

AGENDA
CITY COUNCIL STUDY SESSION
January 22, 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

January 22, 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 8, 2018 – Study/Work Session
2. January 8, 2018 – Regular Session
3. January 8, 2018 – Work Session

b. Licenses

c. Resolution Approving Agreement Between Department of Transportation and the City of Brooklyn Center for Federal Participation in Construction – Agency Agreement No. 1029924

d. Resolution Authorizing the Acquisition of a Tax Forfeited Parcel as Part of the Brooklyn Boulevard Corridor Project Phase 1

- e. 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.
- 7. **Presentations/Proclamations/Recognitions/Donations**
–None.
- 8. **Public Hearings**
 - a. An Ordinance Vacating a Portion of Right-of-Way: Lilac Drive North
–This item was first read on December 11, 2017; published in the official newspaper on December 21, 2017; 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 Ordinance.
 - b. Consideration of Liquor License Enforcement Action at Jammin Wings, 2590 Freeway Boulevard
Requested Council Action:
 - Motion to open Public Hearing.
 - Take applicant input.
 - Take public input.
 - Motion to close Public Hearing.
 - Motion to take liquor license enforcement action.
- 9. **Planning Commission Items**
–None.
- 10. **Council Consideration Items**
 - a. Consideration of Type IV 6-Month Provisional Rental Licenses
 - 1. 4200 Joyce Lane
 - 2. 6325 Kyle Ave N
 - 3. 6424 Scott Ave N
 - 4. Resolution Approving a Type IV 6-Month Provisional Rental License for 4450 58th Ave N
 - 5. Resolution Approving a Type IV 6-Month Provisional Rental License for 6015 Aldrich Ave N
 - 6. Resolution Approving a Type IV 6-Month Provisional Rental License for 6718 Colfax 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.

- b. Amend City Council Meeting Schedule to Add City Council Work Session to Review Development Proposals for the Opportunity Site

Requested Council Action:

- Motion to set date and time for City Council Work Session.

11. Council Report

12. Adjournment

EDA MEETING

City of Brooklyn Center

January 22, 2018

AGENDA

1. Call to Order

–The EDA requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet, including EDA (Economic Development Authority), is available to the public. The packet ring binder is located at the podium.

2. Roll Call

3. Approval of Agenda and Consent Agenda

–The following items are considered to be routine by the Economic Development Authority (EDA) and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the consent agenda and considered at the end of Commission Consideration Items.

a. Approval of Minutes

1. January 8, 2018 – Regular Session

4. Commission Consideration Items

- a. Resolution Approving the Purchase and Sale Agreement and Acquisition of Certain Property Located at: 5915 John Martin Drive, Brooklyn Center, MN

Requested Commission Action:

–Motion to adopt resolution.

5. Adjournment

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
January 22, 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. Saturday Marketplace (Lennie Chism)
2. Overnight Parking
3. City of Brooklyn Center 2018 State Legislative Issues

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

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

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 8, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

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

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, and Dan Ryan. Councilmember Kris Lawrence-Anderson was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Acting City Engineer Mike Albers, Interim Community Development Director Michael Ericson, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Graves stated she reviewed the December 11, 2017, Work Session minutes and was pleased with the consensus reached relating to minimum wage. Mayor Willson stated he does not think it is high enough, but it is a start.

MISCELLANEOUS

Set Special Work Session

City Manager Curt Boganey asked the City Council to consider setting a special Work Session to review redevelopment proposals for the Opportunity Site. He reported three developers would like to present.

Following a brief discussion on availability, the City Council reached consensus to request Mr. Boganey to schedule a special Work Session for the third Monday in February at 5:00 p.m.

Organic Composting and Native Bee Habitat

Mayor Willson stated Mr. Boganey will distribute an e-mail he sent relating to organic composting and native bee habitat in response to a resident's concern. He stated he would like those topics scheduled for a future Work Session.

The City Council reached consensus to add the topics of organic composting and native bee habitat to a future Work Session agenda.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

TRUNK HIGHWAY (TH) 252 CORRIDOR STUDY - UPDATE

Acting City Engineer Mike Albers introduced the topic and described the City Council's past consideration of the Trunk Highway (TH) 252 Corridor Study.

Mr. Albers noted the total estimated project cost for the interchange at 66th Avenue, closing 70th Avenue, and a pedestrian bridge at 70th Avenue is \$35 million, which includes costs for construction, easements, engineering, administration, and contingencies. The application for regional solicitation funding was awarded \$7 million in federal Fiscal Year (FY) 2021 funding; \$1.9 million was awarded for construction of a pedestrian bridge at 70th Avenue in federal FY 2021 funding; a successful Minnesota Highway Freight Program (MHFP) grant application for the 66th Avenue project awarded \$10 million in fiscal year 2020 funding; and, the City budgeted approximately \$5.5 million in Capital Improvements Plan (CIP) for its local share of the project costs. The City has secured \$24.4 million, leaving a funding gap of approximately \$10.5 million.

Mayor Willson clarified that the City will not actually be constructing an interchange. Mr. Albers explained the City will be the project lead, working with MnDOT, to deliver this project.

Mr. Albers stated next steps will be to determine and provide a preferred 66th Avenue interchange alternative to the City Council for formal consideration and to identify additional funding opportunities to bridge the funding gap and continue the more detailed Freeway Conversion Study led by Hennepin County to develop a detailed geometric layout for the entire corridor. This will include determining a preferred alternative for the Brooklyn Park portion of the corridor north of 73rd Avenue. It was noted the total estimated cost of converting TH 252 to a freeway and add a MnPASS lane excluding the 66th Avenue interchange is \$150 million. This year, Hennepin County will be preparing a funding request for the conversion through the Corridors of Commerce (CoC) Program.

Mr. Albers asked whether the City Council has comments or questions pertaining to the process, alternatives, or final planned public engagement activities prior to considering a preferred alternative. He also asked whether the City Council supports Hennepin County's CoC funding request and the EA funding scenario as described.

Councilmember Ryan asked how many properties will be impacted. Mr. Albers stated nine properties would be impacted fully or partially depending on the roadway alignment. Mayor Willson noted it will also depend on which design plan moves forward. Mr. Albers stated that is correct and the plan will be refined as the project moves forward.

Mr. Albers provided an update on the TH 252 Freeway Conversion Study, number of open houses and level of participation, and seven concepts presented at the open house, noting Concept 5 was the most preferred at the open houses. He stated the PAC members preferred Concept 6 as it provided access to West River Road.

Mr. Albers stated the Federal Highway Administration (FHWA) recommended starting an Environmental Assessment (EA) process to further refine the social and environmental impacts that would include the freeway conversion as well as a MnPASS lane on TH 252 from TH 610 to Dowling Avenue in Minneapolis.

Brad Larson, MnDOT, provided a brief overview of MnPASS, a system of price-managed lanes (high occupancy toll lanes), how they work, and cost for use by solo motorists during peak travel times. He stated a low-income discount pilot program will be implemented shortly. Mr. Larson described the benefits of MnPASS to reduce and better manage congestion in a manner that's sustainable over the long term and hierarchy of regional highway mobility strategies.

Mayor Willson asked whether there is an option to leverage MnPASS to resolve the funding gap. Mr. Larson stated that is not an option at this time as MnPASS is not a revenue generator. He explained in 2017 it raised \$3.4 million and operations/maintenance was \$2.4 million, so most years it will raise a bit more than it takes to operate; however, it may be an option in the future as more drivers use MnPASS.

Mr. Larson stated MnPASS System Study Phase 3 is nearing completion and will help identify the next best MnPASS corridor the State should focus on. He presented an overview of that Study process, map depicting the existing corridor, and corridors evaluated under this Study. He stated it is interesting that TH 252 was the only non-freeway corridor evaluated and it would be dependent on converting it to a freeway. Mr. Larson described the higher and moderate performing corridors the Study identified and how each was ranked.

Mr. Larson stated additional analysis broke out the freeway conversion benefit and cost compared to the MnPASS benefit and cost. The Study showed significant potential benefit from MnPASS Express Lanes on TH 252 with substantial increase in person throughput, person-hour savings, strong transit demand with good potential for increased demand and service from a MnPASS transit advantage, and low additional cost to add MnPASS lanes to TH 252 as part of a freeway conversion.

Mr. Larson stated next steps are to produce the draft final report for review and to start drafting a Transportation Policy Plan (TPP) update to consider MnPASS corridor tiering and an increased revenue scenario.

Councilmember Ryan stated he just started attending the PAC meetings and is learning about the challenge of funding streams due to limited dollars. He asked whether the preliminary findings and cost benefit of MnPASS, should the corridor be upgraded to a freeway, would be looked at more favorably because of that data. Mr. Larson answered in the affirmative and explained if the corridors are moved up to Tier 2 in the Regional Transportation Plan, they would have a higher priority for additional future funding given the results from this System Study as well as other System Studies recently completed by MnDOT.

Councilmember Graves asked for an explanation of the tiered system and how corridors are placed in a tiered system. Mr. Larson explained the Met Council Transportation Plan contains three tiers of MnPASS. Tier 1 has funding to implement MnPASS. If TH 252 is included in

Tier 2, it will join two other identified corridors and those are not funded but contained in an increased revenue scenario category and will be first funded if funds are found. Tier 3 corridors are others that are not a top priority for funding.

Councilmember Graves asked what are the requirements for tier placement. Mr. Larson explained the Met Council considers the results from this Study to determine which corridors will best benefit the region, results from other completed studies, future preservation projects, and potential future funding levels.

Mayor Willson asked what will happen if 66th Avenue receives funding but not MnPASS. Mr. Larson stated it is difficult to speculate on such an instance but he knows there will continue to be a lot of pressure to make improvements and move forward; however, it is dependent on funding levels.

Mr. Boganey asked about the anticipated TPP update. Mr. Larson stated the TPP draft will be out for public comment in the spring of 2018 and they want it completed by the end of 2018.

Mr. Boganey asked whether it is reasonable to assume once the freeway conversion is completed (2021-2023), additional MnPASS funding would be available at that point. Mr. Larson stated right now there is no funding available and under the current Minnesota Investment Plan, mobility projects run out in 2023. After that, there is only money for pavement and bridge preservation projects.

Councilmember Graves stated when the interstate was built and number of entities paid for it. She asked whether there is such a collaboration with road maintenance and capacity. Mr. Larson stated there is a lot of collaboration into the entire metro transportation system and all are integrated but projects like TH 252 need different funding sources and the 66th interchange demonstrates how there is a lot of partnering. He explained these projects are depending on a lot of entities bringing money to the table.

Councilmember Graves asked about the car or oil industry putting money into the interstate system. Mr. Larson explained the State highway system gets its vast majority of funding from state and federal gas tax revenue, motor vehicle tax, and tab fees but there has been talk at the federal level about proposals to tap into other types of revenue streams.

Councilmember Ryan stated some regional projects are reviewed by the Transportation Advisory Board (TAB) and asked whether the outstanding \$10 million gap potential will be reviewed by TAB. Mr. Larson stated that is a difficult question to answer and he would have to rely on Met Council TAB members to weigh in. He noted future regional solicitation opportunities for additional funding will be available. Mr. Larson explained TAB will review the TPP update and make comment but whether they will be asked to identify other funding sources, he cannot say.

Councilmember Ryan stated perhaps it will be dependent on other grants that become available.

RECESS AND RECONVENE

Mayor Willson recessed the Study Session at 6:44 p.m. to Open Forum.

Mayor Willson reconvened the Study Session at 6:46 p.m.

TRUNK HIGHWAY (TH) 252 CORRIDOR STUDY – UPDATE (continued)

Mayor Willson stated he would like to see accident data relating to intersections within the TH 252 corridor as well as justification to move forward.

Mr. Albers thanked Mr. Larson for presenting MnPASS information and acknowledged the attendance of April Crocket and Chris Holberg, also with MnDOT.

Mr. Albers described the Corridors of Commerce (CoC) solicitation due in February, legislation mandated criteria for that solicitation, and process that will be followed. He stated staff anticipates two CoC submittals for the TH 252 corridor with the first being by the Met Council for the TH 252 freeway conversion and MnPASS lane from TH 610 to Dowling (estimated at \$125 million). The second submittal would be by Hennepin County for TH 252 freeway conversion from TH 610 to I94 with MnPASS (estimated at \$65 million plus the cost for the I94 interchange work). Mr. Albers explained the 66th Avenue interchange is not eligible for CoC funding because it is currently in the STIP. In addition, potential local overpasses at 73rd Avenue and Humboldt Avenue would not be included because they would be locally funded based on the MnDOT cost participation policy.

Mayor Willson supported that recommendation as otherwise, stop signs would need to be placed on the TH 252 freeway in order to access those neighborhoods.

Mr. Albers explained the submittals will require City Council resolutions of support so that will be presented at a future meeting.

Mr. Albers addressed the Environmental Assessment (EA) scope to include full environmental clearance of the TH 252 freeway conversion as well as a MnPASS lane on TH 252 from TH 610 to Dowling. He reviewed the cost sharing scenarios for the \$3.9 million cost to conduct the EA that would include the freeway conversion as well as a MnPASS lane on TH 252 from TH 610 to Dowling Avenue in Minneapolis as follows: Brooklyn Center at 10%; Brooklyn Park at 14%; Hennepin County at 25%; and, MnDOT at 51%. Mr. Albers reviewed the tasks and potential costs for the EA and cost distribution, noting Brooklyn Center would be responsible for about \$375,000 (10% ratio).

Mr. Albers asked whether the City Council supported MnPASS on the TH 252 corridor, the CoC funding requests by Hennepin County and the Met Council, and the EA funding scenario, or has any comments.

Mayor Willson stated his support for each as they have been laid out. The Councilmembers agreed.

Councilmember Graves asked why Minneapolis is not also paying for part of the EA. Mr. Albers stated that is an option that is currently under study and discussion. Councilmember Graves asked about Phase 3 direct ramps. Mr. Albers stated that would be going into downtown but Brooklyn Center will not submit for that as part of this project.

Mayor Willson asked whether that will be built in lieu of anything else happening. Mr. Albers stated the \$35 million includes the pedestrian overpass and it makes sense to do the interchange and pedestrian overpass at the same time for convenience.

ADJOURNMENT

Mayor Willson adjourned the Study Session at 6:58 p.m.

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

REGULAR SESSION
JANUARY 8, 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, and Dan Ryan. Councilmember Kris Lawrence-Anderson was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Acting City Engineer Mike Albers, Interim Community Development Director Michael Ericson, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

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

No one wished to address the City Council.

Councilmember Ryann moved and Councilmember Graves seconded to close the Informal Open Forum at 6:46 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Ryan requested a moment of silence for 30,000 Americans killed by gun violence in the last year 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, and Dan Ryan. Councilmember Kris Lawrence-Anderson was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Acting City Engineer Mike Albers, Interim Community Development Director Michael Ericson, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. APPROVAL OF MINUTES

1. December 11, 2017 – Study Session
2. December 11, 2017 – Regular Session

6b. LICENSES

GASOLINE SERVICE STATION

Northern Tier Energy/Retail/Super America	
Dbas: Super America 3192	6950 Brooklyn Boulevard
Northern Tier Energy/Retail/Super America	
Dbas: Super America 4058	1901 57 th Avenue N.
Northern Tier Energy/Retail/Super America	
Dbas: Super America 4160	6545 West River Road
Two Rivers Investment, Inc.	6840 Humboldt Avenue N.

MECHANICAL

Airtech Thermex LLC	4918 W. 35 th Street, St. Louis Park
BWS Plumbing, Heating and Air	7251 Washington Avenue S., Edina
Erickson Plumbing Heating Cooling, Inc.	1471 92 nd Lane NE, Blaine
Farr Plumbing & Heating LLC	2525 Nevada Ave. N. #104, Golden Valley
Geist and Pierson LLC	14750 Potassium St. NW, Ramsey
Homeworks Plumbing Heating Air	1230 Eagan Industrial Rd., #117, Eagan
Joel Smith Heating & A/C	13915 Lincoln St. NE, Ste. E, Ham Lake
Mechanical Air Systems	6995 20 th Ave. S., Centerville
Superior Heating A/C & Electric, Inc.	3731 Thurston Ave., #108, Anoka
Temperature Pro SW Minneapolis	4423 Nicollet Ave., Minneapolis

RENTAL

INITIAL (TYPE III – one-year license)
6445 James Circle

Kaswa Hospitality, Inc.

INITIAL (TYPE II – two-year license)

4201 Lakeside Avenue #214

7100 Lee Avenue N.

5509 Lyndale Avenue N.

3018 Nash Road

6924 Scot Avenue N.

Chester Lauren Dryke

Selene Avendamo

Brett Hildreth

Timothy Cavanaugh

Mohammed Mohammed

RENEWAL (TYPE IV – six-month license)

6830 Scott Avenue N.

Invitation Homes

RENEWAL (TYPE III – one-year license)

5001 Ewing Avenue N.

4110 Lakebreeze Avenue

Bartholomew Dabrowski

Mindy Jean Brummer

Kim Chew

(Missing 2 ARM mtg. & CPTED followup)

Nita Morlock

Mary T Properties

Presley and Korpo Hanson

6115 Aldrich Avenue N.

5600 Judy Lane

5900 Pearson Drive

6012 York Avenue N.

RENEWAL (TYPE II – two-year license)

5239-41 Drew Avenue N.

3819 61st Avenue N.

4207 62nd Avenue N.

4101 70th Avenue N.

5834 Camden Avenue N.

5959 Camden Avenue N.

5519 Colfax Avenue N.

6418 Colfax Avenue N.

5719 Halifax Avenue N.

5618 Hillsvie Road

5636 Irving Avenue N.

Jay & Gina Battenberg

Fred Hanus

Christopher Rasmussen

Paul Pham

RHA 3, LLC

Todd Havisto and Dave Baumann

Ryan Smith

Shawn Cha and Manny Phothirath

Paul Zheng

Nita Morlock

Bruce Alan Goldberg

RENEWAL (TYPE I – three-year license)

6611 Camden Drive

3819 France Place N.

2718 Ohenry Road

Jenn-Yuan Chen/Shin Chiang

Robert E. Lindahl

Wade Klick

TOBACCO RELATED PRODUCT

Northern Tier Energy/Retail/Super America

Dbas: Super America 3192

6950 Brooklyn Boulevard

Northern Tier Energy/Retail/Super America

Dbas: Super America 4058

1901 57th Avenue N.

Northern Tier Energy/Retail/Super America

Dbas: Super America 4160

6545 West River Road

- 6c. **RESOLUTION NO. 2018-01 DESIGNATING OFFICIAL NEWSPAPER**
- 6d. **RESOLUTION NO. 2018-02 APPOINTING BROOKLYN CENTER REPRESENTATIVES TO EXECUTIVE COMMITTEE AND/OR BOARD OF DIRECTORS OF THE BROOKLYN BRIDGE ALLIANCE FOR YOUTH, HENNEPIN RECYCLING GROUP, LOCAL GOVERNMENT INFORMATION SYSTEMS, NORTH METRO MAYORS ASSOCIATION, NORTHWEST SUBURBS CABLE COMMUNICATIONS COMMISSION, PETS UNDER POLICE SECURITY, TWIN LAKES JOINT POWERS ORGANIZATION, AND MINNEAPOLIS NORTHWEST CONVENTION & VISITORS BUREAU**
- 6e. **RESOLUTION NO. 2018-03 APPOINTING MUNICIPAL TRUSTEES TO THE BROOKLYN CENTER FIREFIGHTERS RELIEF ASSOCIATION BOARD OF TRUSTEES**
- 6f. **RESOLUTION NO. 2018-04 DESIGNATING POLLING PLACES FOR THE CITY OF BROOKLYN CENTER FOR 2019 ELECTIONS**
- 6g. **RESOLUTION NO. 2018-05 GRANTING CORPORATE AUTHORITY FOR SIGNING OF CHECKS AND TRANSACTIONS OF FINANCIAL BUSINESS MATTERS**
- 6h. **RESOLUTION NO. 2018-06 DESIGNATING DEPOSITORIES OF CITY FUNDS**
- 6i. **RESOLUTION NO. 2018-07 OPTING NOT TO WAIVE LIMITED TORT LIABILITY FOR 2018**
- 6j. **RESOLUTION NO. 2018-08 CALLING FOR A PUBLIC HEARING REGARDING PROPOSED USE OF 2018 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**
- 6k. **RESOLUTION NO. 2018-09 AMENDING THE SCHEDULE FOR INSPECTION FEES FOR CERTAIN BUILDING, MECHANICAL, PLUMBING, AND ELECTRICAL PERMITS**
- 6l. **RESOLUTION NO. 2018-10 APPROVING AN AMENDMENT TO THE ENCROACHMENT AGREEMENT FOR THE PROPERTY LOCATED AT 5415 69TH AVENUE NORTH (MARANATHA SENIOR HOUSING)**
- 6m. **RESOLUTION NO. 2018-11 ESTABLISHING PARKING RESTRICTIONS FOR SEGMENTS ON BROOKLYN BOULEVARD FROM 49TH AVENUE TO THE NORTH CITY LIMIT**

- 6n. RESOLUTION NO. 2018-12 ACCEPTING BID AND AWARDING CONTRACT, IMPROVEMENT PROJECT NO. 2018-07, 2018 POND MAINTENANCE**
- 6o. RESOLUTION NO. 2018-13 AUTHORIZING EXECUTION OF SITE LEASE AGREEMENT WITH VERIZON WIRELESS LLC ON WATER TOWER NO. 2**
- 6p. RESOLUTION NO. 2018-14 AUTHORIZING ACQUISITION OF EASEMENTS FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1 (49TH AVENUE TO BASS LAKE ROAD), PROJECT NO. 2018-05**
- 6q. RESOLUTION NO. 2018-15 AMENDING THE BUSINESS SUBSIDY POLICY**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

- 7a. RESOLUTION NO. 2018-16 EXPRESSING RECOGNITION AND APPRECIATION OF REX NEWMAN FOR HIS DEDICATED PUBLIC SERVICE ON THE FINANCIAL COMMISSION**

Councilmember Ryan moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2018-16 Expressing Recognition and Appreciation to Rex Newman for his Dedicated Public Service on the Financial Commission.

Mayor Willson read in full a Resolution expressing recognition and appreciation to Rex Newman for his dedicated public service on the Financial Commission. Mayor Willson presented the Resolution to Mr. Newman and those present responded with a round of applause.

The Councilmembers expressed their respect of and appreciation for Mr. Newman.

Motion passed unanimously.

- 7b. RESOLUTION NO. 2018-17 EXPRESSING RECOGNITION AND APPRECIATION OF SUSAN PAGNAC FOR HER DEDICATED PUBLIC SERVICE ON THE HOUSING COMMISSION**

Councilmember Graves moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2018-17 Expressing Recognition and Appreciation of Susan Pagnac for her dedicated Public Service on the Housing Commission.

Mayor Willson read in full a Resolution expressing recognition and appreciation of Susan Pagnac for her dedicated public service on the Housing Commission.

Motion passed unanimously.

7c. RESOLUTION NO. 2018-18 EXPRESSING RECOGNITION AND APPRECIATION OF KATHLEEN NELSON FOR HER DEDICATED SERVICE ON THE HOUSING COMMISSION

Councilmember Butler moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2018-18 Expressing Recognition and Appreciation of Kathleen Nelson for her Dedicated Service on the Housing Commission.

Mayor Willson read in full a Resolution expressing recognition and appreciation of Kathleen Nelson for her dedicated service on the Housing Commission. Mayor Willson presented the Resolution to Ms. Nelson and those present responded with a round of applause.

Motion passed unanimously.

8. PUBLIC HEARINGS

- None.

9. PLANNING COMMISSION ITEMS

- None.

10. COUNCIL CONSIDERATION ITEMS

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

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

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

10a1. 5323 BROOKLYN BOULEVARD

10a2. 6300 FRANCE AVENUE N.

10a3. 5351 IRVING AVENUE N.

10a4. 5350 LOGAN AVENUE N.

10a5. RESOLUTION NO 2018-19 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 5439 CAMDEN AVENUE N.

10a6. RESOLUTION NO. 2018-20 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 7018 FRANCE 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: 5323 Brooklyn Boulevard, 6300 France Avenue N., 5351 Irving Avenue N., 5350 Logan Avenue N., and adopt RESOLUTION NO. 2018-19 Approving a Type IV 6-Month Provisional Rental License for 5439 Camden Avenue N., and; RESOLUTION NO. 2018-20 Approving a Type IV 6-Month Provisional Rental License for 7018 France 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. SELECT PRESIDING OFFICERS – MAYOR PRO TEM AND ACTING MAYOR PRO TEM

Mayor Willson recommended ratification of Dan Ryan as Mayor Pro Tem and Kris Lawrence-Anderson as Acting Mayor Pro Tem based on the policy to use seniority.

Councilmember Graves moved and Councilmember Butler seconded to ratify the following 2017 Mayoral Appointments:

<u>Mayor Pro Tem</u>	Dan Ryan
<u>Acting Mayor Pro Tem</u>	Kris Lawrence-Anderson

Motion passed unanimously.

10c. RESOLUTION NO. 2018-21 DECLARING COMMITMENT TO THE BROOKLYN CENTER CITY CHARTER

Mayor Willson introduced and read in full a Resolution expressing the City Council's commitment to the Brooklyn Center City Charter.

Councilmember Butler moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2018-21 Declaring Commitment to the Brooklyn Center City Charter.

Motion passed unanimously.

10d. RESOLUTION NO. 2018-22 RECOGNIZING THE CONTRIBUTIONS OF ETHNIC POPULATIONS AND HERITAGE CELEBRATIONS

Mayor Willson introduced and read in full a Resolution expressing the City Council's recognition of contributions of ethnic populations and heritage celebrations. He then announced scheduled 2018 events and recognitions.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2018-22 Recognizing the Contributions of Ethnic Populations and Heritage Celebrations

Motion passed unanimously.

10e. MAYORAL APPOINTMENT OF CITY COUNCIL MEMBERS TO SERVE AS LIAISONS TO CITY ADVISORY COMMISSIONS AND AS CITY REPRESENTATIVES/VOTING DELEGATES FOR OTHER ORGANIZATIONS FOR 2018

Mayor Willson recommended ratification of the 2018 appointments to serve as liaisons to City advisory commissions and as City representatives and voting delegates for other organizations.

Councilmember Graves moved and Councilmember Butler seconded to ratify 2018 Mayor Appointments.

Mayor Willson read the appointments as follows:

<u>Commission/Organization</u>	<u>Council Member</u>
Financial Commission	Kris Lawrence-Anderson
Housing Commission	Marquita Butler
Park and Recreation Commission	April Graves
Brooklyn Youth Council	April Graves
Crime Prevention Program	Kris Lawrence-Anderson
Earle Brown Days Committee	Marquita Butler
	Tim Willson – Alternate
League of Minnesota Cities	Dan Ryan; Tim Willson – Alternate
Metro Cities	Dan Ryan; Tim Willson – Alternate
North Hennepin Area Chamber of Commerce	Tim Willson; Dan Ryan – Alternate

Motion passed unanimously.

10f. MAYORAL APPOINTMENT OF MEMBERS TO SERVE ON SHINGLE CREEK AND WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSIONS

Mayor Willson recommended ratification of David Vlasin as Commissioner and David Mulla as Alternate Commissioner of the Shingle Creek/West Mississippi Watershed Management Commission.

Councilmember Ryan moved and Councilmember Graves seconded to ratify Mayoral appointment of David Vlasin, 5712 Colfax Avenue North, to serve as Commissioner and David Mulla, 6732 Willow Lane, to serve as Alternate Commissioner of the Shingle Creek/West Mississippi Watershed Management Commission with term to expire January 31, 2021.

Motion passed unanimously.

10g. MAYORAL APPOINTMENT OF MEMBER TO SERVE ON FINANCIAL COMMISSION

Mayor Willson recommended ratification of David Dwapu to the Financial Commission.

Councilmember Butler moved and Councilmember Graves seconded to ratify Mayoral appointment of David Dwapu, 1701 69th Avenue North, #303, to the Financial Commission with term to expire December 31, 2020.

Motion passed unanimously.

10h. MAYORAL APPOINTMENT OF MEMBER TO SERVE ON HOUSING COMMISSION

Mayor Willson recommended ratification of Joan Schonning to serve on the Housing Commission.

Councilmember Ryan moved and Councilmember Butler seconded to ratify Mayoral appointment of Joan Schonning, 5515 Fremont Avenue North, to the Housing Commission with term to expire December 31, 2020.

Motion passed unanimously.

10i. RESOLUTION NO. 2018-23 AUTHORIZING ACQUISITION BY EMINENT DOMAIN AND APPROVAL OF APPRAISED VALUES OF EASEMENTS FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1, PROJECT NO. 2018-05

Acting City Engineer Albers introduced the item, discussed the history, and explained the purpose of the Resolution to authorize acquisition of easements for Brooklyn Boulevard Corridor Project Phase 1 Project No. 2018-05. He reported 13 of the easements have been obtained through negotiation with the property owners and this action would start an eminent domain process to obtain the other 18 easements needed for this project.

Councilmember Graves stated she thought some of the left-over properties remained in process. Mr. Albers explained that 6 of the 18 property owners have signed the easements but do not yet have a mortgage consent so this action would start the process on those properties as well.

Mayor Willson asked about the planning process, thinking it was about ten years. Mr. Albers reviewed the timing.

Councilmember Ryan moved and Mayor Willson seconded to adopt RESOLUTION NO. 2018-23 Authorizing Acquisition by Eminent Domain and Approval of Appraised Values of Easements for Brooklyn Boulevard Corridor Project Phase 1, Project No. 2018-05.

Councilmember Ryan clarified that these are partial easement acquisitions along the corridor, not taking of the whole property. Mayor Willson agreed it is implementing easements but not taking of property. Mr. Albers stated that is correct, a permanent drainage and sidewalk easement would be obtained.

Motion passed unanimously.

11. COUNCIL REPORT

Councilmember Ryan stated he was out of the City for about two weeks, from Christmas Eve until just after the first of the year. He reported on his attendance at the following and provided information on the following upcoming events:

- December 13, 2017, Visit Minneapolis NW Board Meeting
- December 13, 2017: Minneapolis Regional Labor Federation Meeting
- December 19, 2017: Brookdale Library event with former Minnesota Viking and Judge Alan Page to promote his new children's book
- December 20, 2017: Former Director of Business & Development Gary Eitel's Retirement Party
- January 11, 2018: Mayor's presentation of the State of the Cities at Edinborough

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

- December 3, 2017: Holly Sunday Events
- December 4, 2017: Final Budget Hearing
- December 18-19, 2017: Psychology First Aid Training
- Minneapolis Super Bowl Briefings on Upcoming Events and working with the North High School Polars Football Team on Teen Dating Violence Prevention
- January 4, 2018: Panel for MPR Show on Hope and the African American Community
- January 5, 2018: Reception Hosted by Black Administrators for Black Elected Officials
- January 5, 2018: Newly Elected St. Paul Mayor Carter's Inaugural Ball
- Meeting with Planning Commissioner Abe Rizvi on youth engagement

Councilmember Butler reported on her attendance at the following events:

- December 20, 2017: Former Director of Business & Development Gary Eitel's retirement party
- January 5, 2018: Reception Hosted by Black Administrators for Black Elected Officials

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

- December 14, 2017: Blue Line CMC Meeting
- December 12, 2017: Rotary Luncheon
- December 18, 2017: Blue Line Now Coalition Meeting
- December 19, 2017: Spoke at Staff Holiday Luncheon
- December 20, 2017: Former Director of Business & Development Gary Eitel's Retirement Party
- January 2, 2018: Rotary Luncheon
- January 5, 2018: Meeting with Mr. Boganey
- January 8, 2018: Blue Line Now Coalition Meeting
- January 9, 2018: Interview for Mayor's Minute
- January 10, 2018: Cross of Glory Viewing of Chasing the Dragon

- January 11, 2018: Chamber of Commerce Mayor's State of the Cities Address
- January 11, 2018: Blue Line CMC
- January 11, 2018: West Fire Station Relief Association Board Meeting
- January 12, 2018: Meeting with Mr. Boganey

Mr. Boganey announced the Luther Auto Group made a special contribution in Mr. Eitel's honor to provide a grant of \$5,000, which will be used to provide scholarship opportunities for youth who wish to learn to play golf.

Councilmember Ryan stated he also attended that retirement party and appreciates hearing about this very generous contribution, another example of the Luther Auto Group's community generosity.

12. ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded adjournment of the City Council meeting at 7:45 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 8, 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 7:57 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Marquita Butler, April Graves, and Dan Ryan. Councilmember/Commissioner Kris Lawrence Anderson was absent and excused. City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

CONDUCTING CITY COUNCIL BUSINESS ELECTRONICALLY

Deputy City Manager Reggie Edwards introduced the topic and recommendation of staff to implement the proposed electronic agenda system. He presented staff's research to ascertain which other cities conducted City Council business electronically.

Mayor/President Willson asked whether Brooklyn Center had used Granicus at one time but was not satisfied with their product. City Manager Curt Boganey stated that is correct, Granicus also offers an agenda product, and he agreed it is not as user friendly.

Dr. Edwards continued presenting the 12 city survey results.

Mayor/President Willson stated he spoke with Brooklyn Park Mayor Lunde who indicated they use electronic formatted media.

Dr. Edwards noted of the 12 cities surveyed, most use iPads and 66.6% found the electronic process less expensive with 100% reporting the process as more efficient with 100% Council and staff satisfaction. He then reviewed pros and cons with the current process and electronic process, and explained it not a cost-effective reason to consider this shift but rather more related to productivity.

Mayor/President Willson stated from his IT experience, he found the worst part of the computer system relates to the printers due to paper jams, especially when making a high number of copies.

Dr. Edwards completed review of pros and cons of an electronic system.

With regard to a pro, Mayor/President Willson stated another advantage with an electronic system is the ability to enlarge the display, making it easier to read.

Dr. Edwards stated with regard to cost, an electronic system would result in a modest savings of a little over \$500. He reviewed the costs related to transition for staff and City Council/EDA training and on-going annual license fee.

Mayor/President Willson commented on a software program called MEBO, which can open PDF files and allows the ability to make notes if using an Apple Pencil.

Dr. Edwards addressed environmental impacts, explaining the City uses 5,000 sheets of paper per month for packets, which equates to the life of 1 tree, or 12 trees per year, or filtration of 720 pounds of pollutants into the air. In addition, the City currently expends approximately \$542.50 per year on paper and delivery of Council packets. Mayor/President Willson stated another consideration is the impact to produce the paper, which includes pollution and use of resources.

Dr. Edwards described the proposed 6-8-month implementation phases to convert to a NOVUS electronic agenda system if supported by the City Council.

Mayor/President Willson stated he received an iPad when in State service and IT staff was able to control that device to the point of wiping it if lost or stolen and backing it up. There is also a program to find the device through an Apple account if lost.

Dr. Edwards described features available through NOVUSAgenda and how it would operate, including interaction. He stated this product will be fully detailed during training.

Councilmember/Commissioner Ryan noted when searching Laserfiche, it takes a long time to load a page due to slow system response and perhaps the amount of data required to display that page. He stated he is not as skilled in the query process so Mr. Boganey has received many e-mail inquiries from him. Councilmember/Commissioner Ryan asked whether this system will be easier to use. Dr. Edwards explained how the query process can be accessed with NOVUSAgenda.

Councilmember/Commissioner Ryan stated he has a strong preference for a paper packet.

Councilmember/Commissioner Graves stated she also likes receiving a paper packet so she can write on it and there is probably an option for a Councilmember/Commissioner to print it, if needed.

Dr. Edwards described user tools that would be available to the City Council/EDA.

Mayor/President Willson stated vendor presentations and other data, such as a census or proposal on the Opportunity Site, can be required in electronic format for inclusion in the meeting packet.

Dr. Edwards explained the iPad Pro training process would provide mobility, noting that internet access would be provided.

Mayor/President Willson stated most times the agenda link fails because it resides in City Hall but with this system, that will not be a problem. Dr. Edwards stated that is correct.

Dr. Edwards reviewed the iPad Pro system requirements and software solutions, noting Phase 1 is access to the device. He then described key IT policy related issues with a City-issued mobile device. Dr. Edwards presented next steps through three phases and asked whether the City Council needed additional information before implementation commences or whether there was consensus regarding staff implementing an electronic agenda and business system.

Mayor/President Willson stated there will probably need to be more than five iPads so staff can also interact.

Councilmember/Commissioner Ryan stated if this moves forward and the packet is posted electronically, it would be on the City's website and open to the public. He asked if this would create another step for the public to be able to view the packet and direct inquiries. Mr. Boganey explained in order to go to the point of the City Council receiving direct engagement from the community vis-a-vis the packet, an additional module at a significant cost would be needed.

Councilmember/Commissioner Ryan stated why he would oppose that option, noting Morris Leatherman said that in every city surveyed, maybe 10% of the public are always contrarians and if you give them that venue, as more people become acclimated to vent through electronic media, one can only imagine the time that could be taken by Council Members feeling compelled to respond.

Mayor/President Willson stated he would not rule it out entirely but agrees that is not the place to start. He relayed the very vocal and opinionated comments he receives through Facebook. He stated if the process is used in the future, the City Council needs to change its mindset about having to reply to every comment posted.

Mr. Boganey stated there is a place for direct interaction with the public outside of a regular City Council or Planning Commission meeting and there could be a process for that.

Councilmember/Commissioner Ryan stated he does not support an electronic process going forward.

Mayor/President Willson stated he is in favor, as he has expressed in the past.

Councilmember/Commissioner Butler stated she also likes a paper packet but does understand the time that it takes to create so she supports staff's recommendation for an electronic process.

Councilmember/Commissioner Graves stated she also supports a paper packet because she likes to take notes but could bring a paper notebook to the meeting. She stated she supports an electronic process as it makes sense and reduces the environmental impact on 12 trees per year.

Mayor/President Willson stated he takes electronic notes using an Apple Pencil, which can then be converted into text and printed. Mr. Boganey noted that software is improving to make electronic media more acceptable to people who usually prefer paper.

Councilmember/Commissioner Ryan stated part of the democratic process is going along with the majority.

The majority consensus of the City Council/EDA was to support moving forward with the electronic process as recommended by staff.

ADJOURNMENT

Mayor/President Willson adjourned the Work Session at 8:45 p.m.

City Council Agenda Item No. 6b

COUNCIL ITEM MEMORANDUM

DATE: January 17, 2017

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy City Manager 

FROM: Rozlyn Tousignant, Deputy City Clerk 

SUBJECT: Licenses for City Council Approval

Recommendation:

It is recommended that the City Council consider approval of the following licenses on January 22, 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.

GASOLINE SERVICE STATION

Boulevard Enterprises Inc.	
dba: Christy's Auto Service	5300 Dupont Ave N

MECHANICAL

H2O Control Inc	10499 West River Road, Brooklyn Park
Minneapolis/St. Paul Mechanical	1711 120th Lane NE, Blaine

RENTAL

See attached report.

SIGN HANGERS

Electro Signs and Design, LLC	1680 99 LN NE, Ste C, Blaine
Sign Maintenance Lighting & Electrical Inc	700 Tower Dr, Medina

TOBACCO RELATED PRODUCT

Royal Tobacco	5625 Xerxes Ave N
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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 January 22, 2018								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
4201 Lakeside Ave #311	Single Family	Initial	Sagal Mohamed	0	I	N/A	II	
Beard Avenue Apartments	3 Bldgs			93		3		
6331 Beard Ave N	36 Units	Renewal	CCF1 Holdings LLC	(2.6/Unit)	III	(.08/Unit)	III	II
6821 Noble Ave N	Two Family (1)	Renewal	Reuben & Diane Ristrom	0	I	0	I	I
2113 55th Ave N	Single Family	Renewal	Invitation Homes LLC	6	III	0	III	IV
3808 61st Ave N	Single Family	Renewal	Adedamola Ogundipe	3	II	0	II	II
2900 67th Ln N	Single Family	Renewal	Dolores Ann Fischer	0	I	0	I	III
2919 68th Ln N	Single Family	Renewal	Ken LeFevre	1	I	0	I	II
1600 71st Ave N	Single Family	Renewal	RHA 3, LLC	0	I	0	I	IV
6425 Fremont Ave N	Single Family	Renewal	Troy Jones	5	III	0	III	II
5550 Girard Ave N	Single Family	Renewal	Restart, Inc.	5	III	0	III	II
7218 Grimes Ave N	Single Family	Renewal	Shawn & Djuana Banks	1	I	1	I	I
7110 Riverdale Rd	Single Family	Renewal	James Nelson/ACR Homes	6	III	0	III	I
4118 Woodbine La	Single Family	Renewal	Ron & Jeanette Blasewitz	2	II	0	II	II
6649 Xerxes Pl N	Single Family	Renewal	Lane Schwartz	3	II	0	II	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: January 16, 2018

TO: Curt Boganey, City Manager

THROUGH: ~~Dan~~ M. Cote, P.E., Public Works Director

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

SUBJECT: Resolution Approving Agreement Between Minnesota Department of Transportation and the City of Brooklyn Center for Federal Participation in Construction – Agency Agreement No. 1029924

Recommendation:

It is recommended that the City Council consider approval of the agency agreement between the City of Brooklyn Center and the Minnesota Department of Transportation (MnDOT), which allows for MnDOT to act as the City's agent in accepting federal aid. This agreement is intended to cover all federally funded projects that the City is awarded funds for until revisions are needed to the agreement.

Background:

The City has been awarded multiple federal aid projects including the Brooklyn Boulevard Phase 1 Reconstruction and Streetscape Project from 49th Avenue to just north of Bass Lake Road, the Brooklyn Boulevard Phase 2 Reconstruction and Streetscape Project from Bass Lake Road to I-94, the interchange at Trunk Highway (TH) 252 and 66th Avenue and the pedestrian bridge over TH 252 at 70th Avenue.

The disbursement of any federal aid funds as part of these projects pass through and are managed by MnDOT. As part of the requirement for these transportation projects, the Federal Highway Administration requires the City to delegate to MnDOT this authority to act as the City's agent to receive and disburse the federal aid funds.

The attached agreement is the standard delegated contract process agreement necessary for MnDOT to perform these functions. The City Attorney and Acting City Engineer have reviewed the agreement and recommend approval, accordingly.

Budget Issues:

Approving the delegated process agreement does not have budgetary implications; however, the following projects have been awarded federal funding and will be subject to this agreement.

- Brooklyn Boulevard Phase 1 Project:
 - Secured \$7.4 million from the 2014 regional solicitation for fiscal year (FY) 2018.
 - The project is fully funded. The funding partnership and proportions are being finalized but are anticipated to include federal funding, Hennepin County funding, Brooklyn Center funding, Minneapolis funding, Three Rivers Park District funding and Metro Transit funding.

COUNCIL ITEM MEMORANDUM

- Brooklyn Boulevard Phase 2 Project:
 - Secured \$6.6 million from the 2016 regional solicitation for FY 2021.
 - The funding partnership and proportions are to be determined in the future but are anticipated to include federal funding, Hennepin County funding and Brooklyn Center funding.
- Trunk Highway (TH) 252/66th Avenue Interchange and 70th Avenue Pedestrian Overpass Projects:
 - Secured \$7 million (66th Ave) from the 2016 regional solicitation for FY 2021
 - Secured \$10 million (66th Ave) from the 2017 Minnesota Highway Freight Program (MHFP) solicitation for FY 2020
 - Secured \$1.9 million (70th Ave Ped Bridge) from the 2016 regional solicitation for FY 2021.
 - The project has an estimated funding gap of approximately \$10.6 million.

Strategic Priorities:

- Key Transportation Investments

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING AGREEMENT BETWEEN MINNESOTA
DEPARTMENT OF TRANSPORTATION AND THE CITY OF BROOKLYN
CENTER FOR FEDERAL PARTICIPATION IN CONSTRUCTION –
AGENCY AGREEMENT NO. 1029924

WHEREAS, the City of Brooklyn Center has been awarded federal aid for the Brooklyn Boulevard Phase 1 Reconstruction and Streetscape Project from 49th Avenue to just north of Bass Lake Road, construction programmed for 2018; and

WHEREAS, the City of Brooklyn Center has been awarded federal aid for the Brooklyn Boulevard Phase 2 Reconstruction and Streetscape Project from Bass Lake Road to I-94, construction programmed for 2021; and

WHEREAS, the City of Brooklyn Center has been awarded federal aid for the Trunk Highway (TH) 252/66th Avenue Interchange Project, construction programmed for 2021; and

WHEREAS, the City of Brooklyn Center has been awarded federal aid for the TH 252 Pedestrian Overpass Project at 70th Avenue, construction programmed for 2021; and

WHEREAS, the City of Brooklyn Center anticipates applying for future federal aid funding for other transportation projects; and

WHEREAS, for federal aid roadway projects, the Minnesota Department of Transportation (MnDOT) is typically delegated the duties to receive and disburse federal funds through the Federal Highway Administration; and

WHEREAS, said agreement between the City of Brooklyn Center and MnDOT allows for MnDOT to act as the City's agent in accepting federal aid. This agreement is intended to cover all federally funded projects that the City of Brooklyn Center is awarded funds for until revisions are needed to the agreement; and

WHEREAS, said agreement supersedes prior federal aid delegated contract process agreement number 1026222 between the City of Brooklyn Center and MnDOT executed in 2016.

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

RESOLUTION NO. _____

1. Pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Brooklyn Center to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.
2. The Mayor and City Manager are hereby authorized and directed for and on behalf of the City of Brooklyn Center to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1029924", a copy of which said agreement was before the City Council and which is made part hereof by reference.

January 22, 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.



STATE OF MINNESOTA

AGENCY AGREEMENT

for

FEDERAL PARTICIPATION IN CONSTRUCTION

This agreement is entered into by and between the City of Brooklyn Center ("Local Government") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT").

RECITALS

1. Pursuant to Minnesota Statutes Section 161.36, the Local Government desires MnDOT to act as the Local Government's agent in accepting federal funds on the Local Government's behalf for the construction, improvement, or enhancement of transportation financed either in whole or in part by Federal Highway Administration ("FHWA") federal funds, hereinafter referred to as the "Project(s)"; and
2. This agreement is intended to cover all federal aid projects initiated by the Local Government and therefore has no specific State Project number associated with it, and
 - 2.1. The Catalog of Federal Domestic Assistance number or CFDA number is 20.205, and
 - 2.2. This agreement supersedes agreement number old (1026222)
 - 2.3. This project is for construction not research and development.
 - 2.4. MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

AGREEMENT TERMS

1. Term of Agreement

- 1.1. **Effective Date.** This agreement will be effective on the date the MnDOT obtains all required signatures under Minn. Stat. §16C.05, Subd. 2. Upon the effective date, this agreement will supersede agreement 1026222.

2. Local Government's Duties

- 2.1. **Designation.** The Local Government designates MnDOT to act as its agent in accepting federal funds in its behalf made available for the Project(s). Details on the required processes and procedures are available on the State Aid Website
- 2.2. **Staffing.**
 - 2.2.1. The Local Government will furnish and assign a publicly employed licensed engineer, ("Project Engineer"), to be in responsible charge of the Project(s) and to supervise and direct the work to be performed under any construction contract let for the Project(s). In the alternative where the Local Government elects to use a private consultant for construction engineering services, the Local Government will provide a qualified, full-time public employee of the Local Government, to be in responsible charge of the Project(s). The services of the Local Government to be performed hereunder may not be assigned, sublet, or transferred unless the Local Government is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the Local Government from its primary responsibility for performance of the work.

- 2.2.2. During the progress of the work on the Project(s), the Local Government authorizes its Project Engineer to request in writing specific engineering and/or technical services from MnDOT, pursuant to Minnesota Statutes Section 161.39. Such services may be covered by other technical service agreements. If MnDOT furnishes the services requested, and if MnDOT requests reimbursement, then the Local Government will promptly pay MnDOT to reimburse the state trunk highway fund for the full cost and expense of furnishing such services. The costs and expenses will include the current MnDOT labor additives and overhead rates, subject to adjustment based on actual direct costs that have been verified by audit. Provision of such services will not be deemed to make MnDOT a principal or co-principal with respect to the Project(s).
- 2.3. **Pre-letting.** The Local Government will prepare construction contracts in accordance with Minnesota law and applicable Federal laws and regulations.
- 2.3.1. The Local Government will solicit bids after obtaining written notification from MnDOT that the FHWA has authorized the Project(s). Any Project(s) advertised prior to authorization **without permission** will not be eligible for federal reimbursement.
- 2.3.2. The Local Government will prepare the Proposal for Highway Construction for the construction contract, which will include all of the federal-aid provisions supplied by MnDOT.
- 2.3.3. The Local Government will prepare and publish the bid solicitation for the Project(s) as required by state and federal laws. The Local Government will include in the solicitation the required language for federal-aid construction contracts as supplied by MnDOT. The solicitation will state where the proposals, plans, and specifications are available for the inspection of prospective bidders, and where the Local Government will receive the sealed bids.
- 2.3.4. The Local Government may not include other work in the construction contract for the authorized Project(s) without obtaining prior notification from MnDOT that such work is allowed by FHWA. Failure to obtain such notification may result in the loss of some or all of the federal funds for the Project(s). All work included in a federal contract is subject to the same federal requirements as the federal project.
- 2.3.5. The Local Government will prepare and sell the plan and proposal packages and prepare and distribute any addenda, if needed.
- 2.3.6. The Local Government will receive and open bids.
- 2.3.7. After the bids are opened, the Local Government will consider the bids and will award the bid to the lowest responsible bidder, or reject all bids. If the construction contract contains a goal for Disadvantaged Business Enterprises, the Local Government will not award the bid until it has received certification of the Disadvantaged Business Enterprise participation from the MnDOT Office of Civil Rights.
- 2.3.8. The Local Government entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass through entity in accordance with applicable Federal awarding agency policy.
- 2.4. **Contract Administration.**
- 2.4.1. The Local Government will prepare and execute a construction contract with the lowest responsible bidder, hereinafter referred to as the "Contractor," in accordance with the special provisions and the latest edition of MnDOT's Standard Specifications for Construction and all amendments thereto. All contracts between the Local Government and third parties or subcontractors must contain all applicable provisions of this Agreement, including the applicable federal contract clauses, which are identified in Appendix II of 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and as provided in Section 18 of this agreement.

- 2.4.2. The Project(s) will be constructed in accordance with plans, special provisions, and standard specifications of each Project. The standard specifications will be the latest edition of MnDOT Standard Specifications for Highway Construction, and all amendments thereto. The plans, special provisions, and standard specifications will be on file at the Local Government Engineer's Office. The plans, special provisions, and specifications are incorporated into this agreement by reference as though fully set forth herein.
- 2.4.3. The Local Government will furnish the personnel, services, supplies, and equipment necessary to properly supervise, inspect, and document the work for the Project(s). The services of the Local Government to be performed hereunder may not be assigned, sublet, or transferred unless the Local Government is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the Local Government from its primary responsibility for performance of the work.
- 2.4.4. The Local Government will document quantities in accordance with the guidelines set forth in the Construction Section of the Electronic State Aid Manual that were in effect at the time the work was performed.
- 2.4.5. The Local Government will test materials in accordance with the Schedule of Materials Control in effect at the time each Project was let. The Local Government will notify MnDOT when work is in progress on the Project(s) that requires observation by the Independent Assurance Inspector as required by the Independent Assurance Schedule.
- 2.4.6. The Local Government may make changes in the plans or the character of the work, as may be necessary to complete the Project(s), and may enter into Change Order(s) with the Contractor. The Local Government will not be reimbursed for any costs of any work performed under a change order unless MnDOT has notified the Local Government that the subject work is eligible for federal funds and sufficient federal funds are available.
- 2.4.7. The Local Government will request approval from MnDOT for all costs in excess of the amount of federal funds previously approved for the Project(s) prior to incurring such costs. Failure to obtain such approval may result in such costs being disallowed for reimbursement.
- 2.4.8. The Local Government will prepare reports, keep records, and perform work so as to meet federal requirements and to enable MnDOT to collect the federal aid sought by the Local Government. Required reports are listed in the MnDOT State Aid Manual, Delegated Contract Process Checklist, available from MnDOT's authorized representative. The Local Government will retain all records and reports and allow MnDOT or the FHWA access to such records and reports for six years.
- 2.4.9. Upon completion of the Project(s), the Project Engineer will determine whether the work will be accepted.

2.5. Limitations.

- 2.5.1. The Local Government will comply with all applicable Federal, State, and local laws, ordinances, and regulations.
- 2.5.2. Nondiscrimination. It is the policy of the Federal Highway Administration and the State of Minnesota that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. 2000d). Through expansion of the mandate for nondiscrimination in Title VI and through parallel legislation, the proscribed bases of discrimination include race, color, sex, national origin, age, and disability. In addition, the Title VI program has been extended to cover all programs, activities and services of an entity receiving Federal financial

assistance, whether such programs and activities are Federally assisted or not. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in, or is denied the benefits of, the program or activity on the grounds of race, color, national origin, sex, age, or disability. It is the responsibility of the Local Government to carry out the above requirements.

2.5.3. **Utilities.** The Local Government will treat all public, private or cooperatively owned utility facilities which directly or indirectly serve the public and which occupy highway rights of way in conformance with 23 CFR 645 "Utilities" which is incorporated herein by reference.

2.6. **Maintenance.** The Local Government assumes full responsibility for the operation and maintenance of any facility constructed or improved under this Agreement.

3. MnDOT's Duties

3.1. **Acceptance.** MnDOT accepts designation as Agent of the Local Government for the receipt and disbursement of federal funds and will act in accordance herewith.

3.2. Project Activities.

3.2.1. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project(s), and for reimbursement of eligible costs pursuant to the terms of this agreement.

3.2.2. MnDOT will provide to the Local Government copies of the required Federal-aid clauses to be included in the bid solicitation and will provide the required Federal-aid provisions to be included in the Proposal for Highway Construction.

3.2.3. MnDOT will review and certify the DBE participation and notify the Local Government when certification is complete. If certification of DBE participation (or good faith efforts to achieve such participation) cannot be obtained, then Local Government must decide whether to proceed with awarding the contract. Failure to obtain such certification will result in the project becoming ineligible for federal assistance, and the Local Government must make up any shortfall.

3.2.4. MnDOT will provide the required labor postings.

3.3. **Authority.** MnDOT may withhold federal funds, where MnDOT or the FHWA determines that the Project(s) was not completed in compliance with federal requirements.

3.4. **Inspection.** MnDOT, the FHWA, or duly authorized representatives of the state and federal government will have the right to audit, evaluate and monitor the work performed under this agreement. The Local Government will make available all books, records, and documents pertaining to the work hereunder, for a minimum of six years following the closing of the construction contract.

4. Time

4.1. The Local Government must comply with all the time requirements described in this agreement. In the performance of this agreement, time is of the essence

4.2. The period of performance is defined as beginning on the date of federal authorization and ending on the date defined in the federal financial system or federal agreement ("end date"). **No work completed** after the **end date** will be eligible for federal funding. Local Government must submit all contract close out paperwork to MnDOT, twenty four months prior to the **end date**.

5. Payment

5.1. **Cost.** The entire cost of the Project(s) is to be paid from federal funds made available by the FHWA and by other funds provided by the Local Government. The Local Government will pay any part of the cost or

expense of the Project(s) that is not paid by federal funds. MnDOT will receive the federal funds to be paid by the FHWA for the Project(s), pursuant to Minnesota Statutes § 161.36, Subdivision 2. MnDOT will reimburse the Local Government, from said federal funds made available to each Project, for each partial payment request, subject to the availability and limits of those funds.

- 5.2. **Indirect Cost Rate Proposal/Cost Allocation Plan.** If the Local Government seeks reimbursement for indirect costs and has submitted to MnDOT an indirect cost rate proposal or a cost allocation plan, the rate proposed will be used on a provisional basis. At any time during the period of performance or the final audit of a project, MnDOT may audit and adjust the indirect cost rate according to the cost principles in 2 CFR Part 200. MnDOT may adjust associated reimbursements accordingly.
- 5.3. **Reimbursement.** The Local Government will prepare partial estimates in accordance with the terms of the construction contract for the Project(s). The Project Engineer will certify each partial estimate. Following certification of the partial estimate, the Local Government will make partial payments to the Contractor in accordance with the terms of the construction contract for the Project(s).
 - 5.3.1. Following certification of the partial estimate, the Local Government may request reimbursement for costs eligible for federal funds. The Local Government's request will be made to MnDOT and will include a copy of the certified partial estimate.
 - 5.3.2. Upon completion of the Project(s), the Local Government will prepare a final estimate in accordance with the terms of the construction contract for the Project(s). The Project Engineer will certify the final estimate. Following certification of the final estimate, the Local Government will make the final payment to the Contractor in accordance with the terms of the construction contract for the Project(s).
 - 5.3.3. Following certification of the final estimate, the Local Government may request reimbursement for costs eligible for federal funds. The Local Government's request will be made to MnDOT and will include a copy of the certified final estimate along with the required records.
 - 5.3.4. Upon completion of the Project(s), MnDOT will perform a final inspection and verify the federal and state eligibility of all the payment requests. If the Project is found to have been completed in accordance with the plans and specifications, MnDOT will promptly release any remaining federal funds due the Local Government for the Project(s). If MnDOT finds that the Local Government has been overpaid, the Local Government must promptly return any excess funds
 - 5.3.5. In the event MnDOT does not obtain funding from the Minnesota Legislature or other funding source, or funding cannot be continued at a sufficient level to allow for the processing of the federal aid reimbursement requests, the Local Government may continue the work with local funds only, until such time as MnDOT is able to process the federal aid reimbursement requests.
- 5.4. **Matching Funds.** Any cost sharing or matching funds required of the Local Government in this agreement must comply with 2 CFR 200.306.
- 5.5. **Federal Funds.** Payments under this Agreement will be made from federal funds. The Local Government is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for any requirements including, but not limited to, 2 CFR Part 200 imposed by the Local Government's failure to comply with federal requirements. If, for any reason, the federal government fails to pay part of the cost or expense incurred by the Local Government, or in the event the total amount of federal funds is not available, the Local Government will be responsible for any and all costs or expenses incurred under this Agreement. The Local Government further agrees to pay any and all lawful claims arising out of or incidental to the performance of the work covered by this Agreement in the event the federal government does not pay the same.

5.6. **Closeout.** The Local Government must liquidate all obligations incurred under this Agreement for each project and submit all financial, performance, and other reports as required by the terms of this Agreement and the Federal award, twenty four months prior to the **end date** of the period of performance for each project. MnDOT will determine, at its sole discretion, whether a closeout audit is required prior to final payment approval. If a closeout audit is required, final payment will be held until the audit has been completed. Monitoring of any capital assets acquired with funds will continue following project closeout.

6. **Conditions of Payment.** All services provided by Local Government under this agreement must be performed to MnDOT's satisfaction, as determined at the sole discretion of MnDOT's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Local Government will not receive payment for work found by MnDOT to be unsatisfactory or performed in violation of federal, state, or local law.

7. **Authorized Representatives**

7.1. MnDOT's Authorized Representative is:

Name: Mitchell Rasmussen, or his successor.

Title: State Aid Engineer

Phone: 651-366-4831

Email: Mitch.rasmussen@state.mn.us

MnDOT's Authorized Representative has the responsibility to monitor Local Government's performance and the authority to accept the services provided under this agreement. If the services are satisfactory, MnDOT's Authorized Representative will certify acceptance on each invoice submitted for payment.

7.2. The Local Government's Authorized Representative is:

Name: Mike Albers or his/her successor.

Title: Brooklyn Center City Engineer

Phone: 763-569-3326

Email: malbers@ci.brooklyn-center.mn.us

If the Local Government's Authorized Representative changes at any time during this agreement, the Local Government will immediately notify MnDOT.

8. **Assignment Amendments, Waiver, and Agreement Complete**

8.1. **Assignment.** The Local Government may neither assign nor transfer any rights or obligations under this agreement without the prior written consent of MnDOT and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.

8.2. **Amendments.** Any amendments to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

8.3. **Waiver.** If MnDOT fails to enforce any provision of this agreement, that failure does not waive the provision or MnDOT's right to subsequently enforce it.

8.4. **Agreement Complete.** This agreement contains all negotiations and agreements between MnDOT and the Local Government. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

- 8.5. **Severability.** If any provision of this Agreement or the application thereof is found invalid or unenforceable to any extent, the remainder of the Agreement, including all material provisions and the application of such provisions, will not be affected and will be enforceable to the greatest extent permitted by the law.

9. Liability and Claims

- 9.1. **Tort Liability.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- 9.2. **Claims.** The Local Government acknowledges that MnDOT is acting only as the Local Government's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. The Local Government will pay any and all lawful claims arising out of or incidental to the Project including, without limitation, claims related to contractor selection (including the solicitation, evaluation, and acceptance or rejection of bids or proposals), acts or omissions in performing the Project work, and any *ultra vires* acts. The Local Government will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any claims or costs arising out of or incidental to the Project(s), including reasonable attorney fees incurred by MnDOT. The Local Government's indemnification obligation extends to any actions related to the certification of DBE participation, even if such actions are recommended by MnDOT.

10. Audits

- 10.1. Under Minn. Stat. § 16C.05, Subd.5, the Local Government's books, records, documents, and accounting procedures and practices of the Local Government, or other party relevant to this agreement or transaction, are subject to examination by MnDOT and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later. The Local Government will take timely and appropriate action on all deficiencies identified by an audit.
- 10.2. All requests for reimbursement are subject to audit, at MnDOT's discretion. The cost principles outlined in 2 CFR 200.400-.475 will be used to determine whether costs are eligible for reimbursement under this agreement.
- 10.3. If Local Government expends \$750,000 or more in Federal Funds during the Local Government's fiscal year, the Local Government must have a single audit or program specific audit conducted in accordance with 2 CFR Part 200.

11. **Government Data Practices.** The Local Government and MnDOT must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by MnDOT under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government under this agreement. The civil remedies of Minn. Stat. §13.08 apply to the release of the data referred to in this clause by either the Local Government or MnDOT.
12. **Workers Compensation.** The Local Government certifies that it is in compliance with Minn. Stat. §176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Local Government's employees and agents will not be considered MnDOT employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way MnDOT's obligation or responsibility.
13. **Governing Law, Jurisdiction, and Venue.** Minnesota law, without regard to its choice-of-law provisions, governs this agreement. Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14. Termination; Suspension

- 14.1. **Termination by MnDOT.** MnDOT may terminate this agreement with or without cause, upon 30 days written notice to the Local Government. Upon termination, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 14.2. **Termination for Cause.** MnDOT may immediately terminate this agreement if MnDOT finds that there has been a failure to comply with the provisions of this agreement, that reasonable progress has not been made, that fraudulent or wasteful activity has occurred, that the Local Government has been convicted of a criminal offense relating to a state agreement, or that the purposes for which the funds were granted have not been or will not be fulfilled. MnDOT may take action to protect the interests of MnDOT of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.
- 14.3. **Termination for Insufficient Funding.** MnDOT may immediately terminate this agreement if:
- 14.3.1. It does not obtain funding from the Minnesota Legislature; or
- 14.3.2. If funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Local Government. MnDOT is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. MnDOT will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. MnDOT will provide the Local Government notice of the lack of funding within a reasonable time of MnDOT's receiving that notice.
- 14.4. **Suspension.** MnDOT may immediately suspend this agreement in the event of a total or partial government shutdown due to the failure to have an approved budget by the legal deadline. Work performed by the Local Government during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.
15. **Data Disclosure.** Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Local Government consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to MnDOT, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Local Government to file state tax returns and pay delinquent state tax liabilities, if any.
16. **Fund Use Prohibited.** The Local Government will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a State contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Local Government from utilizing these funds to pay any party who might be disqualified or debarred after the Local Government's contract award on this Project.
17. **Discrimination Prohibited by Minnesota Statutes §181.59.** The Local Government will comply with the provisions of Minnesota Statutes §181.59 which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or

intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this Agreement.

18. **Appendix II 2 CFR Part 200 Federal Contract Clauses.** The Local Government agrees to comply with the following federal requirements as identified in 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and agrees to pass through these requirements to its subcontractors and third party contractors, as applicable. In addition, the Local Government shall have the same meaning as "Contractor" in the federal requirements listed below.
 - 18.1. **Remedies.** Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
 - 18.2. **Termination.** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
 - 18.3. **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
 - 18.4. **Davis-Bacon Act, as amended.** (40 U.S.C. 3141-3148) When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
 - 18.5. **Contract Work Hours and Safety Standards Act.** (40 U.S.C. 3701-3708) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for

compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- 18.6. **Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- 18.7. **Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended.** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued under the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 18.8. **Debarment and Suspension.** (Executive Orders 12549 and 12689) A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- 18.9. **Byrd Anti-Lobbying Amendment.** (31 U.S.C. 1352) Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 18.10. **Procurement of Recovered Materials.** See 2 CFR 200.322 Procurement of Recovered Materials.
- 18.11. **Drug-Free Workplace.** In accordance with 2 C.F.R. § 32.400, the Local Government will comply with the Drug-Free Workplace requirements under subpart B of 49 C.F.R. Part 32.
- 18.12. **Nondiscrimination.** The Local Government hereby agrees that, as a condition of receiving any Federal financial assistance under this agreement, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d), related nondiscrimination statutes (i.e., 23 U.S.C. § 324, Section 504 of the Rehabilitation Act of 1973 as amended, and the Age Discrimination Act of 1975), and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap, or age be excluded from participation in, be denied the benefits of, or otherwise be

subjected to discrimination under any program or activity for which the Local Government receives Federal financial assistance. The specific requirements of the Department of Transportation Civil Rights assurances (required by 49 C.F.R. §§ 21.7 and 27.9) are incorporated in the agreement.

18.13. Federal Funding Accountability and Transparency Act (FFATA).

18.13.1. This Agreement requires the Local Government to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The Local Government is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the Local Government provides information to the MnDOT as required.

- a. Reporting of Total Compensation of the Local Government's Executives.
- b. The Local Government shall report the names and total compensation of each of its five most highly compensated executives for the Local Government's preceding completed fiscal year, if in the Local Government's preceding fiscal year it received:
 - i. 80 percent or more of the Local Government's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

Executive means officers, managing partners, or any other employees in management positions.

- c. Total compensation means the cash and noncash dollar value earned by the executive during the Local Government's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax qualified.

- 18.13.2. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.
- 18.13.3. The Local Government must report executive total compensation described above to the MnDOT by the end of the month during which this agreement is awarded.
- 18.13.4. The Local Government will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this agreement. This number shall be provided to MnDOT on the plan review checklist submitted with the plans for each project. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>
- 18.13.5. The Local Government's failure to comply with the above requirements is a material breach of this agreement for which the MnDOT may terminate this agreement for cause. The MnDOT will not be obligated to pay any outstanding invoice received from the Local Government unless and until the Local Government is in full compliance with the above requirements.

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City of Brooklyn Center

Local Government certifies that the appropriate person(s) have executed the contract on behalf of the Local Government as required by applicable articles, bylaws, resolutions or ordinances

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Title: _____

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____



Minnesota Department of Transportation
State Aid for Local Transportation
395 John Ireland Boulevard, MS 500
Saint Paul, MN 55155

August 4, 2016

Steve Lillehaug

Brooklyn Center City Engineer
Brooklyn Center Pw Director/city Engineer
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

In reply refer: MnDot Agreement No 1026222

Dear Mr. Lillehaug:

Attached is a fully executed agency agreement between the City of Brooklyn Center and MnDOT, which allows for MnDOT to act as City's agent in accepting federal aid in connection with the above referenced project.

For additional information on the Delegated Contract Process (DCP) please see our website at http://www.dot.state.mn.us/stateaid/res_dcp.html you may also contact anyone listed in the federal aid section for additional details.

If you have any questions, please feel free to contact me at 651.366.3822, or by e-mail at Lynnette.Roshell@state.mn.us.

Sincerely,

Olga Kruglova

MnDOT State Aid for Local Transportation
Office: 651.366.3806

An Equal Opportunity Employer



STATE OF MINNESOTA AGENCY AGREEMENT
BETWEEN
DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF BROOKLYN CENTER
FOR FEDERAL PARTICIPATION IN CONSTRUCTION

This agreement is entered into by and between the City of Brooklyn Center and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT"),

Pursuant to Minnesota Statutes Section 161.36, the City desires MnDOT to act as the City agent in accepting federal funds on the City behalf for the construction, improvement, or enhancement of transportation financed either in whole or in part by federal funds, hereinafter referred to as the "Project(s)"; and

This agreement is intended to cover all federal aid projects initiated by the City and therefore has not specific State Project number tied to it, and

The Catalog of Federal Domestic Assistance number or CFDA number is 20.205, and

This agreement supersedes agreement number 84188 and;

MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

THE PARTIES AGREE AS FOLLOWS:

I. DUTIES OF THE CITY

A. DESIGNATION. The City designates MnDOT to act as its agent in accepting federal funds in its behalf made available for the Project(s). Details on the required processes and procedures are available on the State Aid Website

B. STAFFING.

1. The City will furnish and assign a publicly employed licensed engineer, ("Project Engineer"), to be in responsible charge of the Project(s) and to supervise and direct the work to be performed under any construction contract let for the Project(s). In the alternative where the City elects to use a private consultant for construction engineering services, the City will provide a qualified, full-time public employee of the City, to be in responsible charge of the Project(s). The services of the City to be performed hereunder may not be assigned, sublet, or transferred unless the City is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the City from its primary responsibility for performance of

the work.

2. During the progress of the work on the Project(s), the City authorizes its Project Engineer to request in writing specific engineering and/or technical services from MnDOT, pursuant to Minnesota Statutes Section 161.39. Such services may be covered by other technical service agreements. If MnDOT furnishes the services requested, and if MnDOT requests reimbursement, then the City will promptly pay MnDOT to reimburse the state trunk highway fund for the full cost and expense of furnishing such services. The costs and expenses will include the current MnDOT labor additives and overhead rates, subject to adjustment based on actual direct costs that have been verified by audit. Provision of such services will not be deemed to make MnDOT a principal or co-principal with respect to the Project(s).

C. LETTING. The City will prepare construction contracts in accordance with Minnesota law and applicable Federal laws and regulations.

1. The City will solicit bids after obtaining written notification from MnDOT that the Federal Highway Administration ("FHWA") has authorized the Project(s). Any Project(s) advertised prior to authorization will not be eligible for federal reimbursement.
2. The City will prepare the Proposal for Highway Construction for the construction contract, which will include all of the federal-aid provisions supplied by MnDOT.
3. The City will prepare and publish the bid solicitation for the Project(s) as required by state and federal laws. The City will include in the solicitation the required language for federal-aid construction contracts as supplied by MnDOT. The solicitation will state where the proposals, plans, and specifications are available for the inspection of prospective bidders, and where the City will receive the sealed bids.
4. The City may not include other work in the construction contract for the authorized Project(s) without obtaining prior notification from MnDOT that such work is allowed by FHWA. Failure to obtain such notification may result in the loss of some or all of the federal funds for the Project(s).
5. The City will prepare and sell the plan and proposal packages and prepare and distribute any addendums, if needed.
6. The City will receive and open bids.
7. After the bids are opened, the City Council will consider the bids and will award the bid to the lowest responsible bidder, or reject all bids. If the construction contract contains a goal for Disadvantaged Business Enterprises, the City will not award the bid until it has received certification of the Disadvantaged Business Enterprise participation from the MnDOT Equal Employment Opportunity Office.

D. CONTRACT ADMINISTRATION.

1. The City will prepare and execute a construction contract with the lowest responsible bidder, hereinafter referred to as the "Contractor," in accordance with the special provisions and the latest edition of MnDOT's Standard Specifications for Construction and all amendments thereto.
2. The Project(s) will be constructed in accordance with plans, special provisions, and standard specifications of each Project. The standard specifications will be the latest edition of MnDOT Standard Specifications for Highway Construction, and all amendments thereto. The plans, special provisions, and standard specifications will be on file at the City Engineer's Office. The plans, special provisions, and specifications are incorporated into this agreement by reference as though fully set forth herein.
3. The City will furnish the personnel, services, supplies, and equipment necessary to properly supervise, inspect, and document the work for the Project(s). The services of the City to be performed hereunder may not be assigned, sublet, or transferred unless the City is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the City from its primary responsibility for performance of the work.
4. The City will document quantities in accordance with the guidelines set forth in the Construction Section of the Electronic State Aid Manual that were in effect at the time the work was performed.
5. The City will test materials in accordance with the Schedule of Materials Control in effect at the time each Project was let. The City will notify MnDOT when work is in progress on the Project(s) that requires observation by the Independent Assurance Inspector as required by the Independent Assurance Schedule.
6. The City may make changes in the plans or the character of the work, as may be necessary to complete the Project(s), and may enter into supplemental agreement(s) with the Contractor. The City will not be reimbursed for any costs of any work performed under a supplemental agreement unless MnDOT has notified the City that the subject work is eligible for federal funds and sufficient federal funds are available.
7. The City will request approval from MnDOT for all costs in excess of the amount of federal funds previously approved for the Project(s) prior to incurring such costs. Failure to obtain such approval may result in such costs being disallowed for reimbursement.
8. The City will prepare reports, keep records, and perform work so as to enable MnDOT to collect the federal aid sought by the City. Required reports are listed in the MnDOT State Aid Manual, Delegated Contract Process Checklist, available from MnDOT's authorized representative. The City will retain all records and reports in accordance with MnDOT's record retention schedule for federal aid projects.
9. Upon completion of the Project(s), the Project Engineer will determine whether the work will be accepted.

E. PAYMENTS.

1. The entire cost of the Project(s) is to be paid from federal funds made available by the FHWA and by other funds provided by the City. The City will pay any part of the cost or expense of the Project(s) that is not paid by federal funds.
2. The City will prepare partial estimates in accordance with the terms of the construction contract for the Project(s). The Project Engineer will certify each partial estimate. Following certification of the partial estimate, the City will make partial payments to the Contractor in accordance with the terms of the construction contract for the Project(s).
3. Following certification of the partial estimate, the City may request reimbursement for costs eligible for federal funds. The City's request will be made to MnDOT and will include a copy of the certified partial estimate.
4. Upon completion of the Project(s), the City will prepare a final estimate in accordance with the terms of the construction contract for the Project(s). The Project Engineer will certify the final estimate. Following certification of the final estimate, the City will make the final payment to the Contractor in accordance with the terms of the construction contract for the Project(s).
5. Following certification of the final estimate, the City may request reimbursement for costs eligible for federal funds. The City's request will be made to MnDOT and will include a copy of the certified final estimate along with the required records.

F. LIMITATIONS.

1. The City will comply with all applicable Federal, State, and local laws, ordinances, and regulations.
2. Nondiscrimination. It is the policy of the Federal Highway Administration and the State of Minnesota that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. 2000d). Through expansion of the mandate for nondiscrimination in Title VI and through parallel legislation, the proscribed bases of discrimination include race, color, sex, national origin, age, and disability. In addition, the Title VI program has been extended to cover all programs, activities and services of an entity receiving Federal financial assistance, whether such programs and activities are Federally assisted or not. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in, or is denied the benefits of, the program or activity on the grounds of race, color, national origin, sex, age, or disability. It is the responsibility of the City to carry out the above requirements.
3. Workers' Compensation. Any and all employees of the City or other persons while engaged in the performance of any work or services required or

permitted by the City under this agreement will not be considered employees of MnDOT, and any and all claims that may arise under the Workers' Compensation Act of Minnesota on behalf of said employees, or other persons while so engaged, will in no way be the obligation or responsibility of MnDOT. The City will require proof of Workers' Compensation Insurance from any contractor and sub-contractor.

4. Utilities. The City will treat all public, private or cooperatively owned utility facilities which directly or indirectly serve the public and which occupy highway rights of way in conformance with 23 CFR 645 "Utilities" which is incorporated herein by reference.

G. AUDIT.

1. The City will comply with the Single Audit Act of 1984 (with amendment in 1996) and Office of Management and Budget (OMB)'s "Supercircular" 2 CFR 200 Subpart F, which are incorporated herein by reference.
2. As provided under Minnesota Statutes Section 16C.05, subdivision 5, all books, records, documents, and accounting procedures and practices of the City are subject to examination by the United States Government, MnDOT, and either the Legislative Auditor or the State Auditor as appropriate, for a minimum of seven years. The City will be responsible for any costs associated with the performance of the audit.

H. MAINTENANCE. The City assumes full responsibility for the operation and maintenance of any facility constructed or improved under this Agreement.

- I. CLAIMS. The City acknowledges that MnDOT is acting only as the City's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. The City will pay any and all lawful claims arising out of or incidental to the Project including, without limitation, claims related to contractor selection (including the solicitation, evaluation, and acceptance or rejection of bids or proposals), acts or omissions in performing the Project work, and any ultra vires acts. The City will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any claims or costs arising out of or incidental to the Project(s), including reasonable attorney fees incurred by MnDOT. The City's indemnification obligation extends to any actions related to the certification of DBE participation, even if such actions are recommended by MnDOT.

- J. Federal Funding Accountability and Transparency Act (FFATA). This Agreement requires the City to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The City is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the City provides information to the MnDOT as required.

1. Reporting of Total Compensation of the City's Executives.

- a. The City shall report the names and total compensation of each of its five most highly compensated executives for the City's

preceding completed fiscal year, if in the City's preceding fiscal year it received:

- i. 80 percent or more of the City's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

Executive means officers, managing partners, or any other employees in management positions.

- b. Total compensation means the cash and noncash dollar value earned by the executive during the City's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax qualified.
 - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

2. The City must report executive total compensation described above to the MnDOT by the end of the month during which this agreement is awarded.

3. The City will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this agreement. This number shall be provided to MnDOT on the plan review checklist submitted with the plans for each project. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>
4. The City's failure to comply with the above requirements is a material breach of this agreement for which the MnDOT may terminate this agreement for cause. The MnDOT will not be obligated to pay any outstanding invoice received from the City unless and until the City is in full compliance with the above requirements.

II. DUTIES OF MnDOT.

A. ACCEPTANCE. MnDOT accepts designation as Agent of the City for the receipt and disbursement of federal funds and will act in accordance herewith.

B. PROJECT ACTIVITIES.

1. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project(s), and for reimbursement of eligible costs pursuant to the terms of this agreement.
2. MnDOT will provide to the City copies of the required Federal-aid clauses to be included in the bid solicitation and will provide the required Federal-aid provisions to be included in the Proposal for Highway Construction.
3. MnDOT will review and certify the DBE participation and notify the City when certification is complete. If certification of DBE participation (or good faith efforts to achieve such participation) cannot be obtained, then City must decide whether to proceed with awarding the contract. Failure to obtain such certification will result in the project becoming ineligible for federal assistance, and the City must make up any shortfall.
4. MnDOT will provide the required labor postings.

C. PAYMENTS.

1. MnDOT will receive the federal funds to be paid by the FHWA for the Project(s), pursuant to Minnesota Statutes § 161.36, Subdivision 2.
2. MnDOT will reimburse the City, from said federal funds made available to each Project, for each partial payment request, subject to the availability and limits of those funds.
3. Upon completion of the Project(s), MnDOT will perform a final inspection and verify the federal and state eligibility of all the payment requests. If the Project is found to have been completed in accordance with the plans and specifications, MnDOT will promptly release any remaining federal funds due the City for the Project(s).
4. In the event MnDOT does not obtain funding from the Minnesota Legislature

or other funding source, or funding cannot be continued at a sufficient level to allow for the processing of the federal aid reimbursement requests, the City may continue the work with local funds only, until such time as MnDOT is able to process the federal aid reimbursement requests.

- D. **AUTHORITY.** MnDOT may withhold federal funds, where MnDOT or the FHWA determines that the Project(s) was not completed in compliance with federal requirements.
- E. **INSPECTION.** MnDOT, the FHWA, or duly authorized representatives of the state and federal government will have the right to audit, evaluate and monitor the work performed under this agreement. The City will make available all books, records, and documents pertaining to the work hereunder, for a minimum of seven years following the closing of the construction contract.
- III. **TORT LIABILITY.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- IV. **ASSIGNMENT.** Neither party will assign or transfer any rights or obligations under this agreement without prior written approval of the other party.
- V. **AMENDMENTS.** Any amendments/supplements to this Agreement will be in writing and executed by the same parties who executed the original agreement, or their successors in office.
- VI. **AGREEMENT EFFECTIVE DATE.** This agreement is effective upon execution by the appropriate State officials pursuant to Minnesota Statutes Section 16C.05.
- VII. **CANCELLATION.** This agreement may be canceled by the City or MnDOT at any time, with or without cause, upon ninety (90) days written notice to the other party. Such termination will not remove any unfulfilled financial obligations of the City as set forth in this Agreement. In the event of such a cancellation the City will be entitled to reimbursement for MnDOT-approved federally eligible expenses incurred for work satisfactorily performed on the Project to the date of cancellation subject to the terms of this agreement.
- VIII. **DATA PRACTICES ACT.** The parties will comply with the provisions of the Minnesota Government Data Practices Act (Minnesota Statutes chapter 13) as it applies to all data gathered, collected, created, or disseminated related to this Agreement.

Remainder of this page left intentionally blank

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby.

CITY OF BROOKLYN CENTER

City certifies that the appropriate person(s) have executed the contract on behalf of the City as required by applicable articles, bylaws, resolutions or ordinances

By: Vern Wellman

Title: Mayor

Date: 6/27/16

By: C. J. Bung

Title: City Manager

Date: 6-27-16

2. DEPARTMENT OF TRANSPORTATION

By: Wm. Baker

Title: Director
for State Aid for Local Transportation

Date: 7-5-16

3. COMMISSIONER OF ADMINISTRATION

By: Ryan Gault

Date: 7/28/16

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

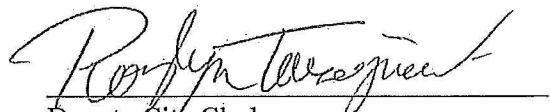
I, the undersigned, being the duly qualified Deputy City Clerk of the City of Brooklyn Center, Minnesota, do hereby certify as follows:

1. That attached hereto is an extract of minutes of a Regular Session of the City Council of said City held on June 27, 2016.
2. That said meeting was held pursuant to due call and notice thereof and was duly held at City Hall in said City.
3. That I have carefully compared the attached extract of minutes with the original thereof on file in my office and the same is a full, true and complete transcript there from insofar as the same related to:

RESOLUTION NO. 2016-93

RESOLUTION APPROVING AGREEMENT BETWEEN DEPARTMENT OF
TRANSPORTATION AND THE CITY OF BROOKLYN CENTER FOR FEDERAL
PARTICIPATION IN CONSTRUCTION – AGENCY AGREEMENT NO. 99880

WITNESS, my hand as such Clerk and the Corporate seal of the City this 29th day of June 2016.


Deputy City Clerk
City of Brooklyn Center, Minnesota

(Seal)

Member Dan Ryan introduced the following resolution and moved its adoption:

RESOLUTION NO. 2016-93

RESOLUTION APPROVING AGREEMENT BETWEEN DEPARTMENT OF TRANSPORTATION AND THE CITY OF BROOKLYN CENTER FOR FEDERAL PARTICIPATION IN CONSTRUCTION - AGENCY AGREEMENT NO. 99880

WHEREAS, the City of Brooklyn Center has been awarded federal aid for the Evergreen Park and School Area Safe Routes to School Trail Project, construction programmed for 2017; and

WHEREAS, the City of Brooklyn Center has been awarded federal aid for the Brooklyn Boulevard Phase 1 Reconstruction and Streetscape Project from 49th Avenue to just north of Bass Lake Road, construction programmed for 2017; and

WHEREAS, the City of Brooklyn Center is currently applying for future federal aid funding for other transportation projects; and

WHEREAS, for federal aid roadway projects, the Minnesota Department of Transportation (Mn/DOT) is typically delegated the duties to receive and disburse federal funds through the Federal Highway Administration; and

WHEREAS, said agreement between the City of Brooklyn Center and Mn/DOT allows for Mn/DOT to act as the City's agent in accepting federal aid. This agreement is intended to cover all federally funded projects that the City of Brooklyn Center is awarded funds for until revisions are needed to the agreement; and

WHEREAS, said agreement supersedes prior federal aid delegated contract process agreement number 84188 between the City of Brooklyn Center and Mn/DOT executed in approximately 2003.

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

1. Pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Brooklyn Center to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.
2. The Mayor and City Manager are hereby authorized and directed for and on behalf of the City of Brooklyn Center to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota

RESOLUTION NO. 2016-93

Department of Transportation Agency Agreement No. 99880", a copy of which said agreement was before the City Council and which is made part hereof by reference.

June 27, 2016

Date

Tim Willson

Mayor

ATTEST:

Sharon Kuntz

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, April Graves, Kris Lawrence-Anderson, Lin Myszkowski, Dan Ryan
and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

City Council Agenda Item No. 6d

COUNCIL ITEM MEMORANDUM

DATE: January 16, 2018

TO: Curt Boganey, City Manager 

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

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

SUBJECT: Resolution Authorizing the Acquisition of a Tax Forfeited Parcel as Part of the Brooklyn Boulevard Corridor Project Phase 1

Recommendation:

It is recommended that the City Council consider approval of the attached resolution authorizing acquisition of a tax forfeited parcel as part of the Brooklyn Boulevard Corridor Project Phase 1.

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.

As part of the project the City needs to cross an approximately 0.03 acre tax forfeited parcel (PID 03-118-21-42-0024) that is being managed by Hennepin County on behalf of the State of Minnesota. The City finds that acquiring the parcel from Hennepin County is preferred to attempting to establish an easement over a portion of it as part of the project.

As a tax forfeited property, under Minnesota Statutes, section 282.01, subdivision 1a(b) the City may request that Hennepin County sell the parcel to the City for market value and Hennepin County has estimated the market value for the parcel to be \$129.20. The City Council desires to formally request Hennepin County sell the parcel to the City for market value.

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. Hennepin County has estimated the market value for the parcel to be \$129.20 and the acquisition would be funded out of the overall project budget.

Strategic Priorities:

- Key Transportation Investments

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACQUISITION OF A TAX FORFEITED
PARCEL AS PART OF THE BROOKLYN BOULEVARD CORRIDOR PROJECT
PHASE I

WHEREAS, the City Council has authorized the project titled Brooklyn Boulevard Corridor Project Phase I (the "Project"); and

WHEREAS, the Project area includes a 1.4-mile segment of Brooklyn Boulevard (County Road 152) between 49th Avenue and Bass Lake Road (County Road 10); and

WHEREAS, the Project scope includes reconstruction and streetscape improvements that will improve roadway and intersection safety, enhance traffic operations and provide improved bicycle and pedestrian facilities. The Project will enhance bicycle and pedestrian travel by adding a trail, improving sidewalks and transit stops, adding streetscaping and landscaping and improving the functionality of intersections with modified turn lanes; and

WHEREAS, as part of the Project the City needs to cross an approximately 0.03 acre tax forfeited parcel that is being managed by Hennepin County ("County") on behalf of the State of Minnesota and that is legally described as follows ("Parcel"); and

Tract F, Registered Land Survey No. 40, Hennepin County; and

WHEREAS, the City Council finds that acquiring the Parcel from Hennepin County is preferred to attempting to establish an easement over a portion of it as part of the Project; and

WHEREAS, as a tax forfeited property, under Minnesota Statutes, section 282.01, subdivision 1a(b) the City may request that Hennepin County sell the Parcel to the City for market value; and

WHEREAS, Hennepin County has determined the market value for the Parcel is \$129.20; and

WHEREAS, the City Council desires to formally request Hennepin County sell the Parcel to the City for market value.

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

1. The City Council hereby formally requests Hennepin County sell the Parcel to the City for the identified market value of \$129.20 to be used as part of the Project.
2. The Mayor and City Manager are authorized to take such actions and execute such documents as may be needed to accomplish the purpose of this Resolution.

January 22, 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.



**DRAFT
SUBJECT
TO
CHANGE**



LEGEND

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

AREAS (SQ FT)

D&U EASE	NEW PE	TE
47		88

22 ADDRESS UNASSIGNED
PID: 0311821420024
SP 109-020-013

PARCEL # 18

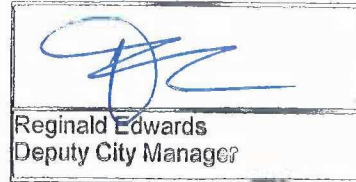
8/8/2017

City Council Agenda Item No. 6e

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.



 Properties to be Re-zoned



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.

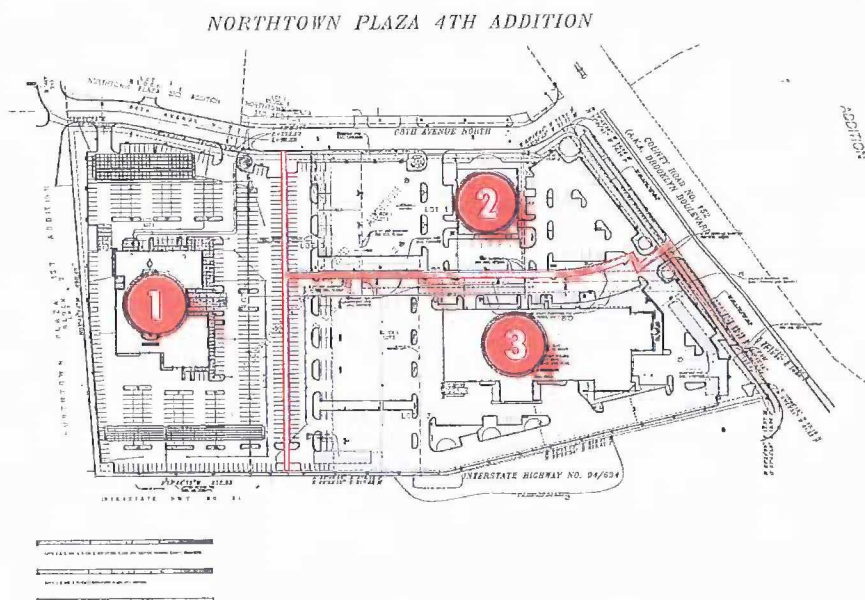
PRELIMINARY PLAT

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.

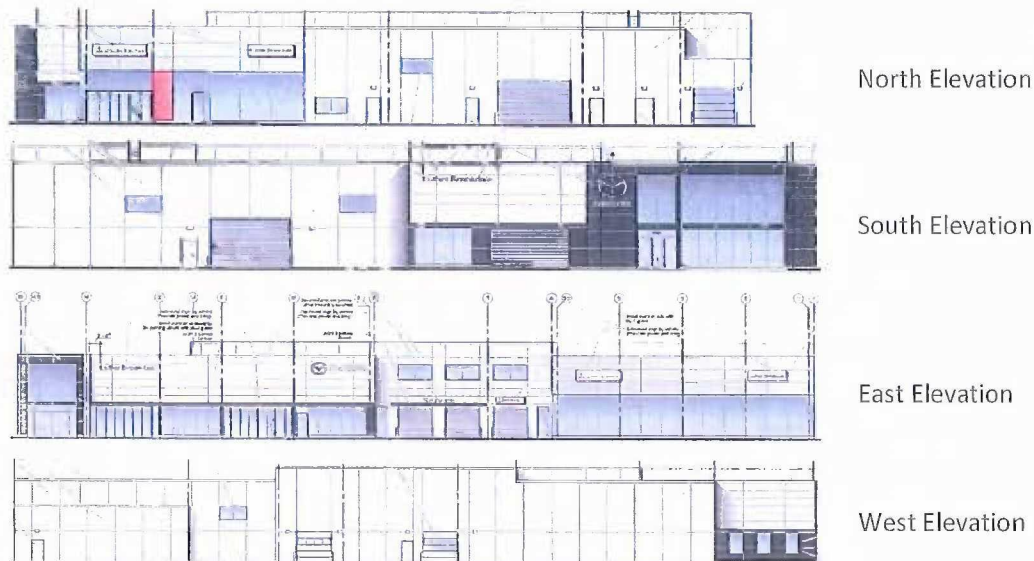


Image 1. Proposed Luther Mazda/Mitsubishi Dealership Building Elevations

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.

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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 Kuntz

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
and moved its adoption:

April Graves

introduced the following resolution

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
resolution and moved its adoption:

Marquita Butler

introduced the following

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.

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).

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- 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 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.

- 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

City Council Agenda Item No. 8a

COUNCIL ITEM MEMORANDUM

DATE: January 16, 2018

TO: Curt Boganey, City Manager 

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

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

SUBJECT: An Ordinance Vacating a Portion of Right-of-Way: Lilac Drive North

Recommendation:

It is recommended that the City Council open the Public Hearing, take public input, close the Public Hearing and consider adoption of An Ordinance Vacating a Portion of Right-of-Way: Lilac Drive North.

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, SP 109-020-013.

The City of Brooklyn Center owns a fee interest in certain lands originally acquired for highway purposes, all of which are located adjacent to Lilac Drive North, legally described in the attached Exhibit A. The subject area for vacation was formerly used for a section of roadway that is being removed as part of the 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 Trunk Highway 100 South Ramp and the extension of Lilac Drive North. 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.

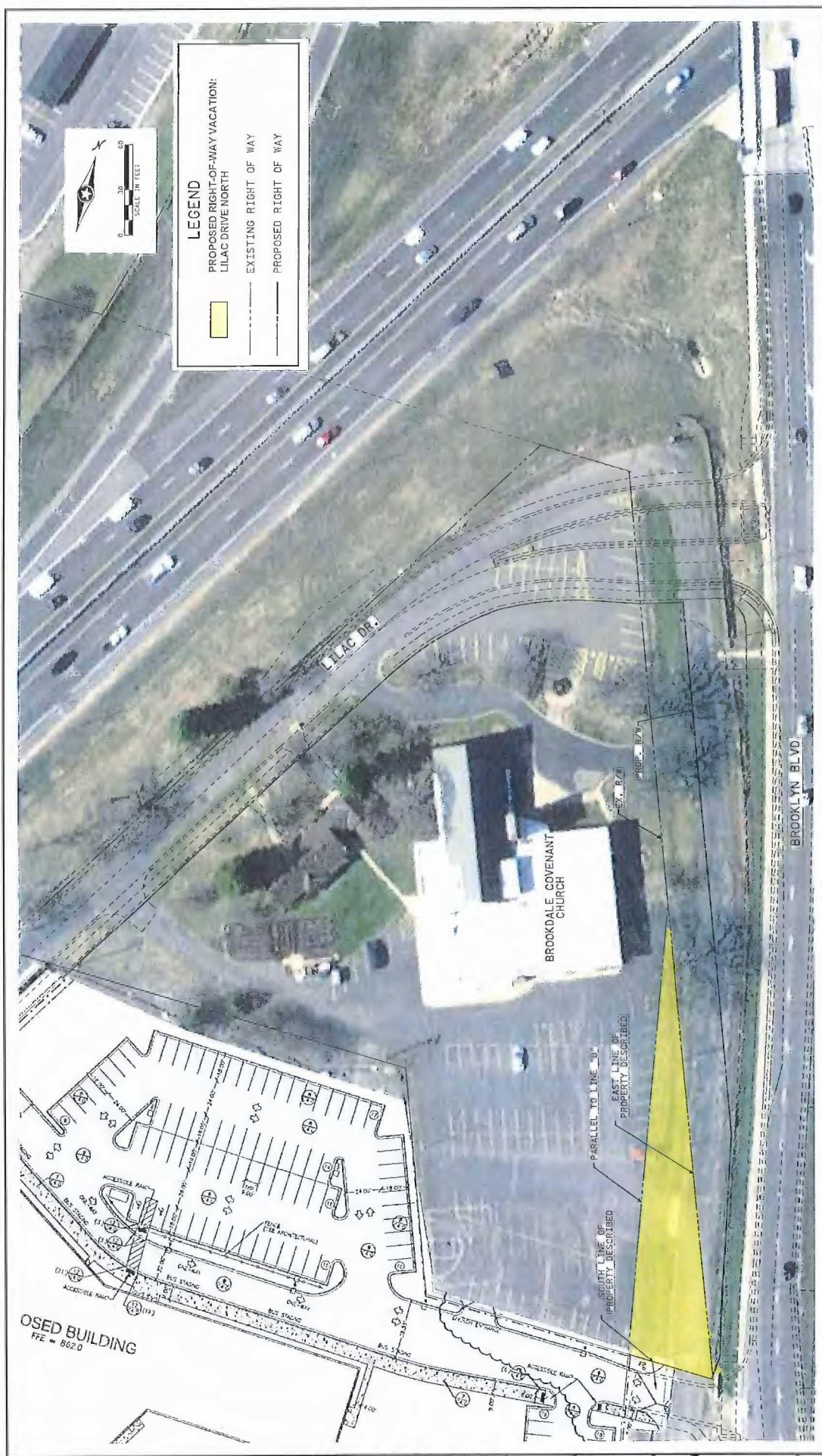
Consistent with the City Charter, at its December 11, 2017, meeting, the City Council approved the first reading of this ordinance and notice of the Public Hearing was published in the official newspaper on December 21, 2017. The second reading and Public Hearing are scheduled for January 22, 2018. If adopted by the City Council, the ordinance would be effective after thirty days following legal publication.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Key Transportation Investments



PROPOSED RIGHT-OF-WAY VACATION: LILAC DRIVE NORTH

Brooklyn Boulevard Phase 1
City of Brooklyn Center

Figure 1

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 22nd day of January, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at the City Hall, 6301 Shingle Creek Parkway, to consider an ordinance vacating certain public right-of-way adjacent to Lilac Drive North.

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

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY: LILAC DRIVE NORTH

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

Article I. The City of Brooklyn Center owns a fee interest in certain lands originally acquired for highway purposes, all of which are located adjacent to Lilac Drive North, legally described in the attached Exhibit A.

Article II. The above-described public right-of-way is hereby vacated.

Article III. This ordinance shall be effective after adoption and thirty days following its legal publication.

Adopted this ____ day of _____, 2018.

Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

EXHIBIT A

Legal Description

That part of the following described property lying easterly of a line running parallel with and distant 35.00 feet westerly of the following described "Line B".

Said described property being that part of the Northeast Quarter of the Northeast Quarter of Section 10, Township 118, Range 21, Hennepin County, Minnesota described as follows: Beginning at the point of intersection of the southeasterly line of the right-of-way of State Trunk Highway No. 100 with a line drawn East from a point on the west line of said Northeast Quarter of the Northeast Quarter distant 518 feet South of the northwest corner of said Northeast Quarter of the Northeast Quarter; thence East 64.2 feet to the southwesterly line of the right-of-way of State Highway No. 152; thence southeasterly along said right-of-way line of State Highway No. 152 a distance of 525 feet; thence West 200 feet; thence northwesterly parallel with said right-of-way line of State Highway No. 152 a distance of 75 feet; thence West 292.50 feet to said right-of-way line of State Trunk Highway No. 100; thence northeasterly along said right-of-way line of State Trunk Highway No. 100 a distance of 493.9 feet to the point of beginning.

And

That part of said Section 10 described as commencing at the northwest corner of said Northeast Quarter of the Northeast Quarter; thence South 518 feet; thence East to the southwesterly line of State Highway No. 152; thence southeasterly 600 feet along said southwesterly line to point of beginning of the land to be described; thence West 200 feet; thence northwesterly 75 feet parallel with the southwesterly line of Highway No. 152; thence East 200 feet to the southwesterly line of Highway No. 152; thence southeasterly along the southwesterly line of Highway No. 152 to the point of beginning.

"Line B" is described as commencing at the northeast corner of said Section 10; thence westerly on an azimuth of 271 degrees 31 minutes 59 seconds along the north line of said Northeast Quarter of the Northeast Quarter a distance of 623.78 feet; thence southwesterly deflecting to the left 58 degrees 55 minutes 00 seconds a distance of 289.80 feet; thence southeasterly deflecting to the left 52 degrees 34 minutes 45 seconds a distance of 1162.34 feet; thence westerly deflecting to the right 113 degrees 05 minutes 06 seconds a distance of 65 feet; thence northwesterly 67.62 feet along a tangential curve concave to the northeast having a radius of 50.00 feet and a central angle of 77 degrees 28 minutes 56 seconds to the beginning of said "Line B"; thence northwesterly, tangent to said curve, a distance of 600 feet and said "Line B" there terminating.

Public Hearing for Ordinance Vacating a Portion of Right-of-Way: Lilac Drive North

Brooklyn Boulevard Phase 1
Regular City Council Meeting: January 22, 2018

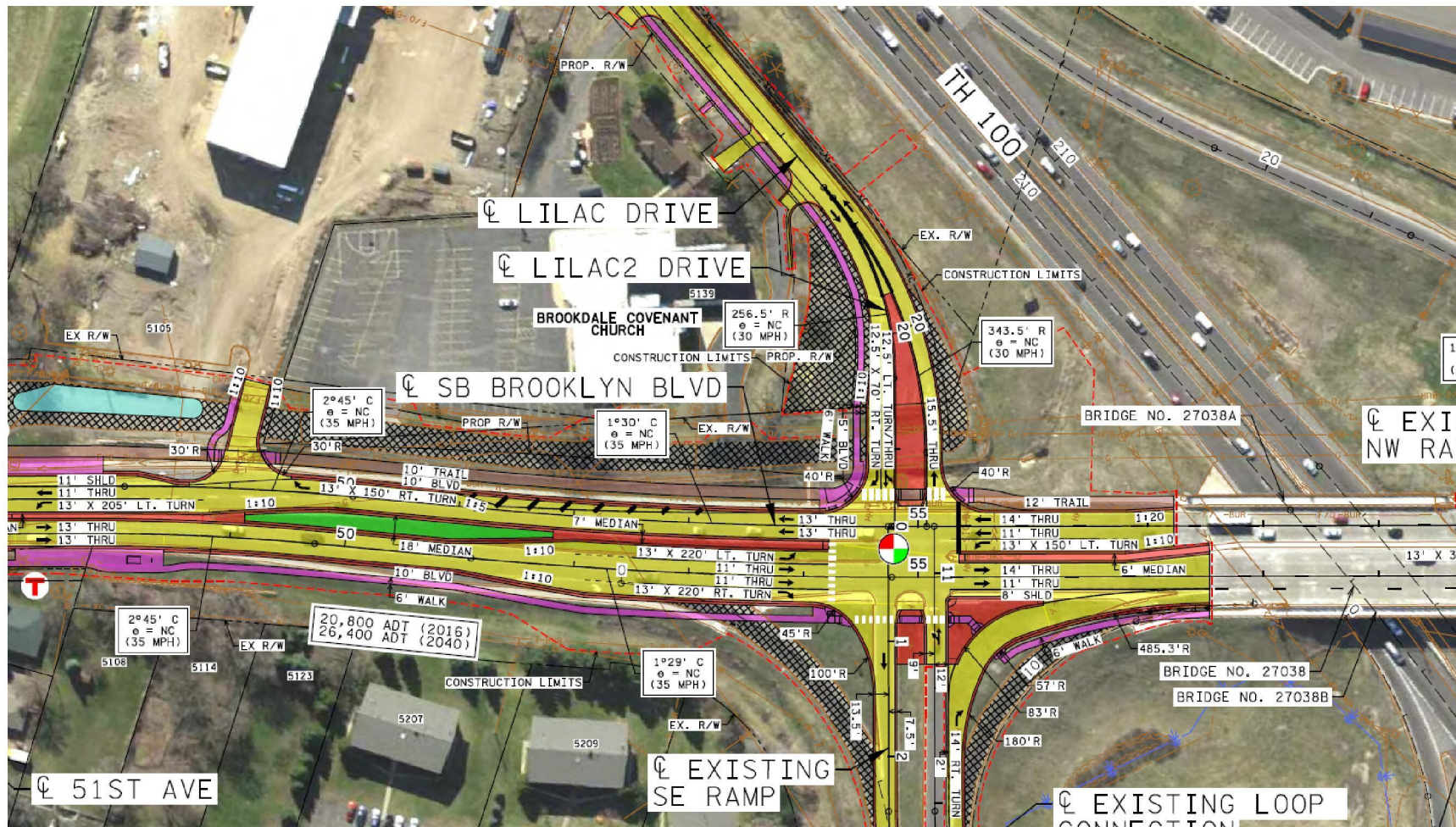
Lilac Drive North near Brookdale Covenant Church circa 1950



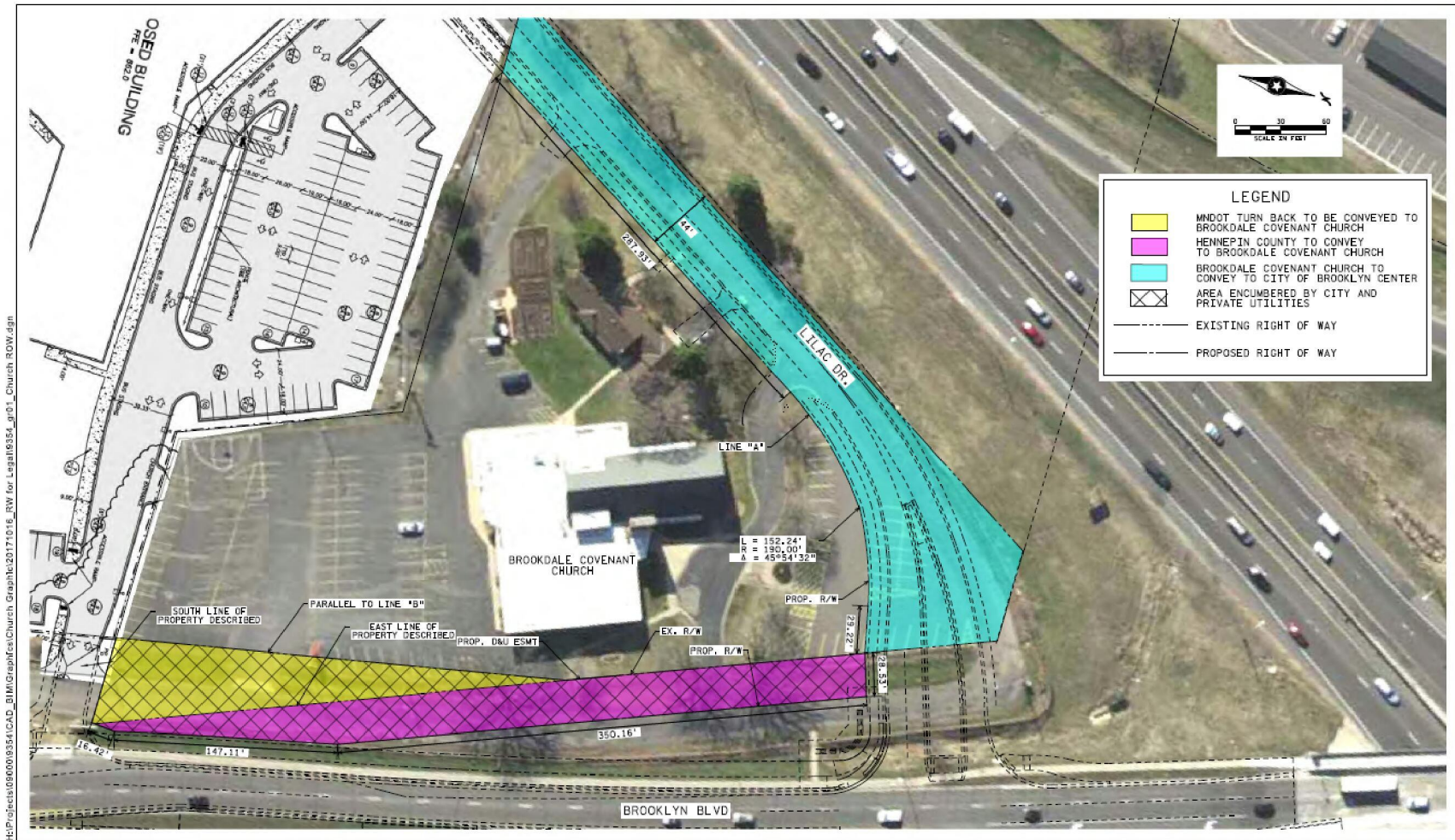
Lilac Drive North near Brookdale Covenant Church circa 1960



Brooklyn Boulevard Phase 1 Improvements



Brookdale Covenant Church Easement Acquisition – Land Exchange Agreement



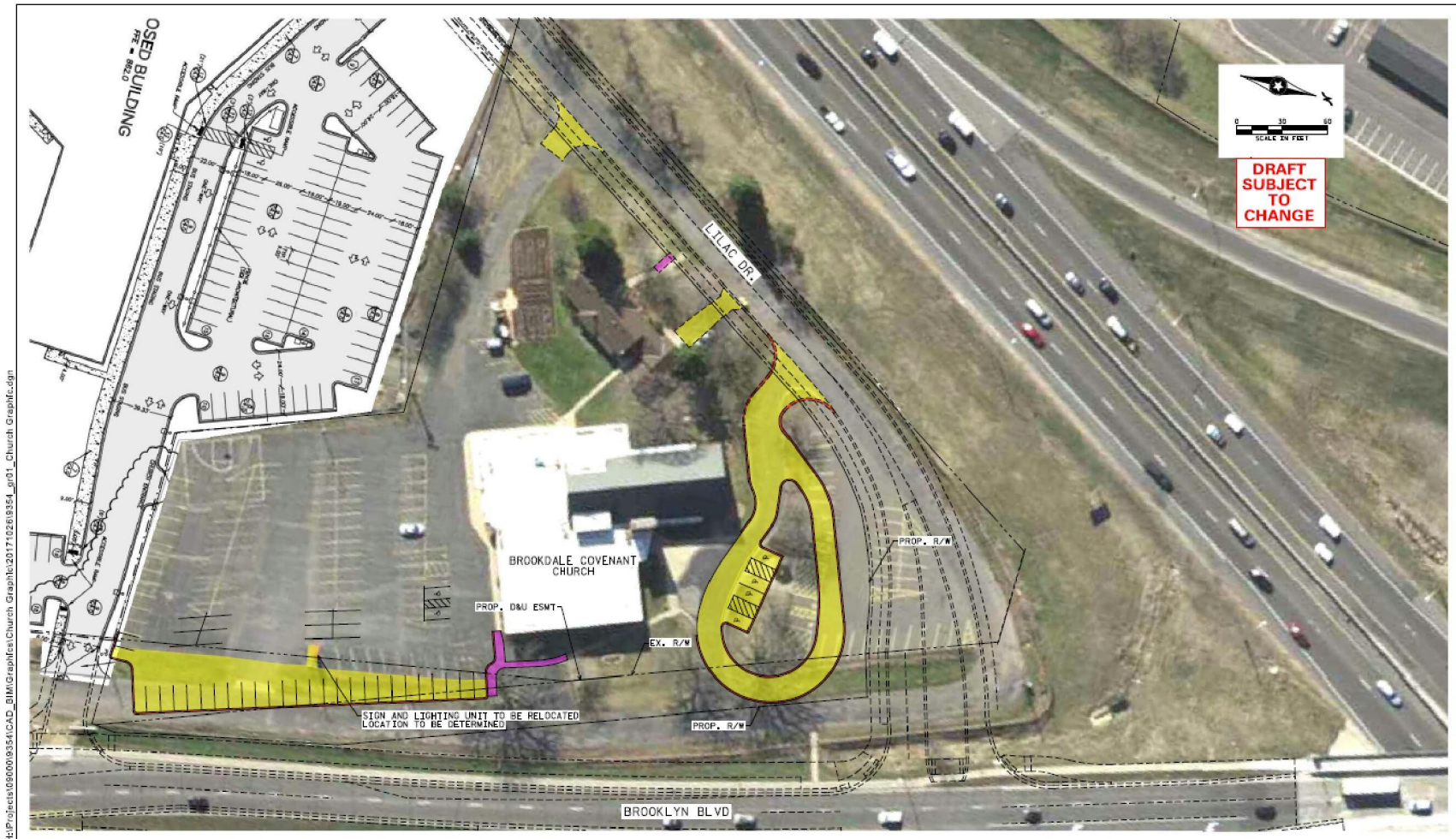
Brookdale Covenant Church Right of Way

Brooklyn Boulevard Phase 1
City of Brooklyn Center

Job #9354
10/17/2017

Figure 1

Brookdale Covenant Church Easement Acquisition – Land Exchange Agreement



Right-of-Wat Vacation: Lilac Drive North

Figure 1

Ordinance Vacating a Portion of Right-of-Way: Lilac Drive North

- ▶ **Requested Council Action:**
 - ▶ Motion to open Public Hearing
 - ▶ Motion to take public input
 - ▶ Motion to close Public Hearing
 - ▶ Motion to adopt Ordinance



City Council Agenda Item No. 8b

COUNCIL ITEM MEMORANDUM

DATE: January 16, 2018

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy City Manager 

FROM: Sharon Knutson, City Clerk 

SUBJECT: Consideration of Liquor License Enforcement Action at Jammin Wings, 2590 Freeway Boulevard

Recommendation:

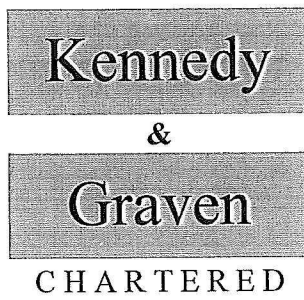
It is recommended that the City Council consider liquor license enforcement action at Jammin Wings, 2590 Freeway Boulevard.

Background:

City Attorney Troy Gilchrist has prepared a memorandum detailing the liquor license violation and potential license action the City Council may consider.

Budget Issues:

There are no budget issues to consider.



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 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.

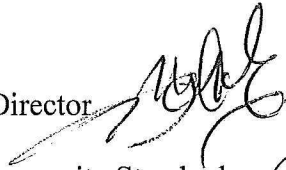
City Council Agenda Item No. 10a

**City Council Agenda Item No. 10a
#1**

COUNCIL ITEM MEMORANDUM

DATE: January 22, 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 4200 Joyce La

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 4200 Joyce La. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a new rental license. This is a single family dwelling. This property qualifies for a Type IV Rental License based on fourteen (14) property code violations found during the initial rental license inspection.

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:

- 08-30-2017 The Owner, Paul Yang, applied for an initial rental dwelling license for 4200 Joyce La, a single family property.
- 09-13-2017 An initial rental license inspection was conducted. 14 property code violations were cited, see attached rental criteria.
- 10-13-2017 A second inspection was conducted and passed.
- 11-09-2017 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental

COUNCIL ITEM MEMORANDUM

license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

11-17-2017 A Mitigation Plan was submitted.

01-12-2018 A letter was sent to the owner notifying that the hearing before the Council will be held January 22, 2018.

01-16-2018 The Mitigation Plan was finalized.

If approved, after six months, a new rental license is required. The license process will begin in approximately four months. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.
2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.
3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.
4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also

COUNCIL ITEM MEMORANDUM

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

COUNCIL ITEM MEMORANDUM

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment

- Mitigation Plan



BUILDING AND COMMUNITY STANDARDS

Rental License Mitigation Plan Type IV License

Handwritten Mitigation Plans will not be accepted. A fillable form can be found on the City's website at www.cityofbrooklyncenter.org or call (763) 569-3330 to have an electronic copy sent to you via email.

Property Address: 4300 Joyce Lane
Brooklyn center, MN 55429

Owner's Name(s): Paul Yang & Xai Lor

Local Agent(s):

Owner's Address: 5625 Pearson drive
Brooklyn center, MN 55429

Agent's Address:

Owner's Phone: (612) 618-1308

Agent's Phone:

Owner's Email: paul.yang83@gmail.com

Agent's Email:

Current Expiration Date:

Pending Expiration Date:

7/31/2018 KM

(Six 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

4200 Joyce Lane
Brooklyn Center, MN 55429
ADDRESS

Rental License Mitigation Plan
Type IV License

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.mnrcps.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: 12/7/17

Owner or agent attended/is planning to attend training at city of: Brooklyn Park

- ☒ 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: 12/28/17

Security Assessment follow-up was completed on/is scheduled for: 30 days

Continue Sections A, Phase III on page 3.



BUILDING AND COMMUNITY STANDARDS

4200 Joyce Lane
Brooklyn Center, MN 55429
(763) 589-3333

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: 1/11/18 and 3/8/18

- ☒ 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

4200 Joyce Lane
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 manufacturer/industry recommendations. Additional information on Expected Useful Life can be found at www.hud.gov.

Item	Date Last Replaced	Condition*	Expected Replacement Date
Example: Water Heater	May 2010	F	May 2020
Furnace	2010 (estimated)	G ☐	2027
Water Heater		G ☐	2025
Kitchen Appliances	September 2017	G ☐	2030
Laundry Appliances		G ☐	2023
Smoke Alarms/ Carbon Monoxide Alarms	September 2017	N ☐	2023-24
<u>Exterior Items:</u>			
Paint/Siding	2015	G ☐	2020
Windows		G ☐	2030
Roof		G ☐	2028
Fence		G ☐	2027
Shed	N/A (no shed)		N/A
Garage	Built 1981	G ☐	2037
Driveway		F ☐	2027
Sidewalks		G ☐	2027
Other:			

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



BUILDING AND COMMUNITY STANDARDS

4200 Joyce Lane
Brooklyn Center, MN 55423
(763) 568-3330

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: Absolute crime free predicted

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) 568-3330 to have an electronic copy sent to you via email.

Please attach additional information if necessary.

**BUILDING AND COMMUNITY STANDARDS**

4200 Joyce Lane
Brooklyn Center, MN 55429
PROPERTY ADDRESS

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.

Paul Yang

Owner or Agent Name and Title (Please Print)


Owner or Agent Signature

11/17/2017

Date

Xia Lor (spouse)

Additional Owner or Agent Name and Title (If Applicable, Please Print)


Additional Owner or Agent Signature (If Applicable)

11/17/17

Date

City Staff Only


Police Department

1/16/2018
Date


Building and Community Standards Department

1/12/18
Date

City Council Agenda Item No. 10a
#2

COUNCIL ITEM MEMORANDUM

DATE: January 22, 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 6325 Kyle 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 6325 Kyle 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:

COUNCIL ITEM MEMORANDUM

- 06-27-2017 The Owner, Cuong Pham, applied for renewal of the rental dwelling license for 6325 Kyle Ave N, a single family dwelling.
- 07-17-2017 An initial rental license inspection was conducted and failed. 13 property code violations were cited, see attached rental criteria.
- 08-17-2017 A second rental inspection was conducted and failed. A \$100 reinspection fee was charged to the property.
- 08-31-2017 The previous rental license expired.
- 09-06-2017 A third inspection was not conducted and no access was given at the time of inspection. A \$100 reinspection fee was charged to the property.
- 09-29-2017 A fourth inspection was conducted and corrections complete; however, the reinspection fees remain. A new item was found at the inspection.
- 10-02-2017 The \$200 in reinspection fees was paid.
- 10-16-2017 A fifth inspection was conducted and passed.
- 10-18-2017 A \$300 Administrative Citation was issued for operating without a license.
- 11-09-2017 City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
- 11-09-2017 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 11-27-2017 A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 12-14-2017 A Mitigation Plan was submitted.
- 01-12-2018 A letter was sent to the owner notifying that the hearing before the Council will be held January 22, 2018.
- 01-16-2018 The Mitigation Plan was finalized.

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.

COUNCIL ITEM MEMORANDUM

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.
4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.
5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

COUNCIL ITEM MEMORANDUM

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment

- Mitigation Plan



BUILDING AND COMMUNITY STANDARDS

Rental License Mitigation Plan Type IV License

Handwritten Mitigation Plans will not be accepted. A fillable form can be found on the City's website at www.cityofbrooklyncenter.org or call (763) 569-3330 to have an electronic copy sent to you via email.

Property Address: 8325 KYLE AVE N

Owner's Name(s): CUONG PHAM

Local Agent(s): YOUR HOME INC

Owner's Address: 3321 TWIN LAKE COURT
ST PAUL, MN 55127

Agent's Address: 808 COUNTY RD D W
STE 304
NEW BRIGHTON, MN 55112

Owner's Phone: (612) 723-0821

Agent's Phone: (612) 730-9088

Owner's Email: CUONG.PHAM@CEUTICOM.COM

Agent's Email: TOO LONG

Current Expiration Date: 8/31/17 - xt

Pending Expiration Date: 2/28/18 - xt
(Six months from current expiration)

Based on property conditions and/or validated police nuisance incidents, the above referenced property qualifies for a Type IV-B 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

6325 KYLE AVENUE
PROPERTY ADDRESS

Rental License Mitigation Plan
Type IV License

Section 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/s scheduled for: 11/15/17

Owner or agent attended/is planning to attend training at city of: Minneapolis

- ☒ 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) 589-3344. 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/s scheduled for: 10/11/12

Security Assessment follow-up was completed on/s scheduled for: 6/13/13

Continue Section A, Phase III on page 3.

**BUILDING AND COMMUNITY STANDARDS**

8328 KYLE AVE N
PROPERTY ADDRESS

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: 11/1/18 and 11/9/17 - xt

- ☒ 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****6325 KYLE AVE N
PROPERTY ADDRESS****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	<u>December 1999</u>	<u>G</u>	<u>December 2020</u>
Water Heater	<u>December 1999</u>	<u>G</u>	<u>December 2020</u>
Kitchen Appliances	<u>April 2013</u>	<u>G</u>	<u>April 2019</u>
Laundry Appliances	<u>April 2013</u>	<u>G</u>	<u>April 2019</u>
Smoke Alarms/			
Carbon Monoxide Alarms	<u>June 2017</u>	<u>G</u>	<u>June 2020</u>
Exterior Items			
Paint/Siding	<u>October 2017</u>	<u>G</u>	<u>October 2022</u>
Windows	<u>July 2012</u>	<u>F</u>	<u>July 2020</u>
Roof	<u>July 2010</u>	<u>G</u>	<u>July 2030</u>
Fence	<u>August 2010</u>	<u>F</u>	<u>August 2020</u>
Shed	<u>July 2010</u>	<u>G</u>	<u>June 2020</u>
Garage	<u>July 2010</u>	<u>G</u>	<u>June 2020</u>
Driveway	<u>July 2012</u>	<u>G</u>	<u>June 2021</u>
Sidewalks	<u>July 2012</u>	<u>G</u>	<u>June 2020</u>
Other: _____	_____	_____	_____
_____	_____	_____	_____

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

**BUILDING AND COMMUNITY STANDARDS**

5325 KYLE AVENUE
PROPERTY ADDRESS

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) 589-3330 to have an electronic copy sent to you via email.

Please attach additional information if necessary.

**BUILDING AND COMMUNITY STANDARDS**

6325 KYLE AVE N
PROPERTY ADDRESS

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.

Huan Dao

Owner or Agent Name and Title (Please Print)

Huan Dao

Digitally signed by Huan Dao
Date: 2017.12.11 17:10:14 -0600

Owner or Agent Signature

Date

Additional Owner or Agent Name and Title (if Applicable, Please Print)

Additional Owner or Agent Signature (if Applicable)

Date

City Staff Only

Police Department

1/10/2018
Date

Building and Community Standards Department

1/12/18
Date

City Council Agenda Item No. 10a
#3

COUNCIL ITEM MEMORANDUM

DATE: January 22, 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 6424 Scott Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 6424 Scott Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is 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 eleven (11) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Building & Community Standards and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

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

- 09-18-2017 The Owner, Cosco Properties LLC c/o MSP Home Rental, applied for renewal of the rental dwelling license for 6424 Scott Ave N, a single family dwelling.
- 10-05-2017 An initial rental license inspection was not conducted and no access was given at time of inspection.

COUNCIL ITEM MEMORANDUM

- 10-23-2017 A second rental inspection was conducted and failed. 11 property code violations were cited, see attached rental criteria. A \$100 reinspection fee was charged to the property.
- 11-13-2017 The \$100 reinspection fee was paid.
- 11-30-2017 A third inspection was conducted and failed. A \$100 reinspection fee was charged to the property.
- 12-01-2017 A fourth inspection was conducted; however, this was to verify that the leaking sink had been corrected. All other corrections still remain. The \$100 reinspection fee was not charged for this inspection.
- 12-07-2017 The \$100 reinspection fee was paid.
- 12-14-2017 A \$300 Administrative Citation was issued for operating without a license.
- 12-15-2017 The fifth inspection was conducted and passed with a weather deferral.
- 12-22-2017 A Mitigation Plan was submitted.
- 12-29-2017 The Mitigation Plan was finalized.
- 01-04-2018 City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
- 01-04-2018 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 01-12-2018 A letter was sent to the owner notifying that the hearing before the Council will be held January 22, 2018.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.
2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.
3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and

COUNCIL ITEM MEMORANDUM

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

COUNCIL ITEM MEMORANDUM

Budget Issues:

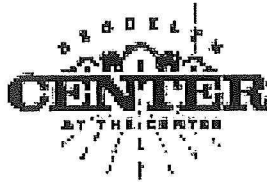
There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment

- Mitigation Plan



Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year)	☒ Mitigation Plan—Type IV (6 Months)	
Property Address:	6424 Scott Avenue North Brooklyn Center, MN 55429	
Owner's Name(s):	GODIVA PROPERTIES LLC	Local Agent: MSP Home Rental
Owner's Address:	1200 Center Pointe Curve, Suite 300 Mendota Heights, MN 55120	Agent Address: 1200 Center Pointe Curve, Suite 300 Mendota Heights, MN 55120
Owner's Phone:		Agent's Phone: 651-797-8913
Owner's Email:		Agent's Email: belhamy@msphomerental.com
Current Expiration Date:	9/30/2017	Pending Expiration Date: 3/31/2018

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property is required to submit an Action (Type III) or Mitigation Plan (Type IV). In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.



Community Development

PROPERTY ADDRESS

Sections A—Crime Free Housing Program Requirements

Phase I - Read and check each box.

- ☒ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.
- ☒ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.
- ☒ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.
- ☒ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mnrcpa.net. If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.
 - ☒ Crime Free Housing training is completed
 - ☐ Crime Free Housing training is scheduled for _____
Date
 - ☐ Owner or agent plans to attend training at: _____
Name of City
- ☒ 5) Submit Monthly Report by the 10th day of each month. Only required for Type IV—Mitigation Plans.

Phase II - Read and check each box.

- ☒ 1) Complete a Security Assessment and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 568-3344.
- ☒ 2) A follow-up assessment must be completed before the license expiration date to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 568-3344.
 - ☐ Security Assessment is completed
 - ☒ Security Assessment is scheduled for 1/19/2018



PROPERTY ADDRESS

Community Development

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

Phase III - A.R.M. Meeting Requirement

- ☒ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the license expiration date.
- ☒ 2) Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meetings are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.
- ☒ 3) Write two months the owner or agent plans to attend.
Owner or agent will attend A.R.M. meetings scheduled for 11/9/17 and 1/11/18

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

- ☐ 1) Conduct resident training annually to include crime prevention techniques.
- ☐ 2) Conduct regular resident meetings.



Community Development

PROPERTY ADDRESS

Section B—Long-Term Capital Improvement Plan

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the Estimated Replacement Date. Plans will not be approved if writing "unsure", "don't know", or leaving it blank. If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	May 2010	F	May 2020

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	pre June 2013	G	2030
Water Heater	pre June 2013	G	2025
Kitchen Appliances	2015	G	2035
Laundry Appliances	2015	G	2026
Smoke Alarm			
Carbon Monoxide Alarms	replaced 2017	N	2027

Exterior Items

Palm/Siding	pre June 2013	G	2030
Windows	pre June 2013	G	2033
Roof	pre June 2013	G	2030
Garage	pre June 2013	G	2050
Driveway	pre June 2013	G	2030
Fence			
Sidewalks	pre June 2013	G	2030
Shed			

*Condition Abbreviations:

New=N

Good=G

Fair=F

Needs Replacement=R



Community Development

PROPERTY ADDRESS

Sections C—Steps to Improve Management and Conditions of Property

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- ☒ 1) Check-in with tenants every 30-days.
- ☒ 2) Drive by property to check for possible code violations.
- ☒ 3) Evict tenants in violation of the lease or any addendums.
- ☒ 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- ☒ 5) Have no repeat code violations previously documented with the past year.
- ☒ 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- ☐ 7) Other: _____

The following actions are optional unless required by the City.

- ☐ 1) Provide lawn/snow service.
- ☐ 2) Provide garbage service.
- ☐ 3) Install security system.
- ☐ 4) Provide maintenance service plan for appliances.
Name of service company: _____
- ☐ 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.



Community Development

PROPERTY ADDRESS

Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Michael Schaeffer/MSP Home Rental

Owner or Agent Name and Title (Please Print)



Owner or Agent Signature

12/22/2017

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

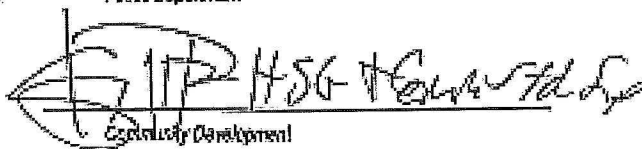
City Staff Only



Police Department

12/29/2017

Date



Community Development

12/27/17

Date

City Council Agenda Item No. 10a
#4

COUNCIL ITEM MEMORANDUM

DATE: January 22, 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 4450 58th Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 4450 58th Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses **to modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a 1 building, 11-unit multifamily property. The previous license was a Type IV Rental License issued on November 13, 2017, on condition of adherence to the Mitigation Plan and City Ordinances.

The property would qualify for a Type II Rental License based on 14 (1.3/unit) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. However, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically failed to attend Owners/Managers Association Meetings. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

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

COUNCIL ITEM MEMORANDUM

Current rental license approval activities for license that expires on 04/30/2018:

- 10-25-2017 The owner, Doug Rock, applied for renewal of the rental dwelling license for 4450 58th Ave N, a 1 building, 11-unit multifamily property.
- 10-31-2017 The previous Type IV Rental License expired.
- 11-15-2017 An initial rental license inspection was conducted. Fourteen (1.3/unit) property code violations were cited, see attached rental criteria.
- 12-14-2017 A \$600 Administrative Citation was issued for operating without a license.
- 12-15-2017 A second inspection was conducted and passed.
- 01-04-2018 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
- 01-04-2018 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 01-12-2018 A Mitigation Plan was submitted.
- 01-12-2018 A letter was sent to the owner notifying that the hearing before the Council will be held January 22, 2018.
- 01-16-2018 The Mitigation Plan was finalized.

Prior Type IV Rental License approval activities for license that expired on 10/31/2017:

- 02-01-2017 The Owner, Doug Rock, applied for renewal of the rental dwelling license for 4450 58th Ave N, a 1 building, 11-unit multifamily property.
- 02-28-2017 An initial rental license inspection was conducted and failed. 60 (5.5/unit) property code violations were cited, see attached rental criteria.
- 04-06-2017 A second rental inspection was conducted and failed. A \$100 reinspection fee was charged to the property.
- 04-18-2017 The \$100 reinspection fee was paid.
- 04-30-2017 The previous rental license expired.
- 05-01-2017 A third inspection was conducted and failed. A \$100 reinspection fee was charged to the property.
- 05-15-2017 A fourth inspection was conducted and corrections complete; however, the \$100 reinspection fee remains unpaid.
- 05-23-2017 The \$100 reinspection fee was paid and the rental license passed.
- 06-07-2017 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
- 06-07-2017 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 06-27-2017 A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 08-10-2017 A Mitigation Plan was submitted.
- 09-07-2017 The Mitigation Plan was finalized.
- 10-06-2017 A \$300 Administrative Citation was issued for operating without a license.

COUNCIL ITEM MEMORANDUM

11-06-2017 A letter was sent to the owner notifying that the hearing before the Council will be held November 13, 2017.

If approved, after six months, a new rental license is required. The license process will begin in three months. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.
2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.
3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.
4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

COUNCIL ITEM MEMORANDUM

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

COUNCIL ITEM MEMORANDUM

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment

- Mitigation Plan
- Resolution Approving a Type IV Rental License for 4450 58th Ave N

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 4450 58th AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 4450 58th Ave N was issued a Type IV Rental License on November 12, 2017; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 4450 58th Ave N, Brooklyn Center failed to attend Owners/Managers Association Meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 4450 58th Ave N, Brooklyn Center, MN.

January 22, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.



Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 583-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (Year)	☒ Mitigation Plan—Type IV (6-Month)		
Property Address:	4450 58th Ave. N. Brooklyn Center, MN 55429		
Owner's Name(s):	Park Plaza off Broadway, LLP	Local Agent:	Doug Rock
Owner's Address:	7800 Metro Parkway, Suite 300 Bloomington, MN 55426	Agent's Address:	7800 Metro Parkway, Suite 300 Bloomington, MN 55426
Owner's Phone:	952-767-4108	Agent's Phone:	952-767-4108
Owner's Email:		Agent's Email:	drock@hbglltd.net
Current Expiration Date:	10/31/17 - xt	Pending Expiration Date:	4/30/18 - xt

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property is required to submit an Action (Type III) or Mitigation Plan (Type IV). In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.



Community Development

PROPERTY ADDRESS

Section A - Crime Free Housing Program Requirements

Phase I - Read and check each box.

- ☒ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.
- ☒ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.
- ☒ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.
- ☒ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mnccpanel.org. If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.
 - ☒ Crime Free Housing training is completed
 - ☐ Crime Free Housing training is scheduled for _____ Date
 - ☐ Owner or agent plans to attend training at: _____ Name of City
- ☒ 5) Submit Monthly Report by the 10th day of each month. Only required for Type IV— Mitigation Plans.

Phase II - Read and check each box.

- ☒ 1) Complete a Security Assessment and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 689-3344.
- ☐ 2) A follow-up assessment must be completed before the license expiration date to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 559-3344.
 - ☒ Security Assessment is completed
 - ☐ Security Assessment is scheduled for _____



Community Development

PROPERTY ADDRESS

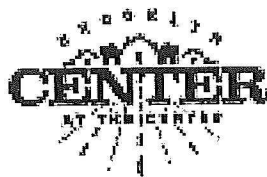
Section A - Crime Free Housing Program Requirements (continued)

Phase III - A.R.M. Meeting Requirement

- ☒ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the License expiration date.
- ☐ 2) Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meetings are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.
- ☒ 3) Write two months the owner or agent plans to attend.
Owner or agent will attend A.R.M. meetings scheduled for November 2017 and January 11, 2017

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

- ☒ 1) Conduct resident training annually to include crime prevention techniques.
- ☒ 2) Conduct regular resident meetings.



Community Development

PROPERTY ADDRESS

Section B—Long-Term Capital Improvement Plan

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the Estimated Replacement Date. Plans will not be approved if writing "unsure", "don't know", or leaving it blank. If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Exampler: Water Heater	May 2010	F	May 2020

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	12/11/17	G	1/1/32
Water Heater	12/11/17	G	1/1/32
Kitchen Appliances	12/11/17	G	1/1/32
Laundry Appliances	12/11/17	G	1/1/32
Smoke Alarm/ Carbon Monoxide Alarms	12/11/17	G	1/1/20

Exterior Items

Paint/Siding	12/11/17	G	1/1/40
Windows	12/11/17	G	1/1/32
Roof	12/11/17	G	1/1/30
Garage	12/11/17	G	1/1/50
Driveway	12/11/17	G	1/1/27
Fence	12/11/17	G	1/1/27
Sidewalks	12/11/17	G	1/1/35
Shed	NA		

*Condition Abbreviations:

New=N

Good=G

Fair=F

Needs Replacement=R



PROPERTY ADDRESS

Community Development

Section C—Steps to Improve Management and Conditions of Property

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- ☒ 1) Check-in with tenants every 30-days.
- ☒ 2) Drive by property to check for possible code violations.
- ☒ 3) Evict tenants in violation of the lease or any addendums.
- ☒ 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- ☒ 5) Have no repeat code violations previously documented with the past year.
- ☒ 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- ☐ 7) Other: _____

The following actions are optional unless required by the City.

- ☐ 1) Provide lawn/snow service.
- ☐ 2) Provide garbage service.
- ☐ 3) Install security system.
- ☐ 4) Provide maintenance service plan for appliances.
Name of service company: _____
- ☐ 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.



Community Development

PROPERTY ADDRESS

Sign and verify:

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all laws within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license revocation may result.

Doug Rock

Owner/Agent Name and Title (Please Print)

Owner or Agent Signature

1/12/18

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

1/16/2018

Date

Community Development

1/13/18

Date

City Council Agenda Item No. 10a
#5

COUNCIL ITEM MEMORANDUM

DATE: January 22, 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 6015 Aldrich Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 6015 Aldrich Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous license was a Type IV Rental License issued on August 14, 2017, on condition of adherence to the Mitigation Plan and City Ordinances.

The property qualifies for a Type IV Rental License based on ten (10) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Further, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically failed to attend Owners/Managers Association Meetings. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

COUNCIL ITEM MEMORANDUM

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

Current rental license approval activities that expires on 03/31/2018:

- 07-21-2017 The owner, My Truong, applied for renewal of the rental dwelling license for 6015 Aldrich Ave N, a single family dwelling.
- 08-09-2017 An initial rental license inspection was conducted. Ten property code violations were cited, see attached rental criteria.
- 09-11-2017 A second inspection was conducted and failed. A \$100 reinspection fee was charged to the property.
- 09-25-2017 A third inspection was conducted and corrections complete; however, reinspection fee remains.
- 09-30-2017 The previous Type IV Rental License expired.
- 11-01-2017 The \$100 reinspection fee was paid and passed.
- 11-22-2017 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
- 11-22-2017 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 01-01-2018 A Mitigation Plan was submitted.
- 01-12-2018 A letter was sent to the owner notifying that the hearing before the Council will be held January 22, 2018.
- 01-16-2018 The Mitigation Plan was finalized.
- 01-16-2018 A \$600 Administrative Citation issued for operating without a rental license.

Prior Type IV Rental License approval activities for license that expired on 09/30/2017:

- 02-22-2017 The owner, My Truong, applied for renewal of the rental dwelling license for 6015 Aldrich Ave N, a single family dwelling.
- 03-22-2017 An initial rental license inspection was conducted and failed. Six property code violations were cited, see attached rental criteria.
- 03-31-2017 The previous Type IV Rental License expired.
- 04-28-2017 A second inspection was conducted and failed.
- 05-11-2017 A \$300 Administrative Citation issued for operating without a rental license.
- 05-16-2017 A third inspection was conducted and passed.
- 06-07-2017 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
- 06-07-2017 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 06-22-2017 A Mitigation Plan was submitted.
- 07-11-2017 The Mitigation Plan was finalized.
- 08-07-2017 A letter was sent to the owner notifying that the hearing before the Council will be held August 14, 2017.

COUNCIL ITEM MEMORANDUM

Prior Type IV Rental License approval activities for license approved on 03/31/2017:

- 08-04-2016 The Owner, My Truong, applied for renewal of the rental dwelling license for 6015 Aldrich Ave N, a single family dwelling.
- 08-23-2016 An initial rental license inspection was conducted. Ten property code violations were cited, see attached rental criteria.
- 09-06-2016 A second rental inspection was conducted and failed. A \$100 reinspection fee was charged to the property.
- 09-21-2016 A third inspection was conducted and failed. A \$100 reinspection fee was charged to the property.
- 09-30-2016 The previous rental license expired.
- 10-04-2016 The \$100 reinspection fee was paid.
- 10-19-2016 A fourth inspection was conducted and passed.
- 11-14-2016 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
- 11-14-2016 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 11-28-2016 A Mitigation Plan was submitted.
- 12-05-2016 The Mitigation Plan was finalized.
- 01-02-2017 A letter was sent to the owner notifying that the hearing before the Council will be held January 09, 2017.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.
2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.
3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for

COUNCIL ITEM MEMORANDUM

a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.
5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

COUNCIL ITEM MEMORANDUM

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment

- Mitigation Plan
- Resolution Approving a Type IV Rental License for 6015 Aldrich Ave N

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6015 ALDRICH AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6015 Aldrich Ave N, was issued a Type IV Rental License on August 15, 2017; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 6015 Aldrich Ave N, Brooklyn Center failed to attend Owners/Managers Association Meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 6015 Aldrich Ave N, Brooklyn Center, MN.

January 22, 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.



BUILDING AND COMMUNITY STANDARDS

Rental License Mitigation Plan Type IV License

Handwritten Mitigation Plans will not be accepted. A fillable form can be found on the City's website at www.cityofbrooklyncenter.org or call (763) 569-3330 to have an electronic copy sent to you via email.

Property Address: 6015 ALDRICH AVE N

Owner's Name(s): AAKT LLC

Local Agent(s): Huan Dao

Owner's Address: 888 COUNTY RD D W #304
New Brighton, MN 55112

Agent's Address: 888 County Rd D W #304
New Brighton, MN 55112

Owner's Phone: (612) 245-8201

Agent's Phone: (612) 730-9086

Owner's Email: yourhomepropertymanager@aak.com

Agent's Email: yourhomepropertymanager@aak.com

Current Expiration Date: 9/30/17 -xt

Pending Expiration Date: 3/31/18 -xt

(Six 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

8015 ALDRICH AVENUE
PROPERTY ADDRESS

Rental License Mitigation Plan
Type IV License

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.mnccpa.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: 11/15/17

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) 589-3344. 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: _____

Security Assessment follow-up was completed on/is scheduled for: 11/15/18

Continue Sections A, Phase III on page 3.

**BUILDING AND COMMUNITY STANDARDS**

6015 ALDRICH AVE N
PROPERTY ADDRESS

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: 1/11/18 and 3/8/18

- ☒ 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

6015 ALDRICH AVE N
BROOKLYN CENTER, MN 55430-2109

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
Exampler: Water Heater	May 2010	F	May 2020
Furnace	May 1983	F	May 2019
Water Heater	September 2009	G	September 2019
Kitchen Appliances	Stove '95/Fridge 2010	G	May 2019
Laundry Appliances	May 2010	G	May 2025
Smoke Alarms/ Carbon Monoxide Alarms	September 2015	G	September 2019
<u>Exterior Items</u>			
Paint/Siding	May 2008	G	May 2030
Windows	May 2005	G	May 2025
Roof	May 2009	G	May 2038
Fence	N/A		
Shed	N/A		
Garage		G	June 2030
Driveway		G	June 2030
Sidewalks		G	June 2018
Other: _____	_____	_____	_____

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



BUILDING AND COMMUNITY STANDARDS

8015 ALDFACH AVE N
BROOKLYN CENTER, MN 55420-2180

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**

8015 ALDRICH AVE N
PROPERTY ADDRESS

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.

Huan Dao Property Manager

Owner or Agent Name and Title (Please Print)

Huan Dao

Digitally signed by Huan Dao
Date: 2018.01.04 15:25:49 -0500

1/1/2018

Owner or Agent Signature

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only



Police Department

1/10/2018

Date



Building and Community Standards Department

1-12-18

Date

City Council Agenda Item No. 10a
#6

COUNCIL ITEM MEMORANDUM

DATE: January 22, 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 6718 Colfax Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 6718 Colfax Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for 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 license was a Type IV Rental License issued on September 11, 2017, on condition of adherence to the Mitigation Plan and City Ordinances.

The requirements of the Mitigation Plan were met for the previous license. However, the property qualifies for a Type IV Rental License based on ten (10) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Therefore, according to City Ordinance, based on the number of property code violations, the license category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental License to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

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

COUNCIL ITEM MEMORANDUM

Current rental license approval activities for license that expires 07/31/2018:

- 10-30-2017 The owner, RHA 3, LLC, applied for renewal of the rental dwelling license for 6718 Colfax Ave N, a single family dwelling.
- 11-17-2017 An initial rental license inspection was conducted. Ten property code violations were cited, see attached rental criteria.
- 12-15-2017 A Mitigation Plan was submitted.
- 12-18-2018 A second inspection was conducted and passed.
- 01-04-2018 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 01-04-2018 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
- 01-12-2018 A letter was sent to the owner notifying that the hearing before the Council will be held January 22, 2018.
- 01-16-2018 The Mitigation Plan was finalized.

Prior Type IV Rental License approval activities for license that expired on 01/31/2018:

- 02-13-2017 The previous Type IV Rental License expired.
- 04-11-2017 The owner, RHA 3, LLC, applied for renewal of the rental dwelling license for 6718 Colfax Ave N, a single family dwelling.
- 05-18-2017 An initial rental license inspection was conducted. Eleven property code violations were cited, see attached rental criteria.
- 06-21-2017 A second inspection was conducted and failed. A \$100 reinspection fee was charged to the property.
- 07-05-2017 The \$100 reinspection fee was paid.
- 07-10-2017 A third inspection was conducted and rental license passed.
- 07-25-2017 City records indicate zero validated police nuisance incidents occurred in the past twelve months.
- 07-25-2017 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 07-27-2017 A Mitigation Plan was submitted.
- 08-30-2017 The Mitigation Plan was finalized.
- 09-01-2017 A letter was sent to the owner notifying that the hearing before the Council will be held September 11, 2017

Prior Type IV Rental License approval activities for license that expired on 07/31/2017:

- 10-13-2016 The Owner, RHA 3, LLC, applied for renewal of the rental dwelling license for 6718 Colfax Ave N, a single family dwelling.
- 11-16-2016 An initial rental license inspection was conducted. 15 property code violations were cited, see attached rental criteria.
- 12-20-2016 A second rental inspection was conducted and rental license passed.
- 01-05-2017 City records indicate zero validated police nuisance incidents occurred in the past twelve months.

COUNCIL ITEM MEMORANDUM

- 01-05-2017 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 01-11-2017 A Mitigation Plan was submitted.
- 01-29-2017 The Mitigation Plan was finalized.
- 01-31-2017 The previous rental license expired.
- 02-03-2017 A letter was sent to the owner notifying that the hearing before the Council will be held February 13, 2017.

If approved, after six months, a new rental license is required. The license process will begin within four months. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.
2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.
3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.
4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the

COUNCIL ITEM MEMORANDUM

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

COUNCIL ITEM MEMORANDUM

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment

- Mitigation Plan
- Resolution Approving a Type IV Rental License for 6718 Colfax Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6718 COLFAX AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6718 Colfax Ave N, was issued a Type IV Rental License on September 11, 2017; and

WHEREAS, the property qualifies for a Type IV Rental License based on the number of property code violations (10) and validated police nuisance incidents (zero); and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License to complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and complete security improvements; and City Ordinance Section 12-913 requires submittal of monthly updates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 6718 Colfax Ave N, Brooklyn Center, MN.

January 22, 2018

Date

Mayor

ATTEST: _____

City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.



Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

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

Property Address:	6718 Colfax Ave N	
Owner's Name(s):	Rha 3, LLC	Local Agent: HavenBrook Homes, LLC
Owner's Address:	1611 County Rd B West #104 Roseville, MN, 55113	Agent Address: 1611 County Rd B West #104 Roseville, MN, 55113
Owner's Phone:	470-268-3980	Agent's Phone: 470-268-3980
Owner's Email:	rha3@havenbrookhomes.com	Agent's Email: mn@havenbrookhomes.com
Current Expiration Date:	1/31/18 -xt	Pending Expiration Date: 7/31/18 -xt

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property is required to submit an Action (Type III) or Mitigation Plan (Type IV). In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license renewal may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.



6718 Colfax Ave N

Community Development

Sections A—Crime Free Housing Program Requirements

Phase II - Read and check each box.

- ☒ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.
- ☒ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.
- ☒ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant, a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.
- ☒ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mnccps.net. If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.
- ☒ Crime Free Housing training is completed
- ☐ Crime Free Housing training is scheduled for _____
Date
- ☐ Owner or agent plans to attend training at: _____
Name of City
- ☒ 5) Submit Monthly Report by the 10th day of each month. Only required for Type IV—Mitigation Plans.

Phase III - Read and check each box.

- ☒ 1) Complete a Security Assessment and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.
- ☒ 2) A follow-up assessment must be completed before the license expiration date to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.
- ☒ Security Assessment is completed
- ☐ Security Assessment is scheduled for _____



6718 Colfax Ave N

Community Development

Section A—Crime Free Housing Program Requirements (continued)

Phase III - A.R.M Meeting Requirement

- ☒ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the License expiration date.
- ☒ 2) Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meetings are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.
- ☒ 3) Write two months the owner or agent plans to attend. 5/10/18 -xt 3/8/18
Owner or agent will attend A.R.M. meetings scheduled for: 5/10/18 and 3/8/18

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

- ☐ 1) Conduct resident training annually to include crime prevention techniques.
- ☐ 2) Conduct regular resident meetings.



6718 Collax Ave N

Community Development

Sections B—Long Term Capital Improvement Plan

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the Estimated Replacement Date. Plans will not be approved if writing "unsure", "don't know", or leaving it blank. If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	May 2010	F	May 2020

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	1/1/98	F	01/01/23
Water Heater	1/1/15	G	01/01/24
Kitchen Appliances	8/1/12	F	8/1/22
Laundry Appliances	N/A		
Smoke Alarms/ Carbon Monoxide Alarms	3/1/17	G	3/1/18

Exterior Items

Paint/Siding	7/1/05	G	7/1/20
Windows	7/1/05	G	7/1/25
Roof	7/1/10	G	7/1/30
Garage	8/1/87	G	7/1/30
Driveway	7/1/00	F	7/1/25
Fence	N/A		
Sidewalks	7/1/00	F	7/25
Shed	N/A		

*Condition Abbreviations:

New=N

Good=G

Fair=F

Needs Replacement=R



6718 Calfax Ave N

Community Development

Sections C—Steps to Improve Management and Conditions of Property

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- ☒ 1) Check-in with tenants every 30-days.
- ☒ 2) Drive by property to check for possible code violations.
- ☒ 3) Evict tenants in violation of the lease or any addendums.
- ☒ 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- ☒ 5) Have no repeat code violations previously documented with the past year.
- ☒ 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- ☐ 7) Other: _____

The following actions are optional unless required by the City.

- ☐ 1) Provide lawn/snow service.
- ☐ 2) Provide garbage service.
- ☐ 3) Install security system.
- ☐ 4) Provide maintenance service plan for appliances.
Name of service company: _____
- ☒ 5) Other: Professional Maintenance Inspections

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.



6718 Calfax Ave. N

Community Development

Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Scott Beck

Owner or Agent Name and Title (Please Print)


Owner or Agent Signature

01/09/18

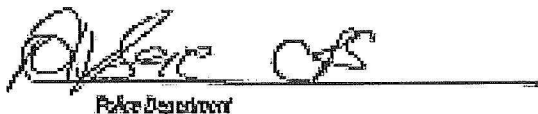
Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

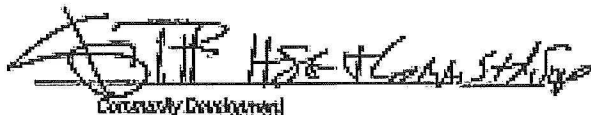
Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only


Police Department

1/10/2018
Date


Community Development

1/12/18
Date

City Council Agenda Item No. 10b

COUNCIL ITEM MEMORANDUM

DATE: January 17, 2018
TO: City Council
FROM: Curt Boganey, City Manager 
SUBJECT: Council Meeting Schedule Amendment

Recommendation:

It is recommended that the City Council consider amending its' meeting schedule to add a work session item to receive and review developer proposals for the South Opportunity Site between John Martin Drive and Bass Lake Road.

We recommend the meeting for Tuesday February 20th 2018 commencing at 5:00 p.m. in the Council Chambers. The meeting is expected to last for three hours.

Background:

Over the last several months with the support of our redevelopment consultant Ehlers, staff has participated in several meetings with developers to consider potential redevelopment options for the South Opportunity Site area. On February 20th you will hear presentations from three developers who have unique visions for the redevelopment of this area of the community. The goal of the meeting is to hear the proposals, ask questions and determine if the EDA should consider negotiating a redevelopment agreement with any of the proposers.

Budget Issues:

There are no budget issues to consider at this time.

Strategic Priorities:

- Targeted Redevelopment

Work Session Agenda

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
January 22, 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. Saturday Marketplace (Lennie Chism)
2. Overnight Parking
3. City of Brooklyn Center 2018 State Legislative Issues

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

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

Work Session Agenda Item No. 1

MEMORANDUM – COUNCIL WORK SESSION

DATE: January 17, 2018
TO: City Council
FROM: Curt Boganey, City Manager 
SUBJECT: Saturday Market – Lennie Chism

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding the proposed Saturday Market.

Background:

Mr. Chism has met with staff several times over the last few years regarding a concept for creating opportunities to help local businesses grow and develop. In the late summer of 2017 he 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. It is my understanding that finding adequate parking was an impediment to completing the application.

On Monday Mr. Chism will make a presentation to the City Council regarding his interest in moving forward with his plans to establish an outdoor seasonal market. It is also my understanding the Mr. Chism is interested in support from the City to assist with this endeavor.

Policy Issues:

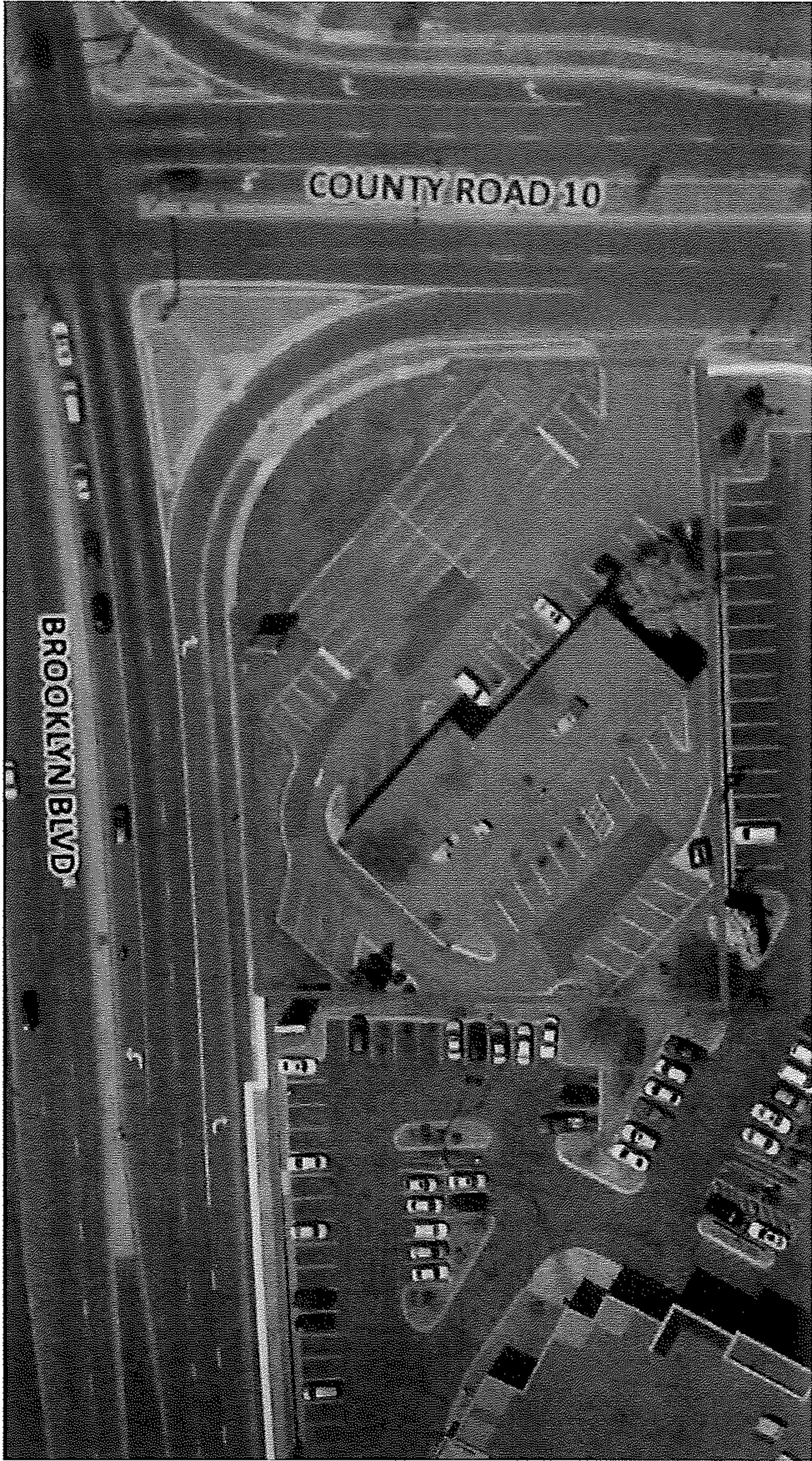
Strategic Priorities:

- Resident Economic Stability

**1st
SAT**

**STREET
MARKETPLACE**

the Open Air Market



During this year's budgeting process department heads identified key initiatives and value propositions for their divisions focused on the achievement of strategic priorities, which are included in their respective narratives. The definitions of the Strategic Priorities and examples of some of those key initiatives for 2018 are as follows:

Resident Economic Stability

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

- ☐ We will work with State Agencies; Hennepin County; Educational Institutions; and Labor, Trade & Business Associations to establish programs and activities that enhance the skill levels, strengthen work ethics, and increase opportunities for all residents.
- ☐ We will work with State Agencies and Hennepin County to identify economic assistance programs that promote private investments into industrial and commercial developments/redevelopments/renovations that stimulate the creation of new living wage employment opportunities.
- ☐ **Resident Empowerment Collaborative**
We will facilitate the creation of/or become an active partner in an existing collaborative focused on developing skilled employment opportunities for underserved Brooklyn Center Residents.
- ☐ **Entrepreneur Support**
We will develop a program to support existing local and start-up businesses. The program will identify service gaps for local entrepreneurs, develop solutions, and identify resources, and reduce/eliminate local government barriers to local business success.

“ They beat it out the ground “

My parents were exceptional teachers. They were entrepreneur businesspeople. Very meager, but entrepreneurial. My dad could outsell me 10 to 1. But what he did, the inspiration that he did and the vision that he gave me sitting around that breakfast table, is something that gave me an edge in life that I'll always remember. And my mom was right there with him.

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Jerry Jones Hall of Fame Induction Speech, August 2017

Significant initiatives in the 2018 budget include: Highlights geared toward Saturday Market Place Support

- Establishment of a Communications and Engagement division, including funding allocated to branding and marketing efforts, website re-design and community engagement activities.
- Reorganization of the Business & Development and Building & Community Standards departments into a Community Development departments. This new department will be led by a Community Development Director who will also oversee the economic development activities of the City.
- The creation of a full-time business assistance specialist position that will provide the necessary assistance to current, start-up and relocating businesses. This position will also work to identify workforce opportunities for current Brooklyn Center residents.

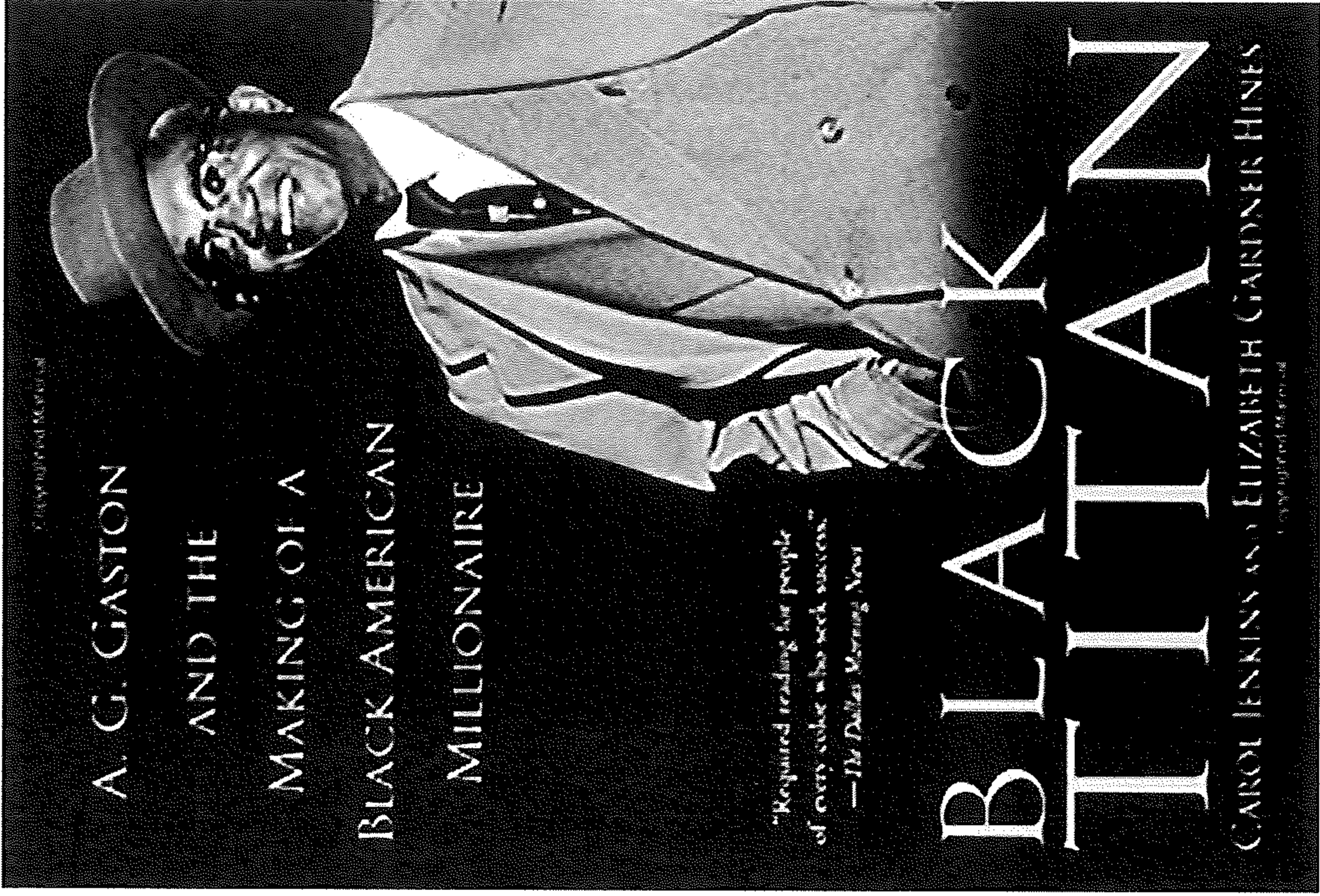
The Saturday Market Place will

Stimulate locally economy – BC Vendors given preference – Providing opportunities for business incubation
Attendees have more social and informational encounters, the desired face to face interaction

The Saturday Market Place is being created to function as an economic development tool and a community gathering place. The purpose is to promote locally grown/made products, highlight BC and encourage visitors to patronize nearby businesses. It is also hoped that the Saturday Market Place will foster a sense of community and improve quality of life. The intention is that vendors, customer, businesses and residents will benefit from this market.

Vision & Goals: The Saturday Market Place is for it to ultimately become an established market that attracts people.

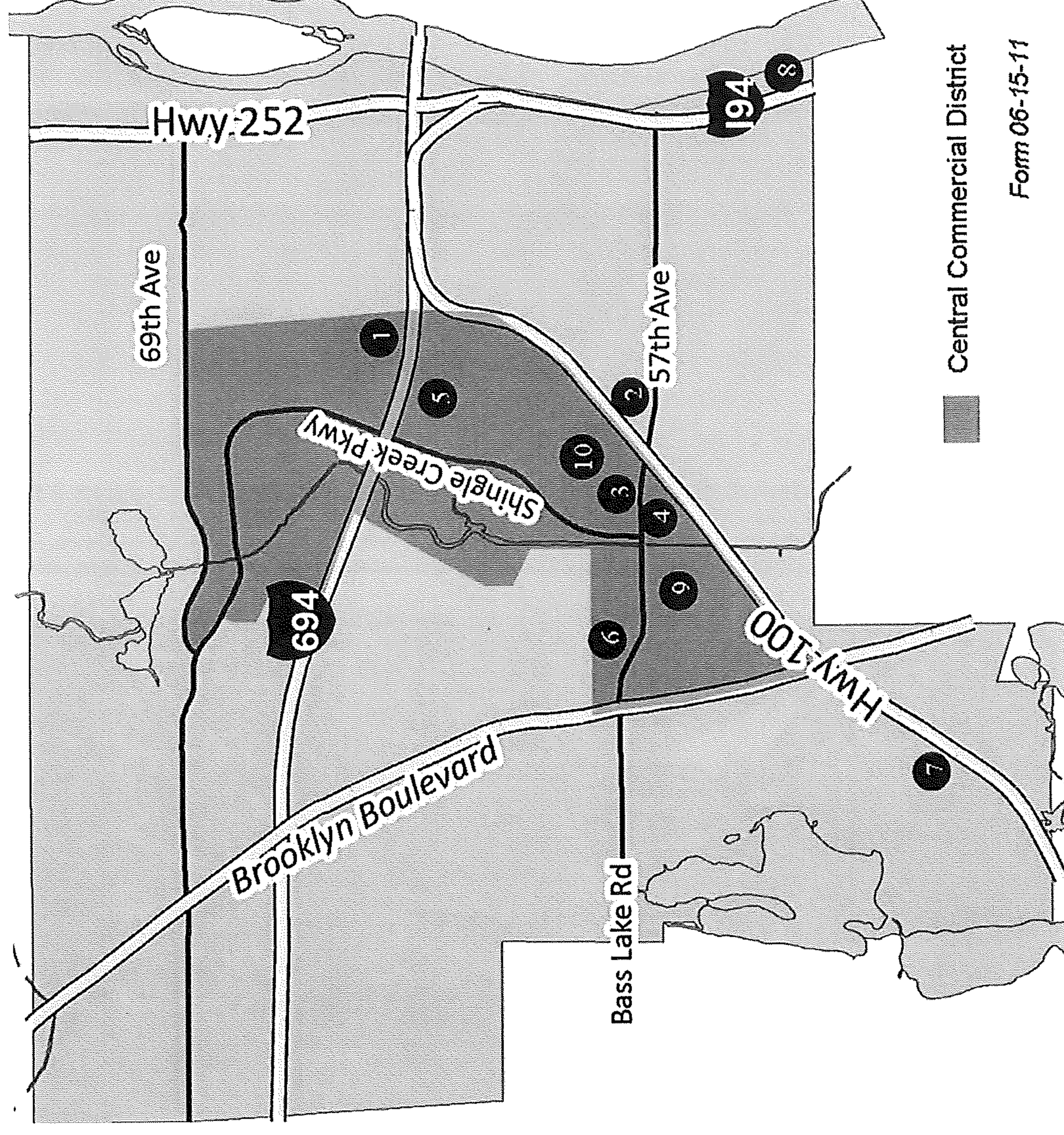
“I is rich”



“I am poor”

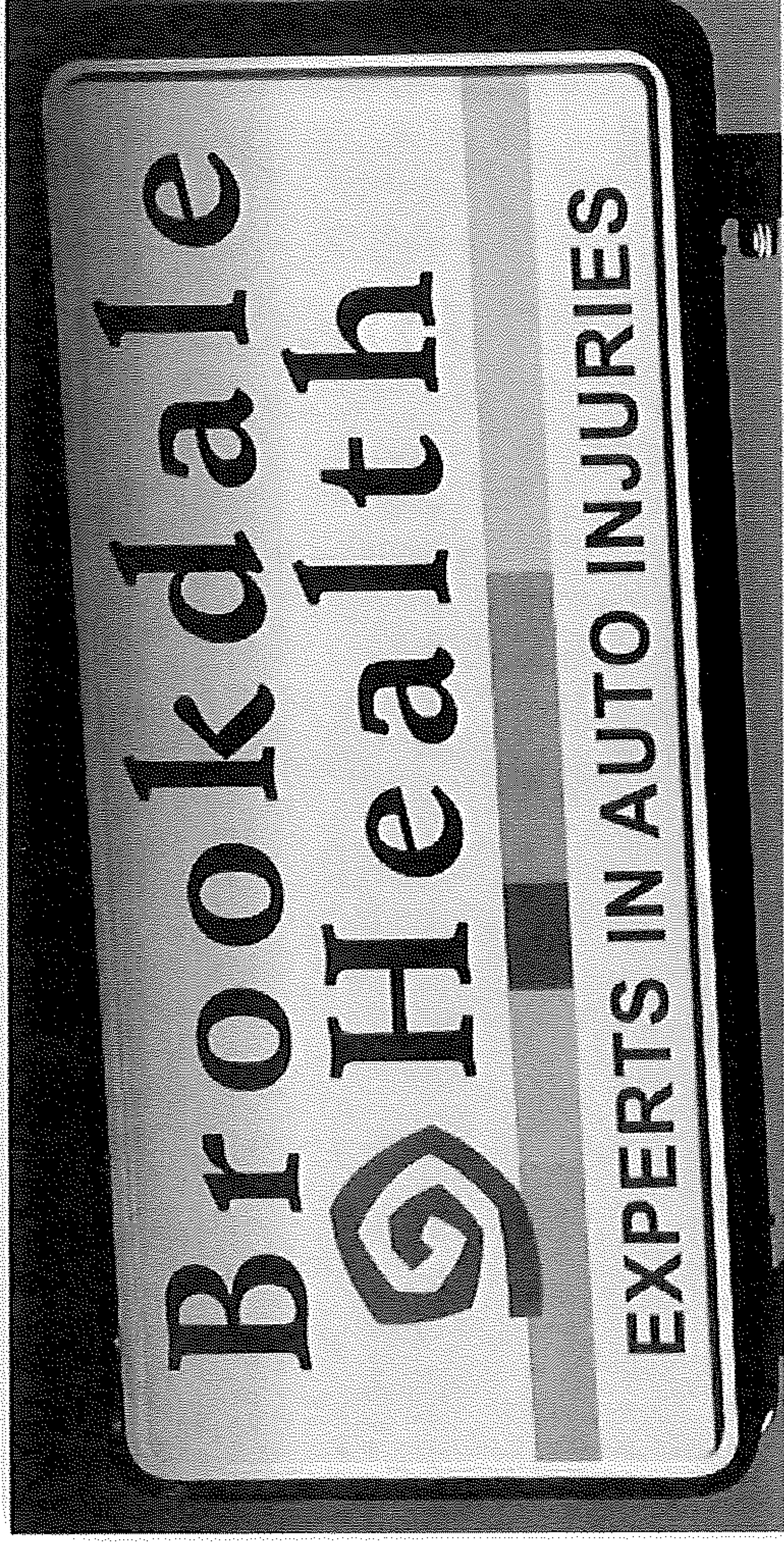
Jerry's Food Site

Initiatives for 2018 include the development of an Economic Principle Plan which identifies market land value for potential sales of the lot; identification of potential economic assistance programs; consideration to establishing a PUD zoning classification with potential development parameters and land uses.



Location: A Parking LOT!!! Yes!!! Not just any parking.





What makes this site so suitable – Critical Mass

Traffic Flow –

approx. 18,000 cars east/west

approx. 20,000 cars north/south

This critical mass of traffic large enough to produce our desired results.

Support Entrepreneurs endeavors – 85-90% all jobs provided by small businesses

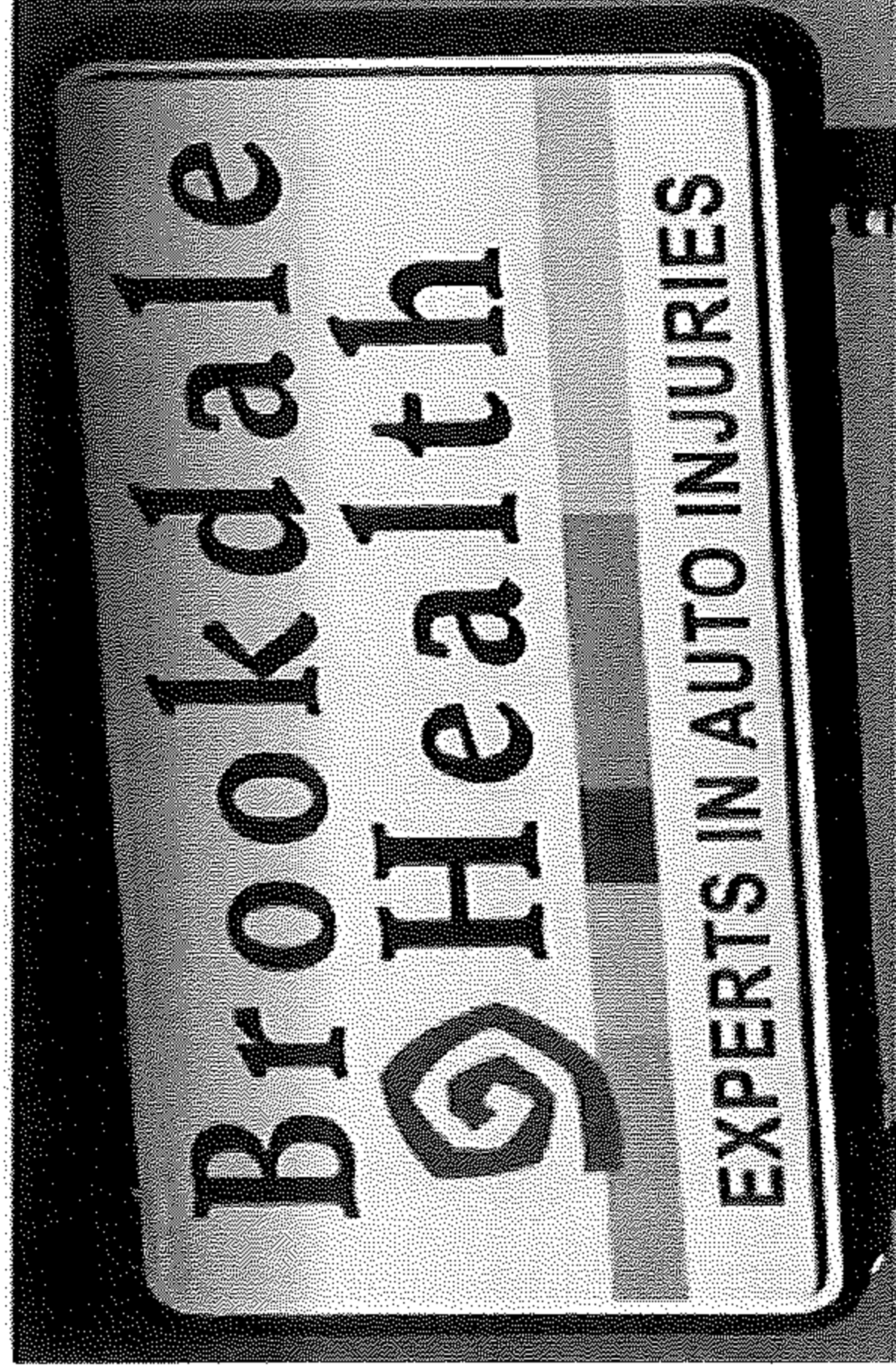
Job Creation

Beating it out of the Dirt to success

**1st
SAT**

STARK ETP LA C

FREE & OPEN TO THE PUBLIC an open-air market
May-October 2018 10am-4pm, **RAIN or SHINE**



Corner of Bass Lake Road and Brooklyn Blvd

Location: Brookdale Health's Parking Lot
5740 Brooklyn Blvd,
Brooklyn Center, MN 55429

Vendor Info: call #(612) 849-1227

EVENT ORGANIZER

I AM ONE OF THE MILLION

*** MN**

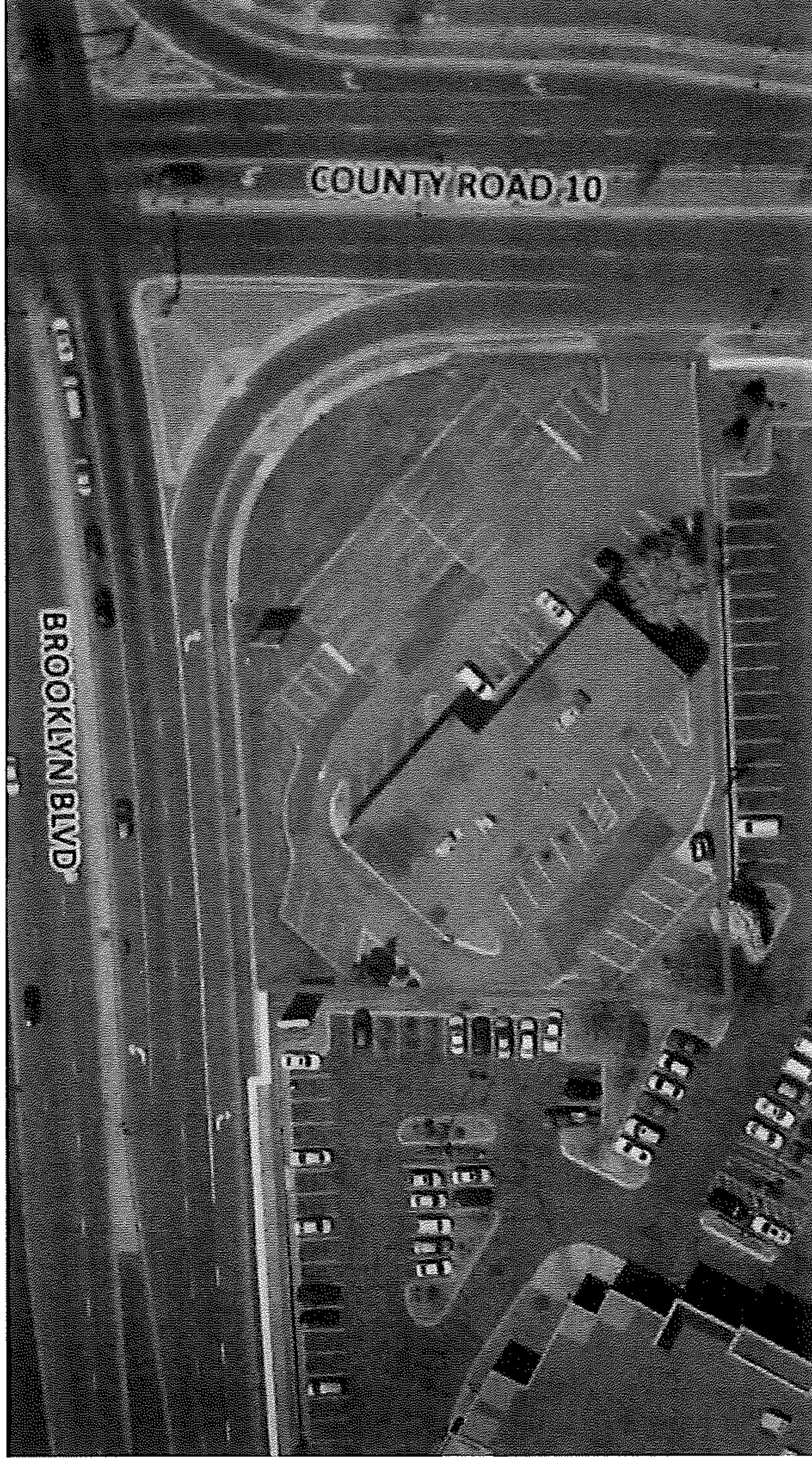
Event DESC: We are transforming Brookdale Health's parking lot into an open-air market. No Windows, No Door - Open Air Shopping.

Dates: 1st Saturday May-Nov 2018

Time: 10am-5pm, Rain or Shine

Location: 5740 Brooklyn Blvd,
Brooklyn Center, MN 55429

FREE ADMISSION OPEN TO THE PUBLIC



Attendees: Come for the Shopping! Brookdale Health's parking lot will become a shopper's street of dreams with a myriad of merchant booths featuring various categories of Arts & Crafts, Jewelry, Home Decor, Health & Beauty, Sporting Goods, and Children's Items, Clothing, Pets, Direct Sales companies, service merchants and more!

One drawback: Attendee Parking. Cub Foods granted use of their parking lot in the fall of 2017.

The Location is family friendly. Other important amenities include:

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- Garbage and recycling
- Eating area
- Food preparation and clean-up area
- Tents, Chairs and tables
- Storage
- Electricity and water, i.e., for freezers
- Extra space to hold workshops or children's activities



Strengths

High visibility location that may attract passersby.
Community interest and support for establishment of a market.

Weaknesses

Lack of a structure to protect vendors and shoppers from the elements.

Opportunities

Small number of community events would likely help us stand out and promote the market.
Move towards buying local food and increased interest in farmers' markets will work in our favor.
Creating a vibrant community space for social interaction and cultural events.

Marketing Strategy

As was mentioned in the previous section, there are a small number of community events in the area. This could play in our favor, and help to make the market stand out as a unique opportunity to purchase local food in addition to being a fun, community gathering.

Because the market will likely have a very small budget there will not be much room for advertisements. The market will have to rely almost exclusively on free marketing.

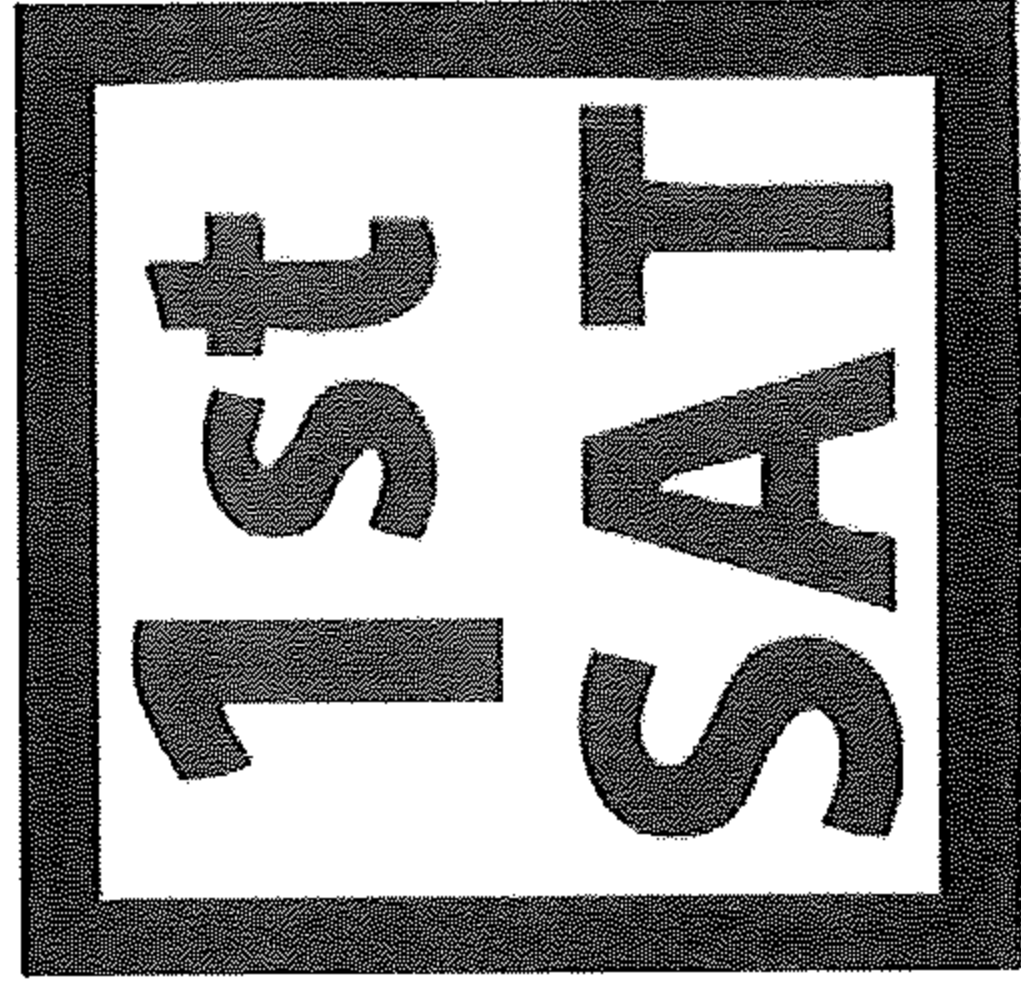
Key Strategies

Vendor outreach strategy;
Consumer education strategy;
Co-operative development strategy;
Vendor relations strategy;
Volunteer recruitment strategy;
Health and Safety strategy;
Media strategy and Marketing strategy

Title Sponsor: \$25,000 provides a platform BC to foster real community investment.

Customized the event package to fit the needs of BC. (negotiable)

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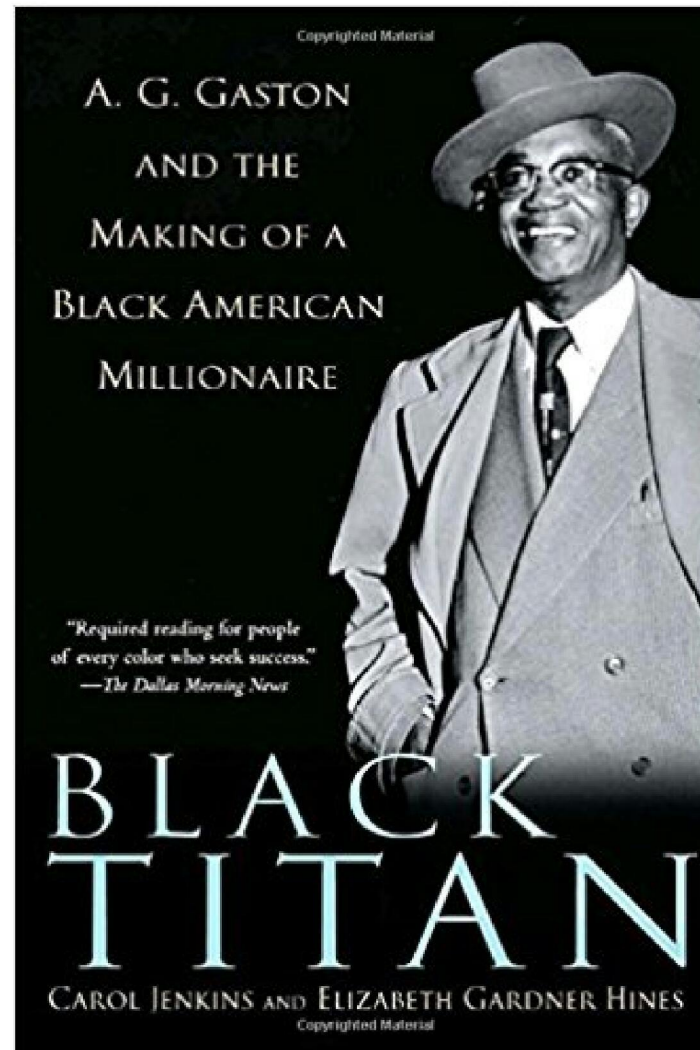
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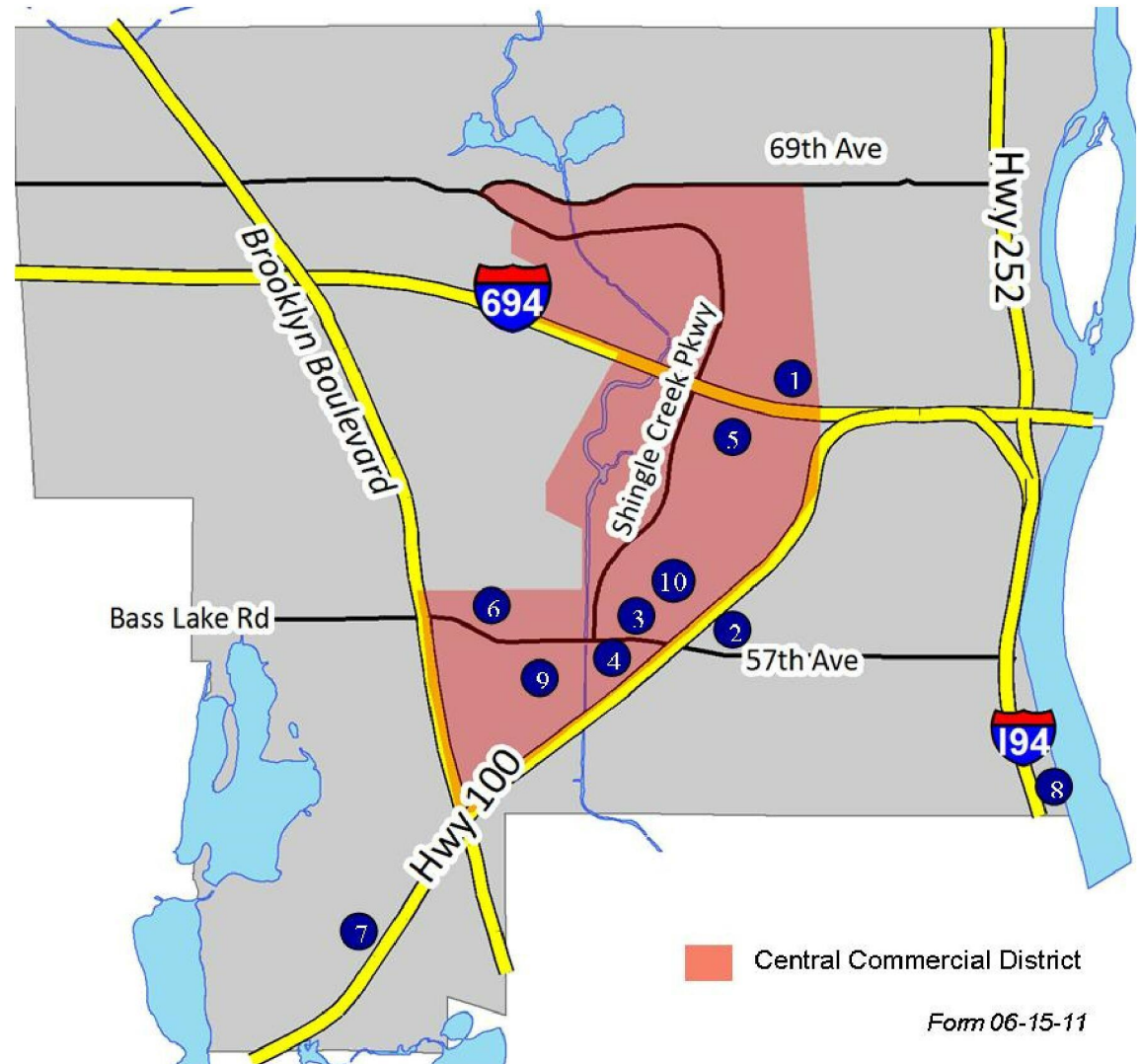
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Health and Safety strategy;
Media strategy and Marketing strategy .

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– Naming rights for the event and inclusion of logo on all event materials



Work Session Agenda Item No. 2

MEMORANDUM – COUNCIL WORK SESSION

DATE: January 11, 2018

TO: Curt Boganey, City Manager 

FROM: Tim Gannon, Chief of Police 

SUBJECT: Analysis of On-street Parking Rules and Regulations

Recommendation:

It is recommended that the City Council consider providing direction to city staff pertaining to on-street parking and the duration vehicles are allowed to be parked on public streets.

Background:

The City of Brooklyn Center restricts parking on any public right of way to six hours or less. The City also prohibits all on street parking from 2:00 a.m. to 6:00 a.m. year-around. The specific provision will be referred to as overnight parking (commonly referred to as OT parking) for the remainder of this memorandum. All street parking enforcement is conducted by the police department. Over the past few years, complaints regarding overnight parking have increased even though citations issued by the police department have more than doubled. The complaints from citizens are consistently stated as follows: "if the City has an ordinance for overnight parking then they need to enforce it." The police department seldom gets complaints regarding the six-hour continuous parking provision, which is currently enforced by citizen complaint only.

As the use of social media and other means of electronic communications have increased, the way in which citizens communicate overnight parking violations has also changed. Citizens can send complaints via the general police e-mail address or the Request Tracker located on the City's website. The police department can also be contacted directly via Hennepin County dispatch non-emergency. Many of the complaints also come from citizens contacting elected officials who in turn notify city staff. The various means of communicating parking complaints makes it more difficult to accurately track the volume of complaints from year to year. However, analyzing 911 call (CAD) data, the number of complaints over the past three years has remained consistent.

The specific reasons for year-around overnight parking restrictions are not written into the ordinance, but are believed to be related to potential criminal activity as well as community image. Seasonal overnight parking is well documented as it relates to the orderly removal of snowfall. Typically, seasonal bans occur from November 1 to April 1 with provisions; if substantial snowfalls occur outside the seasonal timeframe, enforcement can still take place.

Police staff did conduct an analysis of current parking ordinances observed by surrounding communities to see if there are similarities and compared enforcement strategies. During that analysis it was found that the City of Brooklyn Center has some of the most restrictive on-street parking ordinance compared to neighboring communities (map included in presentation).

MEMORANDUM – COUNCIL WORK SESSION

Included in the presentation are specific ordinances and the cities that enforce them for the City Council to compare.

A number of options exist for the City Council to consider moving forward. The two parking provisions assessed were overnight parking and the six-hour continuous parking restriction. The provisions can be looked at together or separately.

Option #1 *No change in ordinances and no change in enforcement strategies:*

The police department prioritizes overnight on-street parking to a lesser degree than other public safety requests/responses; a staffing model that's based on calls for service. The police department has considerably less staff on-duty during the timeframe of overnight parking enforcement. The possibility and likelihood that some vehicles will not be tagged nightly is high. The current practice of selected parking enforcement based on neighborhood complaints seems inequitable at best. The continuation of sporadic complaints and criticism by citizens directed at City staff is likely with this option.

Option #2 *No change in ordinances but an enhanced enforcement model.*

The current overnight parking enforcement will be enhanced with this option to include additional non-sworn community services officers to be on-duty during overnight parking hours. It should be noted that this option would cost \$30,850; a portion of the expense would be recouped by increased fines *if such fines are paid*. A typical parking fine is \$46 (approximately 50% of that fee is returned to the City) and last year the police department wrote 3,150 parking violation tickets. A 30% increase in the number of citations issued with this option is likely.

Additional Costs – Option 2				
Total Wages (Gross Salary)	FICA	Medicare	Workers Compensation	Total Wages and Benefits (Net)
\$28,470	\$1,765	\$413	\$202	\$30,850

Option #3 *Change the overnight parking restrictions to seasonal enforcement.*

Many surrounding communities enforce their overnight parking restrictions from November 1 to April 31, which corresponds with the time of year that snowfall is most likely to occur. An increase of overnight parking enforcement could be better sustained by current sworn and non-sworn staff on a seasonal basis. Throughout the winter, police calls for service typically decrease, which allows officers more discretionary time to focus on other tasks, including parking enforcement. A change in the continuous parking ban from six hours to twelve hours is also recommended and is a more consistent and enforceable parking ban. Additionally, the following language could be added to the ordinance:

Snow Emergency. After a snowfall of at least 2.5 inches in the City, parking is prohibited on any public street or alley until and after that particular street or alley has been plowed and the snow removed to the curb line. It is unlawful to deposit snow or ice, plowed or removed from private property, onto the traveled portion of a street, alley or public way. Vehicles parked in violation of this section may be removed in accordance with Section 27-121.

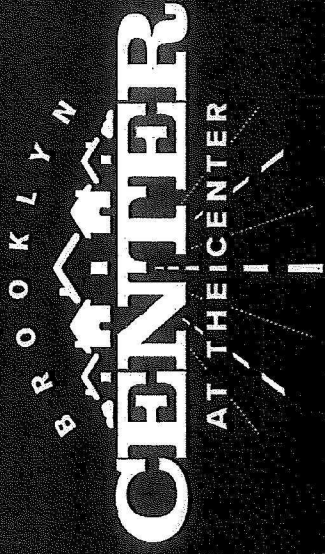
MEMORANDUM – COUNCIL WORK SESSION

Policy Issues:

1. Does the City Council need additional information, facts, or comparison data regarding the parking issue?
2. Is there a consensus of the City Council regarding staff continuing to move forward with modifications to the existing parking ordinance? if so which provisions should staff evaluate for removal or addition?

Strategic Priorities:

- Safe, Secure, Stable Community



CITY COUNCIL ORDINANCE PROPOSAL

OVERNIGHT (OT) PARKING RESTRICTIONS

JANUARY 22, 2018

PARKING ENFORCEMENT – STATE STATUTE

2-8.01.02 Local Authority – Local authorities may also restrict parking by ordinance or resolution.

2-8.02 Limited Time Parking – Limited time parking is a local concern which is controlled by local authorities. It is Mn/DOT's policy to give considerable latitude to local communities in setting parking time limits.



PARKING ENFORCEMENT - CITY ORDINANCE

Section 27-120. PARKING RESTRICTED AND PROHIBITED -

No person in charge of any vehicle shall park or permit such vehicle to stand upon the roadway of any highway or street in the City of Brooklyn Center between the hours of 2 a.m. and 6 a.m., nor for more than six consecutive hours at any other time. No person in charge of any vehicle shall park or permit such vehicle to stand upon any alley in the City of Brooklyn Center at any time.



Brooklyn Center City Council
Overnight Parking Restriction Ordinance Proposal
January 22, 2018



PARKING COMPLAINTS – CHANNELS

We receive parking complaints through a variety of channels, including:

- 911 (CAD)
- Civic Plus (City Website) – data is not easily searchable.
- City Hall – many are routed through dispatch/911.
- Police Department – many are routed through dispatch/911.



PARKING COMPLAINT CALLS (911 CALLS)



Brooklyn Center City Council
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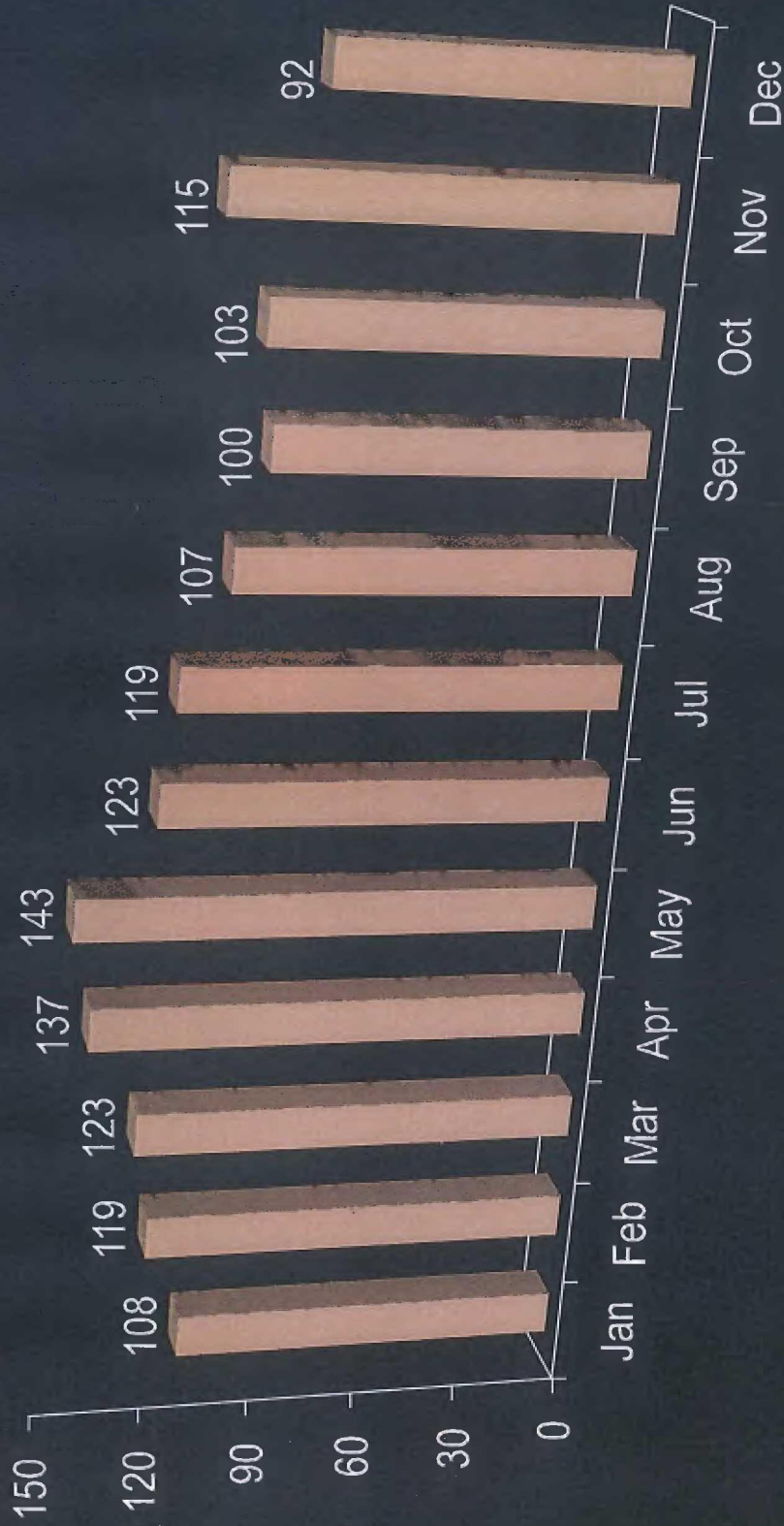
TOTAL PARKING CITATIONS



Brooklyn Center City Council
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AVERAGE PARKING CITATIONS BY MONTH 2013-2017



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PARKING EXCEPTION PERMIT

- If you would like an exception to the parking ordinance you can go to the PD and speak to a staff member.
- If permission is granted a permit is issued.



**CITY OF
BROOKLYN
CENTER**

PARKING EXCEPTION PERMIT

BCPD Authorization # _____

VALID ONLY ☐ **End Date** _____

VEHICLE LICENSE **Plate #** _____

Authorized By (Signature of Authorized Personnel) _____ **Badge #** _____

IMPORTANT INFORMATION:

1. This parking exception (placard) is valid **ONLY** for the valid date(s) authorized above.
2. This placard is valid **ONLY** for the vehicle license listed above.
3. This placard is **NOT VALID** after 1" of snow accumulates, UNTIL such time as the street has been properly plowed.
4. This placard **MUST BE HUNG FROM THE VEHICLE'S REAR VIEW MIRROR.**
Failure to properly display this parking exception will invalidate the permit.



PARKING ORDINANCES – NEIGHBORING CITIES

OT Parking Ban

- 3 Year-around OT Parking Restrictions (incl. Brooklyn Center)
- 4 Seasonal OT Parking Restrictions
- 2 No OT Parking Restrictions



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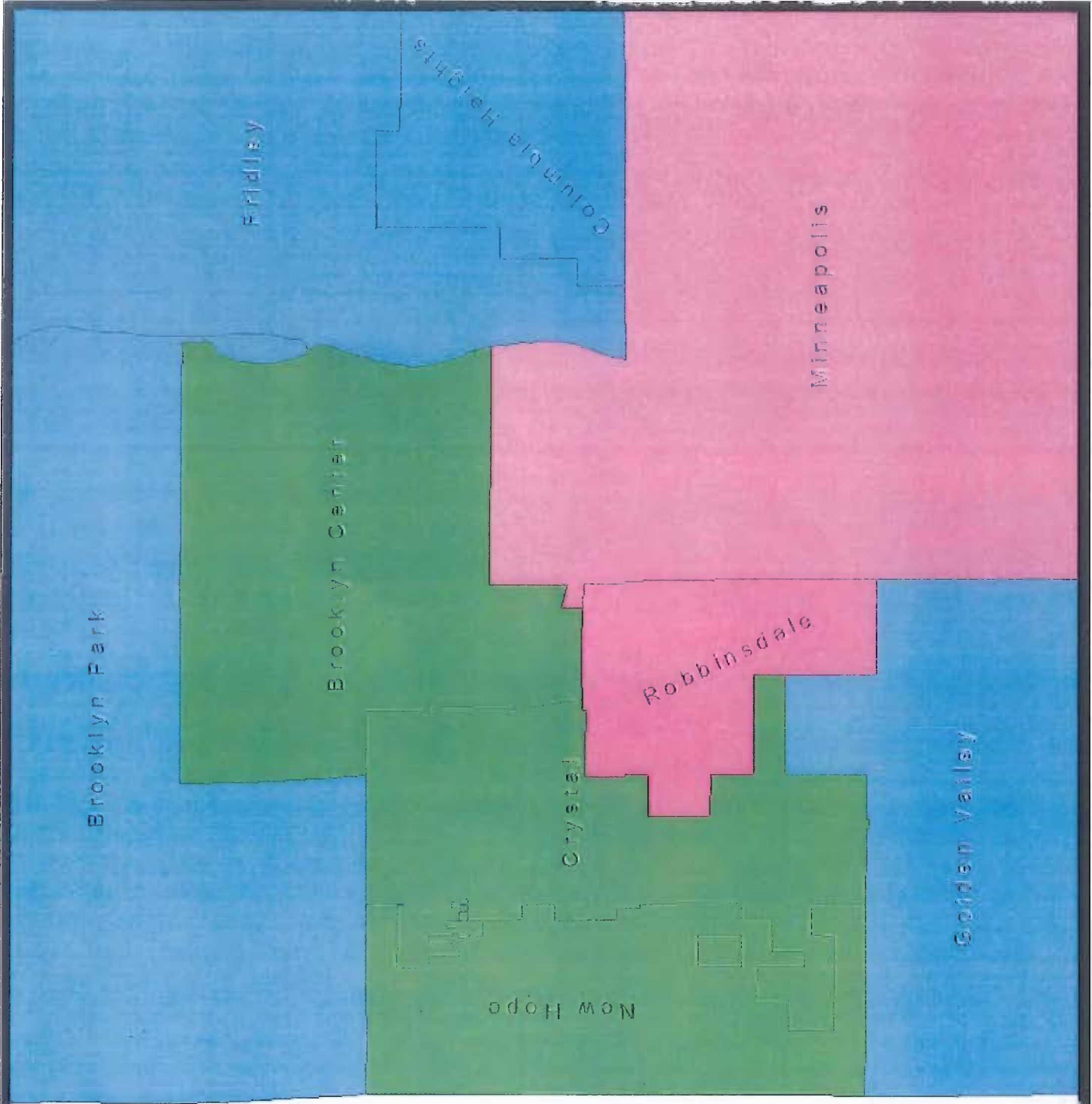
Nearby Cities by Parking Ordinance

Legend

- No OT ban, All year
- OT ban, All year
- OT ban, Seasonal



Date: 12/22/2017



NEIGHBORING CITIES CONSECUTIVE TIME LIMITS

72 HOURS

- Minneapolis
- Golden Valley

48 HOURS (STATE STATUTE)

- Crystal

24 HOURS

- Brooklyn Park
- Fridley

10 HOURS

- New Hope

6 HOURS

- Columbia Heights
- Brooklyn Center
- Robbinsdale (only enforces if a complaint is generated)



Brooklyn Center City Council
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RECENT CHANGES – OT PARKING

2017

Burnsville

Year round on street parking ban from 2:00 – 6:00 a.m.

Brooklyn Park

Three possibilities discussed, including: keeping the parking rule as is, expanding it to year round or shortening it. No change was made.

2015

Savage

Now no parking between November 1 and March 31

2014

Golden Valley

Changed to no parking November 1 – March 31 from Midnight – 6:00 a.m. daily. The hours now reflect 2:00 – 6:00 a.m. seasonally.



Brooklyn Center City Council
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CHALLENGES – OT PARKING

Year-around OT Parking poses challenges for

- Officer Priorities
- Community Service Officers
- Department Staff - Parking Exception Log and Complaints
- Hennepin County Dispatch Personnel
- Citizens from other cities countries without parking restrictions.

Brooklyn Center has 105 miles of streets to enforce in 4 hours.



Brooklyn Center City Council
Overnight Parking Restriction Ordinance Proposal
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BENEFITS

- Easier for Public Works staff to do maintenance of roadways.
- Keeps the streets clean/open for emergency personnel.
- Easier for Police staff to identify suspicious vehicles in neighborhoods.



Brooklyn Center City Council
Overnight Parking Restriction Ordinance Proposal
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FEEDBACK FROM BUILDING AND COMMUNITY STANDARDS (BCS)

- Parking on the grass is BCS and parking on the street is BCPD.
- On street parking complaints are forwarded to BCPD.
- Multigenerational families needing additional parking.
- Citizens park on the grass and then on the street.
- OT parking helps Community Standards locate illegal mechanic shops working in residential areas.



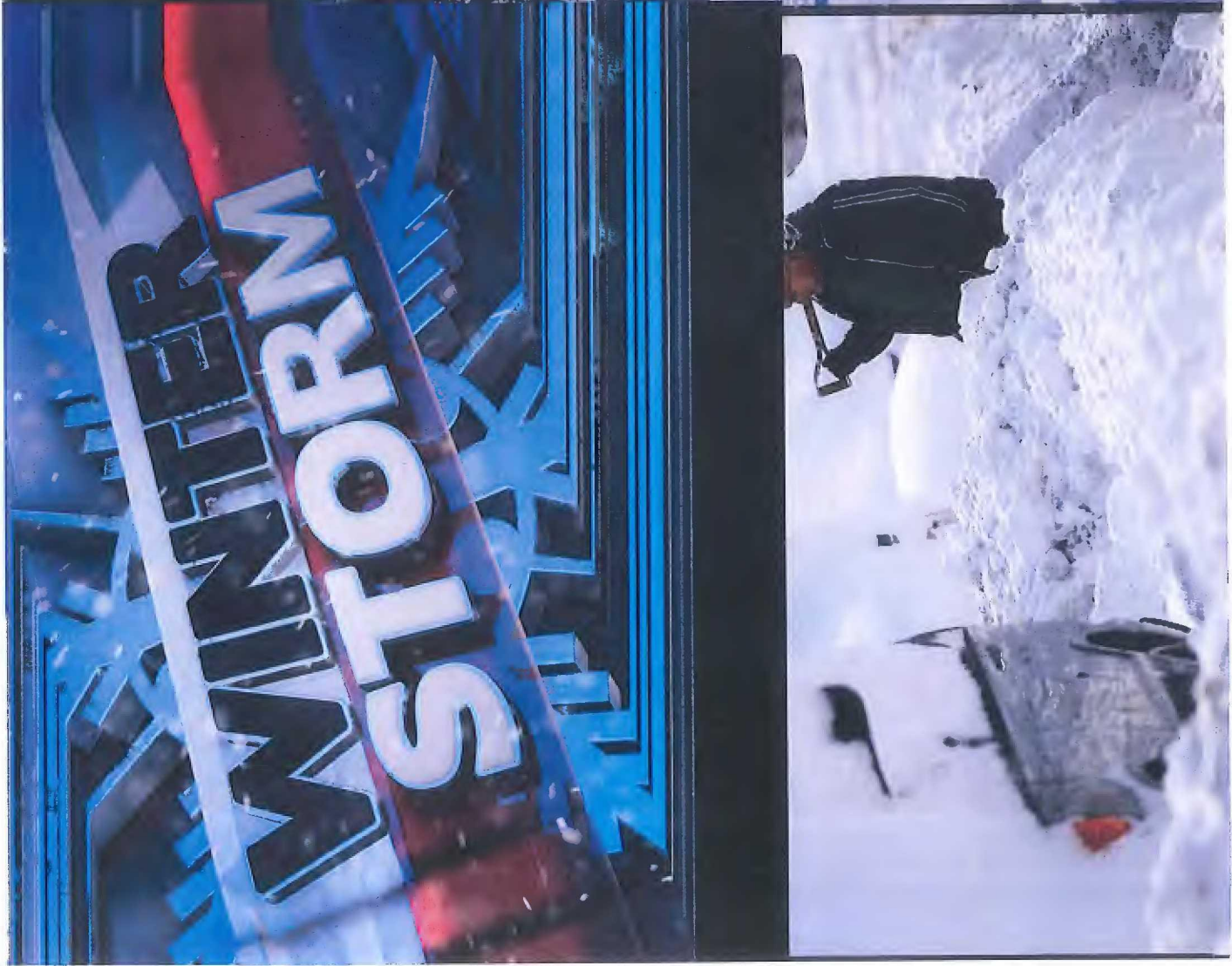
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FEEDBACK FROM PUBLIC WORKS

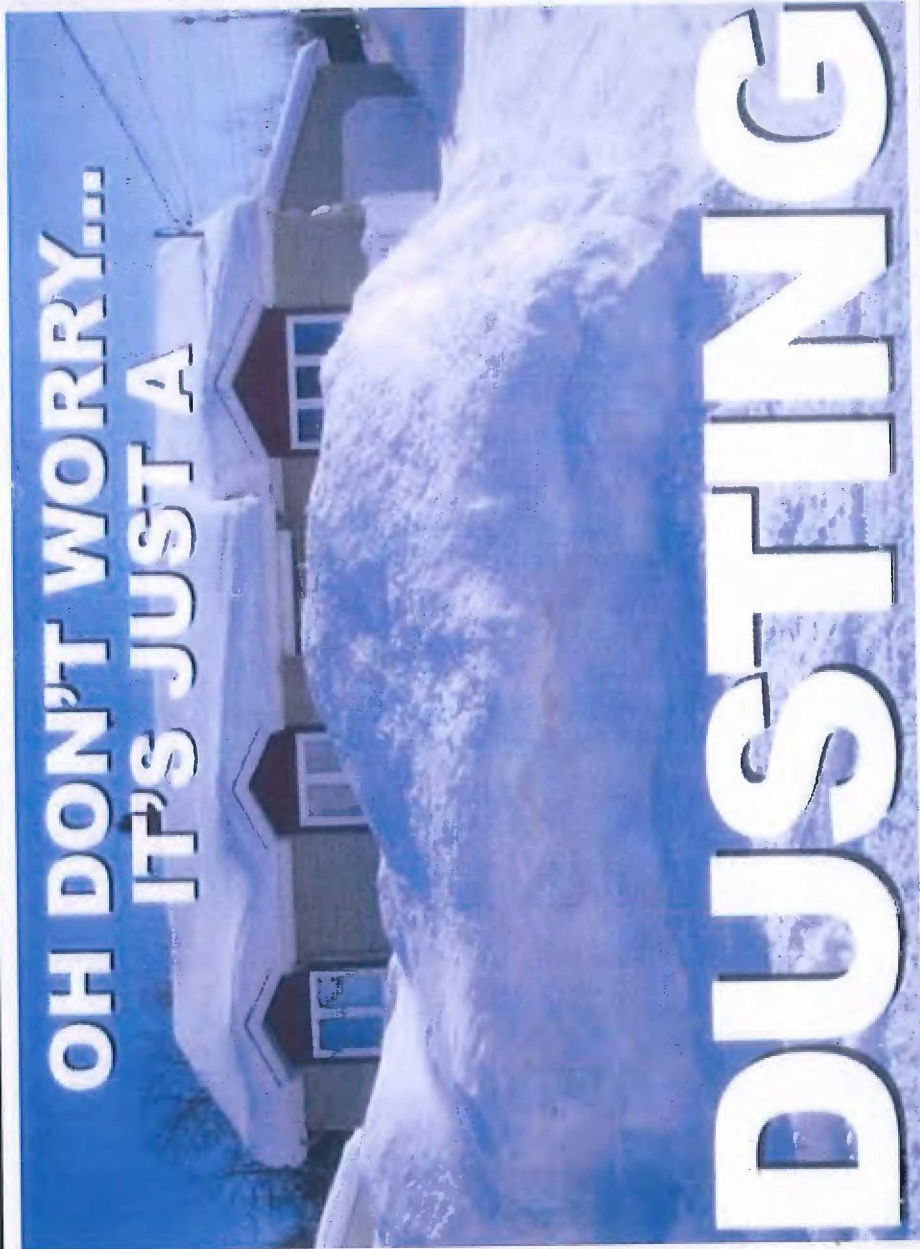
- The last snow event of 2017 we had 135 vehicle violations from 3:00 a.m. – 6:00 a.m. and 145 from 6:00 a.m. – 8:00 a.m.
- There has not been a snow event this year to count snow bird residents.
- A poll of surrounding cities conducted by PW in 2014, showed snowbirds are a significant issue for most cities (see handout).
- Suggestion – add language to the ordinance that reflects if snowfall is over 2 ½ inches, no parking until the streets have been plowed curb to curb.
- Not necessary to have year-around parking restrictions.

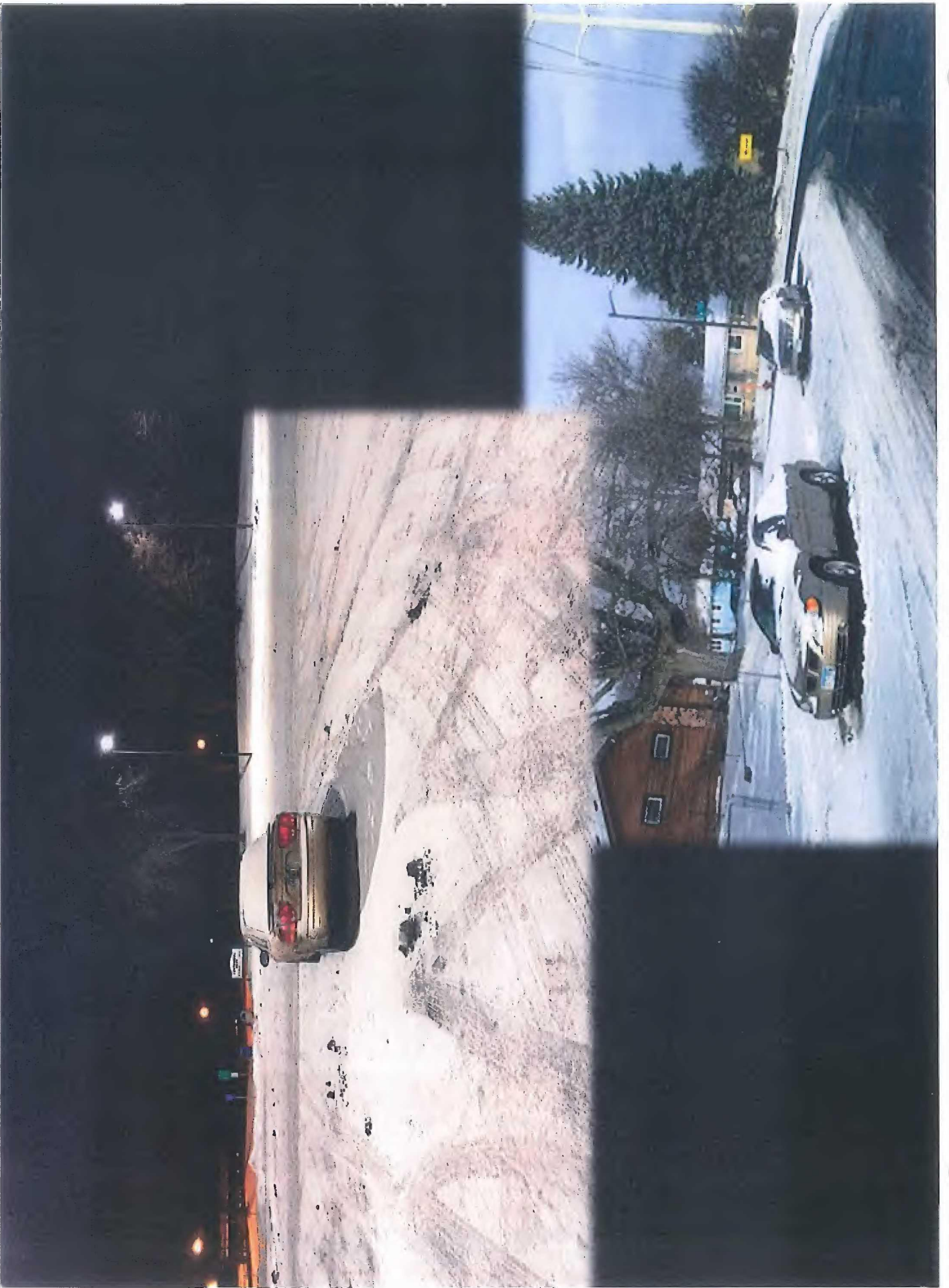




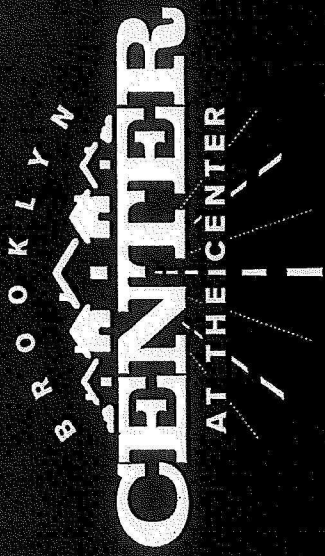
**OH DON'T WORRY...
IT'S JUST A**

DUSTING









CITY COUNCIL

OT PARKING RESTRICTION ORDINANCE PROPOSAL

OPTION 1

NO CHANGE

ORDINANCE PROPOSAL OPTION 1

NO CHANGE

- No change to ordinance, including police enforcement.
- Police enforcement occurs during when the fewest number of staff are on duty (2.00 – 6.00 a.m. staff minimum drops to 8 officers).
- High likelihood that vehicles will not be tagged nightly (105 miles of streets).
- Currently, enforcement is focused on high complaint areas only and it is inequitable at best.
- This option will facilitate continued sporadic complaints and criticism of City staff by citizens.





CITY COUNCIL

OT PARKING RESTRICTION ORDINANCE PROPOSAL

OPTION 2

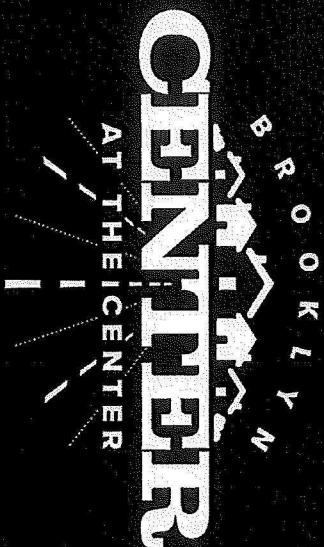
NO CHANGE IN ORDINANCE - ENFORCEMENT ENHANCED

ORDINANCE PROPOSAL OPTION 2

NO CHANGE IN ORDINANCE - ENFORCEMENT ENHANCED

- Additional non-sworn staff added during enforcement hours.
- We have more than doubled our citations for this year as compared to last year, yet complaints are high.
- We have not seen a difference in violations or complaints.
- One citation is \$46, which is not a significant dollar amount.
- We forecast a 30% increase in citations with additional staff, but this number may not be sustainable.





CITY COUNCIL

OT PARKING RESTRICTION ORDINANCE PROPOSAL

OPTION 3

SEASONAL

ORDINANCE PROPOSAL OPTION 3

SEASONAL CHANGES



- Seasonal restrictions – *no parking from 2:00 – 6:00 a.m. from November 1 thru April 1.*
- *No on-street parking during any snow event of 2 1/2 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. The change would satisfy all three departments (PD, PW and BCD) and allows us to provide the best service to our citizens.
- Towing vehicles during snow events would be more logical and justifiable.



Brooklyn Center City Council
Overnight Parking Restriction Ordinance Proposal
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ORDINANCE PROPOSAL OPTION 3

SEASONAL ORDINANCE

BENEFITS

- Reduce parking enforcement demand for BCPD officers, non-sworn Community Service Officers (CSO), support services, and county dispatch personnel.
- Reduce parking on the grass complaints.
- Efficient use of resources – only enforcing when it's more impactful. Will increase 911 response time.



Brooklyn Center City Council
Overnight Parking Restriction Ordinance Proposal
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**PARKING
VIOLATION**

No. 0001

WARNING
**THIS VEHICLE WILL
BE TOWED**

Reason:

Vehicle will be towed at owner's expense on:

DATE: _____ TIME: _____

**YOUR VEHICLE INFORMATION
HAS BEEN NOTED & RECORDED**

LICENSE PLATE NO.	STATE	PERMIT NO.
DRIVER'S NAME (if known)		
VEHICLE MAKE & MODEL		COLOR
LOCATION:	DATE:	TIME:
ISSUED BY:		



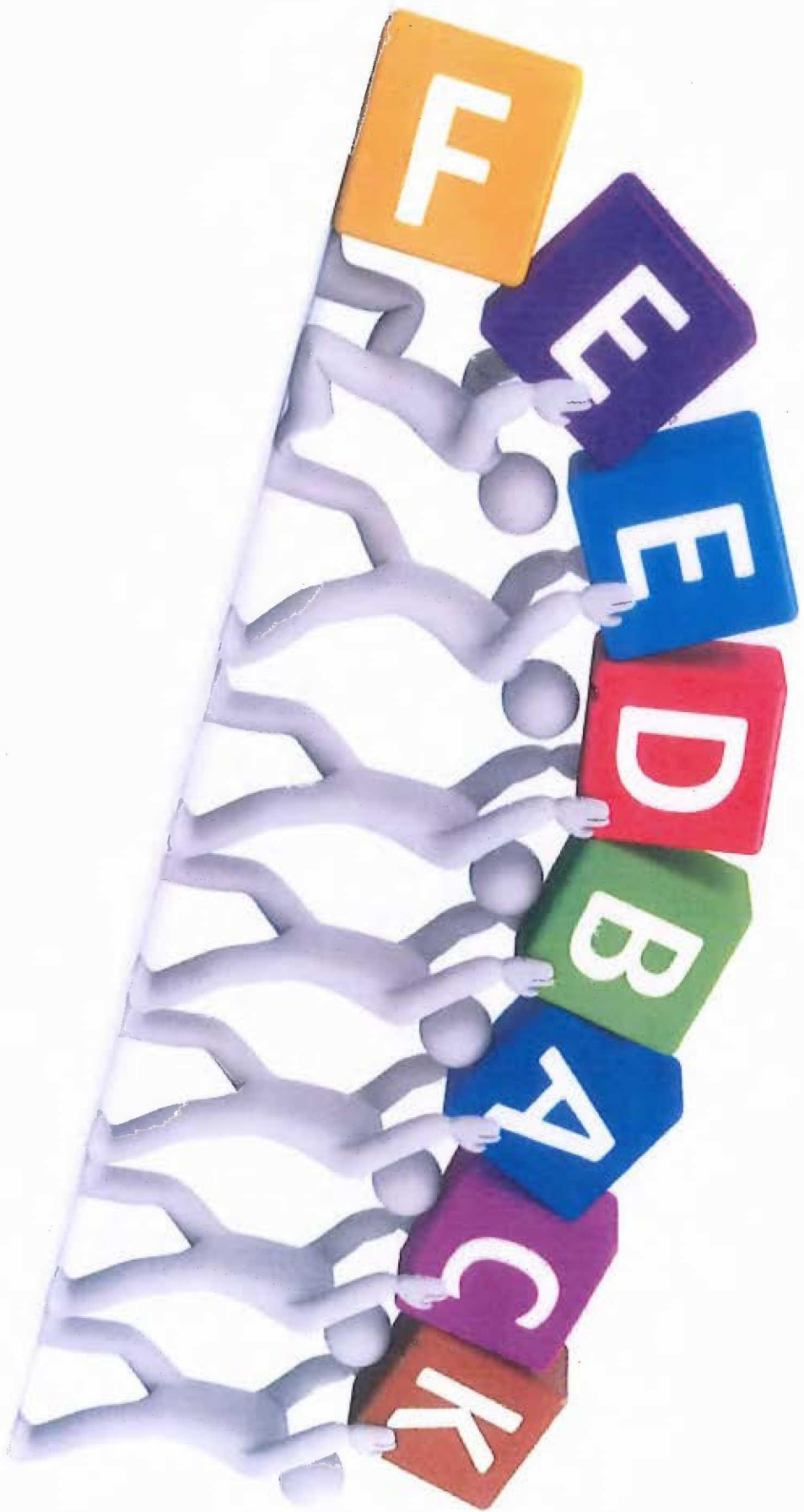
SUMMARY OF PROPOSED OPTIONS

1. Keep our current overnight parking restrictions ordinance.
2. Change ordinance to require an increased enforcement, utilizing more resources.
3. Seasonal parking restrictions ordinance change.
 - This option will require an educational period prior to full enforcement.



Brooklyn Center City Council
Overnight Parking Restriction Ordinance Proposal
January 22, 2018





SNOW PLOWING AND PARKED VEHICLES STUDY - FEBRUARY 2014

CITY	Declare snow emergency or full callout with 2" of snow?	Allow overnight parking on public streets in winter? If no, when is parking prohibited?	Does your city tag/tow snowbirds?	Is responsible for forcing tagging/towing?	Are snowbirds common on public streets during plowing operations?
BLOOMINGTON	Snow emergency for 3" of snow.	Yes	Both	Police	Snowbirds are very common during plowing.
BROOKLYN CENTER	No snow emergencies. Full callouts as needed.	No parking 2 a.m. - 6 a.m. or for no more than 6 hours at one time.	Typically tag. Rarely tow only in problem areas.	Police	Yes, especially during the day and on weekends.
BROOKLYN PARK	Full callout	No parking 2 a.m.-5 a.m. or after streets are plowed with 2" of snow.	Yes	Police	Yes, 300 - 500 per plowing event.
CRYSTAL	Full callout for 3" of snow.	No parking 2 a.m. - 6 a.m.	Both especially try to get repeat offenders.	Police	Yes
EAST BETHEL	No	No parking 12 a.m. - 6 a.m.	Both	Sheriff	Not real common.
EDEN PRAIRIE	Snow emergency not very often. Full callouts depending on event.	Yes	Tag and tow if snow emergency has been declared.	Police	Always have some snowbirds - more issues with contractor parking lately.
EDINA	Full callout when street dept. decides streets need to be plowed curb to curb.	No overnight parking between 1 a.m. - 6 a.m. from 11/15 - 5/1.	Yes	Police	Yes, we have problems all over.
GOLDEN VALLEY	Sometimes call snow emergency.	No parking after 2" of snow.	Tag	Police	Sometimes
LAKEVILLE	No snow emergency program.	No parking 2 a.m. - 6 a.m. from Nov 1 - April 1.	Tag	Police	Yes, in some locations. Less likely to enforce during Holiday season.
NEW HOPE	Full callout considered snow emergency.	No parking 2 a.m. - 6 a.m.	Very seldom tag/tow. After numerous days have tagged/towed.	Police	No, but the ones they have are in front of apartments.
OAKDALE	No	No parking 12 a.m. - 5 a.m. from 11/1 - 4/1 or after 2" of snow.	Typically tag only in limited circumstances towed.	Police	Numerous snowbirds on all snow events, has gotten worse.
PLYMOUTH	Full callout	No parking 2 a.m. - 5 a.m. or after 2.5" of snow until plowed curb to curb.	Tag very rarely towed.	Police	Yes, on lesser traveled streets they seem to be overlooked.
PRIOR LAKE	No	No parking 2 a.m. - 6 a.m.	Both	Police	Very few - more so in downtown near bars.
RICHFIELD	No	No parking after 2" of snow.	Both depending on towing company availability.	Police	Yes, during and after.
ROSEVILLE	Full plow after 2"	Yes, but no parking until streets plowed curb to curb with 2" of snow.	Tag	Police	Population of 35,000. 50 - 100 snowbirds per event.
SHOREVIEW	No	No parking 2 a.m. - 5 a.m.	Tag	Sheriff	Yes
W. ST PAUL	Less than 2" no snow emergency.	Yes	Typically tag/tow during snow emergency.	Police	Very common
WHITE BEAR LAKE	Yes, after 3" of snow.	Yes	Both	Police	Yes, very difficult to perform plowing operations.

Work Session Agenda Item No. 3

MEMORANDUM – COUNCIL WORK SESSION

DATE: January 19, 2018

TO: City Council

FROM: Curt Boganey City Manager 

SUBJECT: Discussion of 2018 Brooklyn Center State Legislative Issues

Recommendation:

It is recommended that the City Council consider discussing, modifying if necessary and indicating consensus on the Initial 2018 Brooklyn Center State Legislative Agenda. It is understood that the Council may add or modify the list of legislative issues before the end of the 90th Minnesota State Legislative Session.

Background:

The City of Brooklyn Center historically prepares a legislative agenda to be presented and advocated for at the Minnesota State Legislature. The 2018 Minnesota legislative session opens on Tuesday, February 20, 2018.

Staff has developed a preliminary list (See Attachment) of state legislative issues to be considered by the Council. The issues were developed based upon:

- Identification of unresolved 2017 Brooklyn Center State Legislative Issues
- Review of the League of Minnesota Cities state policies for 2018
- Identification of key issues by departments

Staff leadership identified issues that we believe are very important to the success of the City. Strategies for moving these issues forward may include:

- Partnering with North Metro Mayor's Association
- Meeting directly with MN Senators and Representatives that represent Brooklyn Center
- Dissemination of a legislative literature piece to Legislators at the January 27th Legislative Breakfast in Crystal

The 90th Minnesota Legislative Session is scheduled to end no later than May 21, 2018.

Budget Issues: None

Policy Issues:

Is there a consensus of the Council to accept the Preliminary 2018 Brooklyn Center Legislative Agenda, with the understanding that the Council may add or modify the list of legislative issues before the end of the 90th Minnesota State Legislative Session?

Strategic Priorities: All

City of Brooklyn Center 2018 State Legislative Issues

Administration

- BCLG 03-2018 (Official Notifications / Information Access) – The City of Brooklyn Center supports the State eliminating outdated and unnecessary publication requirements that are no longer relevant or representative of the City's technological capabilities.

Justification – Currently the State has laws mandating the City establish an “official” or “qualified” newspaper for formal city notifications. The laws specifies that designated of only “one” newspaper, it must be printed in English and if it is a daily newspaper it must be distributed at least five days each week, etc. While the notification standards established in 1949 were well intended the may not be complete or applicable to contemporary methods of communication or cost efficient.

- BCLG 06-2018 (Election Judge Recruitment and Retention) – The City of Brooklyn Center supports efforts by the State to amend regulations to eliminate the party balance requirement of appointed and hired staff administering absentee balloting prior to Election Day and for city special elections, as well as, authorize college students to get time off from classes if they have been appointed to serve as an election judge.

Justification – City elections are non-partisan and govern elections in a non-partisan manner. One of the City's strategic priorities is “community engagement across all segments of the City”. The City desires to engage as many residents as possible in the election process.

Housing and Development

- BCLG 08-2018 (Building Officials) – The City of Brooklyn Center supports efforts of the State to increase its efforts to train new and diverse building officials, and provide sufficient education to help local officials administer and enforce construction regulations.

Justification – The City has established city priorities related to resident economic stability and a value of diversity and inclusion. There is a shortage of building officials in the State and greater shortage of building officials of color. Sufficient funding and support by the state would permit the City and other cities to have access to a broader pool of candidates for building official in the future.

Business and Economic Development

- BCLG 13-2018 (Youth Tax Credit) – The City of Brooklyn Center supports efforts by the State to create an internship to work tax credit for organizations hosting young workers in Brooklyn Center. This type of tax credit program exists now, but is targeted to Greater Minnesota.

Justification – One of the City's strategic priorities is “strengthening and empowering youth”. This program would provide an incentive for businesses to participate in the Brooklynk Program of the Brooklyn Bridge Alliance.

- BCLG 14-2018 (Workforce Readiness) – The City of Brooklyn Center supports efforts of the State to fully fund Minnesota Job Skills Partnership and other workforce training programs. The City also, supports the State providing flexible funding to local workforce councils and pursuing

City of Brooklyn Center 2018 State Legislative Issues

creative programming and funding. Finally, the City supports efforts to design and implement programs designed to address youth employment and workforce readiness.

Justification – One of the City’s strategic priorities is “strengthening and empowering youth”. This program would provide an incentive for businesses to participate in the BrookLynk Program of the Brooklyn Bridge Alliance. This effort would also, support the City’s strategic priority of “Resident Economic Stability”.

- BCLG 15-2018 (Tax Increment Financing - TIF) – The City of Brooklyn Center supports efforts of the State to increase the ability of TIF to facilitate redevelopment and housing activities; allow term extensions for redevelopment districts, which are taking longer to develop; amend Minn. Stat. § 469.1763, subdivision 3 to eliminate the “Five-year Rule” for districts that are taking longer to develop; and modify the housing district income qualification level requirements to allow the levels to vary according to individual communities.

Justification – The City would benefit by having the ability to extend the term for its redevelopment districts, which could have a positive impact on the financial stability and effectiveness of the districts.

- BCLG 16-2018 (Land Recycling and Redevelopment) – The City of Brooklyn Center supports the creation of a “land assembly grant or loan program” to assist cities and economic development authorities assemble small parcels for redevelopment. Also, the City supports efforts by the State to amend the definition of redevelopment district under TIF Act to include the obsolescence and incompatible land use.

Justification – Due to the City being a fully developed city, the City would benefit from more resources and greater flexibility of existing economic development tools to redevelopment deteriorated, obsolete and vacant structures and contaminated land.

Financial

- BCLG 23-2018 (Metro Area Fiscal Disparities) - Brooklyn Center was once a net contributor to the Fiscal Disparities pool. Today as a net recipient, Fiscal Disparities is a major factor contributing to the fiscal stability of the City and our taxpayers. Without Fiscal Disparities the property tax burden in Brooklyn Center would escalate dramatically, perhaps more than 25%. We strongly encourage continued legislative support for Metro Area Fiscal Disparities.
- BCLG 24-2018 (Sales Tax Exemption Simplification) - We advocate for a way to simplify the utility of the current sales tax exemption for construction materials. The process for using the current sales tax exemption on construction is so complicated, risky, and burdensome to contractors and cities that we are aware of no city that has decided to use this exemption. In Brooklyn Center we estimate savings of \$300-\$400 thousand annually for our neighborhood street and utility construction projects if the sales tax exemption was viable.
- BCLG 25-2018 (Property Tax Relief) – The City of Brooklyn Center supports efforts of the State increase property tax relief for property owners experiencing high tax burdens due to property tax shifts.

City of Brooklyn Center 2018 State Legislative Issues

Justification – The City has experienced significant shifts in tax capacity growth from commercial to residential properties throughout the years of the most recent economic recession. As a result residential property owners have endured a tax shift burden. We expect this trend to continue for the coming years as housing values continue to recover and commercial and industrial market values normalize.

- BCLG 26-2018 (Local Government Aid - LGA) – The City of Brooklyn Center supports the existing LGA funding formula as an appropriate mechanism to distribute LGA and opposes special funding using LGA funds.

Justification – LGA has been cut for many years. The City's budget stability continues to be dependent on LGA funding. Any changes in the formula or siphoning of funds from the overall pool for special project may be detrimental to the City's financial stability.

Law Enforcement & Public Safety

- BCLG 32-2018 (Juveniles in Municipal Jails) – The City of Brooklyn Center supports efforts by the State to clarify state statute that would allow juveniles to be held for questioning and booking in the City jail for up to six hours.

Justification – The City would have more of an opportunity and time to work with a juvenile to resolve or remedy their situations prior to being transported to Hennepin County Jails should the state increase the max time juveniles may be held in a licensed municipal jail.

- BCLG 33-2018 (21st Century Policing) – The City of Brooklyn Center supports action by the State to increase funding for peace officer training, peace officer wellness activities, and grants to the cities to deploy technologies such as dash cameras and body all of which align with the President's Task Force 21st Century Policing Report.

Justification - The City initiated efforts to implement 21st Century Policing soon after the report was published. The City continues to develop and train peace officers in accordance with the report. Funding support from the State would help leverage and stretch the use of City resources. To date the City has taken on the expense of such efforts at the City's expense.

Transportation

- BCLG 39-2018 (Transportation Funding) – The City of Brooklyn Center supports the State providing more funding, including bonding, for improvements to all components of the transportation system. The City specifically supports improvements to and conversion of TH 252 to a freeway with the addition of MnPASS lanes.

Justification – The City has various transportation needs ranging from constructing highway overpasses to upgrading Trunk Highway 252 to a freeway, as well as, transit related needs. Additional funding by the legislature would permit the City to access various funding sources from the Minnesota Department of Transportation for city projects. Improvements and conversion of Trunk Highway 252 to a freeway would benefit city residents and regional travelers with improved safety and less congestion on a corridor that lays claim to 2 of the top 10 and 5 of the top 100 intersections in statewide crash cost rankings.