only upon receiving the approval from the Commissioner of Public Safety. The license may be issued only in connection with a social event within the city that is sponsored by a club or charitable, religious, or other nonprofit organization that has existed for at least three years or to a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year. The license may authorize the sale of intoxicating liquor to be consumed on the Premises for not more than three consecutive days, and the City shall issue no more than twelve days' worth of temporary licenses to any one organization or for any one location within a 12-month period. The temporary license may authorize the sale of intoxicating liquor to be consumed on Premises other than Premises the licensee owns or permanently occupies. The temporary license may provide that the licensee may contract for intoxicating liquor catering services with the holder of an On-Sale Intoxicating Liquor License issued by any municipality.

Budget Issues:

There are no budget issues to consider.



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 222, St. Paul, MN 55101
651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

*Gala Event
School
6300-310*

Name of organization		Date organized		Tax exempt number	
St Alphonsus Church & School		1/1/1959		ES 32045	
Address		City	State	Zip Code	
7025 Halifax Ave N		Brooklyn Center	Minnesota	55429	
Name of person making application		Business phone		Home phone	
Michelle Karlson-email address: stalphonsus1@hotmail.com		763-503-3389			
Date(s) of event		Type of organization			
4/28/2018		☐ Club ☐ Charitable ☒ Religious ☐ Other non-profit			
Organization officer's name		City	State	Zip Code	
Fr. Donald Willard, C.Ss.R.		Brooklyn Center	Minnesota	55429	
Organization officer's name		City	State	Zip Code	
			Minnesota		
Organization officer's name		City	State	Zip Code	
			Minnesota		
Organization officer's name		City	State	Zip Code	
			Minnesota		

Location where permit will be used. If an outdoor area, describe.
St. Alphonsus Church C.Ss.R. Hall

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
Catholic Mutual Relief Society of America

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City of Brooklyn Center
City or County approving the license
\$25.00
Fee Amount
1-31-18
Date Fee Paid

Date Approved

Permit Date

City or County E-mail Address

City or County Phone Number

Sharon Knutson
Signature City Clerk or County Official

Approved Director Alcohol and Gambling Enforcement

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US

City Council Agenda Item No. 6h

COUNCIL ITEM MEMORANDUM

DATE: February 5, 2018

TO: Curt Boganey, City Manager 

FROM: Jim Glasoe, Director of Community Activities, Recreation & Services 

SUBJECT: Resolution of Support for the Mississippi Gateway Regional Park

Recommendation:

It is recommended that the City Council consider approval/adoption of resolution supporting the Three Rivers Park District's draft Master Plan for Gateway Regional Park (formerly Coon Rapids Dam Regional Park).

Background:

Three Rivers Park District has developed and disseminated a draft Master Plan for the Mississippi Gateway Regional Park (formerly Coon Rapids Dam Regional Park). The Park District has asked that communities review, comment and consider a resolution of support for the draft plan.

The draft Master Plan includes a new Mississippi Gateway Center, Nature's Highline (elevated tree canopy walkway), nature play areas, Mini-Mississippi Play and Education Feature, field learning labs, South Pond Learning Lab, nature interpretation nodes, and improved trails, fishing, picnicking, non-motorized boat launch, archery, off-leash dog area, natural areas and more.

At their January 16, 2018 meeting, the Park & Recreation Commission considered the Plan. After commenting that they encouraged strong wayfinding efforts and a robust media campaign to education residents, the Commission unanimously passed a motion recommending the City Council consider a resolution supporting the Plan.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Inclusive Community Engagement

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION OF SUPPORT FOR THE MISSISSIPPI GATEWAY REGIONAL PARK

WHEREAS, The City of Brooklyn Center recognizes Mississippi Gateway Regional Park as an important component of the regional parks system providing desirable nature-based recreation to the residents of the City and the region; and

WHEREAS, The Mississippi Gateway Regional Park Master Plan calls for the park to be a gateway for everyone to connect with the Mississippi River and its dynamic environment; and

WHEREAS, The Mississippi Gateway Regional Park Master Plan includes a new Mississippi Gateway Center, Nature's Highline (elevated tree canopy walkway), nature play areas, Mini-Mississippi Play and Education Feature, field learning labs, South Pond Learning Lab, nature interpretation nodes, and improved trails, fishing, picnicking, non-motorized boat launch, archery, off-leash dog area, natural areas and more; and

WHEREAS, The City of Brooklyn Center recognizes that Three Rivers Park District, in conjunction with efforts of the National Park Service, Metropolitan Council, Hennepin County, Anoka County, West Mississippi Watershed Management Organization, Friends of the Mississippi, Anoka-Hennepin School District, and the directly affected cities, have gathered significant public input in the development of the Mississippi Gateway Regional Park; and.

WHEREAS, The Mississippi Gateway Regional Park Master Plan is consistent with other approved local and regional plans; and

WHEREAS, The City of Brooklyn Center supports the acquisition, design, implementation, and operation of the Mississippi Gateway Regional Park pursuant to the Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, supports the Mississippi Gateway Master Plan.

February 12, 2008

Date

Mayor

RESOLUTION NO. _____

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.



Fishing near the base of Coon Rapids Dam.
Image Credit: Three Rivers Park District

EXECUTIVE SUMMARY

MISSISSIPPI GATEWAY REGIONAL PARK

This master plan represents the long-term vision, development, operation and maintenance of two parks near and adjacent to the Mississippi River in the City of Brooklyn Park, that naturally function as one larger natural resource-based park unit: Mississippi Gateway Regional Park.

Coon Rapids Dam Regional Park, referred to as the East Unit, is owned and operated by Three Rivers Park District and Brooklyn Park Environmental Nature Area, referred to as the West Unit, is owned and operated by Brooklyn Park.

The master plan reflects the guidance of existing park users, the general public, underrepresented community sectors and public agencies with a vested interest in this parkland.

VISION STATEMENT

The Mississippi River is the heart of this park. People connect to it in different ways and for different reasons. Some are in awe of its immense power, some are spiritually connected, some utilize the river for its resource value and some use the river as a means to escape, unplug and reconnect all at the same time. In recognition of the river's significance to us as individuals, a Nation and State, the master plan calls for it to be publicly accessible and protected for everyone to enjoy and experience.

Much of the river shoreline in suburban Hennepin County is privately held – making this publicly held parkland absolutely critical to providing access and opportunity to see, touch, hear and smell the river for all people. In light of this, the park's Vision Statement is as follows:

A gateway for everyone to connect with the Mississippi River and its dynamic environment.

The following Action Goals will help realize the Vision Statement's intent:

- Be welcoming and engaging to everyone.
- Celebrate the Mississippi River as the heart of the park.
- Introduce people to nature and outdoor recreation.
- Provide activity and purpose year-round.

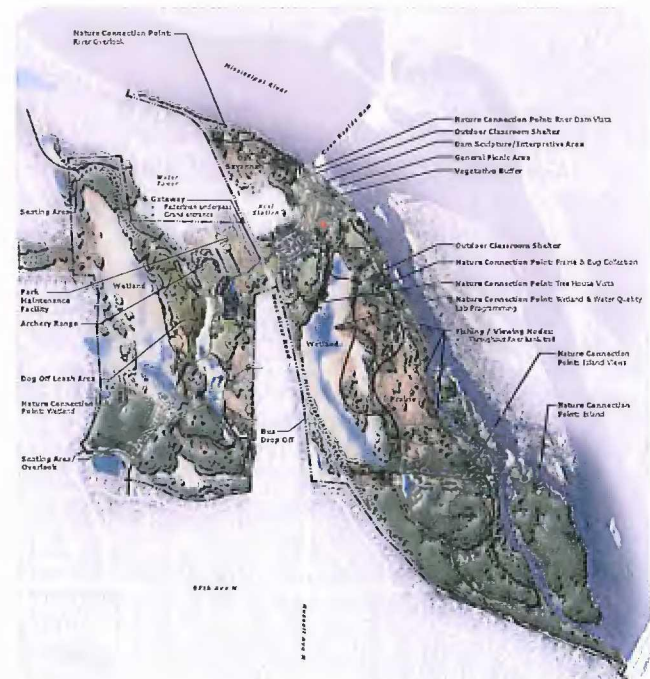
PARK DEVELOPMENT & PROGRAMMING CONCEPT

People have a strong desire to connect with the river, but many lack the awareness, skill, equipment, knowledge and sometimes confidence to fully connect with and appreciate the river and its dynamic environment.

To meet these needs, the park is envisioned as a stepping stone into nature. Portions of the park will be more developed and comfortable for people with limited experience or exposure to nature, and portions will be minimally developed to better serve people looking for a more 'off the beaten path' experience. The intent is that this park will connect people to nature in a manner that they are comfortable ultimately transforming novice park visitors into environmental stewards.

Park-Wide Development Plan

Source: Three Rivers Park District



Recreation Development

The main recreation development area of the East Unit will be a highly developed and vibrant space centered around the new Mississippi Gateway Center. This area will include picnicking, Nature's Highline and Tree House (an elevated tree canopy walk), nature-based play area, a mini-Mississippi River play and education feature and areas to gather and socialize adjacent to the new building.

The River Flats Area (located in the East Unit, along river's edge) will offer improved picnicking, a non-motorized boat launch, fishing improvements and ADA access directly to the Mississippi River shoreline. The main recreation of the West Unit will include reservation picnicking, nature-based dog off-leash area and archery.

Beyond these spaces, the park becomes less and less developed. Field learning stations and nature interpretation nodes located throughout the park will provide designated spaces to interpret and experience nature first hand. The field learning stations will be designed to accommodate group education with teaching shelters and storage space and the nature interpretation nodes will likely be lighter touches on the landscape that can accommodate instructor led, group education as well as individual, self-guided experiences.

A new education classroom is planned for the mostly southerly area of the park providing opportunities to learn about nature in nature. This space will also serve as a warming hut in the winter season.

A trail system comprised of both paved and non-paved trails, new bathroom facilities and enhanced wayfinding will allow improved access and service throughout the park. A new beginner cross-country ski loop, area for snow-shoeing and maintained paved trail loop will support winter park use.

Education Programming

Mississippi Gateway Regional Park is planned to be one of the core education programming centers at Three Rivers. Programming will be offered multiple times a day including evenings and weekends to meet the community's needs. Instructor led programming will include teaching outdoor recreation such as cross-country skiing, fishing, kayaking, rafting and more as well as nature-based education focused on the Mississippi River and its dynamic ecosystem. Programming will also be offered off-site to better serve the needs of the greater community.

Natural Resource Plan

As Three Rivers' main park on the Mississippi River, this park is planned to receive a higher level of natural resource restoration than typically provided in regional parks. When complete, the park will be comprised of floodplain forest, prairie, oak savannah and wetland. Natural resource management including invasive species removal and controlled burns will be ongoing.



Mississippi Gateway Regional Park is envisioned as a stepping stone into nature. The intent is that the park will connect people to nature in a manner that they are comfortable ultimately transforming novice park visitors into environmental stewards. Source: Three Rivers Park District

VISITATION

Annual visitation is projected to reach 600,000 when fully developed. Park visitor make up is anticipated to be similar to the demographics of the area within a 15-minute drive time of the park, as well as Suburban Hennepin County.

OPERATIONS & MAINTENANCE

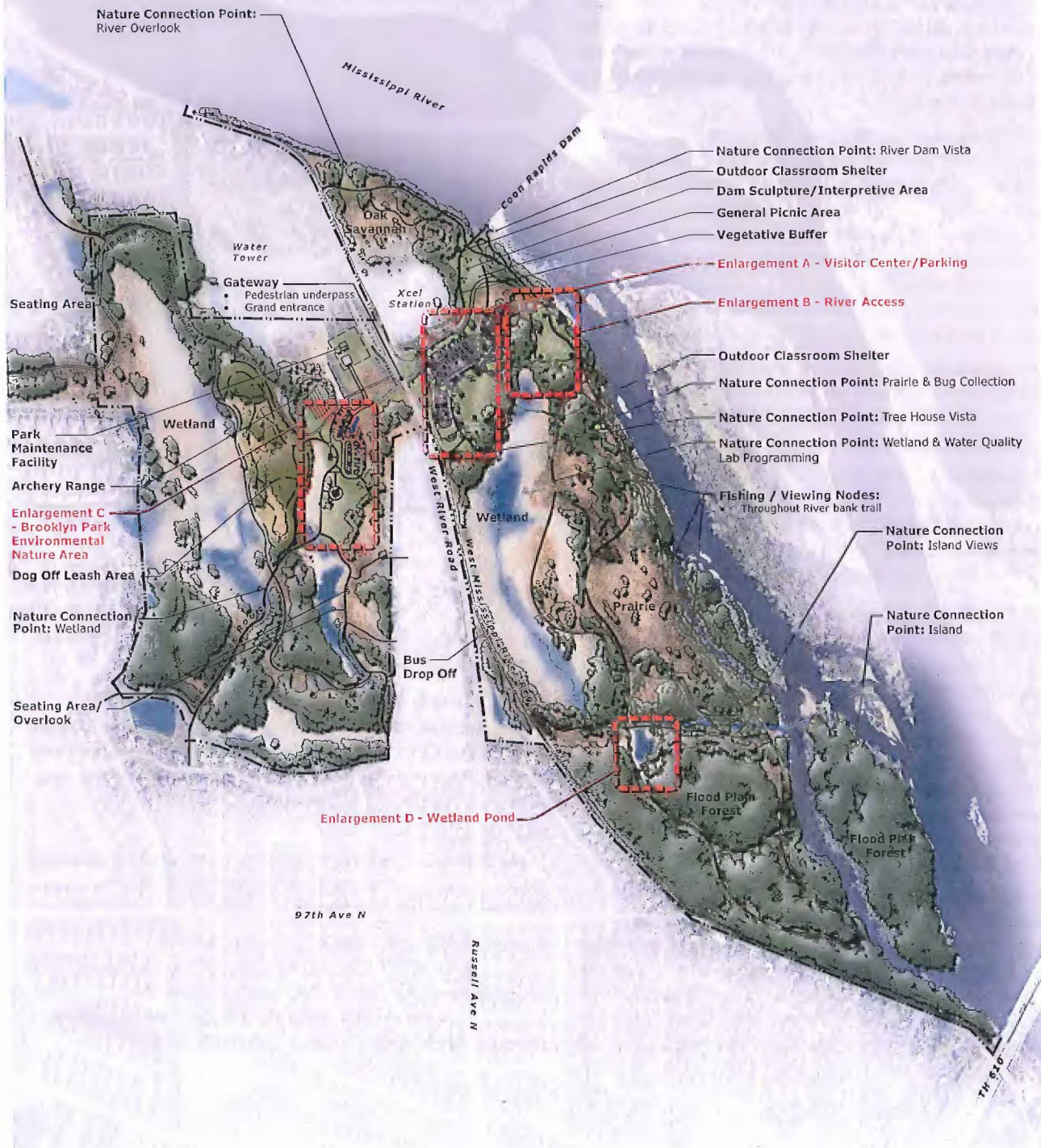
The master plan calls for the park to be operated and maintained as one cohesive park unit and consistent with the greater Three Rivers Park System. The annual operation and maintenance cost when fully complete is \$1.8 Million.

IMPLEMENTATION

Three Rivers and Brooklyn Park intend to work together to secure funding for this park through their respective capital improvement programs, grants, fundraising and partnerships.

Implementation will ultimately occur as funds are secured and at the discretion of Three Rivers Board of Commissioners and Brooklyn Park City Council. The total estimated cost for capital improvements including natural resource restoration and recreation development projects is \$25.5 Million.

Mississippi Gateway Regional Park Master Plan Update



City Council Agenda Item No. 6i

COUNCIL ITEM MEMORANDUM

DATE: February 6, 2018

TO: Curt Boganey, City Manager

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

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

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

Recommendation:

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

Background:

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

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

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

Parcel No. 2 (PIN 10-118-21-14-0018): This parcel is located at 4911 Brooklyn Boulevard and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$17,000.

Parcel No. 7 (PIN 10-118-21-14-0011): This parcel is located at 4957 Brooklyn Boulevard and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$18,400.

Parcel No. 14 (PIN 10-118-21-14-0005): This parcel is located at 5049 Brooklyn Boulevard and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$17,800.

COUNCIL ITEM MEMORANDUM

Parcel No. 16 (PIN 10-118-21-11-0011): This parcel is located at 5105 Brooklyn Boulevard requires a temporary construction easement with total compensation being offered in the amount of \$12,200.

Parcel No. 30 (PIN 10-118-21-11-0018): This parcel is located at 5100 Brooklyn Boulevard and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$48,200.

To date, including the above five parcels, we have acquisition agreements with 21 of the 37 parcels.

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

Budget Issues:

The Brooklyn Boulevard Corridor Project Phase 1 (49th Avenue to Bass Lake Road) is identified in the City's 2018 Capital Improvement Program and the total project cost is estimated to be \$15,000,000. The total appraised value for all easements on the project are estimated to be approximately \$470,000. The total value of the permanent easements and temporary construction easements for Parcels 2, 7, 14, 16 and 30 is \$113,600 which is being funded out of the Tax Increment Financing (TIF) District No. 2 Fund.

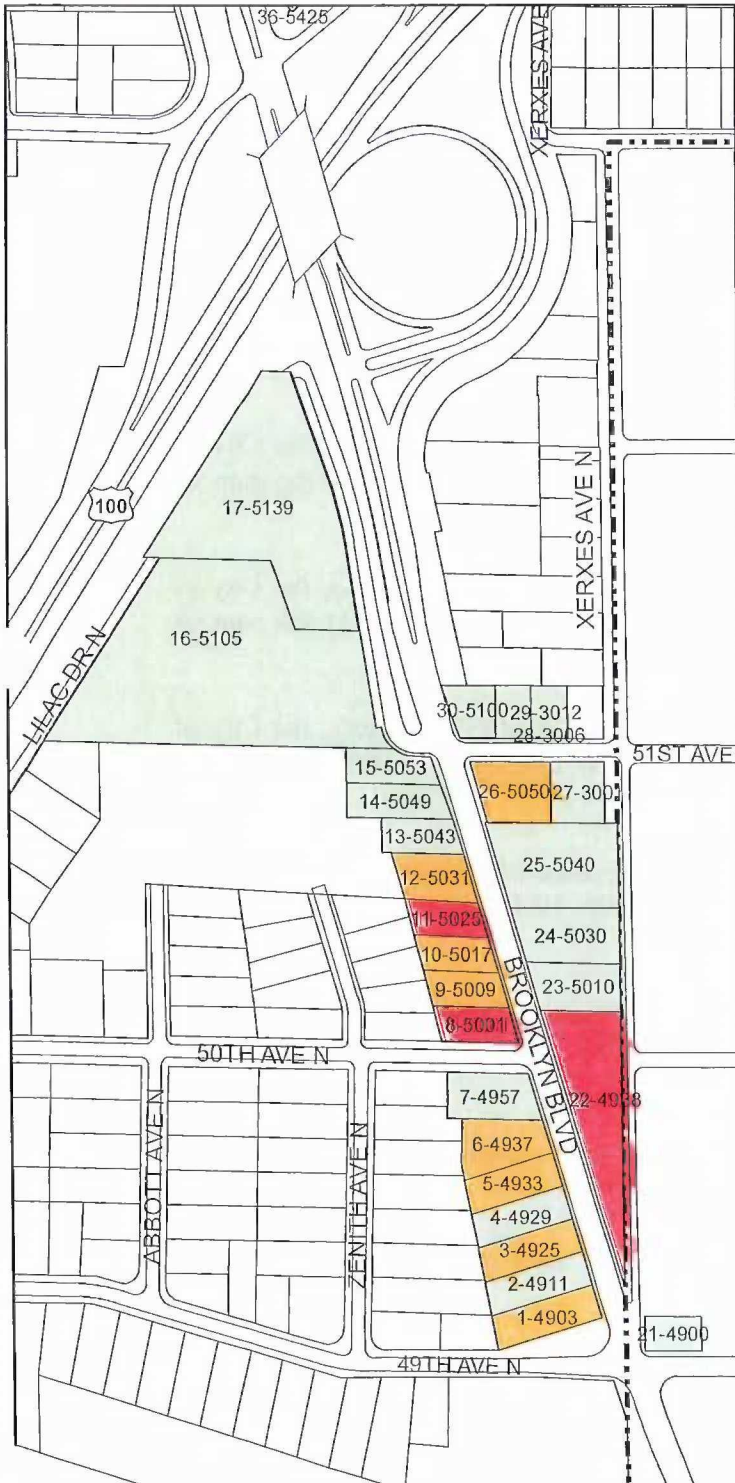
To date, including the above five parcels, the total value of the permanent easements and temporary construction easements for the project is \$192,793.20.

Strategic Priorities:

- Key Transportation Investments

Legend

- Easement Completed
- Easement Pending
- Eminent Domain - Signed Pending Mortgage Consent
- Eminent Domain - Easement Negotiations On Going



Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

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

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

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

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 2 (PIN 10-118-21-14-0018) the sum of \$17,000 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 7 (PIN 10-118-21-14-0011) the sum of \$18,400 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 14 (PIN 10-118-21-14-0005) the sum of \$17,800 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 16 (PIN 10-118-21-11-0011) the sum of \$12,200 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 30 (PIN 10-118-21-11-0018) the sum of \$48,200 for land and damages; and

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

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

RESOLUTION NO. _____

1. The City Manager is hereby authorized to execute the memorandum of agreement for Parcels 2, 7, 14, 16 and 30 for permanent easements and temporary construction easements that will be conveyed to the City, in the name of the City of Brooklyn Center.

February 12, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.



ENGINEERS
PLANNERS
DESIGNERS

MEMORANDUM OF AGREEMENT

BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT

Parcel No: 2
Fee Owner: Eugene Bryskin

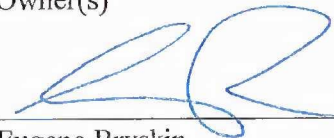
On this 9th day of January, 20 18, Eugene Bryskin, a single person, Owner of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center and Hennepin County.

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

1. The Owner has been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owner understands that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin CSAH 152) Project.
2. The Owner understands and acknowledges that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owner the sum of \$ 18,000.00 for land and damages. Owner understands that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally: None

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

Owner(s)


Eugene Bryskin

The City of Brooklyn Center

By: _____

Its: _____



ENGINEERS
PLANNERS
DESIGNERS

SRF No. 9354.00

ADMINISTRATIVE SETTLEMENT MEMORANDUM

Date: January 9, 2018

To: Mike Albers
PROJECT ENGINEER

From: Mike Isakka, Right of Way

SUBJECT: PROJECT NAME: CSAH 152 (Brooklyn Boulevard)
PROPERTY ADDRESS: 4911 Brooklyn Blvd.
PARCEL NO.: 2

The certified offer was made on October 30, 2017 in the amount of \$13,400.00. The acquisition consists of 675 square feet of temporary construction easement and a Drainage and Utility/Sidewalk and Trail Easement consists of 1,125 square feet. Also, the acquisition compensated \$800 for one tree replacement, \$200 for sidewalk compensation and \$9,000 severance damages. The property owner did submit a second appraisal to contest the value of the property.

In lieu of additional costs foreseeable in condemnation, we are recommending settlement in the amount of \$17,000.00

Certified value:	\$ 13,400.00
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Description of administrative adjustments:

Adjusted value for house which directly affect the severance damages	\$ 2,900.00
Additional compensation for screening	\$700.00

Total Adjustments:	\$ 3,600.00
---------------------------	--------------------

SETTLEMENT TOTAL:	\$17,000.00
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APPROVAL:

By: _____

Date _____

Its: _____

www.srfconsulting.com

One Carlson Parkway North, Suite 150 | Minneapolis, MN 55447-4443 | 763.475.0010 Fax: 763.475.2429

An Equal Opportunity Employer



ENGINEERS
PLANNERS
DESIGNERS

SRF No. 9354.0290

January 12, 2018

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

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PARCEL NO. 2
PROPERTY ADDRESS: 4911 BROOKLYN BLVD

Dear Mr. Albers:

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

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

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

Sincerely,

SRF CONSULTING GROUP, INC.

A handwritten signature in black ink, appearing to read "Cindy Wiste".

Cindy Wiste
Senior Associate

CW/nw

Enclosures

H:\Projects\09000\9354\RW\Parcel Files\Parcel 2- Eugene Bryskin\Settlement letter to client.doc

www.srfconsulting.com

One Carlson Parkway North, Suite 150 | Minneapolis, MN 55447-4453 | 763.475.0010 Fax: 763.475.2429

An Equal Opportunity Employer



October 31, 2017

Eugene Bryskin
5601 Indiana Ave N
Brooklyn Center, MN 55429

SRF No. 9354.0290

SUBJECT: OFFER TO PURCHASE
BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PROPERTY ADDRESS: 4911 BROOKLYN BLVD
PARCEL NO.: 2

Dear Eugene:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$13,400.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

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

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$1,500.00 for the actual costs of an appraisal of property acquired by direct purchase.

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

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

www.srfconsulting.com

One Carlson Parkway North, Suite 150 | Minneapolis, MN 55447-4453 | 763.475.0010 Fax: 763.475.2429

An Equal Opportunity Employer

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

Sincerely,

SRF CONSULTING GROUP, INC.

Michael C. Isakka

Mike Isakka
Senior Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

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



Eugene Bryskin

11/10/17

VALUE CALCULATION

BROOKLYN BOULEVARD (HENNEPIN CSAH 152)

Parcel No.: 2
Fee Owners: Eugene Bryskin

Legal Description of property to be acquired:

See Attached Exhibit A

ACQUISITION INFORMATION

Drainage and Utility Easement: 1,125 square feet
Temporary Construction Easement: 675 square feet

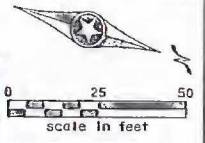
VALUATION

Land Value Before Taking	= \$182,000.00
Land Value After Taking	= <u>\$169,900.00</u>
Indicated Damages	= \$ 12,100.00
Plus: Temporary Easement	= \$ 300.00
Affected Improvements	= <u>\$ 1,000.00</u>
TOTAL (rounded)	= \$ 13,400.00

EXHIBIT A

A perpetual easement for drainage, utility and sidewalk purposes over, under, across and through the Northeasterly 15.00 feet of Lot 4, Block 1, BROOKLYN MANOR, Hennepin County, Minnesota.

A temporary easement for construction purposes over, under, across and through the Southwesterly 9.00 feet of the Northeasterly 24.00 feet of Lot 4, Block 1, BROOKLYN MANOR, Hennepin County, Minnesota.



LEGEND

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

AREAS (SQ FT)

D&U, S/T EASE	NEW PE	TE
1125		675

4911 BROOKLYN BLVD
 PID: 1011821140018
 SP 109-020-013

PARCEL #2

10/11/2017

3142139 PM
 10/11/2017
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ENGINEERS
PLANNERS
DESIGNERS

Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin CSAH 152) Project

County: Hennepin

Property Address 4911 Brooklyn Blvd, Brooklyn Center, MN 55429

Parcel No: 2

Owner(s): Eugene Bryskin

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated September 18, 2017.

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

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

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

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

Appraisal received this 10th day of November, 2017

Owner(s):


Eugene Bryskin

SRF Consulting Group Inc.

Contact: Mike Iisakka

Address: One Carlson Pkwy N., Suite 150

Minneapolis, MN 55447

Phone: 763-249-6775



ENGINEERS
PLANNERS
DESIGNERS

MEMORANDUM OF AGREEMENT

BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT

Parcel No: 7
Fee Owner: Julie J. Happe

On this 5th day of December, 2017, Julie J. Happe, a single person, Owner of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center and Hennepin County.

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

1. The Owner has been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owner understands that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin CSAH 152) Project.
2. The Owner understands and acknowledges that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owner the sum of \$ 18,400.00 for land and damages. Owner understands that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally: None

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

Owner(s)

Julie J. Happe
Julie J. Happe

The City of Brooklyn Center

By: _____

Its: _____



ENGINEERS
PLANNERS
DESIGNERS

SRF No. 9354.0290

February 2, 2018

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

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PARCEL NO. 7
PROPERTY ADDRESS: 4957 BROOKLYN BLVD

Dear Mr. Albers:

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

- 1) Executed Offer Letter
- 2) Value Calculation
- 3) Executed Appraisal Receipt and Disclosure
- 4) Executed Memorandum of Agreement
- 5) Executed Permanent Drainage and Utility Easement
- 6) Executed Temporary Easement
- 7) Executed Payment Authorization
- 8) Executed W9 Form
- 9) Executed Consent of Mortgagee from Lakeview Loan Servicing, LLC

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

Sincerely,

SRF CONSULTING GROUP, INC.

A handwritten signature in blue ink that reads 'Cindy Wiste'.

Cindy Wiste
Senior Associate

Enclosures

H:\Projects\09000\9354\RIH\Parcel Files\Parcel 7- Julie Happe\Settlement letter to client.doc

www.srfconsulting.com

One Carlson Parkway North, Suite 150 | Minneapolis, MN 55447-4453 | 763.475.0010 Fax: 763.475.2429

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ENGINEERS
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October 31, 2017

Julie J. Happe
4957 Brooklyn Blvd
Brooklyn Center, MN 55429

SRF No. 9354.0290

SUBJECT: OFFER TO PURCHASE
BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PROPERTY ADDRESS: 4957 BROOKLYN BLVD
PARCEL NO.: 7

Dear Julie:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$18,400.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

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

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$1,500.00 for the actual costs of an appraisal of property acquired by direct purchase.

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

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

www.srfconsulting.com

One Carlson Parkway North, Suite 150 | Minneapolis, MN 55447-4453 | 763.475.0010 Fax: 763.475.2429

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

Sincerely,

SRF CONSULTING GROUP, INC.

Michael C. Isakka

Mike Isakka
Senior Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 14th day of November, 2017, this *Offer to Purchase* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

Julie J. Happe

Julie J. Happe

VALUE CALCULATION

BROOKLYN BOULEVARD (HENNEPIN CSAH 152)

Parcel No.: 7
Fee Owners: Julie J. Happe

Legal Description of property to be acquired:

See Attached Exhibit A

ACQUISITION INFORMATION

Drainage and Utility Easement: 1,576 square feet
Temporary Construction Easement: 945 square feet

VALUATION

Land Value Before Taking	= \$ 161,000.00
Land Value After Taking	= <u>\$ 146,000.00</u>
Indicated Damages	= \$ 15,000.00
Plus: Temporary Easement	= \$ 400.00
Affected Improvements	= <u>\$ 3,000.00</u>
TOTAL (rounded)	= \$ 18,400.00

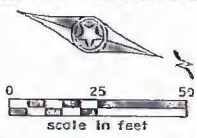
EXHIBIT A

A perpetual easement for drainage, utility and sidewalk purposes over, under, across and through the Southwesterly 15.00 feet of the Northeasterly 48.00 feet of that part of the following described property lying southerly of the North 33.00 feet thereof:

That part of the South Half of the Southeast Quarter of the Northeast Quarter of Section 10, Township 118, Range 21, Hennepin County, Minnesota described as beginning on the north line of said South Half of the Southeast Quarter of the Northeast Quarter at a point distant 203.9 feet west of the intersection of said line with the centerline of Brooklyn Center Road; thence south at a right angle with the north line of said South Half of the Southeast Quarter of the Northeast Quarter a distance of 133 feet; thence east at right angles a distance of 247.1 feet more or less to the centerline of Brooklyn Center Road; thence northerly along said centerline to its intersection with the north line of said South Half of the Southeast Quarter of the Northeast Quarter; thence west along said north line 203.9 feet to the point of beginning

A temporary easement for construction purposes over, under, across and through the Southwesterly 9.00 feet of the Northeasterly 57.00 feet of that part of the following described property lying southerly of the North 33.00 feet thereof:

That part of the South Half of the Southeast Quarter of the Northeast Quarter of Section 10, Township 118, Range 21, Hennepin County, Minnesota described as beginning on the north line of said South Half of the Southeast Quarter of the Northeast Quarter at a point distant 203.9 feet west of the intersection of said line with the centerline of Brooklyn Center Road; thence south at a right angle with the north line of said South Half of the Southeast Quarter of the Northeast Quarter a distance of 133 feet; thence east at right angles a distance of 247.1 feet more or less to the centerline of Brooklyn Center Road; thence northerly along said centerline to its intersection with the north line of said South Half of the Southeast Quarter of the Northeast Quarter; thence west along said north line 203.9 feet to the point of beginning



**DRAFT
SUBJECT
TO
CHANGE**



LEGEND

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

AREAS (SQ FT)

D&U, S/T EASE	NEW PE	TE
1576		945

4957 BROOKLYN BLVD
PID: 1011821140011
SP 109-020-013

PARCEL #7

10/11/2017

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ENGINEERS
PLANNERS
DESIGNERS

Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin CSAH 152) Project

County: Hennepin

Property Address 4957 Brooklyn Blvd, Brooklyn Center, MN 55429

Parcel No: 7

Owner(s): Julie J. Happe

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated October 2, 2017.

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

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

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

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

Appraisal received this 14th day of November, 2017

Owner(s):

Julie J. Happe
Julie J. Happe

SRF Consulting Group Inc.

Contact: Mike Iisakka

Address: One Carlson Pkwy N., Suite 150

Minneapolis, MN 55447

Phone: 763-249-6775



ENGINEERS
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DESIGNERS

MEMORANDUM OF AGREEMENT

BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT

Parcel No: 14
Fee Owners: John Evans and Mingkwan Chaiyapong Evans

On this 8th day of January, 2018, John Evans and Mingkwan Chaiyapong Evans, husband and wife, as joint tenants, Owners of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center and Hennepin County.

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

1. The Owners have been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owners understand that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin CSAH 152) Project.
2. The Owners understand and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owners the sum of \$ 17,500.00/ea for land and damages. Owners understand that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.

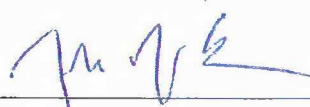
4. Additionally:

Boulders and driveway pavers will be salvaged and stored on land owners property. (see attached) In the temporary easement, the existing pavers will remain in place, and save the large ash tree.

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

Owner(s)

The City of Brooklyn Center

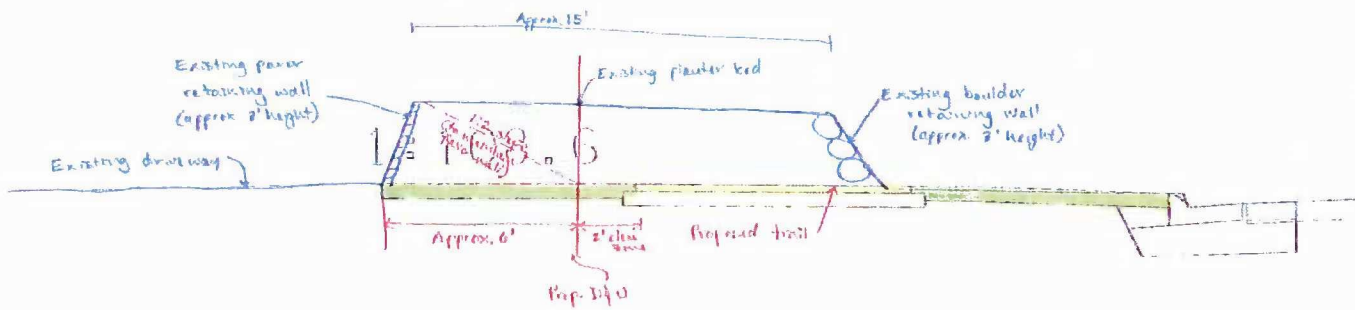

John Evans

By: _____


Mingkwan Chaiyapong Evans

Its: _____

#5649 Brooklyn Blvd



Attachment to Additional Information
on Memorandum of Agreement

[Signature]



ENGINEERS
PLANNERS
DESIGNERS

SRF No. 9354.0290

February 2, 2018

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

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PARCEL No. 14
PROPERTY ADDRESS: 5049 BROOKLYN BLVD

Dear Mr. Albers:

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

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

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

Sincerely,

SRF CONSULTING GROUP, INC.

A handwritten signature in blue ink that reads 'Cindy Wiste'.

Cindy Wiste
Senior Associate

Enclosures

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ENGINEERS
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October 31, 2017

John Evans and Mingkwan Chaipayong Evans
5049 Brooklyn Blvd
Brooklyn Center, MN 55429

SRF No. 9354.0290

SUBJECT: OFFER TO PURCHASE
BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PROPERTY ADDRESS: 5049 BROOKLYN BLVD
PARCEL No.: 14

Dear John and Mingkwan:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$17,800.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

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

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$1,500.00 for the actual costs of an appraisal of property acquired by direct purchase.

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

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

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One Carlson Parkway North, Suite 150 | Minneapolis, MN 55447-4453 | 763.475.0010 Fax: 763.475.2429

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

Sincerely,

SRF CONSULTING GROUP, INC.

Michael C. Iisakka

Mike Iisakka
Senior Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 31 day of October, 2017, this *Offer to Purchase* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

John Evans

John Evans

Mingkwan Chaiyapong Evans

Mingkwan Chaiyapong Evans



ENGINEERS
PLANNERS
DESIGNERS

SRF No. 9354.0290

VALUE CALCULATION

BROOKLYN BOULEVARD (HENNEPIN CSAH 152)

Parcel No.: 14

Fee Owners: John Evans and Mingkwan Chaiyapong Evans

Legal Description of property to be acquired:

See Attached Exhibit A

ACQUISITION INFORMATION

Drainage and Utility Easement: 836 square feet

Temporary Construction Easement: 1,104 square feet

VALUATION

Land Value Before Taking	= \$ 47,000.00
Land Value After Taking	= <u>\$ 44,600.00</u>
Indicated Damages	= \$ 2,400.00
Plus: Temporary Easement	= \$ 500.00
Affected Improvements	= <u>\$ 14,900.00</u>
TOTAL (rounded)	= \$ 17,800.00

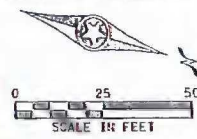
EXHIBIT A

A perpetual easement for drainage, utility and sidewalk purposes over, under, across and through that part of the following described property lying easterly of a line run from a point on the north line of said described property distant 194.57 feet easterly from the northwest corner of said described property to a point on the south line of said described property distant 218.85 feet easterly from the southwest corner of said described property:

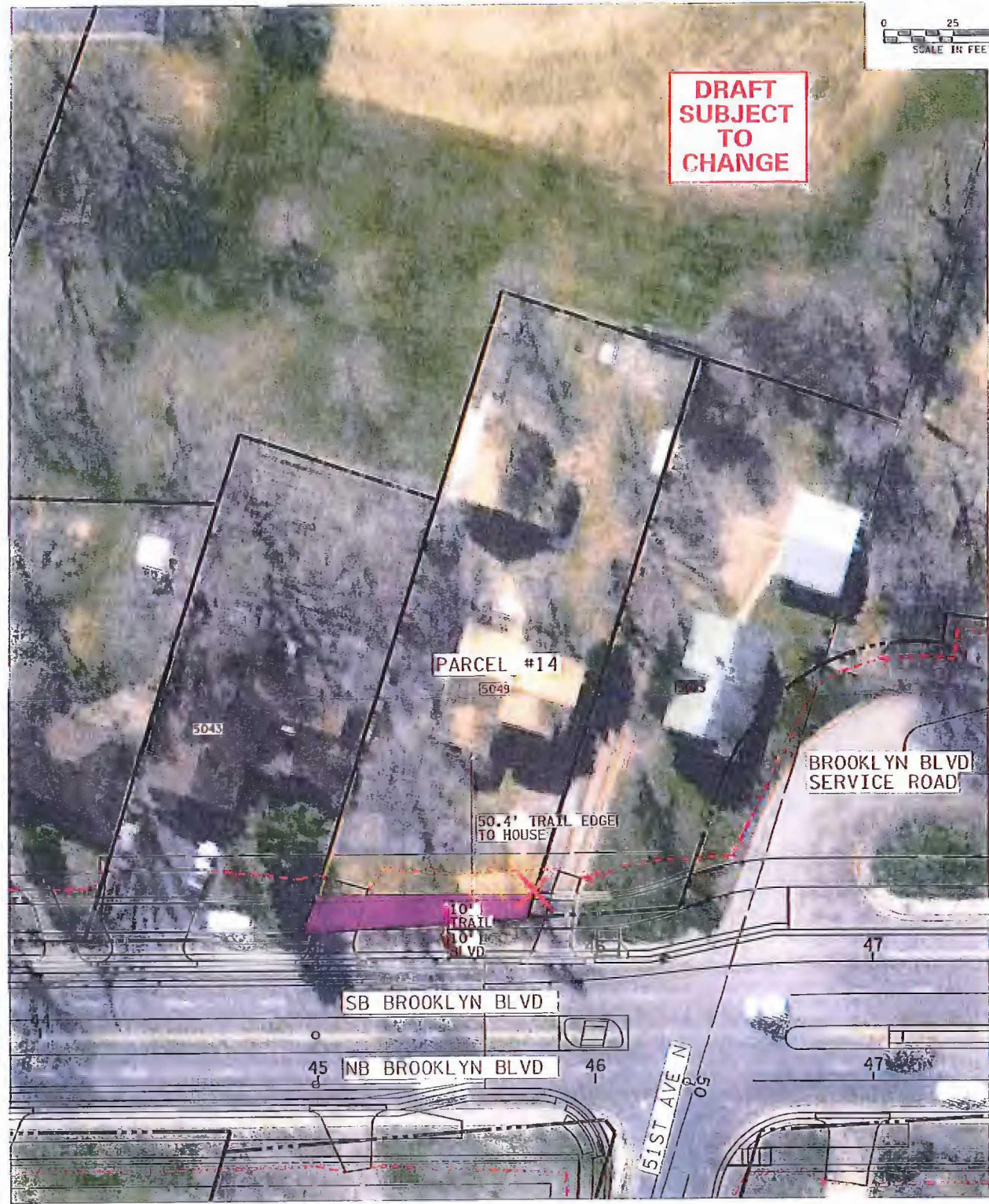
Said property is described as the South 75.00 feet of the North 150.00 feet of that part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 118 North, Range 21 West, Hennepin County, Minnesota lying east of the West 712.26 feet thereof and lying west of highway.

A 14.00 foot temporary easement for construction purposes over, under, across and through that part of the following described property. Said temporary easement lies westerly of and adjacent to a line run from a point on the north line of said described property distant 194.57 feet easterly from the northwest corner of said described property to a point on the south line of said described property distant 218.85 feet easterly from the southwest corner of said described property:

Said property is described as the South 75.00 feet of the North 150.00 feet of that part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 118 North, Range 21 West, Hennepin County, Minnesota lying east of the West 712.26 feet thereof and lying west of highway.



**DRAFT
SUBJECT
TO
CHANGE**



LEGEND

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

AREAS (SQ FT)

D&U, S/T EASE	NEW PE	TE
836		1104

5049 BROOKLYN BLVD
PID: 1011821140005
SP 109-020-013

PARCEL # 14

10/11/2017

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Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin CSAH 152) Project

County: Hennepin

Property Address 5049 Brooklyn Blvd, Brooklyn Center, MN 55429

Parcel No: 14

Owner(s): John Evans and Mingkwan Chaiyapong Evans

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated September 12, 2017.

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

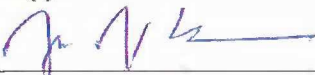
1. The owner's appraisal must be prepared by a qualified appraiser who is licensed under Minnesota appraisal licensing laws.
2. Payment for the appraisal will be reimbursed within 30 days after receiving a copy of the appraisal and the paid receipt from the appraiser. (Upon agreement between the acquiring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

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

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

Appraisal received this 8 day of January, 2018

Owner(s):



John Evans



Mingkwan Chaiyapong Evans

SRF Consulting Group Inc.

Contact: Mike Iisakka

Address: One Carlson Pkwy N., Suite 150
Minneapolis, MN 55447

Phone: 763-249-6775



ENGINEERS
PLANNERS
DESIGNERS

MEMORANDUM OF AGREEMENT

BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT

Parcel No: 16
Fee Owners: CS Property NMA, LLC

On this 31st day of January, 2018, CS Property NMA, LLC, a Minnesota nonprofit limited liability company under the laws of the State of Minnesota, Owners of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center.

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

1. The Owners have been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owners understand that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin CSAH 152) Project.
2. The Owners understand and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owners the sum of \$ 12,200.00 for land and damages. Owners understand that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally: All attempts are made to keep construction after school is out for the summer.

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

Owner(s)
CS Property NMA, LLC

City of Brooklyn Center

By: [Signature]

By: _____

Its: CEO

Its: _____



ENGINEERS
PLANNERS
DESIGNERS

SRF No. 9354.0290

February 2, 2018

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

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PARCEL NO. 16
PROPERTY ADDRESS: ~~5030~~ 5105 BROOKLYN BLVD

Dear Mr. Albers:

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

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

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

Sincerely,

SRF CONSULTING GROUP, INC.

A handwritten signature in blue ink that reads 'Cindy Wiste'.

Cindy Wiste
Senior Associate

Enclosures

H:\Projects\09000\9354\RW\Parcel Files\Parcel 16- CS Property NMA\Settlement letter to client.doc

www.srfconsulting.com

One Carlson Parkway North, Suite 150 | Minneapolis, MN 55447-4453 | 763.475.0010 Fax: 763.475.2429

An Equal Opportunity Employer



November 14, 2017

CS Property NMA, LLC
c/o Bao Vang
394 University Ave W
St. Paul, MN 55103

SRF No. 9354.0290

SUBJECT: OFFER TO PURCHASE
BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PROPERTY ADDRESS: 5105 BROOKLYN BLVD
PARCEL NO.: 16

Dear Bao:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$12,200.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

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

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

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

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

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

Sincerely,

SRF CONSULTING GROUP, INC.

Michael C. Isakka

Mike Isakka
Senior Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 1st day of November, 2017, this *Offer to Purchase* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

CS Property NMA, LLC

By: *Burton*

Its: *Chief Operating Officer*



ENGINEERS
PLANNERS
DESIGNERS

SRF No. 9354.0290

VALUE CALCULATION

BROOKLYN BOULEVARD (HENNEPIN CSAH 152)

Parcel No.: 16
Fee Owners: CS Property NMA, LLC

Legal Description of property to be acquired:

See Attached Exhibit A

ACQUISITION INFORMATION

Temporary Construction Easement: 5,479 square feet

VALUATION

Land Value Before Taking	= \$1,885,000.00
Land Value After Taking	= <u>\$1,885,000.00</u>
Indicated Damages	= \$ 0.00
Plus: Temporary Easement	= \$ 7,400.00
Affected Improvements	= <u>\$ 4,800.00</u>
TOTAL (rounded)	= \$ 12,200.00

EXHIBIT A

A temporary easement for construction purposes over, under, across and through the East 27.00 feet of the West 41.00 feet of the North 24.50 feet of the following described property:

That part of Section 10, Township 118, Range 21, Hennepin County, Minnesota described as commencing at the northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 10; thence South 518 feet; thence East to the southwesterly line of State Highway No. 152; thence Southeasterly 600 feet along the southwesterly line of State Highway No. 152 as said southwesterly line was located immediately before the deed recorded in the office of the Register of Deeds of said Hennepin County in Book 2385 Deeds, Page 210, to the point of beginning of the land to be described; thence West 200 feet; thence Northwesterly 150 feet parallel with the southwesterly line of Highway No. 152 as above defined; thence West to the Southeasterly line of State Highway No. 100; thence Southwesterly along said southeasterly line of said State Highway No. 100 to the south line of the Northeast Quarter of the Northeast Quarter of said Section 10; thence East to the southwesterly line of Highway No. 152 as above defined; thence northwesterly along said southwesterly line of Highway No. 152 to the point of beginning; except that part above described tract deeded to the Village of Brooklyn Center by deed recorded in Book 2075 Deeds, Page 105 and also except that part of the above described tract deeded to the State of Minnesota by the deed in Book 2385 Deeds, Page 210.

Together with a temporary easement for construction purposes over, under, across and through the East 14.00 feet of the West 28.00 feet of the South 132.00 feet of the North 156.50 feet of said described property.

Together with a temporary easement for construction purposes over, under, across and through the East 9.00 feet of the West 23.00 feet of the South 174.00 feet of the North 330.50 feet of said described property.

Together with a temporary easement for construction purposes over; under, across and through the East 13.00 feet of the West 27.00 feet of the South 45.50 feet of the North 376.00 feet of said described property.



LEGEND

EXISTING RIGHT OF WAY ———

CONST. LIMITS - - - - -

PROPOSED FEATURES ———

TEMP EASEMENT ———

TREE REMOVAL X

AREAS (50 FT)		
0&U.S.T	NEW PE	TE
EASE		5479

5105 BROOKLYN BLVD
 PID: 101182110011
 SP 109-020-013

PARCEL #16

10/11/2017

Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin CSAH 152) Project

County: Hennepin

Property Address: 5105 Brooklyn Blvd, Brooklyn Center, MN 55429

Parcel No: 16

Owner(s): CS Property NMA, LLC

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated September 18, 2017.

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

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

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

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

Appraisal received this 1st day of November, 2017

Owner(s):
CS Property NMA, LLC

SRF Consulting Group Inc.

By: Bao Jiang

Contact: Mike Iisakka

Address: One Carlson Pkwy N., Suite 150
Minneapolis, MN 55447

Its: Chief Operating Officer

Phone: 763-249-6775



ENGINEERS
PLANNERS
DESIGNERS

MEMORANDUM OF AGREEMENT

BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT

Parcel No: 30
Fee Owner: Donald P. Foster

On this 7th day of December, 2018, Donald P. Foster, a single person, Owner of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center and Hennepin County.

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

1. The Owner has been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owner understands that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin CSAH 152) Project.
2. The Owner understands and acknowledges that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owner the sum of \$ 48,200.00 for land and damages. Owner understands that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally: None

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

Owner(s)

The City of Brooklyn Center

Donald P. Foster
Donald P. Foster

By: _____

Its: _____



ENGINEERS
PLANNERS
DESIGNERS

SRF No. 9354.0290

January 12, 2018

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

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PARCEL NO. 30
PROPERTY ADDRESS: 5100 BROOKLYN BLVD

Dear Mr. Albers:

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

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

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

Sincerely,

SRF CONSULTING GROUP, INC.

A handwritten signature in black ink, appearing to read "Cindy Wiste".

Cindy Wiste
Senior Associate

CW/nw

Enclosures

H:\Projects\09000\9354\RW\Parcel Files\Parcel 30- Don Foster\Settlement letter to client.doc

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One Carlson Parkway North, Suite 150 | Minneapolis, MN 55447-4453 | 763.475.0010 Fax: 763.475.2429

An Equal Opportunity Employer

November 7, 2017

Donald P. Foster
5100 Brooklyn Blvd
Brooklyn Center, MN 55429

SRF No. 9354.0290

SUBJECT: OFFER TO PURCHASE
BROOKLYN BOULEVARD (HENNEPIN CSAH 152) PROJECT
PROPERTY ADDRESS: 5100 BROOKLYN BLVD
PARCEL NO.: 30

Dear Donald:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$48,200.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

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

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$1,500.00 for the actual costs of an appraisal of property acquired by direct purchase.

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

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

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

Sincerely,

SRF CONSULTING GROUP, INC.

Michael C. Iisakka

Mike Iisakka
Senior Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 8th day of November, 2017, this *Offer to Purchase* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

Donald P. Foster

Donald P. Foster

VALUE CALCULATION

BROOKLYN BOULEVARD (HENNEPIN CSAH 152)

Parcel No.: 30
Fee Owners: Donald P. Foster

Legal Description of property to be acquired:

See Attached Exhibit A .

ACQUISITION INFORMATION

Permanent Easement: 2,129 square feet
Temporary Construction Easement: 1,492 square feet

VALUATION

Land Value Before Taking	= \$ 240,000.00
Land Value After Taking	= \$ <u>197,800.00</u>
Indicated Damages	= \$ 42,200.00
Plus: Temporary Easement	= \$ 700.00
Affected Improvements	= \$ <u>5,300.00</u>
TOTAL (rounded)	= \$ 48,200.00

EXHIBIT A

A perpetual easement for roadway and utility purposes over, under, across and through that part of the following property:

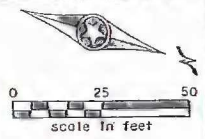
Tract A, REGISTERED LAND SURVEY NO. 492, Hennepin County, Minnesota except that part thereof which lies southwesterly of a line run parallel with and distant 50.00 feet northwesterly of the following described line: From a point on the north line of Section 10, Township 118, Range 21, Hennepin County, Minnesota distant 623.78 feet west of the northeast corner thereof run southwesterly at an angle of 58 degrees 55 minutes with said north section line for 289.8 feet to point of beginning of the line to be described; thence deflecting to the left at an angle of 52 degrees 34 minutes 45 seconds for 1300 feet and there terminating.

Said perpetual easement being that part of said described property lying westerly of a line run from a point on the south line of said Tract A distant 65.00 feet westerly from the southeast corner of said Tract A to a point on the north line of said Tract A distant 98.00 feet westerly from the northeast corner of said Tract A.

A 15.00 foot temporary easement for construction purposes over, under, across and through Tract A, REGISTERED LAND SURVEY NO. 492, Hennepin County, Minnesota. Said 15.00 foot temporary easement lies easterly of and adjacent to a line run from a point on the south line of said Tract A distant 65.00 feet westerly from the southeast corner of said Tract A to a point on the north line of said Tract A distant 98.00 feet westerly from the northeast corner of said Tract A.

Together with a temporary easement for construction purposes over, under, across and through that part of the South 4.00 feet of said Tract A lying easterly of said 15.00 foot temporary easement.

Together with a temporary easement for construction purposes over, under, across and through the North 8.00 feet of the South 12.00 feet of the East 10.00 feet of said Tract A.



**DRAFT
SUBJECT
TO
CHANGE**



LEGEND

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

AREAS (SQ FT)

D&U, S/T EASE	NEW PE	TE
	2129	1492

5100 BROOKLYN BLVD
PID: 1011821110018
SP 109-020-013

PARCEL # 30

10/11/2017

T:\45155.DWG 10/11/2017 H:\P\1011821110018\GRAPHICS\RIGHT OF WAY\1011821110018.DWG

Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin CSAH 152) Project

County: Hennepin

Property Address 5100 Brooklyn Blvd, Brooklyn Center, MN 55429

Parcel No: 30

Owner(s): Donald P. Foster

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

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

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

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

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

Appraisal received this 9th day of November, 2017

Owner(s):

Donald P. Foster
Donald P. Foster

SRF Consulting Group Inc.

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

City Council Agenda Item No. 6j

COUNCIL ITEM MEMORANDUM

DATE: February 6, 2018

TO: Curt Boganey, City Manager *CB*

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

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

SUBJECT: Resolution Supporting Applications for 2018 Corridors of Commerce Program for Trunk Highway 252 Freeway Conversion and Adding MnPASS Lanes

Recommendation:

It is recommended that the City Council consider approval of the attached resolution supporting applications for the 2018 Corridors of Commerce (COC) program for Trunk Highway (TH) 252 freeway conversion and adding MnPASS lanes.

Background:

In January 2017, Hennepin County initiated a TH 252 Freeway Conversion Study in partnership with the Minnesota Department of Transportation (MnDOT), the cities of Brooklyn Center and Brooklyn Park and Metro Transit for development of a concept for the conversion of TH 252 between 66th Avenue in Brooklyn Center to TH 610 in Brooklyn Park from a four/six lane expressway to a four or six lane freeway. The study will develop and review various access layouts to improve safety and mobility along TH 252 between Highway 610 and I-694. Additional goals of the project include providing community connectivity, pedestrian accommodations, access to transit services and maintaining existing infrastructure investments.

In October 2017, MnDOT, in cooperation with the Metropolitan Council, was in the process of completing their MnPASS System Study Phase 3. This document is used to identify future MnPASS corridors to be incorporated in the next round of the Transportation Policy Plan update. As a result of this process, TH 252 and I-94 from TH 252 to downtown Minneapolis were identified as a strong candidate for a future MnPASS corridor based on congestion relief benefits and costs as well as other considerations. The Technical Advisory Committee (TAC) for TH 252 Freeway Conversion Study discussed the potential for the TH 252 freeway conversion to include MnPASS lanes. The MnPASS lane concept could be implemented along TH 252 and along I-94 from TH 610 to Dowling Avenue.

MnDOT recently released the process for their upcoming COC program. The available COC funding is expected to be approximately \$400 million for the entire state with approximately \$200 million in the metro. Roughly 100-200 applications are anticipated with fierce competition likely between a few projects within the metro. If the TH 252/I-94 project received COC funding, the conversion of TH 252 to a freeway would commence within the next four to five years. Without COC funding, the conversion would likely occur in pieces over a time period of up to 10-20 years. While there are no guarantees, it is believed that the TH 252 freeway conversion project would be a competitive application due to the existing safety issues along the corridor and that it is recommended for MnPASS as a result of the MnPASS System Study Phase 3.

COUNCIL ITEM MEMORANDUM

At the November 13, 2017, TH 252 Policy Advisory Committee (PAC) meeting, the PAC recommended the project partners submit an application for COC funding to convert TH 252 to an ultimate six-lane freeway with single managed lanes in each direction. The COC solicitation could potentially fund the vast majority of the costs to convert TH 252 to a freeway if successful.

At the January 8, 2018, City Council Work Session, the City Council was provided with an update of the TH 252 freeway conversion project. The update included the current status of the project, a presentation on MnPASS, possible phasing and a project funding summary. The City Council was also presented with information about the COC funding program and was advised that the 2018 solicitation for projects would be opened on January 18, 2018, and would close on February 5, 2018. The 66th Avenue Interchange Project is not eligible for COC funding because it is currently in the State Transportation Improvement Program (STIP).

The PAC and TAC are now requesting all study agencies to provide a resolution of support for the COC funding applications. The resolutions of support are used by MnDOT as one of eight legislatively mandated scoring criteria with each criteria being worth 100 points. Project award announcement and release of final scores are anticipated to occur in April, 2018. If the TH 252 applications are successful, the funding will allow the study to move forward and also allow the agencies to possibly acquire a large amount of funding to convert TH 252 to a six-lane freeway with managed lanes in the next five to six years.

Budget Issues:

The total estimated cost of converting TH 252 to a freeway and add a MnPASS lane excluding the 66th Avenue interchange is \$150 million. Hennepin County will be preparing a funding request for the conversion through the COC program for TH 252 from I-94 to TH 610, adding a northbound MnPASS lane plus additional costs for work at the I-94 interchange (\$106M). The Metropolitan Council will be preparing a request for the conversion through this program for the conversion plus MnPASS lanes from TH 610 to Dowling Avenue (\$145M). It should be noted that any funds received via the COC program must adhere to MnDOT's cost participation policy.

Strategic Priorities:

- Key Transportation Investments

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION SUPPORTING APPLICATIONS FOR 2018 CORRIDORS OF COMMERCE PROGRAM FOR TRUNK HIGHWAY 252 FREEWAY CONVERSION AND ADDING MNPASS LANES

WHEREAS, there are currently significant safety and congestion problems along Trunk Highway (TH) 252 within the Cities of Brooklyn Center and Brooklyn Park; and

WHEREAS, in March, 2016, the City of Brooklyn Center adopted the Brooklyn Center TH 252 Corridor Study which contemplated converting TH 252 to a freeway from TH 610 to I-694/I-94; and

WHEREAS, in January 2017, Hennepin County initiated a TH 252 Freeway Conversion Study with the City of Brooklyn Center, City of Brooklyn Park, Minnesota Department of Transportation (MnDOT) and other agencies to study and resolve these problems on TH 252 from 66th Avenue to TH 610; and

WHEREAS, in October 2017, MnDOT, in cooperation with the Metropolitan Council, completed their MnPASS System Study Phase 3 which identified TH 252 and I-94 from TH 252 to downtown Minneapolis as a strong candidate for a future MnPASS corridor; and

WHEREAS, there is an opportunity to apply for Corridors of Commerce funding to help expedite the implementation of these improvements; and

WHEREAS, the Corridors of Commerce application requests each agency to provide resolutions of support.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that it supports applications for the 2018 Corridors of Commerce program for expressway to freeway conversion on TH 252 and adding MnPASS lanes on TH 252 and I-94.

February 12, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

City Council Agenda Item No. 6k

COUNCIL ITEM MEMORANDUM

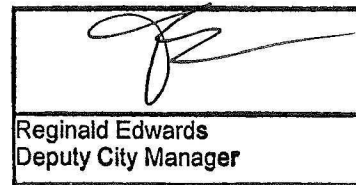
DATE: February 6, 2018

TO: Curt Boganey, City Manager

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

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

SUBJECT: Resolution Approving Final Plat for NORTHTOWN PLAZA 4TH ADDITION



Recommendation:

It is recommended that the City Council consider the resolution approving final plat for NORTHTOWN PLAZA 4TH ADDITION.

Background:

The attached final plat for NORTHTOWN PLAZA 4TH ADDITION would combine two existing lots at the southwest corner of Brooklyn Boulevard and 68th Avenue for the Luther Planned Unit Development (PUD). The City Council approved the proposed preliminary plat based upon certain conditions per City Council Resolution No. 2017-176. Staff has reviewed the NORTHTOWN PLAZA 4TH ADDITION final plat and found it consistent with the previously approved preliminary plat as a part of Planning Commission Resolution No. 2017-13.

The applicant is now seeking final plat approval from the City Council. The final plat is in general conformance to the approved preliminary plat. The final plat is recommended for approval subject to the conditions established by the City Engineer, conditions established by the City Attorney based on a review of an updated title commitment provided by the applicant (within the past 30 days), conditions as previously approved by the City Council and any conditions established by Hennepin County and the Minnesota Department of Transportation for recording of the plat documents.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Targeted Redevelopment

Member _____ introduced the following resolution and moved
its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING FINAL PLAT FOR NORTHTOWN PLAZA 4TH
ADDITION

WHEREAS, the City Council approved the proposed preliminary plat for
NORTHTOWN PLAZA 4TH ADDITION based on certain conditions as set forth in City Council
Resolution No. 2017-176; and

WHEREAS, the applicant has applied for approval of the final plat for
NORTHTOWN PLAZA 4TH ADDITION as required by City Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Brooklyn Center, Minnesota that the final plat for NORTHTOWN PLAZA 4TH ADDITION is hereby
approved, subject to the following conditions:

1. Conditions as previously required by the City Council pertaining to the
development's Preliminary Plan approval in accordance with City Council
Resolution No. 2017-176.
2. Conditions as previously recommended by the Planning Commission
pertaining to the final plat in accordance with Planning Commission
Resolution No. 2017-13.
3. All recommendations and conditions as noted in the City Engineer's
memorandum dated October 18, 2017.
4. Evidence of title satisfactory to the City Attorney and City Engineer.
5. Any other conditions as established by Hennepin County and the Minnesota
Department of Transportation for recording of said Final Plat.
6. Prior to release by the City of the final, approved plat, the owner must
reimburse the City the full amount of legal fees incurred by the City in
obtaining a review or opinion of title.

February 12, 2018

Date

Mayor

ATTEST: _____
City Clerk

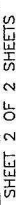
The motion for the adoption of the foregoing resolution was duly seconded by member

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

R.T.	DOC.	NO.
C.R.	DOC.	NO.



R.T. DOC. NO. _____
C.R. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That The Luther Co. LLP, a Minnesota limited liability limited partnership, owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lots 1, 2, 3, and 4, Block 2, NORTH TOWN PLAZA 2ND ADDITION.

Has caused the same to be surveyed and platted as NORTH TOWN PLAZA 4TH ADDITION and does hereby dedicate to the public the easements for drainage and utility purposes as shown on this plat.

In witness whereof said The Luther Co. LLP, a Minnesota limited liability limited partnership, has caused these presents to be signed by its proper partner this _____ day of _____, 20____.

THE LUTHER CO. LLP

General Partner

STATE OF MINNESOTA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____, the General Partner of The Luther Co. LLP, a Minnesota limited liability limited partnership, on behalf of the partnership.

Notary Public, _____ County, Minnesota

My Commission Expires _____

I, Eric B. Lindgren, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 605.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Eric B. Lindgren, Licensed Land Surveyor
Minnesota License Number 48716

STATE OF MINNESOTA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by Eric B. Lindgren.

Notary Public, _____ County, Minnesota

My Commission Expires _____

BROOKLYN CENTER, MINNESOTA

This plat of NORTH TOWN PLAZA 4TH ADDITION was approved and accepted by the City Council of Brooklyn Center, Minnesota at a regular meeting thereof held on this _____ day of _____, 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the city or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

CITY COUNCIL OF BROOKLYN CENTER, MINNESOTA

By: _____

Mayor

By: _____

Clerk

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA

I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat.

Dated this _____ day of _____, 20____.

Mark V. Chaplin, County Auditor

by: _____ Deputy

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to Minnesota Statutes, Section 363B.565 (1989), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavris, County Surveyor

by: _____

REGISTRAR OF TITLES, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of NORTH TOWN PLAZA 4TH ADDITION was filed in this office this _____ day of _____, 20____ at _____ o'clock _____ M.

Martin McCormick, Registrar of Titles

by: _____ Deputy

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of NORTH TOWN PLAZA 4TH ADDITION was recorded in this office this _____ day of _____, 20____ at _____ o'clock _____ M.

Martin McCormick, County Recorder

by: _____ Deputy

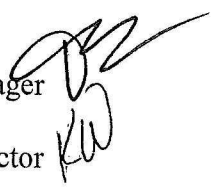
LANDFORM
From SRS to PLS

City Council Agenda Item No. 61

COUNCIL ITEM MEMORANDUM

DATE: January 30, 2018

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy City Manager 

FROM: Kelli Wick, Human Resources Director 

SUBJECT: Resolution Approving the Labor Agreement for Law Enforcement Labor Services (LELS) Local 82 (Police Officers and Detectives) and the City of Brooklyn Center for the Calendar Years 2018 and 2019

Recommendation:

It is recommended that the City Council consider adoption of the resolution approving the labor agreement between the City of Brooklyn Center and Law Enforcement Labor Services (LELS) Local 82 for the period January 1, 2018 – December 31, 2019.

Background:

The current contract with LELS 82 (Police Officers and Detectives) expired on December 31 2017. The City and the Union have met and negotiated in good faith to reach a settlement on all issues of concern. This labor agreement covers police officers and police detectives for a total of 38 employees.

The attached agreement has been approved by a vote of the members and upon adoption by the City Council will establish wages and working conditions for the years 2018 - 2019.

The Articles affected by these negotiations include the following:

Article 9 – Seniority

Change the language in Article 9.7 to the following effective January 1, 2018:

One continuous vacation period shall be selected on the basis of seniority until ~~April 1~~ December 31st of each calendar year. Bids for the continuous vacation period shall be approved no later than November 15.

Article 14.2 – Standby Pay

Modify and clarify the language in Section 14.2.2 to the following:

An employee who is placed on standby for court during their scheduled off-duty time shall be given 12 hours prior notification of cancellation of the court appearance. If the notification is not given 12 hours prior to the scheduled court time, the employee will receive ~~the three (3) hours minimum as provided in Section 14.21 or 14.2.2~~ at one and one-half times the employee's base rate. If the standby period is extended beyond three hours the employee will be compensated for the actual time at one and one-half times employee's base rate.

Article 25 – Longevity Incentive – Effective January 1, 2019

Increase the longevity percentage by 1% for after twelve (12) years of employment; increase the longevity percentage by 2% for after sixteen (16) years of employment; add a longevity step at

COUNCIL ITEM MEMORANDUM

8% for after twenty (20) years of employment:

Article 29 – Health Insurance

For 2018 and 2019, the City will offer the best of any agreement that we have for any other employee group for 2018 and 2019.

Article 30 – Wage Rates

Two and a half-percent (2.5%) increase on general wages plus a one and a half-percent (1.5%) market adjustment effective January 1, 2018.

Two and three quarter's percent (2.75%) increase in general wages effective January 1, 2019.

Budget Issues:

The following chart provides a summary of wage considerations:

	Current	2018	2019
Base Wage	\$6,400/month	\$6,699/month	\$6,884/month
Longevity – 12 years	3% of base	3% of base	4% of base
Longevity – 16 years	4% of base	4% of base	6% of base
Longevity – 20 years	4% of base	4% of base	8% of base

In 2018 the cost of the wage adjustment is approximately \$138,500. The City's 2018 budget included half of this increase (2 percent). The estimated cost of the increase in the health insurance contribution is \$29,500. The City's 2018 budget included the full amount of this increase.

In 2019 the cost of the wage adjustment is approximately \$99,000. The cost of the additional longevity steps is approximately \$32,000. These amounts will be incorporated in the 2019 budget.

Strategic Priorities:

- Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION APPROVING THE LABOR AGREEMENT FOR LAW ENFORCEMENT LABOR SERVICES (LELS) LOCAL 82 (POLICE OFFICERS AND DETECTIVES) AND THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEARS 2018 AND 2019

WHEREAS, Section 2.07 of the City Charter for the City of Brooklyn Center states that the City Council is to fix the salary or wages of all officers and employees of the City; and

WHEREAS, the City has negotiated in good faith with LELS Local 82 (Police Officers and Detectives) for a contract for the years 2018 and 2019 as attached.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center to authorize the Mayor and City Manager to execute the attached contract with LELS Local 82 (Police Officers) for calendar years 2018 and 2019 with such language changes as may be necessary to clarify any terms, provided such language changes do not change the substance or monetary compensation set forth in the attached contract.

BE IT FURTHER RESOLVED that authorized wage and benefit adjustments not to exceed the maximum contained herein shall become effective according to the schedule of the contract which commences January 1, 2018.

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member and upon vote being taken thereon, the following voted in favor thereof:

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

Master Labor Agreement

Between

City of Brooklyn Center

And

**Law Enforcement Labor Services, Local Number 82
(Police Officers and Detectives)**

January 1, 2018 – December 31, 2019

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This Agreement is entered into between the City of Brooklyn Center, hereinafter called the Employer, and Law Enforcement Labor Services, hereinafter called the Union.

1.1 Establish procedures for the resolution of disputes concerning this Agreement's interpretation and/or application; and

- ## ARTICLE 2 - Recognition

- 2.2 In the event the Employer and the Union are unable to agree as to the inclusion or exclusion of a new or modified job class, the issue shall be submitted to the Bureau of Mediation Services for determination.

- 3.1 UNION: Law Enforcement Labor Services.
- 3.2 UNION MEMBER: A member of Law Enforcement Labor Services.
- 3.3 DEPARTMENT: The City of Brooklyn Center Police Department.
- 3.4 EMPLOYEE: A member of the exclusively recognized bargaining unit.
- 3.5 EMPLOYER: The City of Brooklyn Center.
- 3.6 CHIEF: The Chief of the Brooklyn Center Police Department.
- 3.7 UNION OFFICER: Officer elected or appointed by Law Enforcement Labor Services (Local No. 82).
- 3.8 DETECTIVE: An employee specifically assigned or classified by the Employer to the job classification and/or job position of Detective.
- 3.9 OVERTIME: Work performed at the express authorization of the Employer in excess of the employee's scheduled shift.
- 3.10 SCHEDULED SHIFT: A consecutive work period including rest breaks and a lunch break.
- 3.11 REST BREAKS: Period during the scheduled shift during which the employee remains on continual duty and is responsible for assigned duties.
- 3.12 LUNCH BREAKS: A period during the scheduled shift during which the employee remains on continual duty and is responsible for assigned duties.
- 3.13 REGULAR BASE PAY RATE: The employee's hourly or monthly base pay rate, including educational incentive pay, longevity pay, and differential for detective and school liaison officer excluding any other special allowance.
- 3.14 STRIKE: Concerted action in failing to report for duty, the willful absence from one's position, the stoppage of work, slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purposes of inducing, influencing, or coercing a change in the conditions or compensation or the rights, privileges, or obligations of employment.

ARTICLE 4 - Employer Security

The Union agrees that during the life of this Agreement the Union will not cause, encourage, participate in, or support any strike, slowdown, or other interruption of or interference with the normal functions of the Employer.

ARTICLE 5 - Employer Authority

- 5.1 The Employer retains the full and unrestricted right to operate and manage all personnel, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel, to establish work schedules, and to perform any inherent managerial function not specifically limited by this Agreement.
- 5.2 Any term and condition of employment not specifically established or modified by this Agreement shall remain solely within the discretion of the Employer to modify, establish, or eliminate.

ARTICLE 6 – Union Security

- 6.1 The Employer shall deduct the wages of employees who authorize such a deduction in writing an amount necessary to cover monthly Union dues. Such monies shall be remitted as directed by the Union.
- 6.2 The Union may designate employees from the bargaining unit to act as a steward and an alternate and shall inform the Employer in writing of such choice and changes in the position of steward and/or alternate.
- 6.3 The Employer shall make space available on the employee bulletin board for posting Union notice(s) and announcement(s).
- 6.4 The Union agrees to indemnify and hold the Employer harmless against any and all claims, suits, orders, or judgments brought or issued against the Employer as a result of any action taken or not taken by the Employer under the provisions of this Article.

ARTICLE 7 - Savings Clause

This Agreement is subject to the laws of the United States, the State of Minnesota, and the City of Brooklyn Center. In the event any provision of the Agreement shall be held to be contrary to law by a court of competent jurisdiction from whose final judgment or decree no appeal has been taken within the time provided, such provisions shall be voided. All other provisions of this Agreement shall continue in full force and effect. The voided provision may be renegotiated at the written request of either party.

ARTICLE 8 – Constitutional Protection

Employees shall have the rights granted to all citizens by the United States and Minnesota Constitutions.

ARTICLE 9 - Seniority

- 9.1 Seniority shall be determined by continuous length of service in all of the job classifications covered by this Agreement. Employees promoted or assigned to classifications covered by this Agreement shall accrue classification seniority in the promoted or assigned classification in addition to bargaining unit seniority. Employees promoted from classifications covered by this Agreement to a position outside the bargaining unit will continue to accrue seniority under this Agreement until the completion of their promotional probationary period or for no longer than twelve (12) months. The seniority roster shall be based on length of service in all of the job classifications covered by this Agreement. Employees lose seniority under this Agreement under the following circumstances: resignation, discharge for cause, or transfer or promotion to a classification not covered by this Agreement after completion of the promotional probationary period or for no longer than twelve (12) months after transfer or promotion.
- 9.2 There shall be an initial probationary period for new and promoted employees of twelve (12) months. During the probationary period, a newly hired or rehired employee may be discharged at the sole discretion of the Employer. During the probationary period a promoted or reassigned employee may be replaced in their previous position at the sole discretion of the Employer.
- 9.3 A reduction of work force will be accomplished on the basis of seniority. The Employer shall give the Union and the employees at least two (2) weeks written notice in advance of any layoff. Employees shall be recalled from layoff on the basis of seniority. An employee on layoff shall have an opportunity to return to work within two (2) years of the time of the layoff before any new employee is hired.
- 9.4 Senior employees will be given preference with regard to transfer, job classification assignments, and promotions when the job-relevant qualifications of employees are equal.
- 9.5 Senior qualified employees shall be given assignment preference after eighteen (18) months of continuous full-time employment. Except as noted in the preceding sentence, shift assignments shall be bid on the basis of seniority during the last two weeks of October. The resulting shift assignments will take effect January 1 and span through December 31 of the same year. A new shift bid may occur outside of these dates at the mutual agreement of the city and the Union. A permanent change in the work schedule will not result in re-bidding the work schedule if the permanent change in the work schedule would be effective within 90 days of January 1.

It is agreed that a 'permanent change to the work schedule' is defined as a promotion; permanent departure from employment; and an extended assignment.

In the instance of a permanent change to the work schedule, a 'partial rebid' will be conducted within thirty (30) days of the date that the permanent change to the work schedule takes effect. This bid will be based upon seniority and involve only those officers from the most senior affected officer through the least senior officer who has completed at least eighteen (18) months of continuous full-time employment. A partial re-bid may be waived at the mutual agreement of the City and the Union.

Officers may, through their own mutual agreement and with approval of the Patrol Commander, trade shift assignments at their own discretion. The maximum duration of any such trade shall be sixty (60) calendar days.

- 9.6 The Employer shall consider seniority by classification as the primary factor when calling off-duty employees to duty. Reverse seniority shall be considered the primary factor when scheduling duty changes, provided such employees are deemed qualified.
- 9.7 One continuous vacation period shall be selected on the basis of seniority until December 31st of each calendar year. Bids for the continuous vacation period shall be approved no later than November 15.
- 9.8 The Employer shall recognize seniority as the primary factor when authorizing holiday leave and compensatory time leave.
- 9.9 No time shall be deducted from an employee's seniority accumulation due to absences occasioned by an authorized leave with pay, layoffs of less than two (2) years in duration, or any military draft or government call-up to Reserves or National Guard.

ARTICLE 10 – Work Schedules

- 10.1 The normal work year is two thousand and eighty (2,080) hours to be accounted for by each employee through:
 - a. hours worked on assigned shifts,
 - b. holidays,
 - c. assigned training, and
 - d. authorized leave time.
- 10.2 Authorized leave time (including holiday hours) is to be calculated on the basis of the actual hours used for such leave based on the time that the employee would otherwise have been scheduled to work.
- 10.3 Nothing in this or any other Article shall be interpreted to be a guarantee of a minimum or maximum number of hours the Employer may assign employees.

ARTICLE 11 - Discipline

- 11.1 The Employer will discipline employees for just cause only. Discipline will be in one or more of the following forms:
 - a. oral reprimand;
 - b. written reprimand;
 - c. suspension;
 - d. demotion; or
 - e. discharge.
- 11.2 Suspension, demotions, and discharges will be in written form.

- 11.3 Written reprimands, notices of suspension, and notices of discharge which are to become part of an employee's personnel file shall be read and acknowledged by signature of the employee. Employees and the Union will receive a copy of such reprimands and/or notices.
- 11.4 Employees may examine their own individual personnel files at reasonable times under direct supervision of the Employer.
- 11.5 A single disciplinary action for failure to attend training, court or tardiness will be removed from the personnel file after 18 months if, during that time, the single incident of discipline for failure to attend training, court or tardiness, is the only occurrence of discipline during that 18 month period.
- 11.6 Discharges will be preceded by a five (5) day suspension without pay.
- 11.7 For purposes of discipline, a day will mean eight (8) hours.
- 11.8 Employees will not be questioned concerning an investigation of disciplinary action unless the employee has been given an opportunity to have a Union representative present at such questioning.
- 11.9 Grievances relating to this Article shall be initiated by the Union in Step 3 of the grievance procedure under Article 12.

ARTICLE 12 – Employee Rights – Grievance Procedure

- 12.1 *Definition of a Grievance* - A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this Agreement.
- 12.2 *Union Representatives* - The Employer will recognize Representatives designated by the Union as the grievance representatives of the bargaining unit having the duties and responsibilities established by this Article. The Union shall notify the Employer in writing of the names of such Union Representatives and of their successors when so designated as provided by 6.2 of this Agreement.
- 12.3 *Processing of a Grievance* - It is recognized and accepted by the Union and the Employer that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the Employees and shall therefore be accomplished during normal working hours only when consistent with such Employee duties and responsibilities. The aggrieved Employee and a Union Representative shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the Employer during normal working hours provided that the Employee and the Union Representative have notified and received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the Employer.
- 12.4 *Procedure* - Grievances, as defined by Section 12.1, shall be resolved in conformance with the following procedure:

Step 1. An Employee claiming a violation concerning the interpretation or application of this Agreement shall, within twenty-one (21) calendar days after such alleged violation has occurred, present such grievance to the Employee's supervisor as designated by the Employer. The Employer-designated representative will discuss and give an answer to such Step 1 grievance within ten (10) calendar days after receipt. A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the Agreement allegedly violated, the remedy requested, and shall be appealed to Step 2 within ten (10) calendar days after the Employer-designated representative's final answer in Step 1. Any grievance not appealed in writing to Step 2 by the Union within ten (10) calendar days shall be considered waived.

Step 2. If appealed, the written grievance shall be presented by the Union and discussed with the Employer-designated Step 2 representative. The Employer-designated representative shall give the Union the Employer's Step 2 answer in writing within ten (10) calendar days after receipt of such Step 2 grievance. A grievance not resolved in Step 2 may be appealed to Step 3 within ten (10) calendar days following the Employer-designated representative's final Step 2 answer. Any grievance not appealed in writing to Step 3 by the Union within ten (10) calendar days shall be considered waived.

Step 3. If appealed, the written grievance shall be presented by the Union and discussed with the Employer-designated Step 3 representative. The Employer-designated representative shall give the Union the Employer's answer in writing within ten (10) calendar days after receipt of such Step 3 grievance. A grievance not resolved in Step 3 may be appealed to Step 4 within ten (10) calendar days following the Employer-designated representative's final answer to Step 3. Any grievance not appealed in writing to Step 4 by the Union within ten (10) calendar days shall be considered waived.

Step 3a. If the grievance is not resolved at Step 3 of the grievance procedure, the parties, by mutual Agreement, may submit the matter to mediation with the Bureau of Mediation Services. Submitting the grievance to mediation preserves timelines for Step 4 of the grievance procedure. Any grievance not appealed in writing to Step 4 by the Union within ten (10) calendar days of mediation shall be considered waived.

Step 4. A grievance unresolved in Step 3 or Step 3a and appealed to Step 4 by the Union shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act as amended. The selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Bureau of Mediation Services.

12.5 *Arbitrator's Authority*

- a. The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this Agreement. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the Employer and the Union, and shall have no authority to make a decision on any other issue not so submitted.
- b. The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules, or regulations

having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on both the Employer and the Union and shall be based solely on the arbitrator's interpretation or application of the express terms of this Agreement and to the facts of the grievance presented.

- c. The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the Employer and the Union provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings, the cost shall be shared equally.

12.6 *Waiver*

If a grievance is not presented within the time limits set forth above, it shall be considered "waived". If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the Employer's last answer. If the Employer does not answer a grievance or an appeal thereof within the specified time limits, the Union may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual written Agreement of the Employer and the Union in each step.

ARTICLE 13 – Overtime

- 13.1 Employees will be compensated at one and one-half (1 ½) times the employee's regular base pay rate for hours worked in excess of the employee's regularly scheduled shift. Changes of shift do not qualify an employee for overtime under this Article.
- 13.2 Overtime will be distributed as equally as practicable.
- 13.3 Overtime refused by employees will for record purposes under Article 13.2 be considered as unpaid overtime worked.
- 13.4 For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.
- 13.5 Overtime will be calculated to the nearest six (6) minutes.
- 13.6 Employees have the obligation to work overtime or call backs if requested by the Employer unless unusual circumstances prevent the employee from so working.
- 13.7 When uniformed patrol employees have less than twelve (12) hours of duty-free time between assigned shifts, they will be compensated at a rate of one and one-half (1 ½) times the employee's regular base pay rate for the next shift. For purposes of this Article, shift extensions, elected overtime, voluntary changes of shifts, City-contracted work, training, and court time are considered as duty-free time. The twelve (12) hour requirement may be waived by mutual Agreement between the Employee and the Police Administration.

- 13.8 As an alternative to monetary compensation for overtime, an employee may elect compensatory time off at a rate of one and one-half (1 ½) time. An employee's compensatory time bank shall not exceed sixty (60) hours at any time during the calendar year. Employees with less than 30 hours of compensatory time will be paid out to the employee on or about the first paycheck in December. Employees with thirty (30) or more hours up to the sixty (60) hour limit will have pay placed in the employee's HCSP account on or about the first pay check in December. No compensatory time will be accumulated or used during the month of December. Special overtime duty assignments made available to all positions by the Chief of Police at the police officer's rate of compensation will not be eligible for compensatory time. Compensatory time off shall be granted only at the convenience of the Employer with prior approval of the Employer-designated supervisor.
- 13.9 Employees given less than sixteen (16) hours notice of a scheduled duty change other than their regularly scheduled work period shall be compensated at one and one-half (1 ½) times the employee's regular pay rate for hours worked outside of the scheduled work period.

ARTICLE 14 - Court Time

- 14.1 Court Appearances:
- 14.1.1 An employee who is required to appear in court during their scheduled off-duty time shall receive a minimum of three (3) hours pay at one and one-half (1 ½) times the employee's base pay rate. An extension or early report to a regularly scheduled shift for court appearance does not qualify the employee for the three (3) hour minimum. Employees shall not be required to work office or street duty to qualify for the court time minimum.
- 14.1.2 An employee who is required to appear in court during their scheduled off-duty time shall be given 12 hours prior notification of cancellation of the court appearance. If the notification is not given 12 hours prior to the scheduled court time, the employee will receive the three (3) hour court time minimum.
- 14.2 Standby Pay:
- 14.2.1 Any employee placed on standby on scheduled days on will be paid three (3) hours at one times the employee's base pay. IE: If an officer is scheduled to work night shift on Monday and Tuesday night and is placed on standby on Monday or Tuesday, then standby pay would be at straight time.
- 14.2.2 An employee who is placed on standby for court during their scheduled off-duty time shall be given 12 hours prior notification of cancellation of the court appearance. If the notification is not given 12 hours prior to the scheduled court time, the employee will receive three (3) hours at one and one-half times the employee's base rate. If the standby period is extended beyond three hours the employee will be compensated for the actual time at one and one-half times employee's base rate.
- 14.2.3 Any employee who is placed on stand-by for court should retain a copy of the notice placing them on stand-by, or obtain the name of the person placing them on stand-by.

ARTICLE 15 - Call Back Time

An employee who is called to duty during their scheduled off-duty time shall receive a minimum of two (2) hours pay at one and one-half (1 ½) times the employee's base pay rate. An extension or early report to a regularly scheduled shift for duty does not qualify the employee for the two (2) hours minimum.

ARTICLE 16 - Working Out Of Classification

Employees assigned by the Employer to assume the full responsibilities and authority of a higher job classification shall receive the salary schedule of the higher classification for the duration of the assignment.

ARTICLE 17 –Standby Pay

Employees required by the Employer to standby shall be paid for such standby time at the rate of one hour's pay for each hour on standby.

ARTICLE 18 – Leaves of Absence

- 18.1 In cases of demonstrated need and where sick leave has not been abused, the Employer shall grant to employees a leave of absence without pay for extended personal illness after the accumulative sick leave has expired. Such leaves of absence shall not exceed ninety (90) calendar days. Upon granting such unpaid leave of absence, the Employer will not permanently fill the employee's position and the employee's benefits and rights shall be retained.
- 18.2 An employee called to serve on a jury shall be reimbursed the difference between the amount paid for such service (exclusive of travel and expense pay) and compensation for regularly scheduled working hours lost because of jury service.
- 18.3 Employees ordered by proper authority to National Guard or Reserve Military Service not exceeding fifteen (15) working days in any calendar year shall be entitled to leave of absence without loss of status. Such employees shall receive compensation from the Employer equal to the difference between his regular pay and the lesser military pay.
- 18.4 Employees called and ordered by proper authority to active military service in time of war or other properly declared emergency shall be entitled to leave of absence without pay during such service. Upon completion of such service, employees shall be entitled to the same or similar employment of like seniority, status, and pay as if such leave had not been taken, subject to the specific provisions of state and federal law.
- 18.5 Members of the bargaining unit will receive such additional leaves as provided for under State or Federal law, as the same laws may be amended from time to time.
- 18.6 Additional leaves of absence may be granted in the City Manager's discretion upon the same terms and conditions as then applicable to non-Union employees pursuant to the City's Personnel policy applicable to non-Union employees at the time of application for a leave of absence.

ARTICLE 19 - Severance

- 19.1 Before terminating employment, the employee shall give the Employer two (2) weeks written notice.
- 19.2 Severance pay in the amount of one-third (1/3) the accumulated sick leave employees have to their credit at the time of resignation or retirement, times their respective regular pay rate, shall be paid to employees who have been employed for at least five (5) consecutive years. If discharged for just cause, severance pay shall not be allowed.
- 19.3 Employees electing to participate in the Health Care Savings Plan will receive 40% of sick leave severance paid into the Health Care Savings Plan. If the employee is not eligible to have a Health Care Savings Plan they will receive the one-third sick leave severance.

ARTICLE 20 – Injury on Duty

Employees injured during the performance of their duties for the Employer and thereby rendered unable to work for the Employer will be paid the difference between the employee's regular pay and Workers' Compensation insurance payments for a period not to exceed 720 hours per injury, not charged to the employee's vacation, sick leave, or other accumulated paid benefits, after a three (3) calendar day initial waiting period per injury. The three (3) calendar day waiting period shall be charged to the employee's sick leave account if they were regularly scheduled work days less Workers' Compensation insurance payments.

ARTICLE 21 - False Arrest Insurance

The City of Brooklyn Center shall maintain liability insurance that includes a provision for unlawfully detaining an individual when an employee is acting within the scope of their duties on behalf of the City of Brooklyn Center.

ARTICLE 22 - Training

- 22.1 The Employer shall reimburse each employee who is required to maintain a license as a law enforcement officer under Minnesota Statutes, Section 626.84, et seq., for actual expenses of tuition, meals, travel, and lodging incurred in meeting the continuing education requirements of the Minnesota Police Officers Standards and Training Board, not to exceed 48 hours of such training every three (3) years. The Employer need not make such reimbursement for attendance at a course located less than sixty (60) miles from the City of Brooklyn Center and such reimbursement shall not exceed similar allowances for state employees. If the Employer provides in-service training to its employees which meets the continuing education requirements of the Minnesota Police Officers Standards and Training Board, and if the Employer provides its employees with an opportunity to attend such in-service training courses, to the extent that such opportunity is provided to each employee, the obligation of the Employer to reimburse such employee for expenses incurred in attending continuing education courses shall be reduced.
- 22.2 The Employer shall pay each employee a minimum of their regular salary for all scheduled course hours while attending Employer approved or Employer required continuing education courses, whether or not such courses attended are in-service training courses or courses given by instructors other than the Employer. Should a course exceed the scheduled course hours, the Employer shall pay the employee for the actual hours in attendance.

ARTICLE 23 – Post License Fees

The Employer shall pay up to \$90 for the cost of POST license fees for all employees requiring such license during each license period.

ARTICLE 24 - Uniforms

The Employer shall provide required uniform and equipment items. In addition, the Employer shall pay to the uniformed officers a maintenance allowance of \$155 per year. Detectives and plainclothes officers, including the trainee, will have the option of selecting either business appropriate attire as defined by the Employer with an allowance of \$300 per year or business professional attire as defined by the Employer with an allowance of \$590 per year.

ARTICLE 25 – Longevity and Educational Incentive

Effective January 1, 2018

- 25.1 After eight (8) years of continuous employment, each employee shall be paid supplementary pay of two percent (2%) of the employee's base rate.
- 25.2 After twelve (12) years of continuous employment, each employee shall choose to be paid supplementary pay of three percent (3%) of the employee's base rate, or supplementary pay based on educational credits as outlined in 25.5 of this Article.
- 25.3 After sixteen (16) years of continuous employment, each employee shall choose to be paid supplementary pay of four percent (4%) of the employee's base rate, or supplementary pay based on educational credits as outlined in 25.5 of this Article.
- 25.4 Employees may choose supplementary pay either for length of service or for educational credits no more often than once every twelve (12) months.
- 25.5 Supplementary pay based on educational credits will be paid to employees after twelve (12) months of continuous employment at the rate of:
 - Bachelor's Degree - 3% of employee's base rate
 - Master's Degree - 4% of employee's base rate

Effective January 1, 2019

- 25.1 After eight (8) years of continuous employment, each employee shall be paid supplementary pay of two percent (2%) of the employee's base rate.
- 25.2 After twelve (12) years of continuous employment, each employee shall choose to be paid supplementary pay of four percent (4%) of the employee's base rate.
- 25.3 After sixteen (16) years of continuous employment, each employee shall choose to be paid supplementary pay of six percent (6%) of the employee's base rate.
- 25.4 After twenty (20) years of continuous employment, each employee shall be paid supplementary pay of eight percent (8%) of the employee's base rate.
- 25.4 Employees may choose supplementary pay either for length of service or for educational credits no more often than once every twelve (12) months.

- 25.5 Supplementary pay based on educational credits will be paid to employees after twelve (12) months of continuous employment at the rate of:
Bachelor's Degree - 3% of employee's base rate
Master's Degree - 4% of employee's base rate

ARTICLE 26 – Holiday Leave

- 26.1 Employees shall receive eight (8) hours of holiday leave per month. Ninety-six (96) hours of holiday leave shall be advanced to employees on January 1st of each calendar year beginning on January 1st 2002. In the event an employee is not employed for the entire calendar year, the employee's holiday leave shall be reduced by eight (8) hours for each full month that the employee will not have worked in that calendar year.
- 26.2 Employees may use holiday leave with the approval of the Employer.
- 26.3 An employee who works on New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Memorial Day, Veteran's Day, Columbus Day, Martin Luther King Day, or President's Day shall receive one and one-half (1 ½) times the employee's regular pay rate for all hours actually worked during the named holiday.
- 26.4 Except as provided in 26.3, overtime pay shall not be authorized for employees for hours worked on holidays when such work is part of the planned schedule.
- 26.5 An employee who is on their regularly scheduled day off for a holiday as specified in 26.3, and is called in to work or kept over to work such holiday due to staff shortage(s), etc., will receive two times the employee's regular pay rate for all hours actually worked during the named holiday in lieu of one and one-half (1 ½) times the employee's regular pay rate under Section 26.3. Employees who accept a shift under 26.6 shall be paid as provided in 26.3 and 26.4 and shall not be eligible for payment pursuant to 26.5.
- 26.6 An employee may request a holiday off, which they are required to work, prior to fourteen calendar days before the holiday. The Employer shall post the open holiday shift to be filled by another employee at the holiday rate of pay. The employee making the request for the holiday off is responsible for working the holiday if the posting is not filled five (5) days prior to the holiday.
- 26.7 Employees beginning employment after January 1st of a calendar year shall receive eight (8) hours of holiday leave per month beginning on the first month in which they are working as of the first day of that month. Such employees shall receive an advance of holiday leave hours equal to eight (8) hours multiplied by the number of whole months they will work through December of the year in which they were first employed.
- 26.8 Any holiday leave not used on or before December 31st of each year will be deemed forfeited and shall not carry over into the next calendar year.

ARTICLE 27 – Vacation Leave

- 27.1 Permanent full-time employees shall earn vacation leave with pay as per the following schedule:
0 through 5 years of service - eighty (80) hours per year (accrued at 3.08 hours per pay period)

6 through 10 years of service - one hundred twenty (120) hours per year (accrued at 4.62 hours per pay period)

eight (8) additional hours per year of service to a maximum of one hundred sixty (160) hours after fifteen (15) years of service
11 years - 4.92 hours per pay period
12 years - 5.23 hours per pay period
13 years - 5.54 hours per pay period
14 years - 5.85 hours per pay period
15 years - 6.15 hours per pay period
- 27.2 Employees using earned vacation leave or sick leave shall be considered working for the purpose of accumulating additional vacation leave.
- 27.3 Vacation may be used as earned, except that the Employer shall approve the time at which the vacation leave may be taken. No employee shall be allowed to use vacation leave during Their initial six (6) months of service. Employees shall not be permitted to waive vacation leave and receive double pay.
- 27.4 Employees may accrue a maximum of two hundred thirty (230) hours of vacation leave. No more than two hundred thirty (230) hours can carry over from year to year.
- 27.5 Employees leaving the service of the Employer shall be compensated for vacation leave accrued and unused.

ARTICLE 28 – Sick Leave

- 28.1 Sick leave with pay shall be granted to probationary and permanent employees at the rate of eight (8) hours per month or ninety-six (96) hours per year (computed at 3.69 hours per pay period) of full time service or major fraction thereof.
- 28.2 Sick leave shall be used for absence from duty because of personal illness or legal quarantine of the employee, or illness of or injury to the employee's child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury.

The employer may limit the use of personal sick leave benefits provided for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to no less than 160 hours in any 12-month period. This paragraph does not apply to absences due to the illness or injury of a child.

Sick leave may be used for the purpose of attending the funeral of immediate family members, defined as an employee's brother, sister, parent, parent-in-law, spouse, children, brother-in-law, sister-in-law, grandparents, grandparents-in-law, and grandchildren of the employee.

- 28.3 Sick leave shall accrue at the rate of eight (8) hours per month or ninety-six (96) hours per year until nine hundred sixty (960) hours have been accumulated (shall be computed at 3.69 hours per pay period). Effective January 1, 1994, after nine hundred sixty (960) hours have been accumulated, sick leave shall accrue at the rate of four (4) hours per month or forty-eight (48) hours per year (computed at 1.85 hours per pay period), and simultaneously vacation leave, in addition to regular vacation leave accrual, shall accrue at the rate of two (2) hours per month or twenty-four (24) hours per year (computed at .925 hours per pay period). Employees using earned vacation or sick leave shall be considered to be working for the purpose of accumulating additional sick leave. Workers' Compensation benefits shall be credited against the compensation due employees utilizing sick leave.
- 28.4 In order to be eligible for sick leave with pay, an employee must:
- a. notify the Employer prior to the time set for the beginning of their normal scheduled shift;
 - b. keep the Employer informed of their condition if the absence is of more than three (3) days duration;
 - c. submit medical certificates for absences exceeding three (3) days, if required by the Employer.
- 28.5 Employees abusing sick leave shall be subject to disciplinary action.
- 28.6 An employee who has accumulated 960 hours of sick leave and who uses not more than the equivalent of two regularly scheduled shift's worth of sick leave hours in a calendar year shall receive a wellness incentive equal to one of the employee's regularly scheduled shifts' compensation at the employee's regular rate of compensation.

ARTICLE 29 - Insurance

29.1 *Full-time employees*

For 2018 and 2019, the City will offer the best of any agreement that we have for any other employee group for 2018 and 2019.

- 29.2 Life Insurance and Balance of Cafeteria Funds: The City of Brooklyn Center will provide payment for premium of basic life insurance in the amount of \$10,000. The employee may use the remainder of the contribution (limits as stated above) for use as provided in the Employer's Benefit Plan. The Employer will make a good faith effort to provide the following options for employee selection: group dental, supplemental life, long-term disability, deferred compensation or cash benefits. The Employer will be excused from the requirement of offering a particular option where such becomes unfeasible because of conditions imposed by an insurance carrier or because of other circumstances beyond the City's control.

ARTICLE 30 - Wage Rates

REGULAR BASE PAY RATE: The employee's hourly or monthly base pay rate, including educational incentive pay, longevity pay, and differential for detective, drug task force and school liaison officer; and excluding any other special allowance.

30.1 Effective January 1, 2018 Police Officer base rate:

There shall be a 2.5% general wage increase plus a 1.5% market adjustment for 2018

After 36 months of continuous employment: \$6,699.96

After 24 months of continuous employment: 86% of the 36 months rate

After 12 months of continuous employment: 79% of the 36 months rate

Starting rate: 68% of the 36 months rate

30.2 Effective January 1, 2019 Police Officer base rate:

There shall be a 2.75% general wage increase for 2019.

After 36 months of continuous employment \$6,884.22 per month

After 24 months of continuous employment 86% of After 36 months rate

After 12 months of continuous employment 79% of After 36 months rate

Starting rate: 68% of After 36 months rate

30.3 Employees classified or assigned by the Employer to the following job classifications or positions will receive four percent (4%) per month in addition to the regular rate of pay. Detective

Employees classified or assigned by the Employer to the following job classifications or positions will receive one hundred dollars (\$100) per month or one hundred dollars (\$100) prorated for less than a full month in addition to their regular wage rate.

School Resource Officer

Auto Theft Officer

Street Crimes Unit

Task Force Officers

Juvenile Officer

30.4 Detectives Serving On-Call: Detectives will work a schedule which requires them to serve on-call on a rotating basis. The City will pay each Detective serving on-call on a rotating basis two and one half percent (2.5%) in addition to the regular rate of pay effective January 1, 2017. Detectives who are called back to duty while serving on-call will be paid according to Article 15 of the labor Agreement. Officers assigned to work with the Detectives for training purposes will not receive the two and one-half percent (2.5%) additional pay nor will they be required to serve on-call.

30.5 Employees classified or assigned by Employer to the position of Field Training Officer (FTO) will receive .125 hour(s) of vacation time for each one hour of FTO training time.

30.6 When there is no Sergeant on duty, and senior management personnel do not assume command of the shift, the senior officer working will be in charge of the shift. The senior officer working the shift will have the choice to opt out of working as officer in charge of the shift. An election to opt out of working as officer in charge of the shift shall be effective for the balance of the calendar year. Officers wishing to make an election to opt out of serving as officer in charge of the shift shall make such election during the first 2 weeks of January. Employees may opt out of working as senior officer in charge of shift on an annual basis at the beginning of each year.

The officer in charge will receive, in addition to their regular hourly pay, two dollars (\$2.00). Officer in charge pay will be calculated to the nearest six (6) minutes.

- 30.7 Field Training Officers while serving in the capacity of a Field Training Officer (working with a new police officer) shall not serve as the senior officer in charge.
- 30.8 Employees classified by the Employer to the canine handler classification will receive the following in addition to their regular wage rate:
- a. The officer will receive the last thirty (30) minutes of each scheduled shift for dog maintenance and care at the officer's home.
 - b. The officer will receive forty-five (45) minutes of overtime pay for dog maintenance, care, and training for each of the officer's scheduled days off.
 - c. When the officer uses time off (sick, vacation, or comp time) for any whole scheduled shift, he must take time equivalent to one-half hour less than whole shift and be paid for whole shift.
 - d. When the officer uses holiday time for any whole schedule shift, he must take eight (8) hours of leave time and will be paid for eight (8) hours.
 - e. When the officer uses a portion of a scheduled shift as sick or vacation time, which is less than the full eight (8) hours, he must take the actual time used in leave time.
 - f. When dog is out of the care of the canine officer, all above items do not apply.

ARTICLE 31 – Benefits for Retirees

Retirees at the time of retirement shall receive the same options and level of City contribution for insurance coverage upon retirement as are provided by the City's Personnel Policy covering non-Union employees as such options and contributions may be changed by the City from time to time.

ARTICLE 32 – Mileage and Expense Reimbursement

Employees shall receive the same mileage and expense reimbursement rates upon the same terms and conditions as generally provided in the City's Personnel Policy covering non-Union employees as such policy may be changed by the City from time to time.

ARTICLE 33 – Light Duty

Members of the bargaining unit will be eligible for temporary light duty assignment upon approval of the City Manager upon such terms and conditions as would apply to non-Union employees of the City as set forth in the City's Personnel Policy, as the same may be amended from time to time by the City.

ARTICLE 34 – Health Care Savings Plan

- 34.1 The State of Minnesota through Minnesota Statute 352.98 has authorized the Minnesota State Retirement System (MSRS) to establish and administer a Health Care Savings Plan (HCSP.)
- 34.2 Participation in this program is mandatory, based on specific criteria, for all employees covered by this labor agreement.

- 34.3 All employees with a compensatory time balance of 30 hours or more up to the 60 hour limit of pay will be placed in the employee's HCSP account on or about the first pay check in December.
- 34.4 All Employees eligible for retirement according to PERA and who terminate their employment from the City of Brooklyn Center will pay to the Employee's HCSP account at the time of termination, 40% of accumulated sick leave, all of the Employee's accrued vacation up to a maximum of 230 hours, and all of the Employee's accrued compensatory time up to a maximum of 60 hours.

ARTICLE 34 - Agreement Implementation

Employer shall implement the terms of this Agreement in the form of a resolution. If the implementation of the terms of this Agreement require the adoption of a law, ordinance, or charter amendment, the Employer shall make every reasonable effort to propose and secure the enactment of such law, ordinance, resolution, or charter amendment.

ARTICLE 35 - Waiver

- 35.1 Any and all prior Agreements, resolutions, practices, policies, rules, and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this Agreement, are hereby superseded.
- 35.2 The parties mutually acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any term or condition of employment not removed by law from bargaining. All Agreements and understandings arrived at by the parties are set forth in writing in this Agreement for the stipulated duration of this Agreement. The Employer and the Union each voluntarily and unqualifiedly waives the right to meet and negotiate regarding any and all terms and conditions of employment referred to or covered in this Agreement or with respect to any term or condition of employment not specifically referred to or covered by this Agreement, even though such terms or conditions may not have been within the knowledge or contemplation of either or both of the parties at the time this contract was negotiated or executed.

ARTICLE 36 - Duration

This Agreement shall be effective as of January 1, 2018 and shall remain in full force and effect until the thirty-first (31) day of December, 2019, as noted in the contract.

IN WITNESS THERETO, the parties have caused this Agreement to be executed this _____ day of _____, 2018.

FOR THE CITY OF
BROOKLYN CENTER

Mayor

City Manager

FOR LAW ENFORCEMENT
LABOR SERVICES

Business Agent

Union Steward

City Council Agenda Item No. 7a

COUNCIL ITEM MEMORANDUM

DATE: February 5, 2018

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy City Manager 

FROM: Sharon Knutson, City Clerk 

SUBJECT: Proclamation Declaring February 15, 2018, "Not For Sale Day" to Raise Awareness About Sexual Exploitation

Recommendation:

It is recommended that the City Council consider adoption of a Proclamation Declaring February 15, 2018, "Not For Sale Day" to Raise Awareness About Sexual Exploitation.

Background:

Mayor Willson received a request for a proclamation from Maple Grove Councilmember Judy Hanson to bring awareness to sexual exploitation that affects cities in Minnesota.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Proclamation

DECLARING FEBRUARY 15, 2018, "NOT FOR SALE DAY" TO RAISE AWARENESS ABOUT SEXUAL EXPLOITATION

- WHEREAS, sexual exploitation is defined as the sexual abuse of someone who engages in commercial sexual activity. Commercial sexual activity occurs when anything of value or a promise of anything of value, such as money, drugs, food, shelter, protection, and other basics of life, is provided to a person by any means in exchange for any type of sexual activity. A third person may or may not be involved; and*
- WHEREAS, sexual trafficking and commercial sexual exploitation is a market built on exploitation, violence, and brutality. Sex buyers use money and power to exploit victims. Traffickers profit by linking buyers to victims for sale. Facilitators of trafficking recruit a supply of victims and prepare them for sale through systematic exploitation of specific needs and vulnerabilities; and*
- WHEREAS, victims of sexual exploitation come from every background, race, gender, sexual orientation, age, and economic status. The average age of entry for a minor who is exploited is 12 to 14 years of age. These youth often go unidentified or misidentified and unreported; and*
- WHEREAS a comprehensive Minnesota study released in August 2017 found that buyers typically are white middle-aged males who travel 30 to 60 miles for sex, often before or after work, while on their lunch break, on business trips or male-focused vacations like hunting trips. Based on a national study, 26,000 Minnesota men may have bought sex in the past year; and*
- WHEREAS, the perpetrators of sexual exploitation cause great harm and trauma to their victims, violating their rights, they also traumatize families, and undermine the stability, safety and well-being of our communities; and*
- WHEREAS, law enforcement officials and nonprofits across Minnesota are taking aggressive and new action to crack down on buyers of commercial sex and boosting programs aimed at prevention measures for keeping persons from being exploited and sex-trafficked; and*
- WHEREAS, survivors of sexual exploitation have bravely confronted this issue by telling their stories and leading multidisciplinary coalitions of advocates to support victims of this crime and to educate communities; and*

WHEREAS, *the Minnesota Department of Health and Minnesota Department of Human Services as well as other state and nonprofit agencies along with local municipalities and law enforcement agencies are working together towards providing supportive victim-centered services such as trauma-informed services and safe housing, as well as Regional Navigators who are responsible for connecting victims with services and serving as experts for their communities; and*

WHEREAS, *“Not for Sale Day” is an opportunity to educate, promote safety for all, accountability and justice, and underscore the commitments made by organizations and communities to end sexual exploitation in our communities.*

NOW, THEREFORE, I, AS MAYOR OF THE CITY OF BROOKLYN CENTER, State of Minnesota, with the consent and support of the Brooklyn Center City Council, do hereby proclaim:

February 15, 2018, as “Not for Sale Day”

and call upon all citizens of Brooklyn Center to join in this effort.

February 12, 2018

Date

Mayor

Council Members

ATTEST:

City Clerk

City Council Agenda Item No. 8a

COUNCIL ITEM MEMORANDUM

DATE: February 12, 2018

TO: Curt Boganey, City Manager 

THROUGH: Michael Ericson, Interim Community Development Director 

FROM: Ginny McIntosh, City Planner/Zoning Administrator 

SUBJECT: An Ordinance Amending Chapter 35 of the City Code of Ordinances Regarding the Zoning Classification of Certain Land Generally Located in the Northwest Section of the City, Generally Situated Between Highway 94 to the South, 68th Avenue North to the North, Brooklyn Boulevard to the East, and Noble Lane to the West, and Locally Identified as 4435 68th Avenue North and 4321 68th Avenue North, Respectively

Recommendation:

It is recommended that City Council make a Motion to approve the Second Reading of the Ordinance authorizing the amendment of Chapter 35 of the City Code of Ordinances regarding the zoning classification of certain land generally located in the northwest section of the City, generally located between Highway 94 to the south, 68th Avenue North to the north, Brooklyn Boulevard to the east, and Noble Lane to the west, and locally identified as 4435 68th Avenue North and 4321 68th Avenue North, respectively. It is further recommended that City Council adopt the attached ordinance.

Background:

The Luther Company, LLLP, submitted Planning Commission Application No. 2017-010 for approval of: (1) the Preliminary Plat for the Northtown Plaza 4th Addition, (2) an amendment to the 2008 Luther Planned Unit Development (PUD) plans and documents, and (3) the establishment of a new Planned Unit Development for a new Luther Mazda and Mitsubishi dealership. On October 26, 2017, the Planning Commission conducted a public hearing and voted unanimously (7-0) in favor of the recommendation for approval of the aforementioned requests.

The Planning Commission Resolutions approved as part of this request were: 2017-013, 2017-014, and 2017-015. On November 13, 2017, the City Council conducted a public hearing on Planning Commission Application No. 2017-010. Upon close of the public hearing, the City Council voted unanimously (4-0) in favor of the requests and approved City Council Resolution Nos. 2017-176, 2017-177, and 2017-178.

As part of the requests to amend the 2008 Luther Planned Unit Development plans and documents and the establishment of a new Planned Unit Development for a Mazda and Mitsubishi dealership, Lot 3 (that part lying west of east 83 feet) and Lot 4, Block 2, Northtown Plaza 2nd Addition, Hennepin County, Minnesota (locally identified as 4321 and 4435 68th Avenue North), require rezoning from their current designation of C2 (Commerce) District, to

COUNCIL ITEM MEMORANDUM

PUD/C2 (Planned Unit Development/Commerce) District. This is per Section 35-355 (*Planned Unit Development*) of the City Zoning Code. Additionally, an amendment to Chapter 35 of the City Code of Ordinances is required to reflect the change in zoning designation. A copy of the draft ordinance is included for review.

The Planning Commission Report (dated October 26, 2017), which outlines the requests, and copies of City Council Resolution Nos. 2017-176 (Preliminary Plat for the Northtown Plaza 4th Addition), 2017-177 (Amendment to the 2008 Luther Planned Unit Development), and No. 2017-178 (Establishment of a New Planned Unit Development), are attached for the City Council's review. Excerpts from the November 13, 2017, City Council meeting have also been attached to this memorandum.

Consistent with the City Charter, City Council approved the first reading of the attached ordinance at its January 22, 2018, meeting and directed staff to schedule a public hearing for February 12, 2018. No comments or input were offered by City Council or the public at the meeting on January 22. A public hearing notice was published in the Brooklyn Center Sun Post on February 1, 2018. If adopted by City Council, the ordinance would become effective 30 days following legal publication of the public notice.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Targeted Redevelopment

**CITY OF
BROOKLYN CENTER
NOTICE OF
PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on the 12th day of February, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an Ordinance amending Chapter 35 of the City Code of Ordinances regarding the zoning classification of certain land, generally located in the northwest section of the City, generally situated between Highway 94 to the South, 68th Avenue North to the North, Brooklyn Boulevard to the East, and Noble Lane to the West, and locally identified as 4435 68th Avenue North and 4321 68th Avenue North, respectively.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING THE ZONING CLASSIFICATION OF CERTAIN LAND GENERALLY LOCATED IN THE NORTHWEST SECTION OF THE CITY, GENERALLY SITUATED BETWEEN HIGHWAY 94 TO THE SOUTH, 68TH AVENUE NORTH TO THE NORTH, BROOKLYN BOULEVARD TO THE EAST, AND NOBLE LANE TO THE WEST, AND LOGALLY IDENTIFIED AS 4435 68TH AVENUE NORTH AND 4321 68TH AVENUE NORTH, RESPECTIVELY

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

Section 1. Chapter 35 of the City Ordinances of the City of Brooklyn Center is hereby amended in the following manner:

Section 35-1190. COMMERCE DISTRICT (C2). The following properties are hereby established as being within the (C2) Commerce District zoning classification:

The west 132.46' of Lot 3 and Lot 4, Block 2, Northtown Plaza 2nd Addition;

Section 35-1240. PLANNED UNIT DEVELOPMENT DISTRICT (PUD). The following properties are hereby established as being within a (PUD) Planned Unit Development District Zoning Classification:

4. The following properties are designated as PUD/C2 (Planned Unit Development/Commerce):

Tract A, RLS 1477.

Lot 2, Block 1, SuperAmerica 5th Addition.
Lots 1 through 4, Block 1, Johnco Addition.

That area bounded by the following: County Road No. 10 on the north; State Highway 100 on the east and south; Xerxes Avenue on the west, except for Tract A, Registered Land Survey No. 1151.

Lot 1, Block 1, CVS Brooklyn Boulevard Addition.

Lot 1, Block 1, Chrysler Realty Addition.

Lots 1 and 2, Block 1, Bri Mar 2nd Addition.

Lots 1 and 2, and the East 83' feet of Lot 3, Block 2, Northtown Plaza 2nd Addition.

Lots 3 (that part lying west of east 83 feet) and 4, Block 2, Northtown Plaza 2nd Addition, Hennepin County, Minnesota.

Lot 1, Block 1, MONTY ADDITION

Tract A, Registered Land Survey No. 805, Hennepin County, Minnesota. [Addr: 4007- 69th Avenue North]

Section 2. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this _____ day of _____ 2018.

By: */s/* Mayor

ATTEST: By: */s/*
City Clerk

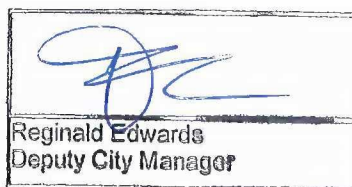
Effective Date:
(Strikeout indicates matter to be deleted, double underline indicates new matter.)

Published in the
Brooklyn Center Sun Post
February 1, 2018
777924

COUNCIL ITEM MEMORANDUM

DATE: January 22, 2018

TO: Curt Boganey, City Manager



THROUGH: Michael Ericson, Interim Community Development Director

FROM: Ginny McIntosh, City Planner/Zoning Administrator *gmm*

SUBJECT: An Ordinance Amending Chapter 35 of the City Code of Ordinances Regarding the Zoning Classification of Certain Land Generally Located in the Northwest Section of the City, Generally Situated Between Highway 94 to the South, 68th Avenue North to the North, Brooklyn Boulevard to the East, and Noble Lane to the West, and Locally Identified as 4435 68th Avenue North and 4321 68th Avenue North, Respectively

- *Motion to approve First Reading of Ordinance and set Second Reading and Public Hearing for February 12, 2018*

Recommendation:

It is recommended that City Council make a Motion to approve the First Reading of the Ordinance authorizing the amendment of Chapter 35 of the City Code of Ordinances regarding the zoning classification of certain land generally located in the northwest section of the City, generally located between Highway 94 to the south, 68th Avenue North to the north, Brooklyn Boulevard to the east, and Noble Lane to the west, and locally identified as 4435 68th Avenue North and 4321 68th Avenue North, respectively. It is further recommended that a Second Reading and Public Hearing be set for the February 12, 2018, City Council meeting.

Background:

The Luther Company, LLLP, submitted Planning Commission Application No. 2017-010 for approval of: (1) the Preliminary Plat for the Northtown Plaza 4th Addition, (2) an amendment to the 2008 Luther Planned Unit Development (PUD) plans and documents, and (3) the establishment of a new Planned Unit Development for a new Luther Mazda and Mitsubishi dealership. On October 26, 2017, the Planning Commission conducted a public hearing and voted unanimously (7-0) in favor of the recommendation for approval of the aforementioned requests.

The Planning Commission Resolutions approved as part of this request were: 2017-013, 2017-014, and 2017-015. On November 13, 2017, the City Council conducted a public hearing on Planning Commission Application No. 2017-010. Upon close of the public hearing, the City Council voted unanimously (4-0) in favor of the requests and approved City Council Resolution Nos. 2017-176, 2017-177, and 2017-178.

As part of the requests to amend the 2008 Luther Planned Unit Development plans and documents and the establishment of a new Planned Unit Development for a Mazda and Mitsubishi dealership, Lot 3 (that part lying west of east 83 feet) and Lot 4, Block 2, Northtown Plaza 2nd Addition, Hennepin County, Minnesota (locally identified as 4321 and 4435 68th

COUNCIL ITEM MEMORANDUM

Avenue North), require rezoning from their current designation of C2 (Commerce) District, to PUD/C2 (Planned Unit Development/Commerce) District. This is per Section 35-355 (*Planned Unit Development*) of the City Zoning Code. Additionally, an amendment to Chapter 35 of the City Code of Ordinances is required to reflect the change in zoning designation. A copy of the draft ordinance is included for review.

The Planning Commission Report (dated October 26, 2017), which outlines the requests, and copies of City Council Resolution Nos. 2017-176 (Preliminary Plat for the Northtown Plaza 4th Addition), 2017-177 (Amendment to the 2008 Luther Planned Unit Development), and No. 2017-178 (Establishment of a New Planned Unit Development), are attached for the City Council's review. Excerpts from the November 13, 2017, City Council meeting have also been attached to this memorandum.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Targeted Redevelopment

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 12th day of February, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an Ordinance amending Chapter 35 of the City Ordinances regarding the zoning classification of certain land, generally located in the northwest section of the City, generally situated between Highway 94 to the South, 68th Avenue North to the North, Brooklyn Boulevard to the East, and Noble Lane to the West, and locally identified as 4435 68th Avenue North and 4321 68th Avenue North, respectively.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

ORDINANCE NO. 2018-__

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING THE ZONING CLASSIFICATION OF CERTAIN LAND GENERALLY LOCATED IN THE NORTHWEST SECTION OF THE CITY, GENERALLY SITUATED BETWEEN HIGHWAY 94 TO THE SOUTH, 68TH AVENUE NORTH TO THE NORTH, BROOKLYN BOULEVARD TO THE EAST, AND NOBLE LANE TO THE WEST, AND LOCALLY IDENTIFIED AS 4435 68TH AVENUE NORTH AND 4321 68TH AVENUE NORTH, RESPECTIVELY

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

Section 1. Chapter 35 of the City Ordinances of the City of Brooklyn Center is hereby amended in the following manner:

Section 35-1190. COMMERCE DISTRICT (C2). The following properties are hereby established as being within the (C2) Commerce District zoning classification:

~~The west 132.46' of Lot 3 and Lot 4, Block 2, Northtown Plaza 2nd Addition.~~

Section 35-1240. PLANNED UNIT DEVELOPMENT DISTRICT (PUD). The following properties are hereby established as being within a (PUD) Planned Unit Development District Zoning Classification:

4. The following properties are designated as PUD/C2 (Planned Unit Development/Commerce):

Tract A, RLS 1477.

Lot 2, Block 1, SuperAmerica 5th Addition.

Lots 1 through 4, Block 1, Johnco Addition.

That area bounded by the following: County Road No. 10 on the north; State Highway 100 on the east and south; Xerxes Avenue on the west, except for Tract A, Registered Land Survey No. 1151.

Lot 1, Block 1, CVS Brooklyn Boulevard Addition.

Lot 1, Block 1, Chrysler Realty Addition.

Lots 1 and 2, Block 1, Bri Mar 2nd Addition.

Lots 1 and 2, and the East 83' feet of Lot 3, Block 2, Northtown Plaza 2nd Addition.

Lots 3 (that part lying west of east 83 feet) and 4, Block 2, Northtown Plaza 2nd Addition, Hennepin County, Minnesota.

Lot 1, Block 1, MONTY ADDITION

Tract A, Registered Land Survey No. 806, Hennepin County, Minnesota. [Addr: 4007- 69th Avenue North]

Section 2. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this ____ day of _____, 2018.

Mayor

ATTEST: _____
City Clerk

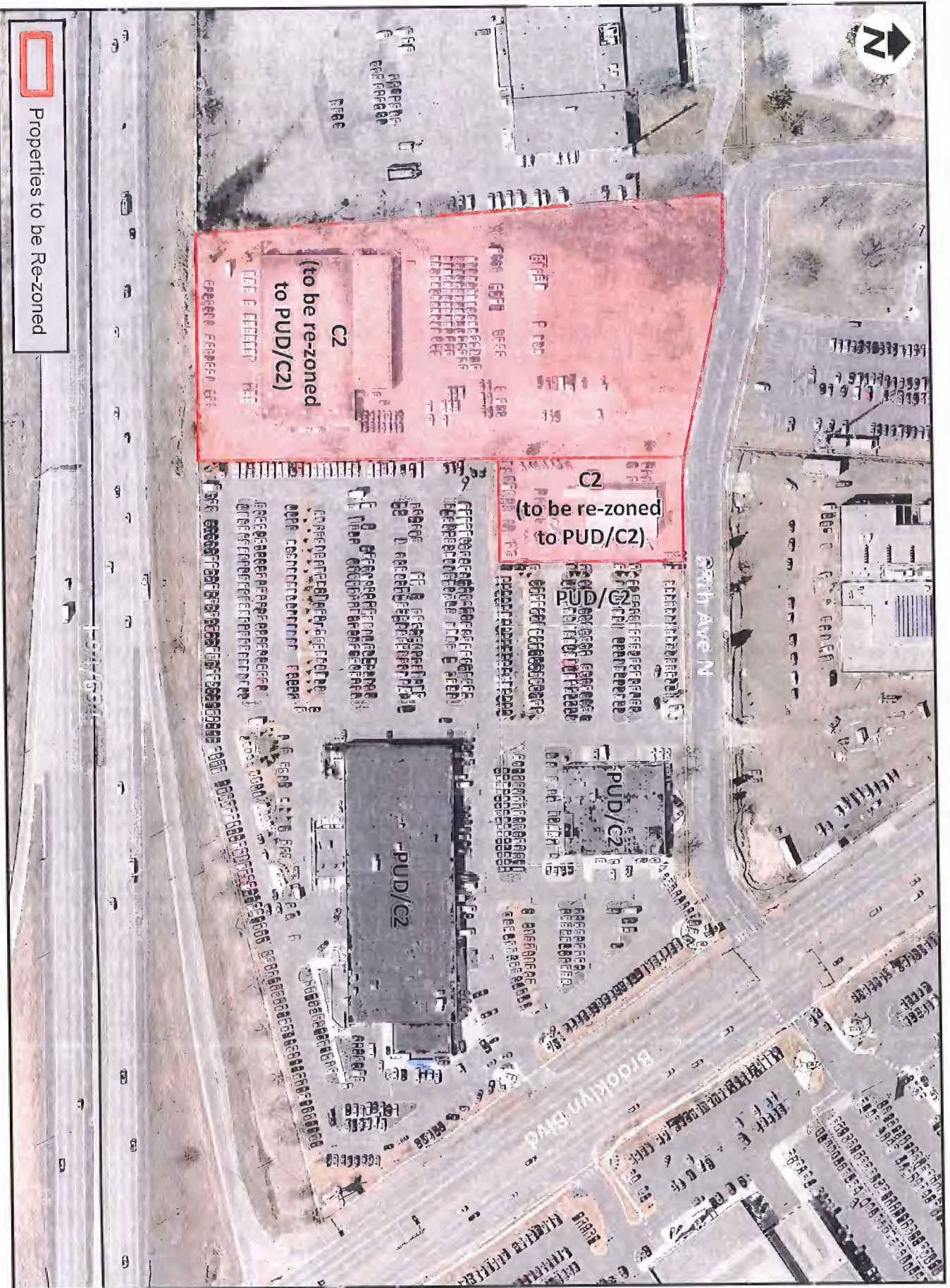
Date of Publication _____

Effective Date _____

(Note: (~~Strikeout~~ text indicates matter to be delete, while underline indicates new matter.)

EXHIBIT A
Legal Description

Lots 3 (that part lying west of east 83 feet) and 4, Block 2, Northtown Plaza 2nd Addition, Hennepin County, Minnesota.





Planning Commission Report

Meeting Date: October 26, 2017

- Application Filed: 09/26/2017
- Review Period (60-day) Deadline: 11/25/2017
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2017-010

Applicant: The Luther Company, LLLP

Location: 4301, 4315, 4321, and 4435 68TH Avenue North, and 6701 Brooklyn Boulevard

Request: (1) Preliminary Plat of Northtown Plaza 4th Addition, (2) amendment to 2008 Planned Unit Development plans and documents, and (3) the establishment of a new Planned Unit Development

INTRODUCTION

The Luther Company (the "Applicant") is requesting review and consideration of a Preliminary Plat of the Northtown Plaza 4th Addition, which would consolidate five (5) existing lots into three (3) lots. This request is associated with additional requests by the Applicant to amend the existing Planned Unit Development (PUD) plans and documents for the Luther Buick/GMC and Chevrolet dealerships, which were approved in 2008, and establish a new PUD for a proposed Luther Mazda and Mitsubishi dealership (Exhibit A).

As part of the application process, a public hearing was scheduled with the Planning Commission for October 26, 2017, and notices were mailed to surrounding property owners.

BACKGROUND

In 2008, the City of Brooklyn Center City Council approved Resolution 2008-80 (*Resolution Regarding the Disposition of Planning Commission Application No. 2008-03 Submitted by the Luther Company LLLP*), which approved the rezoning of three contiguous lots located on the west side of Brooklyn Boulevard (6701 Brooklyn Boulevard, 4301 and 4315 68th Avenue North), from C2 (Commerce) District to PUD/C2 (Planned Unit Development/Commerce). Please refer to Exhibit B.

Since 2008, the Applicant has assumed ownership of two additional properties, located at 4321 and 4435 68th Avenue North. These locations were previously home to Atlantis Pool and Spa, and a bus storage facility.

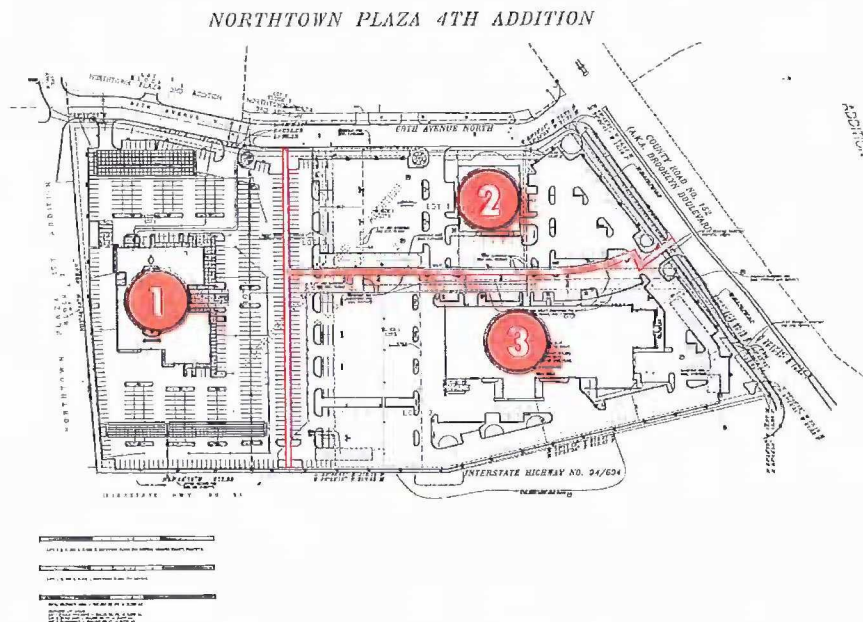
PRELIMINARY PLAT

As part of the preliminary plat approval process, the Applicant is requesting that all five (5) lots be consolidated into three (3) lots, with the re-allocation of land as follows:

- a. Lot 1 (Proposed Luther Mazda/Mitsubishi) – 5.84 acres
- b. Lot 2 (Luther Buick/GMC) – 3.46 acres
- c. Lot 3 (Luther Chevrolet) – 6.97 acres



Map 1. Existing Lot Configuration of Subject Property.



Map 2. Preliminary Plat for Subject Property (Northtown Plaza 4th Addition)

Approval of the proposed consolidation would result in the re-adjustment of lot lines and re-configuration of the lot storage area for the existing Luther Buick/GMC and Chevrolet dealerships. The lot line adjustment would also result in a net increase of approximately one (1) acre for the proposed Luther Mazda/Mitsubishi dealership property, and approximately 1.7 acres for the Luther Buick/GMC property, whereas, the size of the Luther Chevrolet property would decrease by approximately 1.6

acres.

Based on staff findings, staff recommends Planning Commission recommendation of the preliminary/final plat (Northtown Plaza 4th Addition); subject to the Applicant complying with the comments outlined in the Assistant City Engineer's memorandum dated October 18, 2017 (Exhibit C).

AMENDMENT TO PLANNED UNIT DEVELOPMENT

In 2008, the City of Brooklyn Center City Council approved the rezoning of the three (3) properties located at 6701 Brooklyn Boulevard, and 4301 and 4315 68th Avenue North, to PUD/C2, which facilitated the redevelopment and expansion of the existing Chevrolet building and the remodeling and expansion of an existing building for the Luther Buick, Pontiac, and GMC dealership, subject to the conditions outlined under Resolution 2008-80.

Given the Applicant's acquisition of the two additional lots, the Applicant is requesting to incorporate Lot 3, Block 2 of Northtown Plaza 2nd Addition, of which includes the former Atlantis Pool and Spa location (demolished in 2015), into the revised PUD. The Applicant has requested review and consideration of 4435 68th Avenue North (former bus storage facility) as a separate PUD for the proposed Luther Mazda/Mitsubishi dealership.

Access and Parking

The incorporation of Lot 3, Block 2 of Northtown Plaza 2nd Addition would provide additional storage and display area for vehicles. As part of the proposal, additional parking spaces and parking medians would be added. The Applicant summarizes in the site plan that the overall impervious area of the proposed Lots 2 and 3 construction limits would decrease from 50,738-square feet, to 44,256-square feet. An additional 105 parking stalls would be provided along the western portion of Lots 2 and 3. These parking spaces would meet the minimum requirements for 90-degree parking stalls and provide a 27-foot wide drive aisle running north to south.

Signage

As part of the PUD amendment request, the Applicant has also indicated plans to relocate an existing Luther Chevrolet sign currently located along I-94/694. As part of the relocation, the Applicant is requesting an increase to the maximum allowable sign area and height to 250-square feet in area and 32 feet in height. Per Section 34-140.3.A.2.A of the City Sign Ordinance,

"Individual detached establishments or enterprises not clustered in a shopping center complex or in a multitenant office or industrial building may have one freestanding sign according to the following schedule. In the event such establishments abut two or more streets which are at least collector or arterial in character, and if the abutment on each street exceeds 400 feet, one freestanding sign may be erected along each such street..."

As the existing Luther Chevrolet dealership contains 55,575-square feet of building gross floor area, is located on a corner lot, and has a greater than 400 foot frontage along I-94/694 and Brooklyn Boulevard, the proposed replacement Chevrolet sign along I-94/694 could have a maximum of 250-square feet and a height of up to 32 feet. It should be noted that an Administrative Sign Permit application would need to be submitted with drawings and a location map in order for such a sign to be approved.

Based on staff findings, staff recommends Planning Commission recommendation of the amendment to the 2008 Planned Unit Development plans and documents, subject to the Applicant complying with the comments outlined in the Assistant City Engineer's memorandum dated October 18, 2017 (Exhibit C).

ESTABLISHMENT OF A NEW PLANNED UNIT DEVELOPMENT

The Applicant has proposed to construct a Luther Mazda/Mitsubishi dealership to the west of the existing Luther Buick/GMC and Luther Chevrolet dealerships at 4435 68th Avenue North. As part of the proposal, the Applicant is requesting the establishment of a new Planned Unit Development (PUD) to allow flexibility with the minimum required 15-foot green strip and freestanding signage. As part of this request, the Subject Property would require a re-zoning to PUD/C2 (Planned Unit Development/Commerce) District.

A special use permit is typically required for any retail auto dealership in the C2 zoning district (provided the site is at least three or more acres in size and structures occupy a minimum of 15-percent of the parcel). As the proposed Luther Mazda/Mitsubishi dealership site was a former bus storage facility, a special use permit would have been required; however, as the project is proposed as a Planned Unit Development (PUD), a PUD would essentially supersede a special use permit. Once a use has been established under a PUD, it is an allowed use rather than a permitted or special use within the underlying zoning district, and therefore does not require approval of a separate special use permit.

Site and Building Improvements

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

Front: 35 feet

Rear Yard: 40 feet

Side Interior Yard: 10 feet

The Luther Mazda/Mitsubishi dealership building setbacks are proposed at:

Front: 188 feet

Rear Yard: 243 feet

Side Interior Yard: 57 feet

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

The proposed 35,424-square foot Luther Mazda/Mitsubishi dealership building would be constructed with two-stories and would feature mirrored vestibule entrances, reception and sales areas, and customer lounges for Mazda and Mitsubishi on the eastern half of the first floor. The western half of the first floor would contain mirrored Mazda and Mitsubishi parts, tools, and shop areas. A shared service drive for Mazda and Mitsubishi would be centrally located on the first floor. Although not proposed at this time for construction, the submitted plans denote an area that would allow for a future service bay area expansion on the Mazda side of the building. This proposed expansion area would be in line with the extents of the proposed limits of the building's footprint. The second floor largely opens out to the first floor below, with a set of stairs leading up to the second level of the Mazda and Mitsubishi parts area, and employee designated areas (i.e., locker rooms, conference and break rooms, offices).

The exterior would primarily utilize a grayscale palette (i.e., white, black, gray) with accents of red. The proposed finishes would incorporate precast concrete and aluminum composite panels (ACM). A glass curtain wall system and metal garage door bays would be featured on either side of the building to signify the shared Mazda and Mitsubishi dealership space.

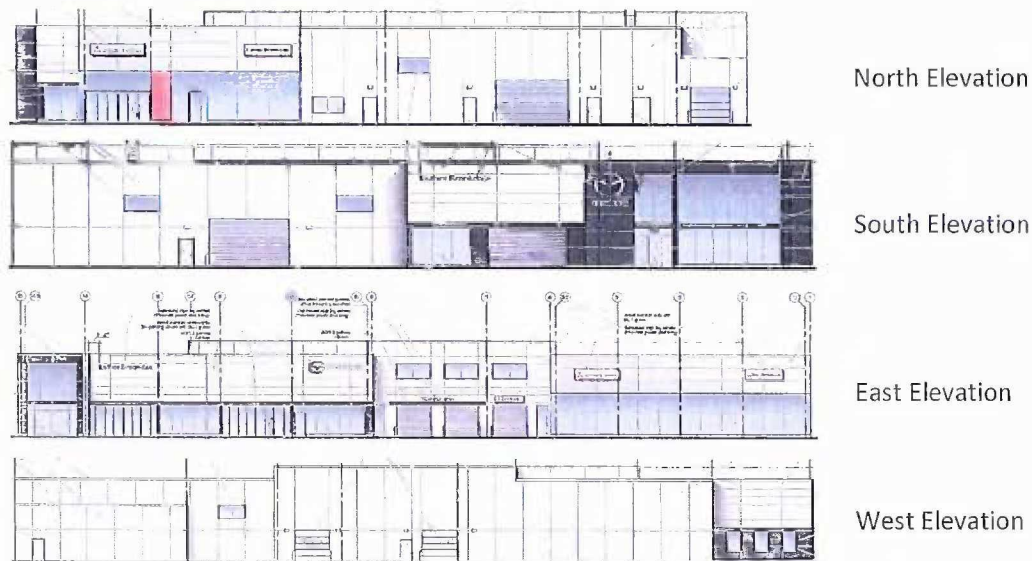


Image 1. Proposed Luther Mazda/Mitsubishi Dealership Building Elevations

The City of Brooklyn Center references the Shingle Creek Crossing PUD architectural development standards with proposals for new Planned Unit Developments. These standards require that at least 50-percent of all four sides (wall surfaces) of a building be construction of Class I materials. The remainder can be constructed with Class II materials. As reference:

Class I materials include: brick or acceptable brick-type material, natural looking stone, textured cement stucco, copper, architectural panels or masonry units with enhanced detailing such as patterns, textures color, dimension, banding, brick inlay or glass.

Class II materials include: EFIS, pre-finished metal, concrete block, fiber-reinforced cement board siding, canvas or vinyl awnings.

The Applicant will need to verify this standard has been met prior to issuance of any building permits. The west elevation should be paid particular attention to, as the elevation is almost exclusively comprised of pre-cast panels. Building materials should be comprised predominantly of high-quality, durable materials that will retain their appearance over time. As the north and south elevations would face 68th Avenue North and I-94/694, respectively, the Applicant should identify whether there are textural treatments that could be implemented to strengthen the building's overall aesthetic.

Access and Parking

The Applicant intends to provide two 27-foot wide full access driveways off 68th Avenue North. A 27-foot wide limited access point between the proposed Mazda/Mitsubishi and existing Chevrolet dealership would be provided along the southern extent of the properties. Circulation through this access point would be controlled by a gate.

A parking plan was incorporated into the submitted site plan and provides the following information:

Table 1. Parking Requirements

Parking Use	Minimum Required Parking Spaces	Provided Parking Spaces (in bold)
Automobile Service Stations (Service Bays)	Three (3) spaces for each enclosed bay plus one (1) space for each day shift employee plus a minimum of two (2) spaces for service vehicles and one (1) additional space for each service vehicle over two in number.	45 spaces
Office (other commercial uses)	One space for each 200 SF of gross floor area (GFA)	(3,306 SF GFA / 200 SF = 16.53 spaces) 17 spaces
Other Retail	Eleven (11) spaces for the first 2,000 SF of GFA or fraction thereof; 5.5 spaces for each additional 1,000 SF of GFA exceeding 2,000 SF.	(First 2,000 SF GFA = 11 spaces 9,000 SF GFA remaining/5.5 spaces = 49.5 spaces = 60.5 spaces required) 62 spaces
Warehouse/Storage	One (1) space for every two employees based upon maximum planned employment during any work period <u>or</u> one (1) space for each 800 SF of GFA, whichever requirement is greater.	(3,779 SF GFA/800 SF = 4.72 spaces) 5 spaces
ADA	5 (for 101-150 parking space requirement-minimum stall requirement of 129 stalls per City Zoning Code)	6 spaces
Total Required Parking		129 spaces (ADA spaces incorporated into total)
Total Provided Parking		480 spaces

Source: Section 35-700 (Off-Street Parking Requirements) of the City of Brooklyn Center Zoning Code.

As noted in Table 1 above, the proposed Luther Mazda/Mitsubishi dealership would exceed the minimum required number of parking spaces (129) by providing 480 total spaces on the property. Given the substantial increase beyond the minimum requirements, it should be noted that auto dealerships and their daily activities typically result in an increase beyond the minimum requirements in order to provide for the outdoor display and storage of new, used, and service vehicles. The parking area would also include parking for Luther customers, visitors, and all employees.

Parking spaces would be constructed to meet the City Zoning Code minimum width and length requirements. Traffic circulation within the property would be provided by 27-foot wide drive aisles through the outer parking aisles, with 24-foot wide drive aisles serving the interior aisles. The proposed 19'2" drive aisle located along the southern edge of the building (Mazda dealership) would require it to be restricted to one-way access.

As part of the flexibility of a PUD, the Applicant is also requesting the minimum required 15-foot green strip be reduced to approximately five (5) feet as part of the development proposal. This reduction would allow a continuation of the existing green strip for the Luther Buick/GMC, and Luther Chevrolet dealerships to the proposed Luther Mazda/Mitsubishi dealership. The existing green strip along the former bus storage facility (4435 68th Avenue North) is approximately eight (8) feet.

Although the majority of the frontage along 68th Avenue North would meet the minimum 15-foot green strip requirement, one (1) showcase parking pad is proposed for the Mazda/Mitsubishi dealership. This parking pad would be located approximately three (3) feet off the northern property, which is consistent with the three other showcase parking pads dispersed along 68th Avenue North and Brooklyn Boulevard for the Luther Buick/GMC and Luther Chevrolet dealerships.

Lighting and Trash

Per the City Zoning Code, "any new or additional lighting installed to illuminate the storage area must be down-cast, cut-off style light fixtures." The submitted photometric plan notes that all proposed luminaires will be fully shielded and of the full cutoff type. The Applicant has also indicated that the proposed lighting would meet the requirements of Section 35-712 (*Lighting*) of the City Zoning Code by not exceeding ten (10) foot candles measured at property lines abutting the street right-of-way or non-residentially zoned properties.

The photometric plan notes that the maximum number of foot candles for any perimeter pole light would be not more than 9.2 and 9.8 foot candles for the lighting along I-94/694 and the adjoining Luther Chevrolet dealership. The maximum foot candles along 68th Avenue North and the North Memorial Ambulance facility would be between 3.1 and 3.6 foot candles. The average amount of foot candles for the perimeter pole lighting is anticipated to be between 0.83 and 6.66 foot candles per the plans provided. The highest maximum concentration of foot candles would be over the lot surface at 17.8 foot candles.

The photometric plan calls for the installation of 45 new pole lights and 10 new building lights. Although the proposed light pole bases are to be designed by others, the indicated mounting height on an RTA pole for all pole lights, with the exception of the single mounted pole light, is 28 feet. The two proposed single mounted pole lights on an RTA pole would have a mounting height of 16 feet.

The site would feature an approximately 18-foot by 50-foot trash and recycling enclosure, which would be located approximately 19 feet off the west interior property line and 443 feet off the rear lot line. The City has normally viewed these areas as "accessory structures," which are permitted with a minimum required setback of three (3) feet from side and rear lot lines.

Drainage, Grading, and Utilities

The topography of the Luther Mazda/Mitsubishi dealership is comprised primarily of flat terrain. As proposed, the Applicant would install new concrete walks, driveways, utility connections, and underground stormwater infiltration systems for the new lot. These improvements would result in a pervious area reduction of 105,897-square feet. The Applicant notes that rate control, volume control, and water quality requirements would be met through underground infiltration systems.

Per the City Zoning Code, "the perimeters of all driving and parking areas shall be bounded by cast in place concrete curb and gutter which conforms with the Minnesota Highway Department Type "B-612." Other shapes of concrete curbing and gutter may be utilized if the design provides an equal cross-sectional area and is approved in writing by the City Engineer. As proposed, the submitted Grading, Drainage, Paving & Erosion Control plans denote the use of B-412 curb and gutter, and would therefore require written approval by the City Engineer. Per the City's Assistant Engineer's memorandum (Exhibit C), it has been determined that B-412 curb and gutter would be permitted.

Landscaping

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

maximum percentage of certain materials (i.e., 50% shade trees; 40% coniferous trees; 35% decorative trees; and 25% shrubs).

The Luther Mazda/Mitsubishi dealership would be located on 5.84 acres. Given a development use category of "Restaurant/Retail/Service/Entertainment/Hotels," the development would need to achieve a minimum of 400 points.

Table 2. Landscape Point System Policy

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees	2 ½" diameter	10	50% or <u>200 points</u>	200 (28 trees x 10 = 280)
Coniferous Trees	5' height	6	40% or <u>160 points</u>	156 (26 trees x 6 = 156)
Decorative Trees	1" diameter	1.5	35% or <u>140 points</u>	19.5 (13 trees x 1.5 = 19.5)
Shrubs	12" diameter	0.5	25% or <u>100 points</u>	100 (212 shrubs x 0.5 = 106)
Total			100% or 400 points	475.5 points

As summarized in Table 2 above, the submitted landscape plan meets and exceeds all of the requirements of the Landscape Point System Policy. As part of the landscaping, daylilies and black-eyed Susans are also proposed for planting along 68th Avenue North. As is often the case with auto dealerships, the majority of the landscaping is proposed along the outer perimeter of the site in order to minimize damage to vehicles due to sap, falling branches, pine cones, berries, and birds.

Maple and other deciduous tree plantings would be spaced along the western and eastern perimeter of the property; however, the majority of the plantings would be concentrated along the northern and northwest section of the lot. No landscaping is proposed for placement on the parking medians or along the southern edge of the property, which runs along I-94/694.

City Engineer Review

Assistant City Engineer Andrew Hogg conducted a review of the application submittal and documents. Comments regarding this application can be found in the memorandum to city staff and dated October 18, 2017, attached hereto (Exhibit C). It should be noted that some of the outlined conditions may be applicable at time of approval for future land disturbance or building permits.

Signage

The Applicant is requesting the installation of three (3) freestanding signs as part of the development proposal. Section 34-140.A.2.C (*Freestanding Signs-Outdoor Sales and Display*) notes,

"An individual establishment having a gross building floor area in excess of 24,000 square feet and a minimum lot located upon a land area of at least four acres may have a second freestanding sign providing 50% of the land area is utilized for outdoor sales, display, and storage of merchandise.

The second freestanding sign shall not exceed 125 square feet in area, 24 feet in height above the building first floor elevation, and have a minimum separation of 200 feet from the principle freestanding sign."

Under this regulation, the Mazda/Mitsubishi dealership would be permitted to have one (1) freestanding sign of up to 250-square feet and 32 feet in height, and one (1) secondary sign of up to 125-square feet and 24 feet in height. As part of the PUD approval, the Applicant is requesting three (3) freestanding signs of up to 250-square feet and 32 feet in height.

Considering the Subject Property is a double frontage lot, staff sees justification in applying the signage provisions for an individual establishment on a corner lot, with the exception that the southern lot width of the proposed Luther Mazda/Mitsubishi lot would fall just short of the minimum 400 foot requirement under Section 34-140.3.A.2.A by approximately 40 feet.

Although under separate PUDs, the Luther Chevrolet and proposed Luther Mazda/Mitsubishi dealerships comprise over 1,200 feet of frontage along I-94/694. Although the proposed Luther Mazda/Mitsubishi and Luther Buick/GMC and Chevrolet lots would be within two separate PUDs, the properties are under the sole ownership of the Luther Company, LLLP, and would contain three buildings totaling over 100,000-square feet. With an area comprising over 16 acres, the property could easily fit three 250-square foot freestanding signs, spaced 400 feet apart. Considering the above noted findings, staff does not object to the Applicant's request to construct three (3) freestanding signs, each with up to 250-square feet in area and 32-square feet in height, with the acknowledgement that all other provisions of the City Sign Ordinance are to be met.

SITE PLAN AND DOCUMENTS APPROVAL CONDITIONS

Staff recommends the following conditions be attached to any positive recommendation on the approval of the Planned Unit Development for the as proposed Luther Mazda/Mitsubishi dealership:

1. **Plat and PUD approval:** Approval of the plat, amendment to the 2008 Planned Unit Development plans and documents, and establishment of the new Planned Unit Development are contingent upon final plat approval and successful recording of said plat. No separation of these lots may occur without separate approval of a subdivision as provided under Chapter 15 of the City Code of Ordinances.

The five (5) lots proposed for consolidation into three (3) lots are as follows:

1. Lot 1, Block 2, Northtown Plaza 2nd Addition
 2. Lot 2, Block 2, Northtown Plaza 2nd Addition
 3. Lot 3, Block 2, Northtown Plaza 2nd Addition (East 83 Feet)
 4. Lot 3, Block 2, Northtown Plaza 2nd Addition (That Party Lying West of East 83 Feet)
 5. Lot 4, Block 2, Northtown Plaza 2nd Addition
2. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants and other fire related building code items shall be reviewed and approved by the Fire Chief.
 - a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.
 - b. The Applicant shall verify that the proposed Luther Mazda/Mitsubishi dealership building has met the Architectural Development Standards, which requires that at least 50-percent of all four sides (wall surfaces) of

the building will be constructed of Class I materials, with the remainder constructed of Class II materials.

3. **Agreements:**

- a. The Applicant shall enter into a PUD agreement with the City of Brooklyn Center to be reviewed and approved by the City Attorney prior to the issuance of building permits. Said agreement shall be filed with the title to the property and shall acknowledge the specific modifications to the C-2 underlying zoning district as well as other conditions of approval. The agreement shall further assure compliance with the development plans submitted with this application.
- b. Appropriate cross access and parking agreements, as approved by the City Attorney, shall be executed and filed with titles to the property allowing access between 6701 Brooklyn Boulevard (Luther Chevrolet) and 4435 68th Avenue North (proposed Luther Mazda/Mitsubishi) prior to issuance of building permits for this project.
- c. The owner of the property shall enter into an easement agreement for maintenance and inspection of utility and storm drainage systems as approved by the City Engineer prior to the issuance of building permits.
- d. The Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications and standards comprehended under this Site and Building Plan.
- e. There shall be no outdoor paging, announcing, or other amplified voice or music on the site.
- f. The Developer shall submit an as built survey of the property, improvements and utility service lines prior to release of the performance guarantee.

4. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated October 18, 2017 (Exhibit B).

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

5. **Construction Standards:**

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

6. **Facilities and Equipment:**

- a. Any outside trash disposal facilities and roof top or on ground

- mechanical equipment shall be appropriately screened from view.
 - b. The building and building additions shall be equipped with automatic fire extinguishing systems meeting NFPA standards and shall be connected to a central monitoring device in accordance with Chapter 5 of the City Ordinances.
 - c. The proposed 18-foot by 50-foot trash and recycling enclosure shall be constructed with building materials that are complementary to the principal building (proposed Luther Mazda/Mitsubishi building).
 - d. Storage of tires in the proposed trash and recycling enclosure will require installation of a roof.
- 7. **Landscaping:** All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.
- 8. **Signage:** The Applicant shall submit an Administrative Permit Application for any proposed signage (e.g., wall, freestanding) as part of the development proposal.
 - a. All other signage not approved otherwise is subject to Chapter 34 of the City Code of Ordinances and shall be approved under separate sign permits.

Based on staff findings, staff recommends Planning Commission recommendation of the establishment of a new Planned Unit Development for the proposed Luther Mazda/Mitsubishi dealership, subject to the Applicant complying with the conditions outlined in the Site Plan and Documents Approval Conditions of this Staff Report (above). As part of the Planned Unit Development approval, staff also recommends:

1. *Approval of a reduction in the minimum required green strip from 15-feet to approximately five (5) feet; and*
2. *An allowance to install one (1) freestanding sign at the north end of the Subject Property (68th Avenue North), and two (2) freestanding signs at the south end of the Subject Property. Each sign would have an allowance of up to 250-square feet and 32-feet in height. All other provisions of the City Sign Ordinance, including minimum setbacks and conformance with the sight triangle, would be applicable.*

RECOMMENDATION

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

The Planning Commission recommends City Council approval of the requested preliminary plat for Northtown Plaza 4th Addition, subject to the Applicant complying with the comments outlined in the Assistant City Engineer's memorandum dated October 18, 2017 (Exhibit C);

The Planning Commission recommends City Council approval of the requested amendment to the 2008 Planned Unit Development plans and documents, subject to the Applicant complying with the comments outlined in the Assistant City Engineer's memorandum dated October 18, 2017 (Exhibit C); and

The Planning Commission recommends City Council approval of the requested establishment of a new Planned Unit Development for the proposed Luther Mazda/Mitsubishi dealership, subject to the Applicant/Property Owner complying with the conditions outlined in the Site Plan and Documents Approval

Conditions of this Staff Report. As part of this recommendation, staff also recommends approval of:

- a. A reduction in the minimum required green-strip from 15-feet to approximately 5 feet; and*
- b. An allowance to install one (1) freestanding sign at the north end of the Subject Property (68th Avenue North), and two (2) freestanding signs at the south end of the Subject Property. Each sign would have an allowance of up to 250-square feet and 32-feet in height. All other provisions of the City Sign Ordinance, including minimum setbacks and conformance with the sight triangle, would be applicable.*

Should the Planning Commission accept these recommendations, the Commission may elect to adopt the resolutions to be provided prior to the scheduled Planning Commission meeting on October 26, 2017.

Attachments

Exhibit A- City Submittal for 6701 Brooklyn Boulevard, prepared by Landform, dated September 26, 2017.

Exhibit B- City Council Resolution 2008-80 (*Resolution Regarding the Disposition of Planning Commission Application No. 2008-03 Submitted by the Luther Company LLLP*), adopted on July 28, 2008.

Exhibit C- Review Memo, prepared by Assistant City Engineer Andrew Hogg, dated October 18, 2017.

Member
and moved its adoption:

Dan Ryan

introduced the following resolution

RESOLUTION NO. 2017-176

RESOLUTION REGARDING RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2017-010 SUBMITTED BY THE LUTHER COMPANY, LLLP, REQUESTING APPROVAL OF THE PRELIMINARY PLAT FOR NORTHTOWN PLAZA 4TH ADDITION (LOCATED AT 4301, 4315, 4321, AND 4435 68TH AVENUE NORTH AND 6701 BROOKLYN BOULEVARD)

WHEREAS, Planning Commission Application No. 2016-010 was submitted by the Luther Company, LLLP, requesting approval of a Preliminary Plat to be titled NORTHTOWN PLAZA 4TH ADDITION, which is a replat of certain properties within an existing Luther Planned Unit Development (approved under City Council Resolution 2008-80), and the incorporation of additional properties, and

WHEREAS, on October 26, 2017, the Planning Commission held a duly called public hearing, whereby this item was given due consideration, a staff report was presented, and a public hearing was opened to allow for public testimony regarding the preliminary plat of Northtown Plaza 4th Addition, which were received and noted for the record; and

WHEREAS, the Planning Commission has determined during its review of the preliminary plat materials submitted with Planning Application No. 2017-010, that said plat is in general conformance with City of Brooklyn Center's City Code Chapter 15 – Platting; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2017-010 as submitted by the Luther Company, LLLP, requesting approval of the Preliminary Plat to be titled NORTHTOWN PLAZA 4TH ADDITION, is hereby approved subject to the following conditions:

1. All recommendations and conditions as noted in the Assistant City Engineer's review memorandum, dated October 18, 2017, shall be complied with or completed as part of any final plat approvals.
2. Approval of this plat will be subject to the approval of the amendment to the 2008 Planned Unit Development plans and documents (approved under City Council Resolution 2008-80), and the establishment of a new Planned Unit Development, also filed under Planning Application No. 2017-010.
3. Any easements that need to be vacated under this platting process as determined by the City Engineer must be considered under a separate and formal City easement vacation process, with all documentations, descriptions, and exhibits signed by a licensed surveyor.

RESOLUTION NO. 2017-176

4. The final plat shall be subject to review and final approval by the City Engineer, prior to release by the City for recording purposes.
5. The final plat shall be subject to the provisions of Chapter 15 of the City Ordinances.
6. An updated certified abstract of title or registered property report must be provided to the City Attorney and City Engineer for review at the time of the final plat application (within 30 days of release of the final plat).

November 13, 2017

Date

Tim Willson

Mayor

ATTEST:

Sharon Knutson

City Clerk

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

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

Tim Willson, Marquita Butler, April Graves, DAN Ryan

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Member April Graves introduced the following resolution
and moved its adoption:

RESOLUTION NO. 2017-177

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2017-010 SUBMITTED BY THE LUTHER COMPANY, LLLP, FOR AN AMENDMENT TO THE 2008 LUTHER PLANNED UNIT DEVELOPMENT (LOCATED AT 4301 AND 4315 68TH AVENUE NORTH AND 6701 BROOKLYN BOULEVARD) AND INCORPORATION OF 4321 68TH AVENUE NORTH INTO THE PUD WITH A NEW ZONING CLASSIFICATION OF PUD/C2 (PLANNED UNIT DEVELOPMENT/COMMERCE)

WHEREAS, the City Council of Brooklyn Center adopted Resolution No. 2008-80, dated July 28, 2008, which approved the rezoning of three contiguous lots located on the west side of Brooklyn Boulevard between I-94/694 and 68th Avenue North (addressed as 4301 and 4315 68th Avenue North and 6701 Brooklyn Boulevard) and established a Planned Unit Development (PUD), which included an approved Development/Master Plan and certain allowances and development standards that would govern over the PUD for the redevelopment and expansion of the Luther Chevrolet building, and the remodeling and expansion of an existing building for a new Luther Buick, Pontiac, and GMC dealership; and

WHEREAS, the proposal comprehends additional adjustments not approved under the 2008 Luther Planned Unit Development and the related 2008 PUD Agreement; specifically, the incorporation of Lot 3, Block 2 of Northtown Plaza 2nd Addition (4321 68th Avenue North) into the Planned Unit Development, the rezoning of said property from C2 (Commerce) District to PUD/C2 (Planned Unit Development/Commerce) District, and the consolidation and reconfiguration of lot lines to provide additional area for outdoor auto storage and display; and

WHEREAS, the Planning Commission held a duly called public hearing on October 26, 2017, whereby a staff report and public testimony regarding the Planned Unit Development Amendment were received and considered by the Planning Commission; and the Planning Commission gave proper consideration of this Planned Unit Development Amendment request by utilizing the guidelines for evaluating such amendments as contained in Section 35-355 of the City's Zoning Ordinance and the City's Comprehensive Plan; and

WHEREAS; in light of all testimony received, the Planning Advisory Commission of the City of Brooklyn Center determined that Planning Application No. 2017-010, submitted by the Luther Company, LLLP, be approved based upon the following considerations:

- a) The request for amendment to the 2008 Luther Planned Unit Development plans and documents is consistent with the initial approval of the PUD under City Council Resolution 2008-80, and is compatible with the standards, purposes, and intent of the Planned Unit Development section of the City's Zoning Ordinance.

- b) The proposal for an amendment to the 2008 Luther Planned Unit Development will allow for the continued utilization of the land in question in a manner that is compatible with, complementary to, and of comparable intensity to adjacent land uses, as well as those permitted on the surrounding land.
- c) Considering the former Atlantis Pool and Spa location (4321 68th Avenue North) was demolished in 2015, the land, to be incorporated into the 2008 Luther Planned Unit Development, would serve as additional parking area for the Luther Buick/GMC dealership. As the land would not be subject to increased building density or impervious area, there would be no impact to the surrounding neighborhood.
- d) The proposed internal site organization, circulation, and parking facilities for the Luther Buick/GMC dealership would be improved by providing an additional 105 parking stalls along the western portions of the Luther Buick/GMC and Chevrolet dealership lots, along with the inclusion of parking medians, new drive aisles, and an overall decrease in the impervious area for these lots.

AND WHEREAS, the Planning Advisory Commission of the City of Brooklyn Center did determine that the guidelines for evaluating a Planned Unit Development Amendment, as contained in Section 35-355 of the City's Zoning Ordinance, have been met, and the proposal is therefore, in the best interest of the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Application No. 2017-010, submitted by the Luther Company, LLLP, which requests approval of an amendment to the Luther Planned Unit Development of 2008, is hereby approved subject to the following conditions:

- 1. The Applicant/Developer is permitted to amend the 2008 Luther Planned Unit Development pending approval of the requests filed under Planning Application No. 2017-010. These include preliminary/final plat approval of the Northtown Plaza 4th Addition, which proposes to consolidate five (5) lots into three (3) lots, and the establishment of a new Planned Unit Development for a Luther Mazda/Mitsubishi dealership.
- 2. The Applicant/Developer shall comply with the comments outlined in the Assistant City Engineer's memorandum dated October 18, 2017.
- 3. The Applicant/Developer shall obtain a land alteration permit and adhere to all requirements prior to beginning any removals, demolition, land disturbance work, or new construction of parking and utilities.
- 4. Unless amended otherwise or under separate agreement, all existing provisions, standards, and variations provided under the 2008 Luther Planned Unit Development (PUD) shall remain in effect for the entire

RESOLUTION NO. 2017-177

Luther Planned Unit Development, as initially approved under City Council Resolution No. 2008-80.

5. Any future PUD amendments or application requests will require the submittal and adoption (acceptance) of an updated master plan, which shall govern the planned and future redevelopment areas of the site.

November 13, 2017

Date

Tim Willson

Mayor

ATTEST:

Sharon Knutson

City Clerk

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

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

Tim Willson, Marquita Butler, April Graves, Dan Ryan

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Member Marquita Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. 2017-178

RESOLUTION REGARDING THE DISPOSITION OF PLANNING APPLICATION NO. 2017-010 SUBMITTED BY THE LUTHER COMPANY, LLLP, FOR APPROVAL OF A NEW PLANNED UNIT DEVELOPMENT WITH NEW ZONING CLASSIFICATION OF PUD/C2 (PLANNED UNIT DEVELOPMENT/COMMERCE), AND SITE AND BUILDING APPROVAL FOR A NEW LUTHER MAZDA AND MITSUBISHI DEALERSHIP (LOCATED AT 4435 68TH AVENUE NORTH)

WHEREAS, Planning Application No. 2017-010, submitted by the Luther Company, LLLP, requests establishment of a new Planned Unit Development with a Zoning Classification of PUD/C2 (Planned Unit Development/Commerce), and approval of a site and building plan for a new Luther Mazda and Mitsubishi dealership, located at 4435 68th Avenue North; and

WHEREAS, the proposal comprehends the rezoning of the Subject Property to facilitate the planned and future redevelopment of the site with a proposed two-story, 35,424-square foot Luther Mazda and Mitsubishi dealership with an outdoor surface parking lot, trash and recycling enclosure, and underground stormwater infiltration system; and

WHEREAS, the subject property is identified and guided in the 2030 Comprehensive Plan as RB ("Retail Business"), and the proposed PUD/C2 zoning designation comprehended under this application would be consistent with this underlying land use category; and

WHEREAS, on October 26, 2017, the Planning Commission held a duly called public hearing, whereby a planning report was presented and public testimony regarding this proposed Planned Unit Development was received and noted for the official record, and the request was duly considered in light of all testimony received; and

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

WHEREAS, on October 26, 2017, the Planning Commission reviewed and considered the proposed new PUD development plans, which included the new site and building plans for the new 35,424-square foot dealership, elevation plans, and civil plans completed by Landform Professional Services, and found the plans to be in order and approved for the Subject Property.

RESOLUTION NO. 2017-178

WHEREAS, the Planning Commission of the City of Brooklyn Center recommends to the City Council that the rezoning element comprehended under the proposed Planned Unit Development submitted under Application No. 2017-010 by the Luther Company, LLLP, may be approved based upon the following findings:

- a. The proposed rezoning appears to demonstrate a clear and public need or benefit to the community and regional area, as it will improve the appearance of the city and enhance the quality of life, property values, and civic pride in this neighborhood area; and provide an opportunity to build upon the presence of Luther's automobile dealerships located near the intersections of 68th Avenue North and Brooklyn Boulevard;
- b. The rezoning and its related development proposal will not be a detriment to the neighborhood, and should provide a positive effect on the community;
- c. The rezoning will facilitate the redevelopment of this site as an automobile dealership, which will be compatible with the goals and policies of the City's Comprehensive Plan and underlying land use plan, which designates the Subject Property for use as "Retail Business";
- d. The proposed zoning is consistent and compatible with the surrounding land use classifications;
- e. The proposed rezoning will provide an opportunity for the Subject Property to maintain its underlying C2 (Commerce) District zoning classification with the flexibility of a Planned Unit Development (PUD), allow an obsolete, former bus storage facility to be redeveloped into an auto dealership, and stimulate new investment in the neighborhood and community;
- f. The Development/Site and Building Plan is compatible with the standards, purposes, and intent of the City's Zoning Ordinance;
- g. The Development/Site and Building Plan, in relation to the Planned Unit Development proposed on the Subject Property, will facilitate the redevelopment and improvement of the site, will allow for the utilization of the land in question in a manner which is compatible with, complementary to, and of comparable intensity to adjacent land uses as well as those permitted on surrounding land;
- h. The improvements and utilization of the Subject Property as proposed under the planned redevelopment of this site is considered a reasonable use of the property and will conform with ordinance standards, with the exception of a

request for a reduced parking green strip, and additional freestanding signage; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, to recommend Planning Application No. 2017-010, submitted by the Luther Company, LLLP, which proposes a new Planned Unit Development with a new Zoning Classification of PUD/C2 (Planned Unit Development/Commerce), and site and building approval for a new Luther Mazda and Mitsubishi dealership, located at 4435 68th Avenue North, be approved based on the following conditions:

1. **Plat and PUD approval:** Establishment of the new Planned Unit Development is contingent upon approval and successful recording of the final plat for Northtown Plaza 4th Addition, and an amendment to the 2008 PUD plans and documents, originally approved under Resolution No. 2008-80. No separation of these lots may occur without separate approval of a subdivision as provided under Chapter 15 of the City Code of Ordinances.

The five (5) lots proposed for consolidation into three (3) lots are as follows:

1. Lot 1, Block 2, Northtown Plaza 2nd Addition
 2. Lot 2, Block 2, Northtown Plaza 2nd Addition
 3. Lot 3, Block 2, Northtown Plaza 2nd Addition (East 83 Feet)
 4. Lot 3, Block 2, Northtown Plaza 2nd Addition (That Party Lying West of East 83 Feet)
 5. Lot 4, Block 2, Northtown Plaza 2nd Addition
2. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants and other fire related building code items shall be reviewed and approved by the Fire Chief.
 - a. Any major changes or modifications made to this Site and Building

Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.

3. **Agreements:**

- a. The Applicant shall enter into a PUD agreement with the City of Brooklyn Center to be reviewed and approved by the City Attorney prior to the issuance of building permits. Said agreement shall be filed with the title to the property and shall acknowledge the specific modifications to the C2 (Commerce) underlying zoning district as well as other conditions of approval. The agreement shall further assure compliance with the development plans submitted with this application.
- b. Appropriate cross access and parking agreements, as approved by the City Attorney, shall be executed and filed with titles to the property allowing access between 6701 Brooklyn Boulevard (Luther Chevrolet) and 4435 68th Avenue North (proposed Luther Mazda/Mitsubishi) prior to issuance of building permits for this project.
- c. The owner of the property shall enter into a utility, facilities, and easement agreement for maintenance and inspection of utility and storm drainage systems as approved by the City Engineer prior to the issuance of building permits.
- d. The Applicant/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications and standards comprehended under this Site and Building Plan. The guarantee amount is to be determined based on cost estimates, which shall be submitted prior to the issuance of permits to assure completion of all site improvements.
- e. There shall be no outdoor paging, announcing, or other amplified voice or music on the site.
- f. The Developer shall submit an as-built survey of the property, improvements and utility service lines prior to release of the performance guarantee.
- g. Any major changes or modifications made to the PUD Development/Site and Building Plans can only be made by an amendment to this PUD, which shall include an updated Development/Site Plan, if necessary.

4. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated October 18, 2017 (Exhibit C), including a request from Hennepin County to provide a traffic study and travel demand management plan.

- a. Final grading, drainage, utility and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.
- b. The total disturbed area exceeds five acres; therefore, the Applicant/Developer must submit plans to the Shingle Creek Watershed Management Commission for review prior to the issuance of any permits.

5. **Construction Standards:**

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

6. **Facilities and Equipment:**

- a. Any outside trash disposal facilities and roof top or on ground mechanical equipment shall be appropriately screened from view.
- b. The building shall be equipped with automatic fire extinguishing systems meeting NFPA standards and shall be connected to a central monitoring device in accordance with Chapter 5 of the City Ordinances.
- c. The proposed 18-foot by 50-foot trash and recycling enclosure shall be constructed with building materials that are complementary to the principal building (proposed Luther Mazda/Mitsubishi building).
- d. Storage of tires in the proposed trash and recycling enclosure will require installation of a roof on the enclosure.

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

8. **Signage:** The Applicant shall submit an Administrative Permit Application for any proposed signage (e.g., wall, freestanding) as part of the development proposal.

- a. The proposed three (3) freestanding signs, with allowances of up to 250-square feet in area and up to 32 feet in height, respectively, are approved, subject to the Applicant/Developer complying with all other provisions of Chapter 34 of the City Code of Ordinances (Sign Ordinance).

RESOLUTION NO. 2017-178

- b. All other signage not approved otherwise is subject to Chapter 34 of the City Code of Ordinances and shall be approved under separate sign permits.

November 13, 2017

Date

Tim Willson

Mayor

ATTEST:

Sharon Krutson

City Clerk

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

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

Tim Willson, Marquita Butler, April Graves, Dan Ryan

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

- 6e. RESOLUTION NO. 2017-169 ESTABLISHING 2018 STREET AND STORM DRAINAGE SPECIAL ASSESSMENT RATES
- 6f. RESOLUTION NO. 2017-170 ACCEPTING FEASIBILITY REPORT, DECLARING COSTS TO BE ASSESSED AND CALLING FOR IMPROVEMENT AND ASSESSMENT PUBLIC HEARINGS FOR IMPROVEMENT PROJECT NOS. 2018-01, 02, 03, AND 04, FIREHOUSE PARK AREA STREET, STORM DRAINAGE, AND UTILITY IMPROVEMENTS.
- 6g. RESOLUTION NO. 2017-171 ACCEPTING FEASIBILITY REPORT, DECLARING COSTS TO BE ASSESSED AND CALLING FOR IMPROVEMENT AND ASSESSMENT PUBLIC HEARING FOR IMPROVEMENT PROJECT NO. 2018-06, 51ST AVENUE/FRONTAGE ROAD STREET, STORM DRAINAGE, AND UTILITY IMPROVEMENTS
- 6h. RESOLUTION NO. 2017-172 AUTHORIZING ACQUISITION OF EASEMENT FOR PID 34-119-21-11-0002
- 6i. RESOLUTION NO. 2017-173 ACCEPTING BID AND AWARDED A CONTRACT, IMPROVEMENT PROJECT NO. 2017-14, 2017 LIFT STATION 1 IMPROVEMENT PROJECT
- 6j. APPROVE FIRST READING OF ORDINANCE AMENDING CHAPTER 23 OF THE CITY CODE OF ORDINANCES REGARDING FILMING ACTIVITIES AND COMMERCIAL PHOTOGRAPHY AND SET SECOND READING AND PUBLIC HEARING FOR DECEMBER 11, 2017
- 6k. APPROVE FIRST READING OF ORDINANCE AMENDING CHAPTER 11 OF THE CITY CODE OF ORDINANCES REGARDING LIQUOR LICENSES AND SET SECOND READING AND PUBLIC HEARING FOR DECEMBER 11, 2017

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

- None.

8. PUBLIC HEARINGS

- None.

9. PLANNING COMMISSION ITEMS

- 9a. **PLANNING COMMISSION APPLICATION NO. 2017-007, SUBMITTED BY HOM FURNITURE INC. AND GATLIN DEVELOPMENT COMPANY. REQUEST FOR APPROVAL OF REVISIONS TO PUD AMENDMENT NO. 8 OF THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT TO INCLUDE THE STORM WATER MANAGEMENT IMPROVEMENTS OF A BIO-INFILTRATION POND AND TO PROVIDE FLEXIBILITY TO USE ALTERNATE DEVELOPMENT CONCEPTS IN THE FUTURE MARKETING AND DEVELOPMENT OF FUTURE COMMERCIAL PAD SITES IDENTIFIED IN PUD AMENDMENT NO. 8 FOR VARYING BUILDING SIZES (I.E., COMMERCIAL RETAIL, BANK, RESTAURANT, AND OFFICE USES) WITH THE PROVISION THAT THEY MEET THE PUD'S PARKING STANDARDS**

Director of Business and Development Gary Eitel provided an overview of Planning Commission Application No. 2017-007 and advised the Planning Commission recommended approval of the applications at its October 26, 2017, meeting. It was noted this application was submitted by HOM Furniture Inc. and Gatlin Development Company for approval of revisions to PUD Amendment No. 8 of the 2011 Shingle Creek Crossing Planned Unit Development to include the storm water management improvements of a bio-infiltration pond and to provide flexibility to use alternate development concepts in the future marketing and development of future commercial pad sites identified in PUD Amendment No. 8 for varying building sizes (i.e., commercial retail, bank, restaurant, and office uses) with the provision that they meet the PUD's parking standards.

Mayor Willson stated he is glad to see this movement and believes this is an appropriate use.

1. **RESOLUTION NO. 2017-174 REGARDING THE DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2017-007 SUBMITTED BY HOM FURNITURE, INC. AND GATLIN DEVELOPMENT COMPANY FOR REVISIONS TO PLANNED UNIT DEVELOPMENT AMENDMENT NO. 8 TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT AND SITE AND BUILDING PLAN FOR HOM FURNITURE STORE (LOCATED AT 2501 COUNTY ROAD 10)**

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2017-174 Regarding the Disposition of Planning Commission Application No. 2017-007 submitted by HOM Furniture, Inc. and Gatlin Development Company for Revisions to Planned Unit Development Amendment No. 8 to the 2011 Shingle Creek Crossing Planned Unit Development and Site and Building Plan for HOM Furniture Store (Located at 2501 County Road 10).

Motion passed unanimously.

- 9b. **PLANNING COMMISSION APPLICATION NO. 2017-011, SUBMITTED BY GATLIN DEVELOPMENT COMPANY. REQUEST FOR APPROVAL OF THE**

**PRELIMINARY PLAT FOR SHINGLE CREEK CROSSING 6TH ADDITION
(LOCATED AT 2545 COUNTY ROAD 10)**

Director of Business and Development Gary Eitel provided an overview of Planning Commission Application No. 2017-011 and advised the Planning Commission recommended approval of the applications at its October 26, 2017 meeting. It was noted this application was submitted by Gatlin Development Company requesting Approval of the Preliminary Plat for Shingle Creek Crossing 6th Addition (Located at 2545 County Road 10). If approved, a public hearing will be scheduled to consider easement vacations.

**1. RESOLUTION NO. 2017-175 REGARDING THE DISPOSITION OF
PLANNING COMMISSION APPLICATION NO. 2017-011 SUBMITTED
BY GATLIN DEVELOPMENT COMPANY FOR APPROVAL OF THE
PRELIMINARY PLAT FOR SHINGLE CREEK CROSSING 6TH
ADDITION (LOCATED AT 2545 COUNTY ROAD 10)**

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2017-175 Regarding the Disposition of Planning Commission Application No. 2017-011 submitted by Gatlin Development Company for Approval of the Preliminary Plat for Shingle Creek Crossing 6th Addition (Located at 2545 County Road 10).

Motion passed unanimously.

**9c. PLANNING COMMISSION APPLICATION NO. 2017-010, SUBMITTED BY
THE LUTHER COMPANY, LLLP. REQUEST FOR APPROVAL OF (1) THE
PRELIMINARY PLAT FOR THE NORTHTOWN PLAZA 4TH ADDITION, (2)
AN AMENDMENT TO THE 2008 LUTHER PLANNED UNIT DEVELOPMENT
PLANS AND DOCUMENTS, AND (3) THE ESTABLISHMENT OF A NEW
PLANNED UNIT DEVELOPMENT FOR A PROPOSED LUTHER MAZDA AND
MITSUBISHI DEALERSHIP**

Planner and Zoning Administrator Ginny McIntosh provided an overview of the three components comprised within Planning Commission Application No. 2017-010. It was noted this application was submitted by Luther Company, LLP requesting approval of: 1) the Preliminary Plat for the Northtown Plaza 4th Addition; 2) an amendment to the 2008 Luther Planned Unit Development plans and documents; and 3) the establishment of a new Planned Unit Development for a proposed Luther Mazda and Mitsubishi dealership. Ms. McIntosh presented the Planning Commission's recommendation of approval of the applications at its October 26, 2017, meeting.

Councilmember Ryan stated he appreciates staff's efforts to get some flexibility in the Sign Ordinance and asked whether the Luther dealership is satisfied with staff's recommendation. Ms. McIntosh answered in the affirmative, noting that was their request. Councilmember Ryan stated in that case, he is also satisfied.

1. **RESOLUTION NO. 2017-176 REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2017-010 SUBMITTED BY THE LUTHER COMPANY, LLLP, REQUESTING APPROVAL OF THE PRELIMINARY PLAT FOR NORTHTOWN PLAZA 4TH ADDITION (LOCATED AT 4301, 4315, 4321, AND 4435 68TH AVENUE NORTH, AND 6701 BROOKLYN BOULEVARD)**

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2017-176 Regarding the Recommended Disposition of Planning Commission Application No. 2017-010 submitted by the Luther Company, LLLP, Requesting Approval of the Preliminary Plat for Northtown Plaza 4th Addition (Located at 4301, 4315, 4321, and 4435 68th Avenue North, and 6701 Brooklyn Boulevard).

Motion passed unanimously.

2. **RESOLUTION NO. 2017-177 REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2017-010 SUBMITTED BY THE LUTHER COMPANY, LLLP, REQUESTING AN AMENDMENT TO THE 2008 LUTHER PLANNED UNIT DEVELOPMENT (LOCATED AT 4301 AND 4315 68TH AVENUE NORTH AND 6701 BROOKLYN BOULEVARD) AND INCORPORATION OF 4321 68TH AVENUE NORTH INTO THE PUD WITH A NEW ZONING CLASSIFICATION OF PUD/C2 (PLANNED UNIT DEVELOPMENT-COMMERCE)**

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2017-177 submitted by the Luther Company, LLLP, Requesting an Amendment to the 2008 Luther Planned Unit Development (Located at 4301 and 4315 68th Avenue North and 6701 Brooklyn Boulevard) and Incorporation of 4321 68th Avenue North into the PUD with a New Zoning Classification of PUD/C2 (Planned Unit Development/Commerce).

Motion passed unanimously.

3. **RESOLUTION NO. 2017-178 REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2017-010 SUBMITTED BY THE LUTHER COMPANY, LLLP, FOR APPROVAL OF A NEW PLANNED UNIT DEVELOPMENT WITH NEW ZONING CLASSIFICATION OF PUD/C2 (PLANNED UNIT DEVELOPMENT-COMMERCE), AND SITE AND BUILDING APPROVAL FOR A NEW LUTHER MAZDA AND MITSUBISHI DEALERSHIP (LOCATED AT 4435 68TH AVENUE NORTH)**

Councilmember Butler moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2017-178 Regarding the Recommended Disposition of Planning Commission Application No. 2017-010 Submitted by the Luther Company, LLLP, for Approval of a New Planned Unit Development with New Zoning Classification of PUD/C2 (Planned Unit

Development/Commerce), and Site and Building Approval for a New Luther Mazda and Mitsubishi Dealership (Located at 4435 68th Avenue North).

Motion passed unanimously.

Mayor Willson extended the City Council's best wishes to the Luther organization.

10. COUNCIL CONSIDERATION ITEMS

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

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

Mayor Willson polled the audience and asked whether anyone was in attendance to provide testimony on any of the rental licenses as listed on tonight's meeting agenda. Seeing no one coming forward, Mayor Willson called for a motion on Agenda Items 10a1 through 10a11.

10a1. 4450 68TH AVENUE NORTH, BASSWOOD APARTMENTS

10a2. 1510 69TH AVENUE NORTH

10a3. 6243 FRANCE AVENUE NORTH

10a4. 6413 JUNE AVENUE NORTH

10a5. 4216 LAKEBREEZE AVENUE

10a6. RESOLUTION NO. 2017-179 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 3401-3413 47TH AVENUE NORTH, RYAN LAKE APARTMENTS

10a7. RESOLUTION NO. 2017-180 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 1425 55TH AVENUE NORTH

10a8. RESOLUTION NO. 2017-181 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 2113 55TH AVENUE NORTH

10a9. RESOLUTION NO. 2017-182 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 3000 62ND AVENUE NORTH

10a10. RESOLUTION NO. 2017-183 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 5350 71ST CIRCLE

10a11. RESOLUTION NO. 2017-184 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 5642 LOGAN AVENUE NORTH

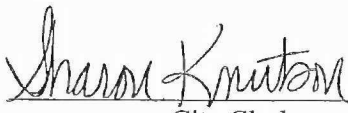
Councilmember Ryan moved and Councilmember Graves seconded to approve the issuance of a Type IV six-month provisional rental license and mitigation plan for the following: 4450 68th Avenue North, Basswood Apartments; 1510 69th Avenue North; 6243 France Avenue North; 6413 June Avenue North; 4216 Lakebreeze Avenue; and adopt Resolution No. 2017-179 Approving a Type IV 6-Month Provisional Rental License for 3401-3413 47th Avenue North, Ryan Lake Apartments; Resolution No. 2017-180 Approving a Type IV 6-Month Provisional Rental License for 1425 55th Avenue North; Resolution No. 2017-181 Approving a Type IV 6-

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

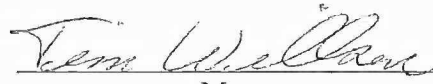
ss. Certification of Minutes

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

1. That 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 November 13, 2017.
2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its November 27, 2017, Regular Session.



City Clerk



Mayor

The Luther Company, LLLP



REQUEST:

- (1) Amend Chapter 35 (Zoning Ordinance) to Allow Rezoning of Property

FROM:

C2 (Commerce) District

TO:

PUD/C2 (Planned Unit Development/Commerce) District

Background

- The following requests were **approved** by City Council on November 13, 2017, under Planning Commission Application No. 2017-010:
 - (1) Preliminary Plat for Northtown Plaza 4th Addition;
 - (2) Amendment to the 2008 Luther Planned Unit Development plans and documents; and
 - (3) Establishment of a Planned Unit Development (PUD) for a new Luther Mazda/Mitsubishi Dealership
- The establishment of a PUD requires that the property be formally rezoned
- The rezoning of property requires that Chapter 35 (Zoning Ordinance) be amended to reflect this change, as legal descriptions are listed and organized by zoning district within the Zoning Ordinance

Request

- Amend Chapter 35 (Zoning Ordinance) of the City Code of Ordinances regarding the zoning classification of:
 - 4321 68th Avenue North
(Lot 3 (that party lying west of east 83 feet), Block 2, Northtown Plaza 2nd Addition)
 - 4435 68th Avenue North
(Lot 4, Block 2, Northtown Plaza 2nd Addition)
- The above properties would be re-zoned from C2 (Commerce) District to PUD/C2 (Planned Unit Development/Commerce) District
- Rezoning would allow all Luther-owned properties located at southwest corner of 68th Avenue North and Brooklyn Boulevard to have same zoning classification of PUD/C2
 - **Note:** Auto dealerships are permitted in C2 District as a Special Use

Amend from:

Section 35-1190. COMMERCE DISTRICT (C2). The following properties are hereby established as being within the (C2) Commerce District zoning classification:

The west 132.46' of Lot 3 and Lot 4, Block 2, Northtown Plaza 2nd Addition.

To:

Section 35-1240. PLANNED UNIT DEVELOPMENT DISTRICT (PUD). The following properties are hereby established as being within a (PUD) Planned Unit Development District Zoning Classification:

4. The following properties are designated as PUD/C2 (Planned Unit Development/Commerce):

That area bounded by the following: County Road No. 10 on the north; State Highway 100 on the east and south; Xerxes Avenue on the west, except for Tract A, Registered Land Survey No. 1151.

Lot 1, Block 1, CVS Brooklyn Boulevard Addition.

Lot 1, Block 1, Chrysler Realty Addition.

Lots 1 and 2, Block 1, Bri Mar 2nd Addition.

Lots 1 and 2, and the East 83' feet of Lot 3, Block 2, Northtown Plaza 2nd Addition.

Lots 3 (that part lying west of east 83 feet) and 4, Block 2, Northtown Plaza 2nd Addition, Hennepin County, Minnesota.

Lot 1, Block 1, MONTY ADDITION

Tract A, Registered Land Survey No. 806, Hennepin County, Minnesota. [Addr: 4007- 69th Avenue North]

Site Conditions

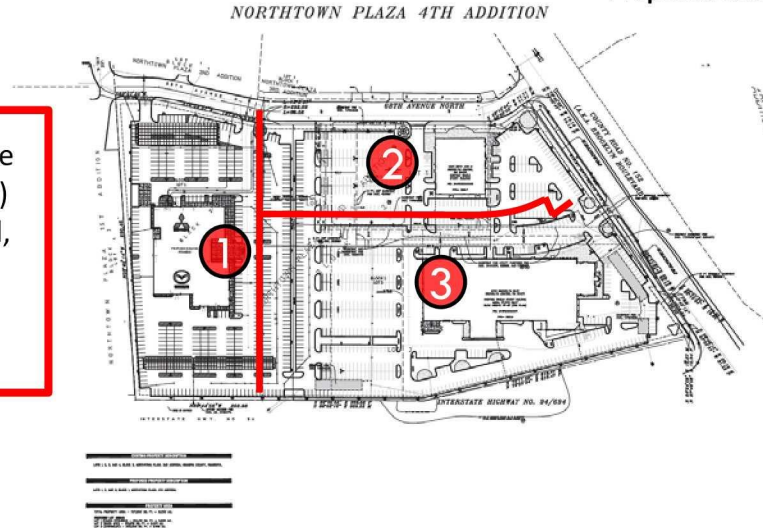


Existing Lots (Zoned PUD/C2 and C2)



Proposed Lots (Rezoning remaining C2 to PUD/C2)

Final Plat Approval would consolidate the five (5) existing lots into three (3) lots. Assuming re-zoning is approved, all properties to the right would be zoned PUD/C2 (Planned Unit Development /Commerce) District



Summary & Recommendation

- The first reading of the draft ordinance was read at the January 22, 2018, City Council meeting as a consent agenda item
 - ▣ No comments or objections were received from the public
 - ▣ The second reading and public hearing was scheduled for tonight's City Council meeting (February 12, 2018)

Recommendation

It is recommended that City Council make a Motion to approve the Second Reading of the Ordinance authorizing the amendment of Chapter 35 of the City Code of Ordinances regarding the zoning classification of certain land generally located in the northwest section of the City, generally located between Highway 94 to the south, 68th Avenue North to the north, Brooklyn Boulevard to the east, and Noble Lane to the west, and locally identified as 4435 68th Avenue North and 4321 68th Avenue North, respectively.

It is further recommended that City Council adopt the attached ordinance.

City Council Agenda Item No. 8b

COUNCIL ITEM MEMORANDUM

DATE: February 12, 2018

TO: Curt Boganey, City Manager 

THROUGH: Michael Ericson, Interim Community Development Director 

FROM: Jesse Anderson, Deputy Director of Building and Community Standards/HRA Specialist 

SUBJECT: Public Hearing Regarding Proposed Use of 2018 Community Development Block Grant Funds and a Resolution Approving Projected Use of Funds for 2018 Urban Hennepin County Community Development Block Grant Program and Authorizing Signature of Subrecipient Agreement with Hennepin County

Recommendation:

It is recommended that the City Council conduct the Public Hearing and accept input from the public regarding use of funds for 2018 Urban Hennepin County Community Development Block Grant Program. Staff has prepared a resolution allocating funds similar to previous years approvals with the exception of the Public Service Funds. The Public Service Funds are now being directly allocated through Hennepin County. If the Council would like to make adjustments to the resolution, staff will revise the resolution for approval at the February 26, 2018 Council Meeting.

Background:

Brooklyn Center is one of 40 Hennepin County cities participating in the Urban Hennepin County Community Development Block Grant (CDBG) program. With the CDBG program, federal dollars from the Department of Housing and Urban Development (HUD) are awarded to Hennepin County and are allocated to participating cities on a formula basis. Therefore, the City of Brooklyn Center is considered a Subrecipient of CDBG funding. This Public Hearing meets the requirements of the Hennepin County Citizen Participation Plan and HUD requirements.

CDBG Statutory and Administrative Requirements

Federal CDBG Statutory 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.

COUNCIL ITEM MEMORANDUM

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.

We do not yet know the exact amount of CDBG allocation for 2018. Therefore, we have been advised to use the following estimate of \$236,300 for the allocation amount in 2018. However, this allocation amount could be adjusted.

Public Hearing

The attached Public Hearing notice was published in the January 25, 2018 edition of the Brooklyn Center Sun Post newspaper. Hennepin County requires a Public Hearing be held regarding the use of CDBG funds. Further, the 2018 CDBG programs must be submitted to Hennepin County by February 23, 2018. Funding for the 2018 CDBG program would be made available by July 1, 2018 and CDBG funds must be spent no later than July 1, 2019.

RESOLUTION

A resolution has been prepared for City Council's consideration to approve the 2018 CDBG program.

Total preliminary City Allocation for CDBG Program Year 2018 is estimated \$236,300. The following allocation is consistent with previous years funding allocations with the removal of public services fees.

CDBG Activity	City Council Requested Allocation
City of Brooklyn Center Neighborhood Stabilization/Code Enforcement	\$150,000
Home Rehabilitation Program	\$86,300
Total CDBG Funds	\$236,300

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 standardized agreements developed by Hennepin County and will be submitted after approval of the City's 2018 CDBG program.

Budget Issues:

CDBG funds are exclusively federal dollars. The Cities 2018 Budget includes funding for 2018 includes grant funds for Code Enforcement Activity.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachments:

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

COUNCIL ITEM MEMORANDUM

Resolution

Funding History

Hennepin County CDBG Fund Memo

Affidavit of Publication of Public Hearing Notice

Hennepin County Home Rehabilitation Program Info

City of Brooklyn Center Neighborhood Stabilization/Code Enforcement Annual Report

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

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

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

SP Brooklyn Ctr/Brooklyn Park

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

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

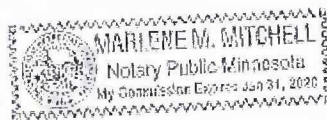
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §31A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 01/25/2018 and the last insertion being on 01/25/2018.

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

By: D. MacPherson
Designated Agent

Subscribed and sworn to or affirmed before me on 01/25/2018 by Darlene MacPherson.

Marlene M. Mitchell
Notary Public



Rate Information:

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

Ad ID 774814

CITY OF BROOKLYN CENTER 2018 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Brooklyn Center in cooperation with Hennepin County, pursuant to Title 1 of the Housing and Community Development Act of 1974, as amended, is holding a Public Hearing on February 12, 2018, at 8 p.m. or so soon thereafter as the matter may be heard, at the Brooklyn Center City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota.

The Public Hearing is about the housing and community development needs and the City's proposed use of the estimated 2018 Urban Hennepin County Community Development Block Grant Program planning allocation of \$288,300. The Public Hearing is being held pursuant to MS 471.59.

The City of Brooklyn Center is proposing to undertake the following activities with 2018 Urban Hennepin County CDBG funds starting on or about July 1, 2018:

Activity	Budget
Rehab of Private Property	\$88,300
Neighborhood Revitalization	\$150,000

For additional information about the priorities, proposed activities, level of funding and program performance, contact the City of Brooklyn Center at 763-589-3300 or the Hennepin County Housing Department at 612-246-2300.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-589-3300 to make arrangements.

Published in the
Brooklyn Center Sun Post
January 25, 2018
774814

Member
adoption:

introduced the following resolution and moved its

RESOLUTION NO. _____

RESOLUTION APPROVING PROJECTED USE OF FUNDS FOR 2018 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 13, 2018 to obtain the view of citizens on housing and community development needs and priorities and the City's proposed use of \$236,300 from the 2018 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 9, 2018.

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 2018 Urban Hennepin County Community Development Block Grant Program and authorizes submittal of the proposal to Urban Hennepin County.

<u>Project</u>	<u>Budget</u>
City of Brooklyn Center Neighborhood Stabilization/Code Enforcement Activity	\$150,000
Home Rehabilitation Program (Rehabilitation of Private Property)	\$86,300

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 2018 Community Development Block Grant Program.

BE IT FURTHER RESOLVED, that should the actual amount of FY2018 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>
City of Brooklyn Center Neighborhood Stabilization/Code Enforcement Activity	0%
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.

CDBG Funding History

Community Development Block Grant Program (CDBG) Funding History (Updated January 25, 2018)

Funding Year	Res. Number	Initial Budget	Adjusted	H.O.M.E./ SCS	CEAP	Home Line	Avenues for Homeless Youth	Timberbay	Neighborhood Stabilization/ Code Enforcement Initiatives	Hennepin County Rehab Funds	Food And Nutrition Services (CAPI-USA)
2017	2017-33	\$255,616	\$264,743	\$8,710	\$8,710	\$8,710	\$8,710		\$150,000	\$76,403	\$3,500
2016	2016-31	\$258,779	\$259,455	\$7,829	\$7,829	\$7,829	\$7,829	\$7,500	\$150,000	\$70,639	
2015	2015-33	\$243,462	\$258,779	\$10,000	\$10,000	\$9,019	\$7,500		\$150,000.00	\$72,260	
2014	2014-30	\$239,249.00	\$243,462.00	\$12,500.00	\$12,500.00	\$7,387.00	\$3,500.00		\$150,000.00	\$57,575.00	
2013	2013-26	\$211,641.00	\$239,249.00	\$12,500.00	\$12,500.00	\$6,740.00			\$150,000.00	\$57,509.00	
2012	2012-30	\$170,294.00	\$211,641.00	\$14,603.00	\$10,476.00	\$6,666.00			\$150,000.00	\$29,896.00	
2011	2011-25	\$203,588.00	\$170,294.00	\$11,710.00	\$8,364.00	\$5,436.00			\$125,474.00	\$19,310.00	
2010	2010-41	\$188,965.00	\$203,588.00	\$15,150.00	\$9,410.00	\$3,785.00			\$164,623.00	\$10,620.00	
2009	2009-37	\$186,215.00	\$188,965.00	\$15,150.00	\$9,285.00	\$3,500.00			\$150,000.00	\$11,030.00	
2008	2008-15	\$186,968.00	\$186,215.00	\$17,318.00	\$10,614.00				\$50,000 Amended by Council	\$158,283.00	
2007	2008-27	\$193,749.00	NA	\$17,947.00	\$11,115.00					\$108,283 Amended by Council	
2006	2006-16	\$195,019.00	NA	\$18,135.00	\$11,115.00					\$164,687.00	
2005	2005-38	\$199,764.00	NA	\$18,480.00	\$11,340.00					\$165,769.00	
2004	2004-29	\$239,029.00	NA	\$22,000.00	\$13,500.00					\$169,944.00	
										\$203,529.00	

*Data provided by Hennepin County. Data is generally based on final allocated amounts that may vary from approved amounts. Data is subject to change due to several factors. I.e. 18-month fiscal period, agency funding request times, changes in federal funding levels, etc.

HENNEPIN COUNTY

MINNESOTA

DATE: April 17, 2017

TO: CDBG Subrecipients and Third Parties

FROM: Spencer Agnew, Senior Planning Analyst

SUBJECT: CDBG Income Limits -- 2017

Below are the updated income limits effective April 17, 2017. Please note that the limits increased slightly based on an updated Area Median Income of \$90,400.

The updated income limits below must be used when determining income eligibility for CDBG funded activities that document low/moderate income benefit. Public service agencies that contract directly with the County have been notified of the updated limits. Please forward the income limits and revised Participant Intake form to relevant third party agencies administering CDBG programs. The income limits are effective until further notice.

FY 2016 Income Limits	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
30% AMI (Extremely Low)	\$19,000	\$21,700	\$24,400	\$27,100	\$29,300	\$32,960	\$37,140	\$41,320
50% AMI (Very Low)	\$31,650	\$36,200	\$40,700	\$45,200	\$48,850	\$52,450	\$56,050	\$59,700
80% AMI (Low)	\$47,600	\$54,400	\$61,200	\$68,000	\$73,450	\$78,900	\$84,350	\$89,800

If you have questions or concerns about CDBG, please feel free to contact me by phone at 612-348-2205 or by email at spencer.agnew@hennepin.us.

Hennepin County Community Works
701 Fourth Avenue S., Suite 400, Minneapolis, MN 55415
hennepin.us/communityworks



Hennepin County Single Family Housing Rehabilitation
Forgivable Loan
 CDBG Funded recipients must be below 80% Median Income

Calendar Year	Funds Spent	Projects Started	Projects Completed	Projects in Process	Wait List
2014	\$37,273	2	1	NA	NA
2015	\$49,046	1	2	NA	NA
2016	\$55,795	3	2	NA	NA
2017	\$163,254	4	4	6 (at year end)	14

Fix Up Fund Info:
 Low Interest Loan
 Funded by TIF 3 Housing Funds
 Recipient must be below 80% Median Income

MHFA FIX UP FUND	Program Total	Program Total	Closed in 2016/2017
Applications Mailed	355	375	20
Applications Received	92	103	11
Loans/Grants Closed	43	49	6
Total Project Cost for 2016/2017 projects was \$187837.63 and the Cities Portion of the Buy down cost was \$21,043.79			



DATE: July 18, 2017

TO: Tonja West-Hafner, Principal Planning Analyst, and Hennepin County Housing.

FROM: Jesse Anderson, Deputy Director of Building and Community Standards/HRA Specialist, City of Brooklyn Center

SUBJECT: Year End Program Update for FY 2016 July 1, 2016 to July 1, 2017

Background:

Per your request for cumulative data the following information is provided.

Code Enforcement Cumulative Data:

Over the past twelve months the following general Code Enforcement efforts have been continued in the CDBG Eligible Neighborhoods:

- o Code Enforcement at non-Vacant properties: Staff have also been responding to complaints and conducting proactive inspection throughout the entire CDGE eligible areas. Many owners have made significant improvements to their properties. These violations consist of junk vehicles, garbage, yard was clean up, and housing maintenance. During the past twelve months 3687 violations were initiated which resulted in 13,633 actions. 1313 of request were initiation and 1432 of request were closed.

Staff have increase the outreach to residents of the properties with violations and have initially seen a decrease in the length of time before the violation is corrected.

Further, staff have been able to address violation quickly while they are monitoring neighborhoods.

- o Vacant/Foreclosed: During the past twelve months qualifying neighborhoods had a slight decrease in the number of active vacant properties with 35 on July 1, 2017 compared to 92 on July 1, 2016. A total of 152 vacant properties existed. These properties were all inspected. The inspections included property maintenance violations, property secured, and exterior junk and debris. As well as monthly monitoring there were also full inspections related to the registration. 31 new vacant property registrations were received and 30 were closed as a result of all repairs being made and the properties being occupied.

Pending Year July - July	2016
Housing unites Receiving Violations	980
Housing Units where code violations have been corrected using CDBG funds	3
Housing units where code violations have been corrected by the owner	1032
Housing units where code violations have been corrected using other funds	5 Fix Up Funds 4 Renew

CDBG Funds Allocation Public Hearing

Presented by:

Michael Ericson, Interim Community Development
Director

City Council Meeting
February 12, 2018

Background

- ▶ Community Development Block Grant (CDBG) Funds
 - Federal funds to provide resources for communities to address unique community development needs
 - Brooklyn Center is a Subrecipient and funds pass through Hennepin County
- ▶ Generally funds must meet Federal guidelines for Eligible Activities

High Priority Needs Determined by Hennepin County

▶ Federal CDBG Statutory Requirements

The federal regulation requires that each funded CDBG activity meet one of three national objectives:

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

Background cont...

- ▶ City of Brooklyn Center using CDBG funds since program created in mid-1970's
- ▶ In 2008 some funds shifted from County Rehab program to fund code enforcement efforts due to foreclosures, vacant properties, and neighborhood blight
- ▶ A Maximum of 15% of CDBG funds can be used for Public Services due to Federal requirement
 - New this year Hennepin County will retain the 15% of public service funds and will administer all public service funds.
 - This will include applicants applying directly to Hennepin County for Public Service funds.

2018 Distribution

- ▶ 2018 CDBG funds use period from July 1, 2018 to June 30, 2019.
- ▶ Allocation of 2018 Brooklyn Center CDBG funds estimated \$236,30.
- ▶ Specific 2018 CDBG allocation amount is unknown to County and City at this time
 - Hennepin County is waiting for final funding levels from HUD
 - Amounts may be adjusted depending on CDBG funding availability
 - The process for adjusting the allocation is included in the resolution. The adjustment will be made directly to the Hennepin County Rehab program.

2018 CDBG Activity

Neighborhood Stabilization/Code Enforcement

- ▶ The Neighborhood Stabilization/Code Enforcement requests \$150,000, consistent with approved 2018 City budget
- ▶ The program will remain focused on vacant properties and proactive code enforcement. There are currently 80 known vacant properties citywide, with 38 located in the CDBG Focus Area
- ▶ Property maintenance and nuisance violations will be a focus. 2016 funding addressed 3687 property code violations and 13,633 separate actions taken to obtain compliance
- ▶ Program part of City's CDBG program for 8 years
- ▶ Eligible areas based on following criteria
 1. Low to moderate income census blocks
 2. Foreclosure, vacancy, code violations (2015 data)

2018 CDBG Activity

Home Rehabilitation Program

- ▶ Recommended allocation of \$86,300 for Home Rehabilitation Program
 - Funds are typically are used to address emergency home maintenance type repairs such as furnace replacement, water and sewer service repair, etc. for individual properties.
 - Applicants income must be below 80% of the area median income.
 - In 2017, 6 properties completed improvement projects.
 - 2 income was less then 30% of the Area Median Income
 - 4 had income between 50% and 80% of the Area Median Income
 - Home Rehabilitation Program has been part of the City's CDBG program since initiation of CDBG program

2018 Allocation Recommendation

If the Council would like to make adjustments to the allocation, staff will revise the resolution for approval at the February 26, 2018 Council Meeting.

CDBG Activity	Recommended Allocation
City of Brooklyn Center Neighborhood Stabilization/Code Enforcement	\$150,000
Home Rehabilitation Program	\$86,300
Total CDBG Funds	\$236,300

Next Steps

- ▶ Conduct Public Hearing
- ▶ Adopt Resolution or provide recommended changes to resolution.

Questions?

City Council Agenda Item No. 10a

COUNCIL ITEM MEMORANDUM

DATE: February 12, 2018

TO: Curt Boganey, City Manager 

THROUGH: Michael Ericson, Interim Community Development Director 

FROM: Jesse Anderson, Deputy Director of Building and Community Standards 

SUBJECT: Type IV 6-Month Provisional Rental License for 4309 63rd Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 4309 63rd Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family dwelling. The previous rental license was a Type II Rental License. This property qualifies for a Type IV Rental License based on thirteen (13) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Building & Community Standards and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

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

- 08-31-2017 The previous rental license expired.
- 10-04-2017 The Owner, Nathan Erickson/Azingo, LLC, applied for renewal of the rental dwelling license for 4309 63rd Ave N, a single family dwelling.

COUNCIL ITEM MEMORANDUM

- 10-06-2017 A \$300 Administrative Citation was issued for operating without a license.
- 10-16-2017 An initial rental license inspection was conducted and failed. 13 property code violations were cited, see attached rental criteria.
- 11-03-2017 A Mitigation plan was submitted.
- 11-20-2017 A second rental inspection was conducted and failed. A \$100 reinspection fee was charged to the property.
- 12-14-2017 A \$600 Administrative Citation was issued for operating without a license.
- 12-20-2017 A third rental inspection was conducted and corrections complete; however, the reinspection fees remain. Owners will need to provide wind rating for new garage door. A \$100 reinspection fee will not occur for this inspection.
- 01-04-2018 A fourth rental inspection was conducted and wind rating complete; however, the reinspection fees remain.
- 01-16-2018 The \$100 reinspection fee was paid and rental license passed.
- 01-18-2018 City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
- 01-18-2018 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 01-19-2018 The Mitigation Plan was finalized.
- 02-05-2018 A letter was sent to the owner notifying that the hearing before the Council will be held February 12, 2018.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.
2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.
3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in

COUNCIL ITEM MEMORANDUM

tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.
5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

COUNCIL ITEM MEMORANDUM

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

COUNCIL ITEM MEMORANDUM

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

b. Police Service Calls.

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

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

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

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COUNCIL ITEM MEMORANDUM

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment

- Mitigation Plan

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BUILDING AND COMMUNITY STANDARDS

Rental License Mitigation Plan Type IV License

Handwritten Mitigation Plans will not be accepted. A fillable form can be found on the City's website at www.cityofbrooklyncenter.org or call (763) 669-3330 to have an electronic copy sent to you via email.

Property Address: 4900 63rd Ave N
Brooklyn Center, MN 55420

Owner's Name(s): Nathan Erickson

Local Agent(s): Welchert, Resitors + Truh
Prossler

Owner's Address: 3150 Iris Ave
#304
Boulder, CO 80301

Agent's Address: 288 7th Street East
Suite #200
St. Paul, MN 55101

Owner's Phone: (720) 515-1812

Agent's Phone: (651) 964-3812

Owner's Email: nathanerickson@gmail.com

Agent's Email: Gae01@tllmn.com

Current Expiration Date: 8/3/2017

Pending Expiration Date: 2/28/18
(36 months from current expiration)

Based on property conditions and/or validated police nuisance incidents, the above referenced property qualifies for a Type IV-6 Month Rental License. Prior to application approval by the City Council a fully completed Mitigation Plan must be completed and approved by City staff. A Mitigation Plan must be completed immediately in order to ensure timely completion of the license application process. The Mitigation Plan should indicate the steps being taken to correct identified violations and the measures that will be taken to ensure ongoing compliance with City Ordinances and applicable codes. A Mitigation Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property. If the Mitigation Plan is not submitted, and all items are not completed within the pending license period, or the above property operates beyond the license expiration date, enforcement actions such as citation, formal complaint, or license review may result.

Before submitting, fill-out Sections A, B, and C located on pages 2, 3, 4, and 5.



BUILDING AND COMMUNITY STANDARDS

4309 13rd Ave N
Brooklyn Center, MN 55429

Rental License Mitigation Plan
Type IV Licenses

Sections A—Crime Free Housing Program Requirements

Phase I

- ☒ 1) Use a written lease agreement. The lease agreement shall include the Crime Free Housing Lease Addendum. A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Mitigation Plan when submitted.
- ☒ 2) Agree to pursue the termination or lease agreement or eviction of tenants who violate the terms of the lease or any addendums.
- ☒ 3) Conduct criminal background check for all new prospective tenants. If it is a current tenant a new background check is not required. Must be able to provide documentation to City if requested.
- ☒ 4) Attend a City approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mnopa.net under the Training and Events tab. A copy of the Crime Free Housing Certificate must be attached to the Mitigation Plan when submitted.

Crime Free Housing training was completed on/is scheduled for: 2/10/18

Owner or agent attended/is planning to attend training at city of: _____

- ☒ 5) Submit Monthly Update by the 10th day of each month.

Phase II

- ☒ 1) Complete a Security Assessment and implement improvements requested by the Brooklyn Center Police Department. To schedule an initial or follow-up Security Assessment, call (763) 569-3344. A follow-up assessment must be completed before the license expiration date to verify the security improvements have been implemented. If a Security Assessment has been previously completed, write the completion date.

Security Assessment was completed on/is scheduled for: 11/13/17

Security Assessment follow-up was completed on/is scheduled for: 11/27/17 *cc*

Continue Sections A, Phase III on page 3.



BUILDING AND COMMUNITY STANDARDS

4309 53rd Ave N
Brooklyn Center, MN 55429

Rental License Mitigation Plan
Type IV License

Sections A—Crime Free Housing Program Requirements (continued)

Phase III

- ☒ 1) Owner or agent will attend at minimum 50% (2) of the A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the pending Type IV License expiration date. Registration is not required, however you must sign-in during the meeting. Write two meeting dates an owner or agent plan to attend.

- ☒ Owner or agent will attend A.R.M. meetings scheduled on: 11/9/17 and 1/11/18
- ☒ 2) Have no repeat code violations previously documented with the past year.

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

- ☐ 1) Conduct resident training annually that includes crime prevention techniques.
- ☐ 2) Conduct regular resident meetings.



BUILDING AND COMMUNITY STANDARDS

4909 63rd Ave N
Brooklyn Center, MN 55429

Rental License Mitigation Plan
Type IV License

Sections B—Long Term Capital Improvement Plan

Based on condition and age, estimated replacement dates need to be provided for common capital items. Funding should be considered accordingly. Items that are broken, worn, or otherwise in violation prior to the estimated replacement date need to be replaced sooner. All items must have a date for *Estimated Replacement Date*. Dates such as: "unsure", "don't know", or "when broken" will not be accepted. If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, appearance, condition, or manufacture/industry recommendations. Additional information on Expected Useful Life can be found at www.hud.gov.

Item	Date Last Replaced	Condition*	Expected Replacement Date
<i>Example: Water Heater</i>	<i>May 2010</i>	<i>F</i>	<i>May 2020</i>
Furnace	1987	F ☐	2019
Water Heater	2010	G ☐	2020
Kitchen Appliances	2010/2011	G ☐	2020
Laundry Appliances	Sept 2010	G ☐	2025
Smoke Alarms ¹			
Carbon Monoxide Alarms	Oct 2017	N ☐	Jan 2018
<u>Exterior Items</u>			
Paint/Siding	2005	F ☐	2035
Windows	2010	G ☐	2040
Roof	2000	F ☐	2020
Fence	2010	G ☐	2050
Shed	2000	F ☐	2025
Garage	2005	G ☐	2030
Driveway	2000	F ☐	2020
Sidewalks	2010	N ☐	2040
Other: _____	_____	_____	_____

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



BUILDING AND COMMUNITY STANDARDS

4300 63rd Ave N
Brooklyn Center, MN 55420

Rental License Mitigation Plan
Type IV License

Sections C—Steps to Improve Management and Conditions of Property

The items in this section have been proven to assist with property management and property image.

The following actions are required:

- ☒ 1) Check-in with tenants every 30 days.
- ☒ 2) Drive by property to check for possible code violations.
- ☒ 3) Evict tenants in violation of the lease or any addendums.
- ☒ 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- ☐ 5) Other: _____

The following actions are optional unless required by the City.

- ☐ 1) Provide lawn/snow service.
- ☐ 2) Provide garbage service.
- ☐ 3) Install security system.
- ☐ 4) Provide maintenance service plan for appliances.
Name of service company: _____
- ☐ 5) Other: _____

If the Type IV-6 Month Rental License is approved by the City Council, the licensee must comply with the approved Mitigation Plan and all applicable City Codes. A written report must be submitted by the 10th day of each month with an update of actions being taken by the owner and/or agent to comply with this Mitigation Plan. A copy of the Monthly Update can be found on page 7. A fillable form can be found on the City's website at www.cityofbrooklyncenter.org or call (763) 569-3330 to have an electronic copy sent to you via email.

Please attach additional information if necessary.

**BUILDING AND COMMUNITY STANDARDS**

4309 63rd Ave N
Brooklyn Center, MN 55429

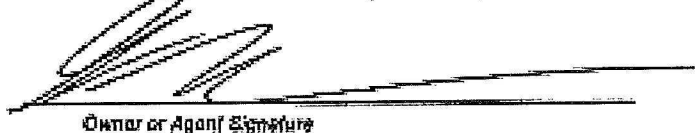
Rental License Mitigation Plan
Type IV License

Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Mitigation Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Geoff Markham - Property Manager

Owner or Agent Name and Title (Please Print)



Owner or Agent Signature

11/8/2017

Date

Gert Fluegel - Broker

Additional Owner or Agent Name and Title (If Applicable, Please Print)



Additional Owner or Agent Signature (If Applicable)

11/8/17

Date

City Staff Only



Police Department

1/19/2018

Date



Building and Community Standards Department

1/18/18

Date

Work Session Agenda

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
February 12, 2018
Immediately Following Regular City Council and EDA Meetings Which Start at 7:00 P.M.

City Hall Council Chambers

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

ACTIVE DISCUSSION ITEMS

1. Regulation of Food Trucks (Mobile Food Units)

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

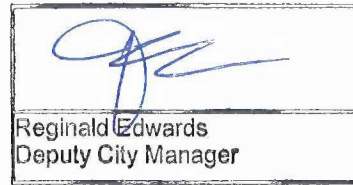
1. Naturally Occurring Affordable Housing Policy – February
2. South Opportunity Site Development – February
3. City Council Code of Policies (10-9-17 Study Session Discussion)
 - a. Section 2.70 Street and Alley Lighting Policy
 - b. Section 2.93 Long-Term Deer Population Management Plan
4. Tobacco Purchase Age 21 (Brooklyn Youth Council)
5. Organic Composting and Native Bee Habitat (1-8-18 Study Session Discussion)

Work Session Agenda Item No. 1

MEMORANDUM – COUNCIL WORK SESSION

DATE: February 12, 2018

TO: Curt Boganey, City Manager



THROUGH: Michael Ericson, Interim Community Development Director

FROM: Ginny McIntosh, City Planner/Zoning Administrator

SUBJECT: City of Brooklyn Center Regulation of Food Trucks (Mobile Food Units)

Recommendation:

It is recommended the City Council consider providing direction to staff regarding consideration of potential amendments to the City Code that would allow for the licensing of food trucks (Mobile Food Unit) within the City of Brooklyn Center

Background:

Current City Policy

The City of Brooklyn Center currently only allows for the operation of food trucks through issuance of an Administrative Permit, which is designed for use around special and promotional events, temporary outdoor sales, displays of merchandise, charity and fundraiser events, among others. These permits are most often issued to brick and mortar businesses, non-profits (e.g., churches), and government entities (e.g., fire department), and in these cases, food trucks are permitted to operate in conjunction with the approved event.

Commercial and industrial sites are allowed two (2) 10-day permits each calendar year, whereas permits for church functions, civic events, charities, and fundraisers are unlimited. These permits are issued for consecutive days and therefore cannot be divided into smaller time periods. Charitable and fundraising events may be held on commercial or industrial sites; however, the event must be solely for the charity or non-profit organization and not directly benefit the business or businesses on the commercial or industrial site. Gasoline service stations are allowed four (4) car wash fundraiser permits each calendar year for fundraising events by organized groups.

Other than through issuance of an Administrative Permit, food trucks (Mobile Food Units) are prohibited from operating within the City of Brooklyn Center on an on-going, regular basis.

Although food trucks have been most visible in large cities, this trend has been spreading to other metropolitan areas, including the Twin Cities. In 2010, Minneapolis passed an ordinance allowing mobile food vehicle vendors to operate in the city. Since then, the number of licensed food trucks has risen from ten (in 2010), to 143 trucks (in 2017).

As mobile food vending becomes increasingly recognized as a community economic development tool, some municipalities have made revisions to their municipal code to provide opportunities for entrepreneurs and small businesses an opportunity to build up their business. Additionally, communities are looking to add interest, vibrancy, and activity, along with increased food access in areas underserved by traditional brick and mortar restaurants.

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MEMORANDUM – COUNCIL WORK SESSION

The American Planning Association, in an informational packet on food trucks, notes that,

“Most localities limit the presence of food trucks to nonresidential districts, and it is common to establish distancing requirements from existing restaurants, residential districts, or other vendors. Most also enact operational standards such as limitations on hours of operation, mandatory access to restrooms, or noise or sanitation requirements to minimize potential negative impacts. Some ordinances also provide for food truck courts, where multiple food trucks gather at one site to provide more of a destination experience.”

Food Trucks and Regulation in Minnesota

In Minnesota, Mobile Food Units (MFUs) must comply with local public health department regulations for food service establishments. Based on conversations with representatives of the Minnesota Department of Health and Hennepin County Health Department, a food truck operating in the City of Brooklyn Center would likely check first with the Hennepin County Health Department to identify whether a Hennepin County Health Department license would be sufficient.

It is fairly common to see food truck operators in possession of multiple food truck licenses due to the challenges and complexities surrounding the at least 32 delegated health department agencies operating within the State of Minnesota. For instance, a food truck operator working in Brooklyn Center, Minneapolis, St. Paul, and Brooklyn Park, would likely need to hold licenses with the Hennepin County Health Department, City of Minneapolis Health Department, Minnesota Department of Health, and City of Brooklyn Park Health Department. Some food trucks, such as those selling novelty items (e.g., packaged ice cream, convenience food items, and bakeries) require issuance of a license from the Minnesota Department of Agriculture.

Other requirements include compliance with the Minnesota Food Code, Minnesota State Mechanical Code (Minnesota Rules, Chapter 1346) for gas hook-ups and services, Minnesota State Electrical Code (Minnesota Rules, Chapter 1315) for electrical services, and the presence of a fire extinguisher with a minimum 2A 10 B C rating if required by the State Fire Marshal. Depending on which agency issues the license, there are additional requirements surrounding the source of food, equipment, dishwashing and handwashing facilities, water supply, and waste disposal. Both the Hennepin County Health Department and the Minnesota Department of Health have additional requirements for food safety training.

According to the Minnesota Department of Health, Minnesota Statutes, section 157.15 defines a mobile food unit (“a food and beverage service establishment that is a vehicle mounted unit”) as:

- (1) Motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or
- (2) Operated in conjunction with a permanent business licensed under this chapter (157) or chapter 28A of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.

Although the Hennepin County Health Department and Minnesota Department of Health both require that a food truck be in one place no more than 21 days per year, some municipalities have passed

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MEMORANDUM – COUNCIL WORK SESSION

ordinances allowing food trucks to stay longer, subject to certain conditions. These conditions range from requiring formal permission from a land owner to allow the food truck to operate off their property, to requiring food trucks to operate during certain hours and to be removed when not in operation, or restricting food trucks to operating in certain areas of a city and/or maintaining a certain minimum distance from other brick and mortar restaurant establishments.

Food Truck Policy in the Surrounding Communities

Following a review of surrounding communities, the following information was identified as to the licensing of food trucks (Mobile Food Units):

Municipality	Allowed via Licensing/Permitting?	On Street Permitted?	Parking Lots Permitted?	Limits to # Food Trucks in One Location?	Length of Time Permitted for
Brooklyn Center	Yes As part of an event-not as a standalone business	No	Yes	No Sufficient parking required for site	2-10 day permits per calendar year for Commercial /Industrial Sites - Unlimited – as part of fundraiser or charity event
Minneapolis	Yes	Yes	Yes	Yes - No more than 3 in private parking lot - No more than 1 in Downtown Business Improvement Special Service District	- Annual license - Hours of operation are limited to 6 a.m. to midnight. - Within 300 feet of residential building or mixed use building (with residential), hours are limited to 7 a.m. to 10 p.m. - No approved mobile food vehicle vendor vehicle shall be left unattended nor remain at an authorized operating location outside of operating hours.
Robbinsdale	Yes- "Transient Merchant (Mobile Food Unit)" License	No	Yes	Unknown	Annual license
Crystal	No	No	No	No	Not Applicable
Brooklyn Park	Yes- "Food Truck Plan Review Application" and "Food Truck License"	No	Yes	No	- Annual license - Food truck cannot operate more than 21 annually at any one place without the approval of the City
Fridley	No	No	No	No	Not Applicable

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MEMORANDUM – COUNCIL WORK SESSION

Columbia Heights	Yes- "Mobile Food Wagon License"	Yes	Yes	No	• Annual License • License is to be approved by City Council • No sales may be made between the hours of 7 p.m. and 9 a.m. of the following day • Between June 1 and Labor Day, business may be conducted until 8:30 p.m.
Golden Valley	Yes	No	Yes	No	• 1-3 days (Temporary/Special Event Permit) • 1 day (Residential Districts-no more than two permits in calendar year) • 4-120 days (Seasonal Permit-All Other Zoning Districts) • Overnight parking prohibited • Hours of operation are 8 a.m. to 10 p.m. unless otherwise limited or extended by the City Manager or his/her designee • Permits approved for properties located in Residential Zoning District are limited to an 8 hour time period
Saint Louis Park	Yes-"Zoning Permit Application-Application to Operate a Mobile Use Vehicle"	No	Yes—to be located on a paved surface, unless located in a public park as approved by City of Saint Louis Park	No	• Annual license • Hours of operation are limited to 7:00 a.m. and 10 p.m. • Overnight parking is not permitted, except that a vehicle under long term contract to operate on premise may be kept overnight on the same premises under certain conditions, including that a business must operate at least six hours and five days per week for every week kept on site.

As can be summarized in the table above, each of the communities above has taken different approaches as to whether food trucks are permitted or not, and, if permitted, the regulations

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MEMORANDUM – COUNCIL WORK SESSION

surrounding approval of a food truck. Although not noted in the table, some communities, such as Minneapolis, Brooklyn Center, and Golden Valley, have additional setback restrictions regulating the minimum distance a food truck must be located from the main entrance of a brick and mortar eating establishment or outdoor dining area, school, or main entrance to an event center (e.g., Target Field).

Golden Valley has provisions that outline the minimum setbacks for food trucks from principal and accessory structures, and property lines, while Saint Louis Park requires that a minimum distance of 30 feet be maintained from a public road. In addition, communities like Brooklyn Park and Minneapolis have created districts or designated areas in which food trucks are permitted.

On January 11, 2018, a discussion was held with the Planning Commission as to their thoughts on food trucks. Although two commissioners were not present, the majority of the commission felt that the City of Brooklyn Center would benefit from this type of use, and they stressed the importance of keeping the City of Brooklyn Center competitive with the surrounding communities. Additional discussion was held as to how food trucks could serve as a way for businesses to test the market before perhaps committing to a community and opening a restaurant. There was some concern as to the pricing of food at food trucks, the overall cleanliness, and the difficulty in finding them, however, as is noted in the table above, many communities tailor their food truck ordinance based on concerns such as these. An excerpt from the draft January 11, 2018, Planning Commission meeting minutes are attached as reference.

Policy Issues:

1. Would you like additional information to determine the direction the City should take on the regulation of food trucks (Mobile Food Units)? If so, what information do you require?
2. Are there certain concerns, restrictions, or provisions that the City should consider if it is to license food trucks (Mobile Food Units)?
3. Should the City's advisory commissions provide input and direction?
4. Given these findings, should staff take further action to draft an ordinance allowing or expanding the presence of food trucks?

Strategic Priorities:

- Enhanced Community Image

Attachments:

Excerpt from January 11, 2018 Planning Commission Minutes (Draft)
Food Truck Licensure Examples

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Commissioner Koenig stated it is very clear to see the socioeconomic changes within the City and what needs to be done to be comparable to Maple Grove and Minneapolis instead of being somewhere that people just pass by to get to another location with more amenities and better housing. He stated the density needs to remain a size where people feel it is community-oriented and still provides the commercial/retail uses that attract higher income people.

Commissioner Schonning stated he wants the City to be able to build whatever they want on the Opportunity Site. He stated the concern last year was that the ideas coming forward would create something that wasn't going to fill up or last. He stated he would like to see some great restaurants. He stated he has two "Millennials" and what he has seen is that their plans change so fast, it is hard to keep up with them. He noted the Sanctuary most likely satisfied the Met Council requirements for the affordable housing.

Chair Christensen stated Brooklyn Center has Top Golf now as a big draw attraction and now he would like to see them tie this attraction into the Opportunity Site and build the City up.

Ms. Haskamp stated the Commission gets to shape the plan and can decide what is on and off the table for the Opportunity Site. She stated the Commission's feedback will help them formulate a plan that will create the City they want to see.

Chair Christensen stated if everyone can review the information provided and then let Ms. McIntosh know their feedback. She will then distribute the information to the Commission and Ms. Haskamp.

Ms. Haskamp asked if it is fair to say there is a consensus to have mixed residential and commercial land use in the Opportunity Site. The Commission was in agreeance. She stated if the Planning Commission establishes what they are comfortable with now, then the City will be in a better position to barter options when a developer comes in, rather than having to go back and amend codes.

12b.) FOOD TRUCKS

Ms. McIntosh explained she is working on pulling together a report on food trucks for an upcoming City Council Work Session. She stated the City Council expressed interest in looking into these more to see if people would be interested or if they would feel these are a burden. She asked the Commission if they see these as being a good opportunity for the community.

Chair Christensen and Commissioner Schonning stated they feel it is a good idea and stated allowing some food trucks in the community would help keep the City competitive with surrounding cities. Commissioner Koenig stated he is in favor as well and feels they are important and noted they give businesses a way to test the market in the area to see if they could make an actual success out of a restaurant in the neighborhood.

Commissioner Rizvi stated he feels food trucks are usually overpriced and hard to find. Ms. McIntosh stated some trucks move around and some stay in one place, which is something the Commission could decide on as well. She asked how the Commission feels about mobile food

trucks or if they would like to see stationary ones only. Chair Christensen stated it would be nice to see what surrounding cities are doing first.

The majority of the Commission agreed to have Ms. McIntosh provide more information on the topic of food trucks and having them in Brooklyn Center.

13. APPOINTMENT OF 2018 VICE-CHAIR BY CHAIRPERSON - Continued

Chair Christensen appointed Commissioner Koenig as the Planning Commission's Vice-Chair.

Chair Christensen stated he appreciates Commissioner Rizvi volunteering to be Vice-Chair and noted in time he would like to see him have a chance as Vice-Chair as well.

14. OTHER BUSINESS

Chair Christensen stated he will be absent at the next meeting.

15. ADJOURNMENT

There was a motion by Commissioner McMillan, seconded by Commissioner Koenig, to adjourn the Planning Commission meeting. The motion passed unanimously. The meeting adjourned at 9:17 p.m.

Chair



Food Truck License

Community Development Department

Code Enforcement & Public Health Division

5200 85th Avenue North / Brooklyn Park, MN 55443

Phone: (763) 493-8070 / Fax: (763) 493-8391

A food truck (mobile food unit) is a self-contained movable vehicle – either motorized or towed, used to store, prepare and serve food to individuals. The unit can operate no more than 21 days annually at any one place without the approval of the City. Food Trucks are required to go through a plan review with the City's Public Health Division and must obtain approval before operating.

- Food Truck Licenses run from January 1st to December 31st.
- Food Truck license applications are subject to a 10-day approval period.
- License fees are not pro-rated.
- License fees are non-refundable.
- Late Fees on license renewals:
 - 1-15 days late = 50% of license fee
 - 16+ days late = 100% of license fee
- Food Truck Licenses are not transferrable.

The following information is required:

- Food Truck Application Form
- Minnesota Tax Identification Form
- Certificate of Compliance – Minnesota Workers' Compensation Form
- Food Truck Location Permission Form

Food Truck License Types		Fee
Full Truck	Full service, cooking and handling of raw items	\$160
Limited Truck	Same day food service. No preparation of raw food items. Food in ready-to-eat form or reheated	\$115
Pre-Packaged Truck	All food and beverage items are pre-packaged from an approved source	\$95
Fee-Exempt	Currently licensed by the Minnesota Department of Agriculture <u>Attach a copy of the license.</u>	\$0



Food Truck License Application Form

Community Development Department
Code Enforcement & Public Health Division
5200 85th Avenue North / Brooklyn Park, MN 55443
Phone: (763) 493-8070

GOVERNMENT DATA PRACTICES ACT – TENNESON WARNING:

The data you supply on this form will be used to process the license you are applying for. You are not legally required to provide this data, but we will not be able to process the license without it. The data will constitute a public record if and when the license is granted.

Business/Owner Name: _____

Doing Business As: _____

Business Address, City, State, Zip: _____

Business Phone Number: _____

Emergency Contact Phone Number: _____

Email Address: _____

Food Truck Type: ☐ Full ☐ Limited ☐ Pre-Packaged ☐ Exempt

Is this a corporation? ☐ YES ☐ NO Is this a partnership? ☐ YES ☐ NO

Is this an LLC? ☐ YES ☐ NO

*If yes, attach a list of names, addresses, and percent of interest of each.

Applicant's Name: _____

Applicant's Address, City, State, Zip: _____

Applicant's Phone Number: _____ Email Address: _____

Applicant agrees to comply with all laws, ordinances or regulations applicable whether they are federal, state, county or municipal. The undersigned declares that the information provided in this license application is truthful and authorizes the City of Brooklyn Park to investigate the information provided.

Applicant's Signature: _____ Date: _____

Make checks payable to City of Brooklyn Park or for credit card payments, complete the information below:

Payment: ☐ Visa ☐ MasterCard ☐ Discover ☐ Check ☐ Cash

Card Number: _____

Security Code (three digit number on back of card) _____ Expiration Date: _____

Signature _____ Date: _____

City Use Only:

Date Approved: _____ Fee \$: _____ License #: _____

MINNESOTA BUSINESS TAX IDENTIFICATION/ SOCIAL SECURITY NUMBER

Pursuant to 2011 Minnesota Statute, Chapter 270C DEPARTMENT OF REVENUE, (section 270C.72 TAX CLEARANCE; ISSUANCE OF LICENSES), the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the social security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

- This information may be used to deny the issuance or renewal of your license in the event you owe Minnesota sales, employer's withholding or motor vehicle excise taxes;
- Upon receiving the information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Service;
- **FAILURE TO SUPPLY THIS INFORMATION MAY JEOPARDIZE OR DELAY THE PROCESSING OF YOUR LICENSE ISSUANCE OR RENEWAL APPLICATION.**

Please supply the following information and return along with your application to the licensing authority.

Applicant's Full Name	
Applicant's Address	
City, State & Zip	
Applicant's Social Security Number	
Position (Officer, Partner, Etc.)	
Business Name	
Business Address	
City, State & Zip	
Minnesota Tax Identification Number	
Signature	Date

**CERTIFICATION OF COMPLIANCE
MINNESOTA WORKERS' COMPENSATION LAW COVERAGE**

(FORM MUST ACCOMPANY LICENSE OR PERMIT APPLICATION)

Minnesota Statute Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in an activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of MSS Chapter 176. The information required is: the name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. This information will be collected by the licensing agency and retained in their files.

This information is required by law and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if this information is not provided and/or falsely stated, it may result in a \$2,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

Full Name (Last, First, Middle)	
Doing Business As: (Business name if different than your name)	
Business Address	
City, State, Zip	Phone ()

I am not required to have workers' compensation liability coverage because: ☐ I have no employees. ☐ I am self-insured (include permit to self-insure). ☐ I have no employees who are covered by the workers' compensation law (these include: spouse, parents, children and certain farm employees).	
I certify that the information provided above is accurate and complete.	
Signature	Date

OR

Insurance Company Name (NOT the insurance agent)	
Policy Number	
Dates of Coverage	
I certify that the information provided above is accurate and complete and that a valid workers' compensation policy will be kept in effect at all times as required by law.	
Signature	Date

License Application Guidelines and Checklist

For Office Use Only

Expiration: April 1
AP: BLFood/BLFoodTrk
Rev Code: 311009
MCO: 188
Adm Issuance: Yes

Application Type: Mobile Food Vehicle Vendor (Food Truck)

DEFINITION: Mobile Food Vehicle Vendor: A food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer on private property or curbside on public streets. The vehicle must be readily movable, without disassembling, for transport. Vehicles may not be kept, stored, or maintained on a residentially zoned property. Street locations are available to all licensed vendors daily on a first-come first-served basis. Operating requirements are listed on Form #4. There may be up to three vendors in parking lots located outside of downtown. No additional license/permit is required to operate at an event (farmers market, block event) but written permission must be obtained from the event organizer who is required to submit to city's health department for approval.

Staff Initials	APPLICATION CHECKLIST - COMPLETE AND SUBMIT FOR STAFF REVIEW <u>Minneapolis Development Review</u> 250 South 4 th Street, Room 300 - Minneapolis, MN 55415 <u>Free Parking</u> .
	☐ 1. License Application (Form #1)
	☐ 2. Mobile Food Vehicle Vendor Supplemental Application (Form #2)
	☐ 3. A Certificate of Liability Insurance must be submitted after approval of your Site Plan and Vehicle Specifications. This is required before a license will be granted. (Sample Form #3) This must be furnished by your Insurance Agent with the mandatory changes. You are required to have public liability, food products liability and property damage insurance in the amount of \$1,000,000 per occurrence to protect license holder, property owners, city, and the district, if applicable, from all claims for damage to property or bodily injury, including death, which may arise from operations.
	☐ 4. Certified Food Manager: If you employ a Certified Food Manager, attach a copy of your <u>MN Dept of Health</u> certificate. ☐ I currently do not employ a Certified Food Manager.
	☐ 5. Attach the following from the applicant and each owner, partner, officer, shareholder and Certified Food Manager (if employed). ☐ A copy of a driver's license or state identification card ☐ Data Privacy (Form #4) ☐ Criminal History Report which may be obtained from www.cch.state.mn.us/New Criminal History Search or the State of Minnesota, Bureau of Criminal Apprehension, 1430 Maryland Ave E. St. Paul, MN, 651-793-2400. <i>This report must be dated within 30 days of receipt of this application.</i> Anyone who is not a resident of Minnesota must contact the <u>state</u> in which they reside to obtain a criminal history.
	☐ 6. Vehicle Plan that conforms to the Mobile Food Vehicle Plan Standards (Form #5). Plans that do not conform to the requirements will be returned to the applicant as incomplete. Include all equipment specifications.
	☐ 7. Site Plan of Proposed Private Property Location that conforms to the Mobile Food Vehicle Site Requirements (Form #6). Plans that do not conform to the requirements will be returned to the applicant as incomplete. ☐ N/A if operating at street locations only.
	☐ 8. Letter of Consent (Form #7) This is required if the proposed location is: ☐ on private property/parking lot. Written consent is required from the property owner. ☐ within 200 feet of park board property. Written consent from the Minneapolis Park Board may include a permit, agreement, or other required written authorization. ☐ within 100 feet, on the same block face, and has direct sidewalk access to a restaurant or sidewalk café. Written consent is required from the proprietor of the restaurant. Note: Maintain a copy of this consent in your food truck while operating.
	☐ 9. Hold Harmless Statement for Public Property Operations. Attach a signed statement that the license holder shall hold harmless and indemnify the city, any applicable special service district, and their officers and employees, for any claims for damage to property or injury to persons which may be caused by any activity carried on under the terms of the license.
	☐ 10. Menu: Attach a copy of the menu and/or list of food items available for sale.
	☐ 11. \$ _____ Food Plan Review Fee \$ _____ <u>License Fee plus New License Surcharge</u>

Additional Information

1. **Certified Food Manager:** The [Minnesota Food Code](#) requires a food establishment to employ one full-time Certified Food Manager within 45 days of opening.
2. **Your License Application:**
 - a. Incomplete applications will be returned.
 - b. All applications must be signed by an owner, partner, or principal.
 - c. No license will be issued for a period longer than one year. Licenses are not transferable.
 - d. Make a duplicate copy of this packet for your personal records before submitting.
 - e. [Minnesota Sales Tax ID Number](#) or 651-296-6181.
 - f. If you are applying for multiple licenses, applications may be combined. Talk to License Staff at 300 Public Service Center.
3. **Information in Other Languages:** Yog xav paub tshaj nos ntxiv, hu 612-673-2800. Macluumaad dheeri ah, kala soo xiriir 612-673-3500. Para mas información llame al 612-673-2700.

Food License Application

I. APPLICANT INFORMATION			
Legal Company Name	Business Name/DBA		
Business Address	City	State	Zip Code
E-mail Address	Cell Phone Number	Business Telephone Number	
Name (Last, First, MI)	☐ Owner ☐ Officer ☐ Partner ☐ Other: _____		
Mailing Address (if Different than Business Address)	City	State	Zip Code
<u>Minnesota Sales Tax ID Number</u> , Social Security Number, or Individual Tax ID Number			
Type of Ownership ☐ Corporation ☐ LLC ☐ Sole Proprietor ☐ Partnership ☐ Non-Profit	Date of Incorporation	State of Incorporation	
Is this business publicly traded? ☐ Yes ☐ No	Proposed Opening Date		
II. BUSINESS INFORMATION			
1. License(s) Requested			
2. As an Applicant/Licensee, I am ☐ Starting a new business in a new building. (New Business) ☐ Adding a new license to an existing business (New License) ☐ Starting a new business in an existing building. (New Business) ☐ Taking over an existing business (New Owner) Name of Previous Tenant _____ Name of existing business _____ ☐ Equipment Changes. Provide equipment info and photos. ☐ Remodeling Only			
3. Company Operations Is business over 5,000 sq ft.? ☐ Yes ☐ No If yes, how many facilities? _____			
INTERIOR		EXTERIOR	
Gross Square Footage for Business Use _____		Gross Square Footage for Business Use _____	
Seating Capacity _____ Fire Occupancy _____		Seating Capacity _____ Total Customer Capacity _____	
Hours of Operation		Hours of Operation	
Describe in detail the principal products and/or services rendered.			

4. Entertainment: Check all categories of entertainment you are planning to provide on your premises.

- ☐ No entertainment.
- ☐ Limited Entertainment: Limited to literary readings, storytelling, live solo comedians, electronically reproduced music (TV/radio), karaoke, jukebox, amplified or non-amplified music by five or fewer musicians, and group singing participated in by patrons of the establishment. No patron dancing. Describe below.
- ☐ General Entertainment: Other forms of entertainment which do not meet the definition above. Examples include two or more comedians, bands with amplified musical instruments, patrons dancing, plays, shows, contests, etc. Describe below.
- ☐ Adult Entertainment: Persons who are unclothed or in attire/costume which exposes any portion of female breasts and/or male or female genitals (nude or semi-nude). Describe below.

5. Are you planning or have you completed any construction or remodeling? ☐ YES ☐ NO

Name of Contractor or Building Manager

Explain the scope of the remodeling or construction.

III. OWNERS, PARTNERS, OFFICERS

List all of the owners, officers, stockholders and/or partners. Ownership must add up to 100%. Attach additional sheets if necessary.

Full Name: Last, First, Middle	Telephone	Title		Ownership %
Home Address	City	State	Zip	Date of Birth
Full Name: Last, First, Middle	Telephone	Title		Ownership %
Home Address	City	State	Zip	Date of Birth
Full Name: Last, First, Middle	Telephone	Title		Ownership %
Home Address	City	State	Zip	Date of Birth

Have any of the people listed above been convicted of a crime? ☐ YES ☐ NO
If Yes, please provide or attach specific information about date(s) and conviction(s).

IV. BACKGROUND INFORMATION

1. List any licenses you currently have or previously held in Minneapolis (Business or Individual).

2. Have you ever had a business license denied or revoked by Minneapolis or another government entity? ☐ YES ☐ NO
If Yes, Indicate the Date of Denial/Revocation, Government Agency, and Reason for Denial or Revocation.

3. Are you sharing the licensed premises with any other business? ☐ Yes ☐ No If yes, describe.

V. WORKERS COMPENSATION

Workers' Compensation Company

Policy Number

Dates of Coverage

-----Or-----

I certify that I am not required to carry workers compensation insurance because ☐ I am self-insured. ☐ I am the sole proprietor and I have no employees. ☐ I have no employees who are covered by workers compensation law. Only employees who are specifically exempted by statute are not covered by the workers compensation law. These include spouse, parents, and children regardless of age. All other workers whose work is controllable by the employer must be covered.

VI. CERTIFIED FOOD MANAGER

Name of Certified Food Manager _____

VII. VEHICLESWill there be vehicles used in the business? ☐ YES ☐ NO

Year/Make/Model	Vehicle Company ID #	VIN Number	License Plate # / State

VIII. VERIFICATION

The data you furnish on this application will be used by the City of Minneapolis to assess your qualifications for licensure. Disclosure of this information is voluntary. You are not legally required to provide this data; however, if you fail to do so, the City of Minneapolis may be unable to process this application. Disclosure of your Minnesota Tax ID Number, Social Security Number, or Individual Tax ID Number is required by Minnesota Statutes 270C.72, and your Social Security number may be requested by and released to the Minnesota Commissioner of Revenue. After issuance of a license, all information contained in this application, except your Social Security Number, will be public information pursuant to Minnesota Statutes, Chapter 13.

A SIGNATURE IS REQUIRED IN ORDER TO PROCESS THIS APPLICATION

I, (print name) _____, certify or declare under penalty of perjury under the laws of the State of Minnesota that the foregoing is true and correct. All information given is subject to verification by the State of Minnesota. I understand that false information may result in the denial, suspension or revocation of my business license.

SIGNATURE OF APPLICANT _____ DATE _____



City of Minneapolis
Licenses and Consumer Services
350 South 5th Street – Room 1
Minneapolis, MN 55415-1391
Phone: 612-673-2080
Fax: 612-673-3399 TTY: 612-673-2157
www.minneapolismn.gov/business-licensing

Supplemental License Application Mobile Food Vehicle Vendor (Food Truck)

1. APPLICANT INFORMATION			
Legal/Corporate Name of Business	Business Name/DBA		
Business/Mailing Address	City	State	Zip Code
Licensed Kitchen Address (Must be in Minneapolis)	City	State	Zip Code
2. BUSINESS INFORMATION			
☐ Street Locations Only. No operations will occur at parking lot locations.			
☐ Both Street and Parking Lot Locations. List your primary and secondary choices for parking lot sites. This should not include information for community events.			
☐ Parking Lot Locations Only. List your primary and secondary choices for parking lot sites. This should not include information for community events.			
Primary Parking Lot Vending Site Address/Location/Description	Secondary Parking Lot Vending Site Address/Location/Description		
Is your proposed location: ☐ On a bus lane? ☐ YES ☐ NO ☐ On or within 200 feet of park board property? ☐ YES ☐ NO ☐ On a street where a restaurant or sidewalk café with direct access to the sidewalk/street is adjacent to/or within 100 feet, and on the same block face of this location? ☐ YES ☐ NO			
3.. VERIFICATION			
I (print name) _____, an authorized corporate officer, partner, or owner, hereby acknowledge that the above information is true and correct to the best of my knowledge.			
SIGNATURE OF APPLICANT _____		TITLE _____	DATE _____

City of Minneapolis Requirements for Insurance Certificates

#3

CERTIFICATE OF LIABILITY INSURANCE

Certificate cannot be pending,
binder or TBA.

The Legal/Corporate Name
must match exactly
(word for word) to the
Approved Licensee Name
(including Inc, or LLC),
Trade Name (DBA),
and address of premises.

PRODUCER Agency Address City, State, Zip	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED _____ _____ _____	INSURERS AFFORDING COVERAGE
	INSURER A: _____
	INSURER B: _____
	INSURER C: _____
	INSURER D: _____

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY ✦ COMMERCIAL GENERAL LIABILITY ✦ CLAIMS MADE ✦ OCCUR ✦ _____ ✦ _____ GEN'L AGGREGATE LIMIT APPLIES PER: ✦ POLICY ✦ PROJECT ✦ LOC				EACH OCCURRENCE	\$
					FIRE DAMAGE (Any one fire)	\$
					MEDEXP (Any one person)	\$
					PERSONAL & ADV INJURY	\$
					GENERAL AGGREGATE	\$
					PRODUCTS - COMP/OP/AGG	\$
	AUTOMOBILE LIABILITY ✦ ANY AUTO ✦ ALL OWNED AUTOS ✦ SCHEDULED AUTOS ✦ HIRED AUTOS ✦ NON - OWNED AUTOS ✦ _____ ✦ _____				COMBINED SINGLE LIMIT (Ea accident)	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per accident)	\$
	GARAGE LIABILITY ✦ ANY AUTO ✦ _____				AUTO ONLY - (Ea Accident)	\$
					OTHER THAN AUTO ONLY:	EA ACC \$
						AGG \$
	EXCESS LIABILITY ✦ OCCUR ✦ CLAIMS MADE ✦ DEDUCTIBLE ✦ RETENTION				EACH OCCURRENCE	\$
					AGGREGATE	\$
						\$
						\$
						\$
A	WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY				N/W/C STATUTORY LIMITS/OTHER	
					E.L. EACH ACCIDENT	
					E.L. DISEASE - EA EMPLOYEE	
					E.L. DISEASE - POLICY LIMIT	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

ADDITIONAL INSURED: INSURER LETTER

Original signature or stamp of Agent.

CERTIFICATE HOLDER
 City of Minneapolis
 Licenses and Consumer Services
 1 City Hall
 350 South 5th Street
 Minneapolis, MN 55415

AUTHORIZED REPRESENTATIVE

Applications will be returned if requirements are not complete.

Minneapolis Police Department

DATA PRIVACY ADVISORY

The Minnesota Data Practices Act requires that you be advised of the following information:

As an applicant for a Minneapolis business license, you are asked to provide private and/or confidential information about yourself that will be used to check driving history, criminal history, arrest records, warrant information, and other relevant records.

You may refuse to provide this information. However, should you refuse, our investigation cannot be completed and will result in your application not being processed.

The information you provide is public and will be used by the **Minneapolis Police Department, License Inspection Unit** and/or the **Minneapolis Division of Licenses and Consumer Services, the Minneapolis City Council, and the general public.**

**AUTHORIZATION FOR RELEASE OF INFORMATION
(ONLY PRINT OR TYPE LEGIBLY)**

This AUTHORIZATION FOR RELEASE OF INFORMATION will expire two years from the date you signed it.

Applicant _____
Last Name First Name Middle Name

Also Known As _____ Date of Birth: _____

Driver's License Number _____ Expiration Date _____

I HAVE READ AND UNDERSTAND THE ABOVE DATA PRACTICES ADVISORY.

Signature _____ Date _____



Environmental Health Food, Pools and Lodging
250 South 4th Street, Room 300
Minneapolis, MN 55415-1316
Phone: 612-673-2080
Fax: 612-673-5819 TTY: 612-673-2170

#5

Mobile Food Vehicle Plan Standards

Submit the following plan review information with the plan review fee at Minneapolis Development Review, 250 South Fourth Street, Room 300.

Plan Review Requirements

1. Equipment list and cut sheets to support the menu preparation
2. Details on food preparation, methods and processes
3. Name and address of the affiliated licensed food establishment in Minneapolis OR written consent from the affiliated licensed food establishment in Minneapolis
4. Additional equipment or changes for applicant use in the affiliated licensed food establishment
5. Copy of the standard operating procedures for cleaning and sanitizing the equipment and vehicle at the affiliated licensed food establishment in Minneapolis
6. Documented process of filling for fresh water
7. Documented process of dumping of the grey water

Plans & Specifications

1. Floor plan drawn to scale
2. Location of all equipment
3. Finish schedule of floor, coving, walls and ceiling
4. Manufacturer's specification sheets with the NSF approval
5. Water heater capacity
6. Fresh water capacity
7. Grey water capacity

Plan Review Fee

1. [Fees](#) are listed on the Business Licenses' website.
2. The fee will be listed in the "Food" section under "Food Plan Review Fees."
3. Use the following risk category definitions to determine your fee:

Risk 1: Potentially hazardous foods that require extensive processing including but not limited to handling, cooling, reheating, holding for service and/or advanced preparation.

Risk 2: Foods that require minimal holding time, less extensive processing, but extensive handling. Examples include meat market, fast food, bakery, pizza shop or a facility that serves a large volume of foods.

Risk 3: Foods that do not meet Risk 1 or Risk 2 criteria such as prepackaged food items: pop, chips, candy, frozen treats, canned goods, bottled milk, for example.

Final Environmental Health Inspection

A final inspection will be required prior to approval of the permit to operate. Call 311 or 612-673-3000 and request a "Food Safety Call Back Request."

Continued on next page.

Mobile Food Vehicle Requirements

1. Vehicles must provide independent power supply which is screened from view. Generators are permitted. Indicate this in your specification and/or drawing.
2. The height of the mobile food vehicle, including all accessory equipment, cannot exceed thirteen feet six inches (13' 6").
3. Vehicles may not have external signage, bollards, seating or any other equipment not contained within the vehicle. Signs must comply with [Zoning Code](#) requirements.
4. Vehicles may not maintain or use outside sound amplifying equipment, televisions or other similar visual entertainment devices, lights or noisemakers such as bells, horns or whistles.
5. Propane tanks must be attached to, or within, the mobile food vehicle and the mobile food vehicle must allow for adequate ventilation and screening of the tank.
6. The mobile food vehicle shall meet all requirements needed to obtain licenses from the City of Minneapolis and the State of Minnesota.

Drawing / Photograph Requirements

1. One (1) isometric drawing, 2" = 1', in color of at least two views showing all four sides of the proposed mobile food vehicle and any logos, printing or signs which will be incorporated in the design. For existing mobile food vehicles, a 5" x 7" color photograph may be substituted.
2. Any additional items such as color and material samples, layouts of signs, graphics or photographs which are necessary to evaluate the proposed design.
3. All drawings, discs, and photographs are non-returnable.

Street Location Operating Requirements

1. [Street locations](#) are available to all licensed vendors daily on a first-come first-served basis.
2. Mobile food vehicle license holders must comply with all ordinances, regulations, parking zones and posted signs.
3. Vehicles must be parked within one foot of the curb.
4. Sales must be made only on the curbside of the vehicle.
5. If vehicle is parked at a meter, fees must be paid. Additionally, owner/vehicle cannot
 - a. occupy more than two parking spaces (including space required for trailer, hitch, etc);
 - b. violate meter restrictions including short-term, hooded, and temporarily out of service meters;
 - c. park at a meter located on a bicycle lane;
 - d. or reserve, block or barricade any metered parking spot.
6. An obstruction permit is required for vehicles operating in bus lanes. <http://www.minneapolis.mn.roway.net/>.

Licenses and Consumer Services350 South 5th Street – Room 1

Minneapolis, MN 55415–1391

Phone: 612-673-2080

Fax: 612-673-3399 TTY: 612-673-2157

www.minneapolismn.gov/business-licensing

Mobile Food Vehicle Vendor Site Requirements
Parking Lot Locations
(This is not required for Street Locations.)

Private property parking lot locations require written consent from the owner and must be approved. There may be up to three vendors in parking lots located outside of downtown.

2. Mobile food vehicles cannot block drive aisles, substantially impair the movement of pedestrians or vehicles, or pose a hazard to public safety. Pedestrian walkway of no less than six (6) feet must be maintained around the mobile food vehicle. Ingress and egress must be through existing driveway openings only.
3. Mobile food vehicles cannot be located
 - a. adjacent to a bus stop, taxi stand, or handicap loading zone;
 - b. within thirty (30) feet of an intersection or within three (3) feet of a curb;
 - or c. directly in front of a commercial entryway.
4. Mobile food vehicles may not be located within five hundred (500) feet of a civic event or a regional sports arena, without written consent of the organization.
5. The site shall not be within
 - a. (10) ten feet of the intersection of the sidewalk;
 - b. (8) eight feet of the adjacent property line;
 - c. (10) ten feet of the extension of any building entrance or doorway, to the curb line; or
 - d. (10) ten feet of any access ramp or parking space designated as disabled.

Site Plan Requirements:

1. A site plan drawing, 2" = 1' or ¼" = 1', showing the mobile food vehicle location in relation to fixed elements on the site. This should be submitted on 8 ½ x 11 paper. Include DBA, licensed kitchen address/location, and name and telephone number of contact person.
2. Label street names and the location where the mobile food vehicle will be parked.
3. Provide a description of how the vehicle will access the site.
4. Include measurements of the distance from the site to:
 - a. sidewalk
 - intersection b.
 - adjacent property
 - line c. building
 - entrance
 - d. parking lot entrance and exit
 - e. handicap parking spo

Licenses and Consumer Services350 South 5th Street – Room 1

Minneapolis, MN 55415-1391

Phone: 612-673-2080

Fax: 612-673-3399 TTY: 612-673-2157

www.minneapolismn.gov/business-licensing**LETTER OF CONSENT**

This letter hereby authorizes _____ to park a mobile food vehicle adjacent to

 (Owner of mobile food vehicle)
 my restaurant private property park board property located at _____

 (address of property)

This consent shall run concurrent with the license. If at any time the license expires or is revoked, this consent shall be void. The owner and operator of the mobile food vehicle is required to comply with all applicable sections of the Minneapolis Code of Ordinances (MCO) and State of Minnesota statutes. Failure to do so will cause the license for said location to be revoked.

I understand this consent may be revoked in writing with the revocation to become final on March 31st of the same calendar year. I understand that no monetary compensation, either present or future, is involved in the granting of this consent.

The mobile food vehicle vendor agrees to hold harmless _____ property owner _____ park board for any claims for damage to property or injury to persons which may be caused by any activity in connection with the issuance of any mobile food vendor license.

**OWNER OF PROPERTY
OR PARK BOARD
REPRESENTATIVE**

Name _____

 (please print)

Signature _____

 (owner or legal representative)

Title _____

Telephone Number _____

Date _____

VENDOR

Name _____

 (please print)

Signature _____

 (owner of mobile food vehicle)

Telephone Number _____

Date _____

TRANSIENT MERCHANT (Mobile Food Unit)
Office of the City Clerk
City of Robbinsdale

LICENSE APPLICATION
\$25 per location/site review
\$25/vendor

I, _____, hereby make application for a Transient Merchant License, subject to provisions of City Ordinances. I do hereby swear that the answers and statements, and any attached information set forth by me in this application are true.

The City Ordinance requires that the data requested in this application must be submitted in order for the City to determine your eligibility for the license. Refusal to provide the data may result in an automatic denial of the requested license. The data provided shall be classified in accordance with the Minnesota Government Data Practices Act. The data provided shall be reviewed by the Chief of Police who shall then submit a recommendation for approval or denial, based upon the applicant's eligibility as determined by the provisions of the licensing ordinance. Access to the data provided shall be by officials and employees of the City engaged in administering or monitoring the provisions of the licensing ordinance; and also as allowed for by the Minnesota Government Data Practices Act.

PLEASE PRINT OR TYPE YOUR RESPONSES
(Provide in full the first, middle and last names where requested)

Applicant's Full Name (NO initials or nicknames)		Trade Name or DBA	
Business Address		City	State Zip
Driver's License No./State Issued	Date of Birth	Residence Phone No.	Business Phone No.
Dates: From _____ to _____ Hours: From _____ to _____			
Description and number of vehicle(s) to be used:			
Description of food to be sold:			
The Licensee must submit all of the following with application:			
☐ Certificate of public liability insurance of not less than \$1,000,000 combined single limit. (Only if on city park property.)			
☐ Minnesota Tax Clearance and Workers' Compensation forms. (Required for all licenses.)			
☐ License fee (non-refundable).			
☐ Proposed location(s) and site plan.			
☐ Safety plan.			
☐ Written approval from property owner where mobile food unit/food truck will be located.			
☐ Copy of current state of Minnesota food license (Department of Health).			
☐ A transient merchant license from Hennepin County is required for <u>out-of-state businesses</u> . The license is good for one year only at the place indicated on the original application. The license fee is \$150. A \$1,000 surety bond is required. The Hennepin County Government Center (300 South 6 th Street, Level A, Suite A025, Downtown Minneapolis) is the only location that processes transient merchant licenses. www.co.hennepin.mn.us (612-348-8240) license.ec@hennepin.us			
** Outside sales on commercial property is not allowed without zoning approval. Outside sales on all other properties are prohibited unless allowed by City Code (such as biannual garage sales). **			

Applicant Signature: _____ Date: _____

**** FOR OFFICE USE ONLY ****

Return to the office of the City Clerk, 4100 Lakeview Ave.
N., Robbinsdale, MN. Questions should be directed to the
office of the City Clerk (763) 531-1255.

RECOMMENDATION OF STAFF (Initial approval or denial. If denied, note reason.)

City Manager: ☐ Approve ☐ Deny

Police Chief: ☐ Approve ☐ Deny

Zoning: ☐ Approve ☐ Deny

Engineering: ☐ Approve ☐ Deny

Mobile Food Vending

Mobile food vendors, also called food trucks, are self-contained vehicles or trailers used to prepare and serve food. Anyone planning to operate a food truck in Golden Valley must first apply for a City mobile food vending permit (City Code Section 11.04, Subdivision 3) and display the permit at all times.

Rules & Regulations

- 1. All vendors must be inspected by an authorized agency and possess a current mobile food vendor license from the Minnesota Department of Health, Hennepin County, or City of Minneapolis. A copy of this license must be attached to the permit application and must be displayed in the vehicle.
- 2. Permits are valid only for the dates and times specified.
- 3. No refunds will be given for any reason once the permit has been issued.
- 4. The vendor must comply with all City Code parking, signage, lighting, and noise regulations.
- 5. The vendor must provide trash receptacles for customer use and keep the site in a neat and orderly fashion. Vendors are responsible for clean-up and trash removal generated from their operation in the immediate area.
- 6. Vendors in City parks or in public right-of-way will be assessed for all damages or extra trash clean-up generated by their operation (if required).
- 7. Vendors found operating without a permit or in areas not designated in the list below will be subject to a citation.

Location

- 1. Permits will be limited by area.
- 2. At all locations, the vendor must have written permission from the property owner.
- 3. The vendor must not be located closer than 200 feet to a restaurant, unless written permission is given by the restaurant proprietor. The distance is measured from the front door or outdoor seating area of establishment (whichever is closer to the mobile food vendor).
- 4. The vendor must not be located closer than 1,000 feet to a school, while school is in session, unless written permission is given by the principal of the school. The distance is measured from any entrance to the school.
- 5. Vendors must park in a designated parking lot and must not impede normal traffic flow. The vehicle must be located on paved surfaces, but not on parking stalls (unless it has been proven that the business does not need those spaces) and not on any street, alley, sidewalk, or boulevard (unless it can be demonstrated that there is sufficient space in the public right of way with a detailed sketch plan). If vehicle is located on a City street, service window must face curbside.
- 6. Vendors may not park on the grass or pathways (unless special permission is authorized).
- 7. Vendors must be located at least 10 feet from all structures.
- 8. Vendors must be located at least 5 feet from all property lines.
- 9. All vendors operating on City property (parks) or in public right-of-way must provide an insurance rider listing the City of Golden Valley as an additional insured on the policy for the permitted dates of operation. Parks available for permits include Brookview, Gearty, Hampshire, Lakeview, Lions, Medley, Scheid, and Wesley.

Dates & Hours of Operation

- 1. Permitted hours of operation are 8 am-10 pm, Monday-Sunday
- 2. Seasonal Permit: Valid 4-120 days (not available in City parks or residential districts)
- 3. Temporary/Special Event Permit: Valid 1-3 days
- 4. Properties in residential districts are limited to two Mobile Food Vendor Permits in a 12-month period.

Fees

\$40 per vehicle per day for up to three days and \$150 per vehicle for up to 120 days.

To Apply

☐ **Complete the Mobile Food Vendor Permit Application**

☐ **Include the following required attachments:**

- ☐ Hennepin County, State of Minnesota, or City of Minneapolis Mobile Food License
- ☐ Sketch illustrating where food truck will be located. Using the [Hennepin County Interactive Property Map](#), zoom in to Golden Valley and use either the mouse or the zoom bar in the top left corner to find your site of interest. You can also type the address of the site into the search engine at the top of the page. Select "aerial" in the top right corner, click once on the parcel to highlight, and hit "print" in the top right corner. Then sketch and label the location of your mobile vending vehicle on the printed map. If you need to use the measuring tool, click the "measure" button in the bottom left corner of the screen and follow the directions. Note: Staff realizes all measurements are approximate. For help finding exact measurements, contact the City's Planning Division.
- ☐ Insurance rider (required only for food trucks that will be located on City-owned property or public right-of-way) evidencing the applicant's public liability, food products liability, automobile liability, and property damage insurance and that the City is or will be named as an additional insured on such insurance for all the permitted days of operation. Such insurance shall be maintained without change for the duration of the permitted days of operation. The permit will not be processed without the proper insurance certificate.

☐ **Bring application, required attachments, and fee (if applicable) to:**

- ☐ Planning office on the second floor of [City Hall](#), Monday-Friday, 8 am-4:30pm
- ☐ Parks & Recreation office at [Brookview](#), Monday-Friday, 8 am-4:30pm (applications for mobile food vending in parks only)

Contact Us

Golden Valley Police Department

7800 Golden Valley Rd
Golden Valley, MN 55427

Phone: 763-593-8079

Fax: 763-593-8098

Emergency: 911

TTY: 763-593-3968

[Email Us](#)

**FOOD TRUCK
REGISTRATION FORM
CITY OF COLUMBIA HEIGHTS**

FEE: _____

Date Received _____

Receipt # _____

License Number _____

CITY OF COLUMBIA HEIGHTS
590 40TH AVENUE NE, COLUMBIA HEIGHTS, MN 55421
PHONE (763) 706-3678 FAX (763) 706-3671

In conjunction with this application the following documents must be submitted:

1. Certificate of Compliance per the Minnesota Workers Compensation Law (Attached)
2. Insurance- Public and Vehicle Liability
3. Inspection- Attach a copy of current license from County or the State
4. Fee \$100 for businesses outside Col. Hts. ---- No fee for current Col. Hts. Businesses

**BUSINESS
INFORMATION**

COMPANY NAME: _____
ADDRESS: _____ CITY _____
STATE _____ ZIP _____ PHONE: _____
FED TAX ID #: _____ MN TAX ID#: _____
MAKE, MODEL, YEAR OF VEHICLE: _____
LICENSE PLATE #: _____ SERIAL #: _____
COMPANY AGENT OR OFFICIAL(S): 1. _____
2. _____

APPLICANT

NAME _____
(FIRST) (MIDDLE) (LAST)
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
PHONE #: _____
BIRTHDATE: _____ SOCIAL SECURITY _____
DRIVERS LICENSE # _____
HEIGHT: _____ WEIGHT: _____ HAIR COLOR: _____ EYE COLOR: _____

LOCATION WHERE FOOD WILL BE PREPARED, PLACE, ROUTE, OR GEOGRAPHIC AREA WHERE FOOD TO BE SOLD:

LANDOWNER(S) _____ PHONE # _____

ADDRESS: _____ CITY _____ ZIP CODE _____

As applicant, it is my understanding that falsification of any item on this application is sufficient reason upon which to base a denial of said license. Such license shall be valid for the calendar year in which issued and must be renewed at the commencement of each subsequent calendar year.

APPLICANTS SIGNATURE: _____ DATE: _____

NOTICE

The data requested of you will be used in considering your application for said license and will be disseminated to the public. You are not legally required to allow the City of Columbia Heights to obtain the data, however, failure to supply said data may result in disapproval of your application. Further, the City of Columbia Heights may receive from other governmental agencies, including but not limited to the Bureau of Criminal Apprehension, Minnesota Department of Public Safety, data relating to the consideration of your application. Said data may be classified pursuant to Minnesota Statute #15.162 et. seq. as private and therefore, cannot be released to the public without your written consent.

WAIVER

I have read the above and understand that any data concerning my application, which is classified as private pursuant to Minnesota Statute #15.162, et. seq. may not be released to the public without my permission. I also understand that said data must be considered by the Columbia Heights City Council at a public meeting in considering my license application and, accordingly, will be publicly disseminated. Therefore, I hereby authorize the release of all of said data by the Columbia Heights City Council or agents or employees thereof at any City Council meeting at which my license application is considered. Said information shall not be released if I withdraw my license application by personally serving written notice of said withdrawal upon the Columbia Heights City Manager prior to said Council meeting.

DATE _____ SIGNATURE _____

Witness Signature: _____

**CERTIFICATION OF COMPLIANCE
MINNESOTA WORKERS COMPENSATION LAW**

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in an activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirements of MSS Chapter 176. The information required is: the name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. This information will be collected by the licensing agency and retained in their files.

This information is required by law, and license and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if this information is not provided or falsely stated, it may result in a \$2,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

Insurance Co Name _____
NOT the Insurance Agent

Policy Number _____

Date of Coverage _____ to _____

I am not required to have workers compensation liability coverage because:

☐ I have no employees

☐ I have no employees who are covered by the workers compensation law (these include Spouse, Parents, Children, and certain farm employees).

I certify that the information provided above is accurate and complete and that a valid workers compensation policy will be kept in effect at all times as required by law.

Name _____

Doing Business as _____
Business name if different than your name

Business Address _____

City, State, Zip _____ Phone _____

Signature _____ Date _____

Zoning Permit Application
Application to Operate a Mobile Use Vehicle

Saint Louis Park

ALL SECTIONS MUST BE COMPLETED

\$50.00

Address:

Applicant:

Name _____

Address _____
Number and Street Name City State Zip

Phone: () Cell: () FAX: ()

Property Owner:

Name _____

Address _____
Number and Street Name City State Zip

Phone: () Cell: () FAX: ()

Dates vehicle will be on the property:

Starting Date _____
Ending Date _____

Type of Mobile Use:

- ☐ Food
☐ Medical

Additional Information Required:

- Site Plan showing the where on the property the vehicle will be located. A site plan of the property is preferred; however a sketch plan of the property is acceptable. Please use a ruler and show dimensions.
- Copy of a letter from the property owner authorizing the vehicle to locate on the property.
- Copy of applicable license and permits to operate and provide the service.

NOTE: The vehicle operator must have written permission from the property owner to operate on their property, kept with the vehicle and made immediately available to the City upon request.
A building permit is required for a trailer if the customer enters the trailer during the conduct of business.

The permit applicant acknowledges that it is their responsibility to ensure that all other site standards have been observed, as outlined in the City's Mobile Use Ordinance, Section 36-82(b)(10).

Permits issued and inspections made by the City are a public service and do not constitute any representation, guarantee or warranty, either implied or expressed, to any person as to the conformance to applicable City codes. The undersigned acknowledges that this application has been read and that the above is correct and agrees to comply with all the ordinances and laws of the City of St. Louis Park regulating mobile uses.

Applicant's Signature _____ Date _____

For Office Use Only

Permit # _____ Fee _____ App/Date _____ Issued _____

The vehicle operator shall comply with the following site standards:

- 1) The vehicle shall be parked on a paved surface, unless it is located on a public park as approved by the City.
- 2) The vehicle shall be located at least 30 feet away from an entrance to a public road.
- 3) The vehicle shall not disrupt traffic and parking.
- 4) There shall be at least six feet of safe pedestrian passage around the vehicle.

Hours of operation shall be limited to the hours between 7:00 a.m. and 10 p.m.

Lighting shall be limited to:

- 1) Vehicular lighting that is required by law.
- 2) Lights necessary to illuminate the inside of an enclosed vehicle, service deck of a cart, and the point of sale area of the vehicle. The lighting shall not extend above the vehicle, shall be downcast, and shielded in such a way to illuminate the vehicle, and a point of sale area only. The lighting shall not directly illuminate an area more than 10 feet away from the vehicle.

Noise generated by the vehicle and the use shall not become a nuisance. The operation of the vehicle shall adhere to the following:

- 1) No vehicle shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, or noisemakers, such as bells, horns, or whistles.
- 2) Power generators shall not exceed 70 decibels measured 10 feet away from the source.

Signage shall be limited to the following:

- 1) Text and images permanently applied to the vehicle as a decal or painted image and text.
- 2) Signs that are attached to the vehicle. The signs shall not extend above the roof of the vehicle, or extend more than five inches beyond any side of the vehicle. These signs can be unlit or internally lit.
- 3) Text and images permanently applied to awnings that are attached to the vehicle, do not extend above the height of the roof of the vehicle, and are at least six feet from the ground to the bottom of the awning.
- 4) Text and images permanently applied to umbrellas that are attached to a food cart. The umbrella shall be less than nine feet in height, and maintain a clearance of at least six feet from the ground to the bottom of the umbrella.
- 5) One Pedestrian sign as defined in Section 36-362. The Pedestrian sign must be located within five feet of the vehicle.

Trash, litter, recycling and refuse shall be handled in the following manner:

- 1) All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the establishment the vehicle operates from. Public trash cans shall not be used to dispose of waste generated by the operation. Excepted from this is the occasional use by customers.
- 2) No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, or any other place except the licensed food establishment.
- 3) The operator shall provide a garbage receptacle with a tight fitting lid. The receptacle shall be easily accessible for customer use, and located within five feet of the vehicle.
- 4) The operator shall be responsible for all litter and garbage left by customers.

Overnight parking of the vehicle is not permitted, except that a vehicle under a long term contract to operate on a premises may be kept overnight on the same premises with the following conditions:

- 1) The vehicle is open for business at least six hours and five days per week for every week it is kept on site. The business hours must be posted on the outside of the vehicle at all times.
- 2) There is a minimum of six feet of pedestrian walkway between the vehicle and the edge of the sidewalk or marked pedestrian walkway.
- 3) Vehicles located on public property are exempt from these requirements pertaining to overnight parking.

Mobile Use-Food shall also comply with the following conditions:

- 1) Only food and non-alcoholic beverages shall be sold.
- 2) The vehicle shall not have a drive-thru.
- 3) Vehicles stored overnight on private property shall be kept within 10 feet of the principal building wall, near the customer entrance of the building.
- 4) All transactions, services and preparation must occur inside the vehicle.

Mobile Use-Medical shall also comply with the following conditions:

- 1) The caregivers shall have all permits and licenses required by the State and County to operate. A current copy of the permits and licenses shall be kept at the vehicle and immediately made available upon request. The operator shall comply in all respects with all requirements of state and county law.
- 2) The vehicle shall be used to provide a non-surgical medical service only.
- 3) Hazardous waste shall be contained and disposed of in a manner required by law.
- 4) Overnight boarding of pets is not permitted.
- 5) The sale of animals is not permitted.
- 6) Animals shall be kept inside the vehicle when receiving treatment and when under the supervision of the caregiver.

Regulation of Food Trucks (Mobile Food Units)



Source: Andrew Zimmern

CC Work
Session
(02.12.2018)

Current City Policy

- Food trucks are **only** allowed through issuance of an Administrative Permit
 - Designed for use around: special and promotional events, temporary outdoor sales, displays of merchandise, charity and fundraiser events, etc.
 - Typically issued to brick and mortar businesses, non-profits (e.g., churches), and government entities (e.g., fire department, community center)
- Food trucks are allowed to operate in conjunction with the approved event
- Other than through issuance of an Administrative Permit, food trucks are **prohibited** from operating within the City of Brooklyn Center on an **on-going, regular basis**

Current City Policy (Cont.)

Annual Allowance for Administrative Permits

USE	PERMIT LIMITATIONS
Commercial + Industrial	- Two 10-day permits per calendar year - Permits cannot be broken up into smaller increments - Charitable and fundraising activities may be held on commercial or industrial sites-event must be solely for charity or non-profit (no direct benefit to business on site)
Church Functions, Civic Events, Charities, and Fundraisers	Unlimited
Gasoline Service Stations	Four (4) car wash fundraiser permits per calendar year for fundraising events

City of Brooklyn Center
Administrative Permit Application
(Special or Promotional Events; Temporary Outdoor Sales, Display of Merchandise, Charities, Fundraisers, etc.)

Permit No. _____
Permit Fee _____

Name of Business/Property: _____
Site Address: _____
Property Owner/Contact Person: _____
Phone: (____) _____ Email: _____
Description of Event: _____

Please check which items will be used in conjunction with the event:

☐ Temporary Signs ☐ Outdoor Displays ☐ Car Wash ☐ Nursery/Garden Merchandise
☐ Banners or Flags ☐ Tents or Stands ☒ Food Truck * ☐ Inflatable Play Structure(s)
☐ Search/Spot Lights ☐ Live Music/Band ☐ Caterers/BBQ * ☐ Live Entertainment/Animals
☐ Speaker/Megaphone ☐ Other (describe): _____

Applicant must provide a site plan/map of property identifying location of event and temporary sign placements
* an "Itinerant-Special Event" and service permit (or similar) may be required from Hennepin Co. Health Dept.

Start Date: _____ to End Date: _____
Hours of Event: _____ AM to _____ PM

Administrative permits are issued for consecutive days and cannot be divided-up. Temporary signs with flashing, blinking or traveling lights, or those placed on a sidewalk or street right-of-way are strictly prohibited. Inflatable signs or figures, including air puppets and similar attention attracting devices are also prohibited. No person(s) may carry, spin, twirl or wave hand-held signs, flags or banners along a public sidewalk or street right-of-way.

In granting this administrative permit, the applicant hereby agrees to comply with all city ordinances, and will not impair pedestrian or vehicular traffic. Failure to comply with city ordinances or conditions of this permit will cause immediate revocation of said permit, and may result in the issuance of a city citation and/or fine.

Applicant's Signature _____

10-Day Administrative Use 30-Day Administrative Use (Gas Station only) 30-Week Use (Garden Centers Only)

☐ Special/Promotional Event (\$50) ☐ Temporary Outdoor Sales (\$50) ☐ Outdoor Nursery/Garden Center (\$100)
☐ Church Function/Event (\$25) ☐ Civic Function/Event (\$25) ☐ Charity/Fundraising Event (\$25)
☐ Car Wash/Fundraiser (\$25) ☐ Off-Site Signs-Civic Functions (\$25) ☐ Gas Station Display/Promotional Event (\$50)
☐ Multi-Family Complex Sales/Leasing Event (\$50) ☐ Carnival (\$25)

Conditions of Approval: _____
Zoning Official Approval _____ Date _____

Food Trucks in General

What is a food truck?

- According to the Minnesota Department of Health, Minnesota Statutes, section 157.15 defines a mobile food unit (“a food and beverage service establishment that is a vehicle mounted unit”) as:
- Motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or
- Operated in conjunction with a permanent business licensed under this chapter (157) or chapter 28A of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.

The American Planning Association (APA) notes that,

“Most localities limit the presence of food trucks to nonresidential districts, and it is common to establish distancing requirements from existing restaurants, residential districts, or other vendors. Most also enact operational standards such as limitations on hours of operation, mandatory access to restrooms, or noise or sanitation requirements to minimize potential negative impacts. Some ordinances also provide for food truck courts, where multiple food trucks gather at one site to provide more of a destination experience.”

Food Truck Policy in MN

- Food trucks are most visible in larger cities, but are popping up in other metropolitan locations
- In 2010, the City of Minneapolis passed an ordinance allowing mobile food vehicle vendors (including food trucks and carts) to operate in the City
 - **2010:** 10 food trucks were licensed
 - **2017:** 143 food trucks were licensed
- Some Minnesota communities have made revisions to their municipal code to provide opportunities for entrepreneurs and small businesses to build up their business
- Other communities are looking for opportunities to add:
 - Interest
 - Vibrancy
 - Activity
 - Increased food access (in areas underserved by brick and mortar restaurants)

Food Truck Regulations in MN

- In Minnesota, Food Trucks (Mobile Food Units) must comply with local public health department regulations for food service establishments
 - In Brooklyn Center, food truck vendors would likely check first with the Hennepin County Health Department to determine licensing needs
- There are many challenges and complexities surrounding licensure of food trucks as there are at least 32 delegated health department agencies operating within State of Minnesota
 - Common to see food truck vendors in possession of multiple food truck licenses
 - **EXAMPLE:** A food truck vendor operating in the cities of Brooklyn Center, Minneapolis, St. Paul, and Brooklyn Park, would likely need licenses from:
 - Hennepin County Health Department (Brooklyn Center)
 - City of Minneapolis Health Department (Minneapolis)
 - Minnesota Department of Health (St. Paul)
 - City of Brooklyn Park Health Department (Brooklyn Park)
 - Food trucks selling certain novelty items (e.g., packaged ice cream, convenience food, bakeries) require licensure from the Minnesota Department of Agriculture

Food Truck Regulations in MN (Cont.)

■ Other requirements for food truck licensure include compliance with:

- Minnesota Food Code
- Minnesota State Mechanical Code (Minnesota Rules, Chapter 1346) for gas hook-ups and services
- Minnesota State Electrical Code (Minnesota Rules, Chapter 1315) for electrical services, and the presence of a fire extinguisher with a minimum 2A 10 B C rating if required by the State Fire Marshal
- Potential additional requirements surrounding:
 - Source of food, equipment, dishwashing and handwashing facilities, water supply, and waste disposal
 - Food Safety Training (Required by Hennepin County Health Department and Minnesota Department of Health)

Additionally:

Hennepin County and Minnesota Department of Health require that a food truck be in one place **no more than 21 days per year**

- Some municipalities have passed ordinances allowing food trucks to stay longer, subject to certain conditions

For Example:

- Obtain permission from property owner
- Food truck is to be at designated location **ONLY** during operating hours
- Restrictions that permit food trucks to operate only in certain areas of the city
- Minimum distance requirements for locations near brick and mortar restaurant establishments

Food Truck Policy in Surrounding Communities

- There is **no one way** to develop a policy surrounding food trucks (Mobile Food Units)
 - **Some of Brooklyn Center's neighboring communities:**
 - Allow for on-street trucks, while others require food trucks to be in parking lot locations
 - Limit the number of food trucks in a designated area, while others do not
 - Allow for overnight parking on-site under certain conditions
 - Restrict food trucks to certain areas of the city
 - Restrict the hours of operation
 - Allow food trucks only on a temporary basis, while others issue annual licenses (and everything in between)
Examples: Golden Valley has 1-3 day, 1 day (residential only), and 4-120 day licenses
- Some municipalities (e.g., Minneapolis, Brooklyn Park, Golden Valley) have additional setback restrictions regulating the minimum distance a food truck must maintain from a brick and mortar eating establishment, outdoor dining area, school, or main entrance to event center (e.g., Target)
- Golden Valley has provisions that provide minimum setbacks for food trucks to be from principal and accessory structures
- Saint Louis Park requires a minimum distance of 30 feet to be maintained from a public road

Source: City of Minneapolis

Feedback from Planning Commission

- The Planning Commission held a discussion on the regulation of food trucks in the City of Brooklyn Center at their January 11, 2018, meeting

In summary:

- Majority of Commission felt that the City of Brooklyn Center would benefit from this type of use
- Stressed the importance of keeping the City competitive with surrounding communities
- Held a discussion as to how food trucks could serve as a way for businesses to test the market before committing to a community and opening in a restaurant space
- Some concerns relating to pricing of food, overall cleanliness, and difficulty in finding them (e.g., on-street)

Food Trucks (Examples)



Sources:
Growler Magazine
Post Bulletin
MPR News
PopUpsters
Orange County Register
The Buchan Group
MinnPost

Policy Issues

- (1) Would you like additional information to determine the direction the City should take on the regulation of food trucks (Mobile Food Units)? If so, what information do you require?
- (2) Are there certain concerns, restrictions, or provisions that the City should consider if it is to license food trucks (Mobile Food Units)?
- (3) Should the City's advisory commissions provide input and direction?
- (4) Given these findings, should staff take further action to draft an ordinance allowing or expanding the presence of food trucks?