

AGENDA



1. City Council Discussion of Agenda Items and Questions - 6 p.m.

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.

2. Miscellaneous

a. Council Retreat Discussion

3. Discussion of Work Session Agenda Item as Time Permits

4. Adjourn

SPECIAL MEETING

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Curt Boganey, City Manager

SUBJECT: Council Retreat Discussion

Background:

**CITY COUNCIL
MEETING**

City Hall Council Chambers
December 10, 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

- It is recommended that the City Council consider approval of the minutes for:

- *November 26 , 2018 Study Session*
- *November 26, 2018 Regular Session*
- *November 26, 2018 Work Session*
- *December 3, 2018 Special Meeting*

b. Approval of Licenses

- Motion to approve the licenses as presented

c. 2019 City Council Meeting Schedule

- Motion to approve the 2019 City Council meeting schedule

d. Resolution Adopting Amendments to the Financial Policies Section of the Brooklyn Center City Council Code of Policies

- Motion to Adopt Amendments to the Financial Policies Section of the Brooklyn Center City Council Code of Policies

e. Resolution Directing Staff to Reclassify Centerbrook Golf Course to a

Governmental Special Revenue Fund

- Motion to approve the resolution directing staff to reclassify Centerbrook Golf Course to a Governmental Special Revenue Fund

- f. Resolution to Forgive the Remaining Interfund Advance between the Centerbrook Golf Course Fund and Capital Improvements Fund
 - Motion to approve the resolution forgiving the remaining interfund advance between the Centerbrook Golf Course Fund and Capital Improvements Fund*
- g. Resolution Approving Change Order No. 1, Accepting Work Performed and Authorizing Final Payment, Project No. 2017-14, Lift Station No. 1 Rehabilitation and Wetwell Improvements
 - Motion to approve the resolution accepting work performed and authorizing final payment, Project No. 2017-14, Lift Station No. 1 Rehabilitation and Wetwell Improvements*
- h. Resolution Approving of a Contract for Services between the City of Brooklyn Center and the Metropolitan Consortium of Community Developers for the Open to Business Program
 - Motion to approve a contract between the Economic Development Authority of Brooklyn Center and the Metropolitan Consortium of Community Developers (MCCD) for the Open to Business program*
- i. Resolution Accepting Work Performed and Authorizing Final Payment, Project No. 2017-05, Evergreen Park Area Safe Routes to School Trail and Sidewalk Improvements
 - Motion to approve the resolution accepting work performed and authorizing final payment, Project No. 2017-05, Evergreen Park Area Safe Routes to School Trail and Sidewalk Improvements*
- j. Resolution Setting Salaries for Calendar Year 2019
 - Motion to adopt the resolution setting salaries for calendar year 2019.*

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

- a. Resolutions Regarding Interstate Area Street and Utility Improvements
 - Motion to open public hearing*
 - Take public input*
 - Motion to close public hearing*
 - Motion to approve resolutions:*
 - *Ordering the Interstate Area Street Storm Drainage and Utility Improvements;*
 - *Authorizing preparation of project plans and specifications; and*
 - *Certifying special assessments for the project to the Hennepin County Tax Rolls*
- b. Resolution Authorizing the Issuance, Sale and Delivery of its Conduit Multifamily Housing Revenue Bonds relating to the Unity Place Project; Adopting a Housing Program Pursuant to Minnesota Statutes, Chapter 462C;

Approving the Forms of and Authorizing the Execution and Delivery of the Bonds and Related Documents; Providing for the Security, Rights, and Remedies with Respect to the Bonds; and Granting Approval for Certain Other Actions with Respect Thereto.

- *Motion to open public hearing*
- *Take public input*
- *Motion to close public hearing*
- *Motion to approve resolution authorizing the issuance, sale, and delivery of its Conduit Multifamily Housing Revenue Bonds relating to the Unity Place Project; adopting a housing program pursuant to Minnesota Statutes, Chapter 462C; approving the forms of and authorizing the execution and delivery of the bonds and related documents; providing for the security, rights, and remedies with respect to the bonds; and granting approval for certain other actions with respect thereto.*

c. Resolutions Adopting Utility Rates for 2019

- *Motion to open Public Hearing*
- *Take public input*
- *Motion to close Public Hearing*
- *Motion to adopt Resolutions 2019 Water Utility Rates, Fees and Charges; 2019 Sewer Utility Rates, Fees and Charges; 2019 Storm Sewer Utility Rates, Fees and Charges; 2019 Street Light Rates, Fees and Charges; and 2019 Recycling Rates and Charges*

d. An Ordinance Amending Chapter 35 of the City Code of Ordinances Regarding Elementary and Secondary School Interim Use in the City's Commercial and Central Commerce Overlay Districts

- *Motion to open public hearing*
- *Take public input*
- *Motion to close the public hearing*
- *Motion to approve the Second Reading, adopt an Ordinance authorizing amendments to Chapter 35 of the City Code of Ordinances regarding elementary and secondary school interim uses in the City's Commercial and Central Commerce Overlay Districts, and approve a summarized version of the ordinance for publication.*

e. Liquor License Violation - Jammin Wings

- *Motion to open public hearing*
- *Take public input*
- *Motion to close public hearing*

9. Planning Commission Items

10. Council Consideration Items

a. Approve the Renewal for Jammin Wings Intoxicating Liquor License and Sunday Sales Liquor License

- *Motion to approve the renewal for Jammin Wings Intoxicating Liquor License and Sunday Sales Liquor License*

b. An Ordinance Amending Chapter 23 of the Brooklyn Center City Code

Regarding Hospitality Accommodations

- Motion to approve the first reading of an Ordinance Amending Chapter 23 and move for a second reading as well as a public hearing on January 14, 2019

- c. An Ordinance Amending Chapter 12 of the City Code of Ordinances Regarding Tenant Protections

- Motion to approve the first reading of an Ordinance Amending Chapter 12 and second reading as well as call for a public hearing and which will be held on January 14, 2019

11. Council Report

12. Adjournment

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *It is recommended that the City Council consider approval of the minutes for:*

- *November 26 , 2018 Study Session*
- *November 26, 2018 Regular Session*
- *November 26, 2018 Work Session*
- *December 3, 2018 Special Meeting*

Background:

Strategic Priorities and Values:

Operational Excellence

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

STUDY SESSION
NOVEMBER 26, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Tim Willson at 6:10 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, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Mr. Boganey requested the following corrections to the Regular Meeting minutes of November 13, 2018:

- Page 6, paragraph 5, line 1, replace “Kim” with “KheMee”
- Page 6, paragraph 6, line 1, replace “Panya” with “Young Cha”

Councilmember Butler requested the following correction to the Work Session minutes of November 13, 2018:

- Page 3, paragraph 6, line 1, replace “Graves” with “Butler”

It was the majority consensus of the City Council to accept the corrections to the November 13, 2018 Regular Meeting minutes and November 13, 2018 Work Session minutes.

Mr. Boganey stated an item on tonight’s Work Session Agenda related to a development project would be addressed during the Work Session after the Regular Meeting.

Mayor Willson asked, regarding Regular Meeting Agenda Item 7a, whether the Youth Art Award participants will receive an award and have their photo taken. Mr. Boganey confirmed this. He added the artwork has been displayed on the Council Chambers wall. Mayor Willson stated they look excellent.

MISCELLANEOUS

Mr. Boganey stated the City Staff had received additional information regarding Brooklyn Park's Age-Friendly Community Initiative. He noted City Staff is fully supportive of the initiative, and related Listening/Discussion Sessions have been included to the Winter/Spring catalogue. Two sessions are scheduled for April 4, 2019 from 9:30-11:30 a.m. and 6:30-8:30 p.m.

Councilmember Ryan expressed his support of these listening sessions and asked whether notification could be added to the City's Facebook page. Mr. Boganey stated the sessions will be published in the next City newsletter and details will be included in the upcoming Weekly update.

Mayor Willson asked whether these sessions are open to all age groups. Councilmember Ryan stated the similar community initiatives are available for residents who are 50 years or older.

Mr. Boganey stated the notifications do not specify an age limit, and the information sessions will be open to all residents who have an interest in the topic, regardless of their age.

Councilmember Graves stated she plans to attend a "Think Again Brooklyns" on November 27, 2018, at 7:30 p.m. at Brooklyn Park City Hall. She added the topic for the evening is "keeping older adults with disabilities with family".

Mr. Boganey reviewed the City Council's discussion at their Regular Meeting on November 13, 2018, at which the T-21 tobacco initiative was discussed. He stated Councilmember Graves commented on the necessity of preventing the criminalization of youth who use tobacco. He added a comment was made that that section of the Ordinance was removed or deleted.

Mr. Boganey stated the Police Chief Gannon requested clarification regarding the intent of this statement regarding youth criminalization. He added Police Chief Gannon specified that, under State Statute, a person under the age of 18 possessing a tobacco product can be prosecuted for a petty misdemeanor. He noted, in the past, this has rarely occurred in Brooklyn Center, as youth are generally required to participate in the Diversion Program instead.

Councilmember Graves stated many groups encouraged the City Council to pass the T-21 ordinance and expressed concern that the ordinance would not result in an increase in citations for underage tobacco use, if that was their only infraction.

Mr. Boganey stated the City Ordinance relates to citations for people that are over 18 years of age. There is no City penalty for people who are 18-21 years of age.

Councilmember Graves stated there is still some discretion on the part of the Police Officer. She requested specific data regarding youth who have participated in the Diversion Program,

including whether they finished the program, as well as participant demographics. Mr. Boganey confirmed that City Staff can gather data and provide that information.

Councilmember Ryan and Councilmember Butler expressed their support of Councilmember Grave's request.

It was the majority consensus of the City Council to instruct City Staff to provide additional information regarding youth participants of the Diversion Program for review and consideration.

ADJOURNMENT

Mayor Willson closed the Study Session at 6:45 p.m.

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

REGULAR SESSION
NOVEMBER 26, 2018
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

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

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, and Dan Ryan. Councilmember Kris Lawrence-Anderson was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, Planning and Zoning Administrator Ginny McIntosh, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

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

Tim Haraldson, 1207 - 72nd Avenue N, asked whether the City has any information about the closure of the Wells Fargo drive-through bank on Brooklyn Boulevard.

Mayor Willson stated then City has not been notified. Mr. Boganey confirmed this, adding not all local businesses are required by law to notify the City of their closure.

Motion by Councilmember Ryan, seconded by Councilmember Graves, to close the Informal Open Forum at 6:49 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Butler read the following quotes as an Invocation:

“Thankfulness is the beginning of gratitude. Gratitude is the completion of thankfulness. Thankfulness may consist of merely words. Gratitude is shown in acts.” -Henri-Frédéric Amiel

“We learned about gratitude and humility – that so many people had a hand in our success, from the teachers who inspired us to the janitors who kept our school clean. And we were taught to value everyone’s contribution and treat everyone with respect.” -Michelle Obama

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, Community Development Director Meg Beekman, Planning and Zoning Administrator Ginny McIntosh, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Butler seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Regular Council Meeting minutes of November 13, 2018, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. November 13, 2018 – Special Council Meeting Canvassing Board
2. November 13, 2018 - Study Session
3. November 13, 2018 – Regular Council Meeting
4. November 13, 2018 – Work Session Meeting

6b. LICENSES

FIREWORK LICENSES

American Promotional Events

DBA TNT Fireworks

3245 County Road No 10

Cub Foods

American Promotional Events

DBA: TNT Fireworks

6100 Shingle Creek Parkway

Target

GASOLINE SERVICE STATION LICENSES

Royalty & Sons Inc.

6044 Brooklyn Boulevard

Brooklyn BP

Brooklyn Center

LIQUOR OFF SALE 3.2 MALT

Awad Company
Winner Gas
Diamond Lake 1994, LLC
Cub Foods
Ku Leng
Sun Foods
Northern Tier Retail LLC
Speedway #3192
Northern Tier Retail LLC
Speedway #4058
Northern Tier Retail LLC

6501 Humboldt Avenue N
Brooklyn Center, MN 55430
3245 County Road 10
Brooklyn Center, MN 55429
6350 Brooklyn Boulevard
Brooklyn Center, MN 55429
6950 Brooklyn Boulevard
Brooklyn Center, MN 55429
1901 57th Avenue N
Brooklyn Center, MN 55430
6545 West River Road
Brooklyn Center, MN 55430

MECHANICAL

Advance Heating and AC

Tonna Mechanical, Inc.

15300 Kangaroo Street NE
Ramsey, MN 55330
1440 Industrial Drive NW
Rochester, MN 55901

SECONDHAND GOODS DEALER

Gamestop #535

6068 Shingle Creek Parkway
Brooklyn Center, MN

SIGN CONTRACTOR

Rose City Sign, Inc.

31208 County Road 71
Eagle Bend, MN 56446

TOBACCO LICENSES

Awad Companies

Bleu Ocean Inc.

Brookdale Holiday

Casey's General Store

Diamond Lake 1994 LLC
Jerry's Enterprises, Inc.
Premier Tobacco

Royalty & Sons, Inc.
Brooklyn BP
Leng Ku
Sun Foods

6501 Humboldt Avenue N
Brooklyn Center, MN 55430
615 66th Avenue N
Brooklyn Center, MN 55430
5710 Xerxes Avenue N
Brooklyn Center, MN 55430
2101 Freeway Boulevard
Brooklyn Center, MN 55430
3245 County Road 10
Brooklyn Center, MN 55430
6930 Brooklyn Boulevard
Brooklyn Center, 55429
6044 Brooklyn Boulevard
Brooklyn Center, MN 55429
6350 Brooklyn Boulevard
Brooklyn Center, MN 55429

Two Rivers Investment, Inc.

6840 Humboldt Avenue N
Brooklyn Center, MN 55430
6390 Brooklyn Boulevard
Brooklyn Center MN 55429

Walgreens Company

RENTAL

INITIAL (TYPE II – two-year license)

5133 France Avenue N
6143 Scott Avenue N

Cerberus SFR Holdings
Maitland Acquisition

RENEWAL (TYPE III – one-year license)

Georgetown Park Townhouses
700 66th Avenue N
5701 James Avenue N

Wiensch Construction (met mitigation plan)

Roxann and Patrick Knight

RENEWAL (TYPE II – two-year license)

5101 63rd Avenue N
5507 Judy Lane
4207 Lakeside Avenue #322

Adedamola Ogundipe
David Sheets (met mitigation plan)
Paul Swedberg

RENEWAL (TYPE I – three-year license)

1307 65th Avenue N
5351 71st Circle
3501 72nd Avenue N
6713 Colfax Avenue N
4007 Joyce Lane
5024 Lilac Drive N
6900 Regent Avenue N

NaLee Vang (met mitigation plan)
Ghulam Pyarali
Cosco Properties LLC (met mitigation plan)
Donald Speese
John Jorgensen
Carlos Balibrera
Houa Her (met mitigation plan)

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. YOUTH ART CONTEST AWARDS

Community Development Director Meg Beekman stated the Youth Art Contest was initiated as an effort to seek youth community engagement. Participants were asked to submit a work of art expressing how they want to see their community in 2040, in connection with the City's 2040 Comprehensive Plan. She added participants must be students in grades 6-12 who reside in Brooklyn Center or go to school in Brooklyn Center. She noted the entries were judged by the City Council and points were given based on interpretation, artistic merit and quality of the artwork.

Ms. Beekman stated the Youth Art Contest winners will be announced this evening. She added they will receive a Certificate, a Target gift card, and a photo with Mayor Willson. She noted the

artwork is currently being hung in the Council Chambers, but a permanent home will be found in one of the City's public facilities.

Mayor Willson requested that photographs of the artwork be scanned and posted on the City's website. Ms. Beekman agreed.

Mayor Willson presented the Youth Art Contest winners:

Fadoul Baker – Second and Third Place, 6th-8th grade category – not present

Anna Yang – First Place, 6th-8th grade category

Mayor Willson read from Ms. Yang's entry: "people holding hands around the world. Together we are strong and can be more supportive with each other, no matter what nationality you are. This is what Brooklyn Center will be in 2040."

Mayor Willson presented the Art Award to Ms. Yang.

Cha Lee Yang – Third Place, 9th-12th grade category – not present

KheMee Yang – Second Place, 9th-12th grade category

Mayor Willson read from Ms. Yang's entry: "The image I drew shows the future of Brooklyn Center. I want to keep the culture of the earth. Education takes an important role in a person's life. Multiple buildings show the expansion of Brooklyn Center."

Yong Cha Yang – First Place, 9th-12th grade category

Mayor Willson read from Ms. Yang's entry: "In this poster, there are hands holding a ball, which is Brooklyn Center. Each hand helps to hold the community up as the light becomes brighter. In the future, the community will become more safe, secure and loved."

Mayor Willson congratulated the Art Contest winners and thanked all the participants.

8. PUBLIC HEARINGS

-None.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION NO. 2018-201 APPROVING PLANNING COMMISSION APPLICATION NO. 2018-019 FOR A SPECIAL USE PERMIT FOR AN ADULT DAYCARE FACILITY (LOCATED AT 5615 BROOKLYN BOULEVARD)

Planning and Zoning Administrator Ginny McIntosh reviewed an application for a Special Use Permit for an adult day care facility at 5615 Brooklyn Boulevard. She stated the existing 2-story structure was constructed in 1987, and the applicant proposes to use only the main floor of the 4,033 square foot building. She noted the applicant, Mohamed Albert, is also the Owner and Administrator of Serenity Home Health Care System in St. Paul. Mr. Albert was present at the meeting to answer the City Council's questions and receive comments.

Ms. McIntosh stated notification of the request was placed in the local newspaper as well as letters sent to adjacent property owners. She added the C-1 District does not acknowledge “adult day care” as a use; however, State Statute defines “adult day care” as provision of “services to functionally impaired adults for less than 24 hours a day in a setting other than a private home.” She noted the proposed adult day care would provide individualized and coordinated services from Monday through Saturday from 9:00 a.m. – 5:00 p.m., and a maximum of four transport vans would be stored on site.

Ms. McIntosh stated the proposed adult day care would require 2 nursing staff and 4-6 aids to assist throughout the day. She added there are 44 parking spaces and 1 additional proof of parking space, although only 12 parking spaces would be required. She noted a fire inspection was completed and includes requirements for restriping of parking spaces as well as maintenance and monitoring of the fire sprinkler system. The use of combustibles and extension cords in a storage room must also be addressed.

Ms. McIntosh stated on-site parking must meet site plan approvals, including site development approvals from 1985. The Planning Commission held a public hearing at their November 15, 2018 meeting, and there were no public comments. The Planning Commission unanimously recommended approval of the Special Use Permit.

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2018-201 approving Planning Commission Application No. 2018-019 for a Special Use Permit for an Adult Daycare Facility (Located at 5615 Brooklyn Boulevard).

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

-None.

11. COUNCIL REPORT

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

- November 26, 2018 – tour of Alatus apartment development in Crystal – City Councilmembers had a chance to view the property to determine whether a similar multi-family unit would be a good fit for Brooklyn Center. He added he recommends moving forward with this proposed project.
- December 3, 2018 – will attend Truth in Taxation meeting and public hearing. Finance Director Nathan Reinhardt will present the 2019 Budget.
- December 4, 2018 – will attend Business Champions for Youth luncheon from 11:00 a.m. – 1:30 p.m. at Edinburgh USA Clubhouse in Brooklyn Park.
- December 7, 2018 – will attend 2020 Census Community Meeting at Northport Elementary School from 6:00-8:00 p.m.

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

- November 13, 2018 – unable to attend Park and Recreation Commission meeting due to City Council meeting.
- November 15, 2018 – met with Jeremiah Ellison, newly-elected Minneapolis City Councilmember representing Ward 5. Also attended Jamar Clark vigil on Plymouth Avenue.
- November 16, 2018 – met with Jillia Pessenda, Political Director of Women Winning.
- November 16, 2018 – Northside Urban Coalition meeting, on the topic of opioid and alcohol addiction.
- November 19, 2018 – met with Hennepin County Commissioner Mike Opat.
- November 19, 2018 – attended Brooklyn Youth Council meeting.
- November 20, 2018 – met with Brooklyn Center Mayor-Elect Mike Elliott.
- November 26, 2018 – tour of Alatus apartment development in Crystal with City Council.

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

- November 20, 2018 – Housing Commission meeting.
- November 26, 2018 – tour of Alatus apartment development in Crystal with City Council.

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

- November 17, 2018 – participated in Rotary Club Christmas Bell Ringing at Cub Foods in Brooklyn Center.

Mayor Willson reminded residents that no street parking will be allowed when there is a snowfall of 2.5” or more to allow for snow removal. Questions can be directed to City Staff at 763-569-3333.

12. ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded adjournment of the City Council meeting at 7:30 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
NOVEMBER 26, 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 7:35 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. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

BROOKLYN BOULEVARD DEVELOPMENT CONCEPT PROPOSAL

Community Development Director Meg Beekman reviewed a potential development opportunity at Brooklyn Boulevard and 61st Avenue N. She noted the developer was present at the meeting, as well as Stacie Kvilvang, from Ehlers, Inc. The development concept review pertains to three properties on the northwest corner of 61st Avenue and Brooklyn Boulevard, currently vacant and owned by the Economic Development Authority (EDA).

Ms. Beekman stated the properties are in TIF District #6. TIF district was created to facilitate the nearby development of The Sanctuary. She added a concept was submitted for a four-story multi-family development that would be affordable to people within 60-80% area median income. She noted, however, the development is not considered legally binding affordable housing.

Mayor/President Willson asked whether housing can be both affordable and market rate. Ms. Beekman stated the current average market rate in Brooklyn Center for multi-family housing is affordable to renters with 40-50% of the area median income. She added rental buildings in Brooklyn Center are generally old, and naturally rent for less, while new developments would have higher rent levels. She added the quality of materials is the same as other new construction projects, but units are slightly smaller and some amenities are not included.

Ms. Beekman stated the rents are anticipated to be in the \$2 per square foot range. She added the proposed development would qualify for Tax Increment Financing (TIF) as the studio units meet the Metropolitan Council's affordability requirement of 60% of the Area Median Income (AMI).

Mayor/President Willson stated a studio apartment may be affordable, but it is not a family apartment. Ms. Beekman agreed, adding a studio apartment would be appropriate for an individual. She added the proposed development's 3-bedroom units would be appropriate for a family of four. She stated the affordability criteria adjusts based on family size.

Ms. Beekman stated project costs will be evaluated as the review moves forward. She added there is a gap of \$2.6 million, including \$1.6 million for underground parking. The development project does not need to meet the same infrastructure eligible costs as a redevelopment TIF district as there is a lower threshold for housing TIF districts.

Mayor/President Willson stated the TIF district is generally 10 years, which is not enough time to pay back \$2.6 million, with estimated taxes at \$234,000. Ms. Beekman stated the developer will apply for public subsidy, which will include a review by the EDA's public finance consultant. She added a housing TIF district can go up to 26 years, which would create more increment.

Councilmember/Commissioner Ryan stated, according to the City's Community Development Director, new multi-family housing construction generally warrants government assistance. Ms. Beekman agreed, adding many factors contribute to the high cost of new multi-family development, including construction costs, land value and demand.

Councilmember/Commissioner Ryan stated the developer could try to use as much surface parking as possible, to minimize the cost of structured parking. He added the City Council visited the Alatus housing development in New Hope that day, and underground parking is the most expensive type of parking. Ms. Beekman agreed, adding parking at that facility is \$40,000 per stall.

Mayor/President Willson asked what liability the City would have if there is a natural disaster and the building no longer generates funds to pay off the TIF district.

Stacie Kvilvang, Ehlers, Inc., Roseville, stated, in answer to Mayor/President Willson's question, TIF is only generated with a pay as you go note and the City would have no obligation to make payments in the event of natural disaster. She added it is the risk of the developer who guarantees repayment to the bank. The tax increment payment off the tax basis is the City's only obligation.

Ms. Beekman stated, based on this evening's discussion, there are 3 potential components to an application to proceed with the development. The developer will submit a public subsidy request, which will include a review by the City's consultant, the City and the Economic

Development Authority (EDA). The developer will present their plans to Planning Commission to confirm that their proposal is in line with the Comprehensive Plan, and then the plans will be presented to the City Council and EDA.

Ms. Beekman stated the EDA-owned property sale would move forward with a preliminary development agreement, so the developer would have the property under contract. She added this must be approved by the EDA, and a public hearing is required to finalize the sale of the property. She noted there is the possibility of a Comprehensive Plan amendment, although she is unsure how an amendment request would be handled, as the Metropolitan Council stops taking amendment requests at the end of this year.

Ms. Beekman stated the draft 2040 Plan has been submitted to the Metropolitan Council for preliminary review and includes guidelines for multi-family development. She added, however, this proposed development would require an amendment that is more in line with the future Comprehensive Plan.

Mayor/President Willson stated the Metropolitan Council will have to consider Comprehensive Plan draft changes up until April 2019.

Ms. Beekman stated the three parcels in question are within the Brooklyn Boulevard Reconstruction Area, the City is actively engaged in acquiring single-family properties identified for high-intensity use. She added this area also falls within the Brooklyn Boulevard Overlay District.

Mayor/President Willson stated the Overlay District should be reviewed by the Planning Commission so that this type of development is allowed along Brooklyn Boulevard.

Patrick Cruikshank, and Jackson Cruikshank, THOR Living, 1256 Penn Avenue, Minneapolis, stated THOR Living is a minority-owned construction design and development firm focused on housing, with a micro-focus on attainable housing. He added this development is market rate housing, but it is also referred to as attainable, or workforce housing.

Mayor/President Willson asked whether a wage scale is available for the development's employees. Mr. Cruikshank stated the property management will be responsible for the wage scale.

Mayor/President Willson requested that the wage scale, when it is determined, should be included in the developer agreement when it is negotiated.

City Manager Curt Boganey stated certain projects are required to have a subsidy agreement with the City to identify the number of jobs and wage rates. He added, at a recent Work Session, the City Council/EDA had discussed the importance of upgrading the subsidy policy's wage section.

He added this represents an opportunity to change the minimum wage requirement. He noted qualifying developers would be obligated to meet those standards.

Councilmember/Commissioner Ryan asked, regarding density, whether the number of units could be increased to provide a more favorable cost per unit. He asked whether more than 80 units is a possibility.

Mr. Cruikshank stated the density is limited by parking. He added it would be difficult to add more surface parking. He noted an underground parking stall is estimated to cost \$30,000 to build.

Mayor/President Willson stated there would be an opportunity for more underground parking if the building was longer. Mr. Cruikshank stated the proposed surface parking would be lost, which would raise the price of construction. He added the current balance works but they are willing to look at different options. He presented a variety of concept drawings for the City Council/EDA's review and discussion.

Mayor/President Willson asked whether there will be screening on the west edge of the parking area. Mr. Cruikshank agreed to review that issue.

Mayor/President Willson stated he appreciates that THOR Living is interested in developing this property, and he thanked the development company for their efforts in helping the City improve and grow this area.

Mayor/President Willson stated the development project sounds feasible, there is a need for it, and he would like to see it move forward.

Councilmember/Commissioner Ryan stated he believes there would be push-back about a 5-story development. He added there is only so much room for service parking. He noted he is pleased to see this plan, and he would like to see it move forward to become a more specific proposal.

Councilmember/Commissioner Ryan stated he is hopeful that Opportunity Zone legislation will create incentives for developers.

Councilmember/Commissioner Graves expressed concern that "attainable" housing is still expensive. She asked how the development meets "affordability" standards when only the 1-person studio units fall below the 60% AMI requirement.

Mr. Cruikshank stated most units are between 60-80% AMI, which qualifies them for affordable housing. He added 40% of units need to fall under the 60% AMI threshold, and none of the units are above 80% AMI.

Councilmember/Commissioner Graves stated she lives across the street from the proposed development, and watched the Sanctuary being built. She added she realizes how long the process takes. She noted an apartment building on her block has high rents and it is an older building. She expressed her support of more attainable housing, and she is impressed by the work of THOR Living.

Councilmember/Commissioner Ryan stated the City Council has discussed this development as “workforce” housing, which identifies the concept and price range. Mr. Cruikshank agreed.

Councilmember/Commissioner Butler stated there was discussion about residents of the Sanctuary crossing Brooklyn Boulevard on foot to get to the gas station. She asked whether there are any concerns about pedestrian traffic, and whether the City has plans to do something at this intersection.

Ms. Beekman stated a traffic study would be completed as part of the project, which would include access points. She added Public Works Department is aware of the intersection and have commented on the site plan. She noted the planned roadway improvements will create much safer access.

Mayor/President Willson stated the City Council/EDA may wish to consider a pedestrian overpass at this location. He added he would not support a stop light at the intersection. He noted Hennepin County or the State of Minnesota may be willing to work with the City on a solution.

Councilmember/Commissioner Graves stated she thought there were center medians in the concept plan. Mayor/President Willson stated there are medians in the plan, however, they only get pedestrians halfway across Brooklyn Boulevard. Mr. Boganey stated the creation of pedestrian safe zones is a goal of this project.

The majority consensus of the City Council/EDA was to instruct City Staff to move forward with the proposed project and provide the City Council/EDA with detailed plans throughout the process.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Butler seconded adjournment of the City Council/Economic Development Authority Work Session at 8:30 p.m.

Motion passed unanimously.

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

SPECIAL MEETING
DECEMBER 3, 2018
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

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

2. ROLL CALL

Mayor Tim Willson and Councilmembers Kris Lawrence-Anderson and Dan Ryan. Councilmember April Graves and Marquita Butler were absent and excused. Also present were City Manager Curt Boganey, Finance Director Nate Reinhardt, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

3. CONSIDERATION OF 2019 BUDGET AND PUBLIC HEARING

Finance Director Nate Reinhardt reviewed the City budget process to provide the general public with information on the 2019 proposed budget and tax levy prior to their adoption. He added budget planning include a series of Joint Budget Study Sessions with the City Council and Financial Commission. He noted the strategic priorities of the 2019 Budget include economic stability, redevelopment, and community engagement.

Mr. Reinhardt reviewed 2019 the proposed levy in comparison to the Statewide average. He added the comparison is favorable, although the City's levy is slightly higher than average. He noted the proposed levy is driven by limited growth in non-property tax revenue and an increase in City personnel and infrastructure costs.

Mr. Reinhardt stated costs related to Personnel include a 3% base wage increase for all City employees, as well as the addition of staff. He added these additions include an Engineering Technician, Building Inspector, Community Engagement Specialists, as well as a part-time Human Resources Specialist and part-time youth recreational programming staff.

Mr. Reinhardt stated Capital Improvement projects identified in the budget include public utilities, street improvements, parks improvements and capital maintenance building improvements.

Mr. Reinhardt stated residential property taxes can change based on the value of the property or Brooklyn Center property values, as well as General Fund operational costs.

Mr. Boganey stated residential and multi-family apartment values are increasing at almost twice the rate of all other values or uses.

Mr. Reinhardt reviewed property tax increases on the City's median value home, or the home at which 50% of property values are higher and 50% are lower. He added the median home value would see a 4.4% tax increase even if the City Council adopts a zero-increase budget. He noted any questions or comments related to residential property values should be directed to City Staff or the Hennepin County Assessor, Josh Whitney.

Mr. Boganey stated the Board of Appeal and Equalization hearing will be held in the spring 2019, at which residents have an opportunity to contest their property values. He added individual property values will not be addressed at tonight's Budget Hearing.

Councilmember Ryan stated the median residential property value of \$184,000 represents a 10% increase, or \$123 per year, over last year. He added some properties have higher values, including properties on the river or on Twin Lake, as Assessor standards tend to raise those types of property values.

Mr. Boganey stated those properties tend to have a higher value because of their location, that is easier to retain and increases at a faster rate than other properties.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to open the Public Hearing at 7:24 p.m.

Motion passed unanimously.

Gary Brown, 7012 Willow Lane, stated his residential property is on the river. He added he sees stores continually closing and commercial property being taken down. He added the Community Development budget has risen over 14%.

Mayor Willson stated major commercial development will occur in Brooklyn Center during the next two years on significant pieces of property.

Mr. Brown stated he thinks the increase in his property value is reasonable. He added, however, there seems to be very little being done about commercial development in Brooklyn Center.

Councilmember Ryan stated he appreciates Mr. Brown's comments. He added Brooklyn Center's budget and expenses are like many communities across the Midwest, especially considering the recent recession. He noted he has challenged the City's Community Development Department to continue to be proactive.

Councilmember Ryan stated the City has entered into a preliminary development agreement with Alatus LLC for a \$200 million residential project on 35 acres within the City's Opportunity Site.

Scott Terhaar, 7216 Riverdale Road, stated he questions the assessed value of his home. He added he did some research and Brooklyn Center has the highest effective tax rate out of the 40 cities he researched. He noted his property value and taxes have gone up in the past two years, and it is difficult to see residents taking on an increased tax burden. He expressed concern that higher property taxes will decrease the value of his home.

Cindy Roberts, 6442 Lee Avenue North, stated her property value increased by 20%, although that increase in value is not realized unless they sell their home. She added there are no increases in wages happening at her home.

Tim Haroldson, 1207 72nd Avenue North, stated he loves the fact that his property value increased by 19.7%. He asked why an Engineering Technician is being added to City Staff, as well as a third Building Inspector. He asked why the City needs additional Community Engagement staff.

Mayor Willson stated these Engineering Technician and Building Inspector staff are vital positions, and are busy working on various projects. He added the increased Community Engagement staff is part of a recent City-wide initiative to reach out to residents in our diverse community. The goals of this important initiative are an increased sense of community and improved involvement within Brooklyn Center.

Mr. Haroldson stated he feels like there is more crime, and he would like to see some focus on issues and projects that are not getting completed. He added he appreciates the hard work of the City Council. He reiterated his concern regarding the staff salaries presented in the 2019 Budget.

Mayor Willson recommended that Mr. Haroldson submit an application for the Financial Commission, which currently has two openings.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to close the Public Hearing at 7:41 p.m.

Motion passed unanimously.

Mr. Boganey expressed his appreciation of the resident comments expressed during the public hearing. He added many commercial developments have been approved and are in planning stages, including a new Casey's Store, and two new sites are under construction: a commercial storage facility and a new hotel next to Embassy Suites. He noted a residential development project with 35 new single-family homes has also been approved and construction is planned for next fall, as well as a multi-family residential development at the Opportunity Site.

Mr. Boganey stated Brooklyn Center's residents will see many new redevelopment projects. He noted Brooklyn Center was one of the metropolitan area communities where, during the

recession, property values fell the quickest and deepest. Other second-ring suburbs began to recover their values sooner, but Brooklyn Center is now experiencing an increasingly faster growth rate because of the low cost of quality homes in the area. The demand for commercial as well as residential property in Brooklyn Center is high as developers continue to look for the next best opportunity.

Mr. Boganey thanked the residents who came to tonight's meeting and expressed his confidence and excitement regarding development and growth in Brooklyn Center over the next three years.

Councilmember Ryan stated the burden of property taxes falls most heavily on those least able to pay. He added he is retired, on a fixed income, and does not have a pension, and he is averse to raising taxes. He added the City is called upon to provide services to its residents, including community outreach, which is extremely important for communication and community-building.

Mayor Willson thanked the residents who came to the meeting and shared their thoughts and comments.

4. CITY MANAGER'S BUDGET TRANSMITTAL LETTER FOR 2019 FISCAL YEAR

Councilmember Lawrence-Anderson moved, and Councilmember Ryan seconded to accept the City Manager's Budget Transmittal Letter for 2019 Fiscal Year.

Motion passed unanimously.

5. RESOLUTION NO. 2018-202 APPROVING FINAL TAX CAPACITY LEVIES FOR THE GENERAL FUND AND DEBT SERVICE FUNDS AND MARKET VALUE TAX LEVY FOR THE HOUSING AND REDEVELOPMENT AUTHORITY FOR PROPERTY TAXES PAYABLE IN 2019

Councilmember Ryan moved, and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2018-202 approving Final Tax Capacity Levies for the General Fund and Debt Service Funds and Market Value Tax Levy for the Housing and Redevelopment Authority for Property Taxes Payable in 2019.

Motion passed unanimously.

6. RESOLUTION NO. 2018-203 ADOPTING THE 2019 ANNUAL CITY BUDGET

Councilmember Lawrence-Anderson moved, and Councilmember Ryan seconded to adopt RESOLUTION NO. 2018-203 adopting the 2019 Annual City Budget.

Motion passed unanimously.

7. RESOLUTION NO. 2018-204 APPROVING THE 2019-2033 CAPITAL IMPROVEMENT PLAN AND ADOPTING THE 2019 CAPITAL PROGRAM

Councilmember Ryan moved, and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2018-204 approving the 2019-2033 Capital Improvement Plan and Adopting the 2019 Capital Program.

Motion passed unanimously.

8. ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to close the Special Session at 7:57 p.m.

Motion passed unanimously.

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- Motion to approve the licenses as presented

Background:

The following businesses/persons have applied for City licenses as noted. Each business/person has fulfilled the requirements of the City Ordinance governing respective licenses, submitted appropriate applications, and paid proper fees.

Applicants for rental dwelling licenses are in compliance with Chapter 12 of the City Code of Ordinances, unless comments are noted below the property address on the attached rental report. **Please note, this is the first time you are seeing Type IV Rental Licenses on the consent agenda rental report.**

The liquor license renewals are based on past practices of distance requirements and may require an amendment in the future.

FIREWORKS DISPLAY

Pyrotecnico Fireworks	TopGolf 6420 N. Camden Ave December 31, 2018 Midnight
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GASOLINE SERVICE STATION LICENSES

Holiday Stationstores, LLC	420 66th Ave Brooklyn Center 55430
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LIQUOR - ON-SALE 3.2 PERCENT MALT LIQUOR

Bryant Wings dba Wings Stop	1180 Shingle Creek Crossing Brooklyn Center 55430
Chipotle Mexican Grill	5711 Xerxes Ave N Brooklyn Center 55430
Davannis, Inc. dba Davannis Pizza & Hot Hoagies	5937 Summit Dr Brooklyn Center 55430
Rose Garden LLC dba Rose Garden	6090 Shingle Creek Pkwy Brooklyn Center 55430

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LIQUOR - ON-SALE CLUB

Duoos Brothers dba American Legion Post 630	6110 Brooklyn Blvd. Brooklyn Center 55429
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LIQUOR - ON-SALE INTOXICATING

2200 Beverage Management dba: Rise by Elevation	2200 Freeway Blvd Brooklyn Center 55430
Apple Minnesota LLC dba Applebee's Neighborhood Grill & Bar	1400 Shingle Creek Crossing Brooklyn Center 55430
Brooklyn Hotel Partners, LLC dba: Embassy Suites	6300 Earle Brown Dr Brooklyn Center 55430
Flik International Corporation dba: Earle Brown Heritage Center	6155 Earle Brown Drive Brooklyn Center 55430
Jambo Africa, Inc. Jambo Africa Restaurant and Bar	1601 Freeway Blvd Brooklyn Center 55430
TopGolf USA dba: TopGolf	6420 Camden Ave N Brooklyn Center 55430

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LIQUOR - ON-SALE SUNDAY

2200 Beverage Management dba: Rise by Elevation	2200 Freeway Blvd Brooklyn Center 55430
Apple Minnesota LLC dba: Applebee's Neighborhood Grill & Bar	1400 Shingle Creek Crossing Brooklyn Center 55430
Brooklyn Hotel Partners, LLC dba: Embassy Suites	6300 Earle Brown Dr Brooklyn Center 55430
Duoos Brothers dba: American Legion Post 630	6110 Brooklyn Blvd Brooklyn Center 55429
Flik International Corporation dba: Earle Brown Heritage Center	6155 Earle Brown Drive Brooklyn Center 55430
Jambo Africa, Inc. Jambo Africa	1601 Freeway Blvd Brooklyn Center 55430
Top Golf USA dba: Top Golf	6420 Camden Ave N Brooklyn Center 55430

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LIQUOR - ON-SALE WINE

Brooklyn Center Restaurant Inc. dba: 50's Grill	5524 Brooklyn Blvd Brooklyn Center 55429
Davannis Inc. dba: Davannis Pizza & Hot Hoagies	5937 Summit Dr Brooklyn Center 55430
Rose Garden LLC dba: Rose Garden	6090 Shingle Creek Pkwy Brooklyn Center 55430

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MECHANICAL CONTRACTORS

C&C HVAC Inc.	16730 242nd Ave NW, Big Lake, MN 55309
RTS Mechanical LLC	725 Tower Drive, Hamel, 55340

St. Paul Plumbing & Heating Co

640 Grand Ave,
St. Paul, 55105

-
PUBLIC DANCE

Jambo Africa

806 Como Ave,
St. Paul, 55103

Jammin' Wings

2590 Freeway Blvd
Brooklyn Center 55430

-
SIGN CONTRACTOR

Dandy Signs & Graphics

806 Como Ave,
St. Paul, 55103

Leroy Signs, Inc.

6325 Welcome Ave N,
Brooklyn Park, 55429

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TOBACCO PRODUCTS

Holiday Stationstores, LLC

420 66th Ave N
Brooklyn Center 55430

Holiday Stationstores, LLC

6890 Shingle Creek Pkwy
Brooklyn Center 55430

Northern Tier Retail LLC
dba: Speedway #3192

6950 Brooklyn Blvd
Brooklyn Center 55429

Northern Tier Retail LLC
dba: Speedway #4058

1901 57th Ave N
Brooklyn Center 55430

Northern Tier Retail LLC
dba: Speedway 4160

6545 West River Road
Brooklyn Center 55430

Royal Tobacco

5625 Xerxes Ave N
Brooklyn Center 55430

Walmart Inc.

1200 Shingle Creek Parkway
Brooklyn Center 55430

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

COUNCIL ITEM MEMORANDUM

Rental License Category Criteria Policy – Adopted by City Council 09-10-2018

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

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

Rental Licenses for Council Approval on December 10, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
6331 Beard Ave N The Avenue Apts	3 Bldg 36 units	Renewal	CCFI Holding LLC	17 .47/unit	I	4 valid, 5/18/18 disturbing peace, 9/6/18 theft from auto, 9/18/18 disturbing peace, 11/4/18 disturbing peace		
4204 Lakebreeze Ave	1 Bldg 4 units	Renewal	Todd Bertleson/CPP3 LLC	12 3/unit	III	0	III	III
5301 Russell Ave N	2 Bldg 36 units	Renewal	Nedzad Ceric	305 8.47/unit	IV	6/18/18 theft	IV	IV
6221 Shingle Creek Pkwy Crest Apartments	1 Bldg 122 units	Renewal	Steven Plotz	72 .59/unit	I	12 .09/unit	I	I
2113 55th Ave N	Single Family	Renewal	Invitation Homes	1	I	0	I	III
3818 61st Ave N	Single Family	Renewal	Sherman Yih Feng Kho	6	III	0	III	III
3000 62nd Ave N	Single Family	Renewal	Dan Soffa	0	I	0	I	IV
3218 63rd Ave N	Single Family	Renewal	My Truong	4	II	0	II	IV
1401 72nd Ave N	Single Family	Renewal	Chad Tessmer	1	I	0		III
5207 Boulder Ln	Single Family	Renewal	Ross Herman	8	III	0	III	IV
6501 Brooklyn Dr	Single Family	Renewal	Dawn M. Araya	2	I	0	I	IV
2023 Brookview Dr	Single Family	Renewal	FYR SFR BORROWER LLC	1	I	0	I	III
5025 Drew Ave N	Single Family	Renewal	Ryan Partners, LLC/Ryan Schmidt	10	IV	0	IV	IV
5025 Drew Ave N	Single Family	Renewal	Ryan Partners, LLC/Ryan Schmidt	8	III	0	III	III
5432 Dupont Ave	Single Family	Renewal	Xiangming Guan	27	IV	0	IV	IV
5455 Emerson Ave N	Single Family	Renewal	Elbrus Management	10	IV	0	IV	IV
5814 Ewing Ave	Single Family	Renewal	Michele Nyarecha	1	I	0	I	I
6734 France Ave N	Single Family	Renewal	Alexander Lang	2	I	0	I	II
6919 France Ave N	Single Family	Renewal	Benjamin Hermantin	3	II	0	II	IV
6800 Fremont Pl N	Single Family	Renewal	Sharon McGary	5	II	0	II	II
6820 Fremont Pl N	Single Family	Renewal	Sharon McGary	3	III	0	III	II
5410 Girard Ave N	Single Family	Renewal	Douglas Allen Wahl	2	I	0	I	IV
5351 Irving Ave N	Single Family	Renewal	Douglas Allen Wahl	2	I	0	I	IV
6413 June Ave N	Single Family	Renewal	Douglas Allen Wahl	4	II	0	II	IV
4207 Lakeside Ave #327	Single Family	Renewal	Rachel Petz	0	I	0	I	I
6330 Orchard Ave N	Single Family	Renewal	Mark Kohls	0	I	0	I	II

Rental Licenses for Council Approval on December 10, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
6908 Unity Ave N	Single Family	Renewal	Xingfu Chen	7	III	0	III	II
7169 Unity Ave N	Single Family	Renewal	Soye Chalte	1	I	0		II
5925 Washburn Ave N	Single Family	Renewal	Cheng Lor	2	I	0	I	III
4419 Winchester La	Single Family	Renewal	Easton Homes LLC	2	I	0	I	II

* 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 1 = 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

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: 2019 City Council Meeting Schedule

Requested Council Action:

- Motion to approve the 2019 City Council meeting schedule

Background:

Annually, the City Council meeting schedule is set for the upcoming year. Attached is the City Council meeting for 2019.

Budget Issues:

N/A

Strategic Priorities and Values:

Operational Excellence



2019 City Council Meeting Schedule

Regular City Council Meetings Council Chambers City Hall	
Study/Work Session	6:00 p.m.
Informal Open Forum	6:45 p.m.
Regular Session	7:00 p.m.
Work Session (Continued)	immediately following Regular Session
Brooklyn Center City Council regularly meets the 2nd and 4th Monday each month, unless Monday is a holiday.	
January 14	
January 28	
February 11	
February 25	
March 11	
March 25	
April 8	
April 22	
May 13	
May 28 (Tuesday)	
June 10	
June 24	
July 8	
July 22	
August 12	
August 26	
September 9	
September 23	
October 14	
October 28	
November 12 (Tuesday)	
November 25	
December 9	

Special City Council Meetings	
All dates are Monday unless otherwise noted	
April 3 (Wednesday)	6:00 p.m.
Joint Session w/Commissions	CH
April 15	7:00 p.m.
Board of Appeal & Equalization	CC
April 29	6:00 p.m.
Board of Appeal & Equalization Reconvene	CC
June 3	6:30 p.m.
Work Session w/Auditor and Budget Work Session w/Financial Commission	CC
July 17	6:30 p.m.
Work Session w/Financial Commission	CC
July 29	6:30 p.m.
Work Session Work Session w/Financial Commission	CC
August 7	6:30 p.m.
Work Session Work Session w/Financial Commission	CC
August 19	6:30 p.m.
Work Session Work Session w/Financial Commission	CC
September 16	6:30 p.m.
Work Session Work Session w/Financial Commission	CC
October 7	6:30 p.m.
Work Session Work Session w/Financial Commission	CC
October 21	6:30 p.m.
Work Session Work Session w/Financial Commission	CC
December 2	6:30 p.m.
2020 Budget Hearing and Special Meeting	CC

- AA** – All America Conference Room located in lower level City Hall
- CC** – Council Chambers located in upper level City Hall
- CH** – Constitution Hall located at Community Center
- CR** – Council/Commission Conference Room located in lower level City Hall
- EBHC** – Earle Brown Heritage Center, 6155 Earle Brown Drive

All dates are subject to change.

Call City Hall at 763-569-3300 to verify dates and times.

Strikethrough indicates meeting has been CANCELED.

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Resolution Adopting Amendments to the Financial Policies Section of the Brooklyn Center City Council Code of Policies

Requested Council Action:

- Motion to Adopt Amendments to the Financial Policies Section of the Brooklyn Center City Council Code of Policies

Background:

Staff has reviewed the City's Financial Management Policies Debt Section last updated by City Council on October 18, 2006. The policy provides guidelines for outstanding debt limits, debt structuring, debt issuance practices, and debt management practices.

During the debt rating review performed by Standard and Poor's leading up to the 2018 bond issuance it was noted that the City's debt policy was "limited and outdated." As a result, Finance department staff has performed a thorough review of the debt section of the City's Financial Management Policies, compared with other City's debt policies, and compared to Best Practice recommendations provided by the Government Finance Officers Association. Staff prepared a revised policy which was further reviewed and modified by Springsted Inc., the City's Fiscal Advisor.

Attached is the redlined policy with deletions in ~~striketthrough~~ and additions underlined, and a resolution adopting the proposed revisions to the Financial Management Policies Debt Section for City Council consideration.

Budget Issues:

The primary objective of the policy is to establish conditions for the use of debt and to create policies that minimize the City's debt service and issuance costs, retain a high credit rating in the financial community, and to maintain full and complete financial disclosure and reporting. The City's Debt policies are a component of the review performed by rating agencies when evaluating the City's bonds. A complete debt policy could contribute to a higher bond rating which would, in turn, decrease the price the City pays for interest on future debt issuances

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING AMENDMENTS TO THE FINANCIAL POLICIES
SECTION OF THE BROOKLYN CENTER CITY COUNCIL CODE OF POLICIES

WHEREAS, the City Council of the City of Brooklyn Center adopted a Schedule for Professional Services Policies on October 18, 2006 included in the City Council Code of Policies; and

WHEREAS, revisions to Section 2.21 Financial Management Policies Section C: Debt Policies have been reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that the amended Section 2.21 Financial Management Policies Section C: Debt Policies attached hereto as Exhibit 1 be incorporated into the Code of Policies and hereby adopted.

December 10, 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.

C. Debt Policies

1. The City will confine long-term borrowing to capital improvements or projects which cannot be financed from current revenues.
2. When the City finances capital projects by issuing bonds, it will pay back the bonds within a period not to exceed the expected useful life of the project.
3. ~~On all projects, at least 50% of the principal shall be retired within ten years.~~ The City's goal is to amortize 65% of outstanding debt within 10 years; however, in no case shall the City amortize less than 50% of outstanding debt within 10 years.
4. State law limits general obligation debt to 30 years in most circumstances. The City will attempt to keep the ~~average~~ stated maturity of General Obligation Bonds at or below 20 years.
5. ~~Total debt service for General Obligation debt will not exceed five percent of total annual locally generated operating revenue in the general, special revenue, and proprietary funds.~~
6. Total General Obligation debt ~~will not exceed two percent of the market valuation of taxable property~~ will not exceed the statutory limit of 3% of the estimated Market Value of taxable property in the City as required by Minnesota Statute, Section 475.53.
7. Where possible, the City will use special assessment, revenue or other self-supporting bonds instead of General Obligation Bonds repaid with a property tax levy.
8. The City will not incur debt to support current operations.
9. The City will maintain good communications with bond rating agencies regarding its financial condition. The City will follow a policy of full disclosure in every financial report and bond prospectus. The City shall comply with SEC rule 15C2(12) on primary and continuing disclosure. Continuing disclosure reports shall be filed no later than 180 days after the end of the fiscal year.
10. ~~Direct net debt (gross debt less debt fully supported by revenues) per capita shall not exceed \$600 per capita.~~ Total governmental fund debt service cannot exceed 25% of the City's governmental fund expenditures.

11. The City will require Minimum Assessment (Taxable Valuation) Agreements on all projects in which the City is providing development assistance through tax increment financing or committing its bonding authority. This will ensure minimal cash flow (increment) to repay obligations, provide another level of review before commitment (by the City Assessor), and to the minimal value agreed upon, eliminate tax appeals during the agreement period.
12. The City shall use variable rate debt only if total principal and interest of the debt constitutes less than 20% of the City's total debt payments and only if circumstances dictate the need for a short term call date. The City will not use derivative based debt.
13. The City shall use an outside bond attorney, an independent municipal advisor to structure the sale of debt, and a paying agent for book entry transactions.
14. The City shall invest bond proceeds in a separate account in order to account for earnings on invested proceeds for the purposes of complying with arbitrage regulations. The City shall complete and arbitrage rebate report for each issue no less than every five years after its date of issuance.

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Resolution Directing Staff to Reclassify Centerbrook Golf Course to a Governmental Special Revenue Fund

Requested Council Action:

- Motion to approve the resolution directing staff to reclassify Centerbrook Golf Course to a Governmental Special Revenue Fund

Background:

Finance, Administration and Centerbrook staff of the City of Brooklyn Center has discussed the appropriate classification of the Centerbrook Golf Course as it relates to its presentation as an Enterprise fund during budget meetings preparing for 2019.

The City's Fund Balance and Classification Policy (City Council Code of Policies Section 2.23) defines Enterprise funds as programs provided by the City which generate their own revenues for operations and capital maintenance. The Centerbrook fund has received General Fund transfers and cash lending from 2015 through 2017 totaling \$173,250 for an average of \$57,750 per year. The average operating revenue for the fund over that period was \$214,000. We no longer believe the Centerbrook Golf Course, in its current form will be able to generate adequate revenues to be self-sufficient.

We believe the proper presentation of this activity is as a Governmental Special Revenue fund which are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.

Budget Issues:

We will continue to budget for this fund the same as we have in the past, this only changes the funds classification and presentation.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DIRECTING STAFF TO RECLASSIFY CENTERBROOK GOLF COURSE TO A GOVERNMENTAL SPECIAL REVENUE FUND

WHEREAS, Centerbrook Golf Course is currently and Enterprise fund; and

WHEREAS, The City's Financial Policies dictate that Enterprise funds charge sufficient user fees to fund operations and capital maintenance; and

WHEREAS, Cash subsidies from the City's General fund averaging \$57,750 per year from 2015 to 2017 have been required to maintain positive cash balance in the Centerbrook Golf Course fund; and

WHEREAS, Centerbrook Golf Course would be more appropriately reported as a Special Revenue fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the Centerbrook Golf Course fund is now a Special Revenue Fund and gives staff direction to proceed with the reclassification.

November 26, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

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

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Resolution to Forgive the Remaining Interfund Advance between the Centerbrook Golf Course Fund and Capital Improvements Fund

Requested Council Action:

- Motion to approve the resolution forgiving the remaining interfund advance between the Centerbrook Golf Course Fund and Capital Improvements Fund

Background:

In 1999 the Capital Improvements Fund Advanced \$1,050,000 to the Centerbrook Golf Course fund to pay for improvements to the course. Centerbrook was to repay the advance in 21 installments of \$50,000 per year. Centerbrook made payments totaling \$257,512 between 2000 and 2006 but has not had available cash to make a payment in the past 12 years.

During this time the General fund has begun making subsidy payments to maintain positive cash balance in the Centerbrook Golf Course fund. These transfers totaled \$379,000 over that period with an additional \$197,081 set up as interfund borrowing.

Staff is recommending this advance be forgiven as it is unlikely the Centerbrook Golf Course will be able to generate sufficient resources, outside of general fund subsidies, to repay the Capital Improvements fund.

Budget Issues:

This proposed forgiveness will eliminate the interfund balance of \$792,488 between the Centerbrook Golf Course fund and Capital Improvements fund.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION TO FORGIVE BALANCE OF INTERFUND ADVANCE
MADE IN 1999 FROM CAPITAL IMPROVEMENTS FUND TO
CENTERBROOK GOLF COURSE

WHEREAS, in 1999 the Capital Improvements Fund advanced \$1,050,000 to the Centerbrook Golf Course fund for course improvements to be repaid over 21 years at 0% interest ; and

WHEREAS, the Centerbrook Golf Course has been unable to make any payments on the advance due to deficit cash balances dating back to 2006; and

WHEREAS, the year-end 2017 audited balance of the advance was \$792,488; and

WHEREAS, it is no longer expected that the Centerbrook Golf Course will be able to generate sufficient funds to repay the advance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the interfund advance from the Capital Improvements Fund to the Centerbrook Golf Course fund be forgiven.

November 26, 2018
Date

Mayor

ATTEST: _____
City Clerk

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

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

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Michael Weber, Public Utilities Supervisor

SUBJECT: Resolution Approving Change Order No. 1, Accepting Work Performed and Authorizing Final Payment, Project No. 2017-14, Lift Station No. 1 Rehabilitation and Wetwell Improvements

Requested Council Action:

- Motion to approve the resolution accepting work performed and authorizing final payment, Project No. 2017-14, Lift Station No. 1 Rehabilitation and Wetwell Improvements

Background:

The 2017 Capital Improvement Program (CIP) identified the rehabilitation of Lift Station No. 1 including a flushing system, new ARV valves, check valves, adding a baffle wall, painting and electrical controls. In addition, when the project was bid there were four alternates that included three different brands of pumps and a grinder pump option. On November 13, 2017, the City Council awarded a contract to Minnesota Mechanical Solutions, Inc. of Waite Park, MN for the base bid plus Alternates 1 and 4 for \$399,562.

Minnesota Mechanical Solutions, Inc. has successfully completed the work and is requesting final payment for the project. There was one change order on the project for \$14,800 for an increase of the emergency bypass pump suction, discharge pipes and additional wetwell cleaning and disposal of collected debris.

Budget Issues:

The original contract amount with Minnesota Mechanical Solutions, Inc. for the Lift Station No. 1 Rehabilitation and Wetwell Improvements was \$399,562. The total value of work certified for final payment including Change Order No. 1 is \$414,362. The total project cost including contingencies/administration/engineering/legal is \$483,914.84 and was completed 2.3 percent under budget in the amount of \$11,247.16. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Strategic Priorities and Values:

Enhanced Community Image

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NO. 1, ACCEPTING WORK
PERFORMED AND AUTHORIZING FINAL PAYMENT, PROJECT NO.
2017-14, LIFT STATION NO. 1 REHABILITATION AND WETWELL
IMPROVEMENTS

WHEREAS, pursuant to written contracts signed with the City of Brooklyn
Center, Minnesota, Minnesota Mechanical Contractors, Inc. of Waite Park Minnesota has
completed the following improvements in accordance with said contract;

Project No. 2017-14, Lift Station No. 1 Rehabilitation and Wetwell Improvements

WHEREAS, Minnesota Mechanical Contractors, Inc. were instructed to complete
additional work not included in the original Contract but was deemed necessary to properly
complete the improvements including an increase of the emergency bypass pump suction,
discharge pipes and additional wetwell cleaning and disposal of collected debris as identified on
Change Order No. 1.

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

1. Change Order No. 1 in the amount of \$14,800 for Improvement No. 2017-14 is hereby approved.
2. Final payment shall be made on Project No. 2017-14, Lift Station No. 1 Rehabilitation and Wetwell Improvements, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contracts shall be \$414,362.
3. The estimated project costs are hereby amended as follows:

COSTS	<u>As Original Award</u>	<u>As Final</u>
Construction Contract	\$ 399,562.00	\$ 399,562.00
Change Order No. 1		\$ 14,800.00
Engineering and Administrative	\$ 55,600.00	\$ 69,552.84
<u>Contingency</u>	<u>\$ 40,000.00</u>	
TOTAL	\$ 495,162.00	\$ 483,914.84

<u>REVENUES</u>	<u>As Original Award</u>	<u>As Final</u>
Sanitary Sewer Utility	\$ 495,162.00	\$ 483,914.84

RESOLUTION NO. _____

December 10, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

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

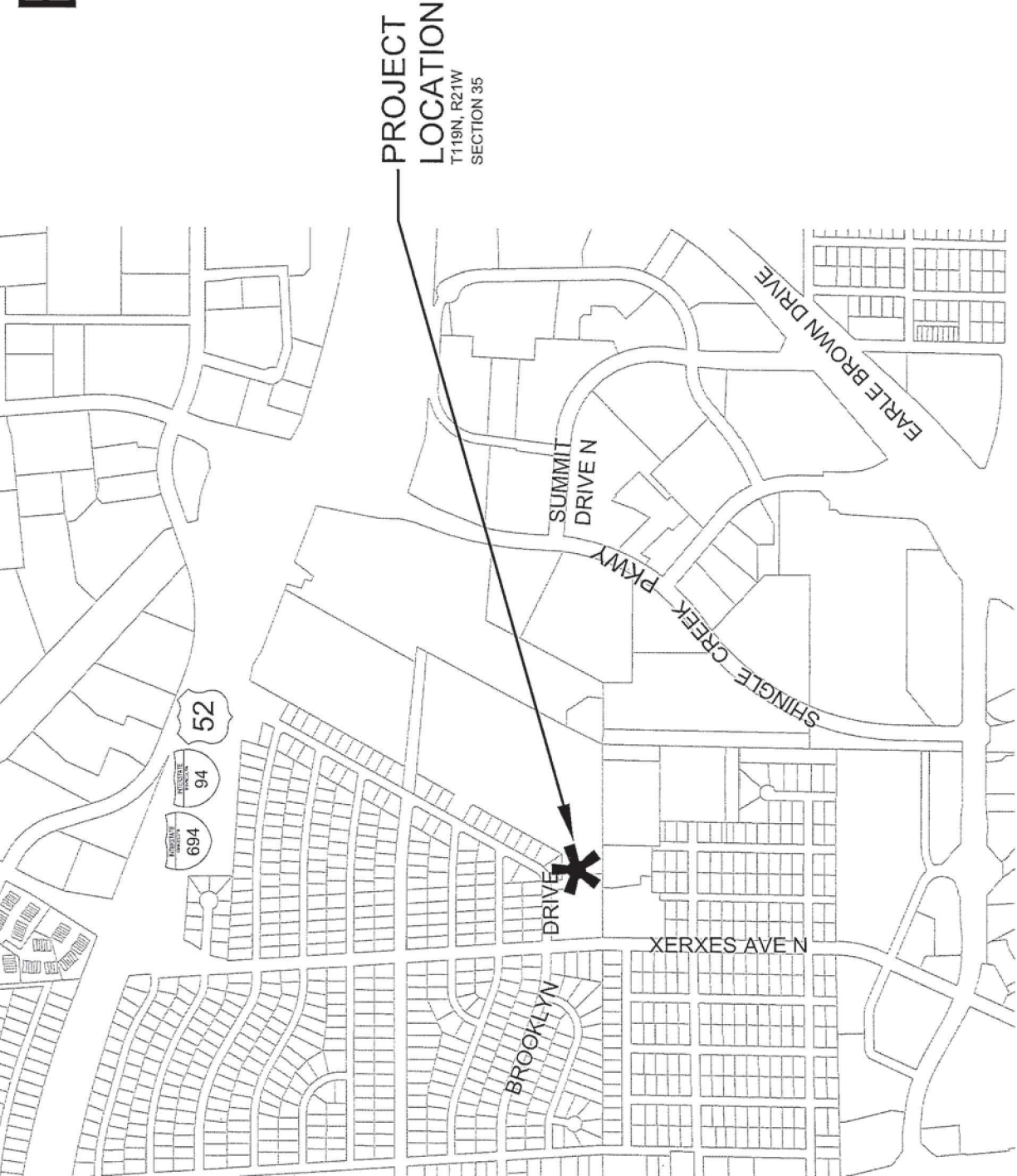
and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

BROOKLYN CENTRAL

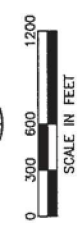
LIFT STATION NO. 1 IMPROVEMENTS

CITY PROJECT NO. 17-14
TKDA PROJECT NO. 16080.0

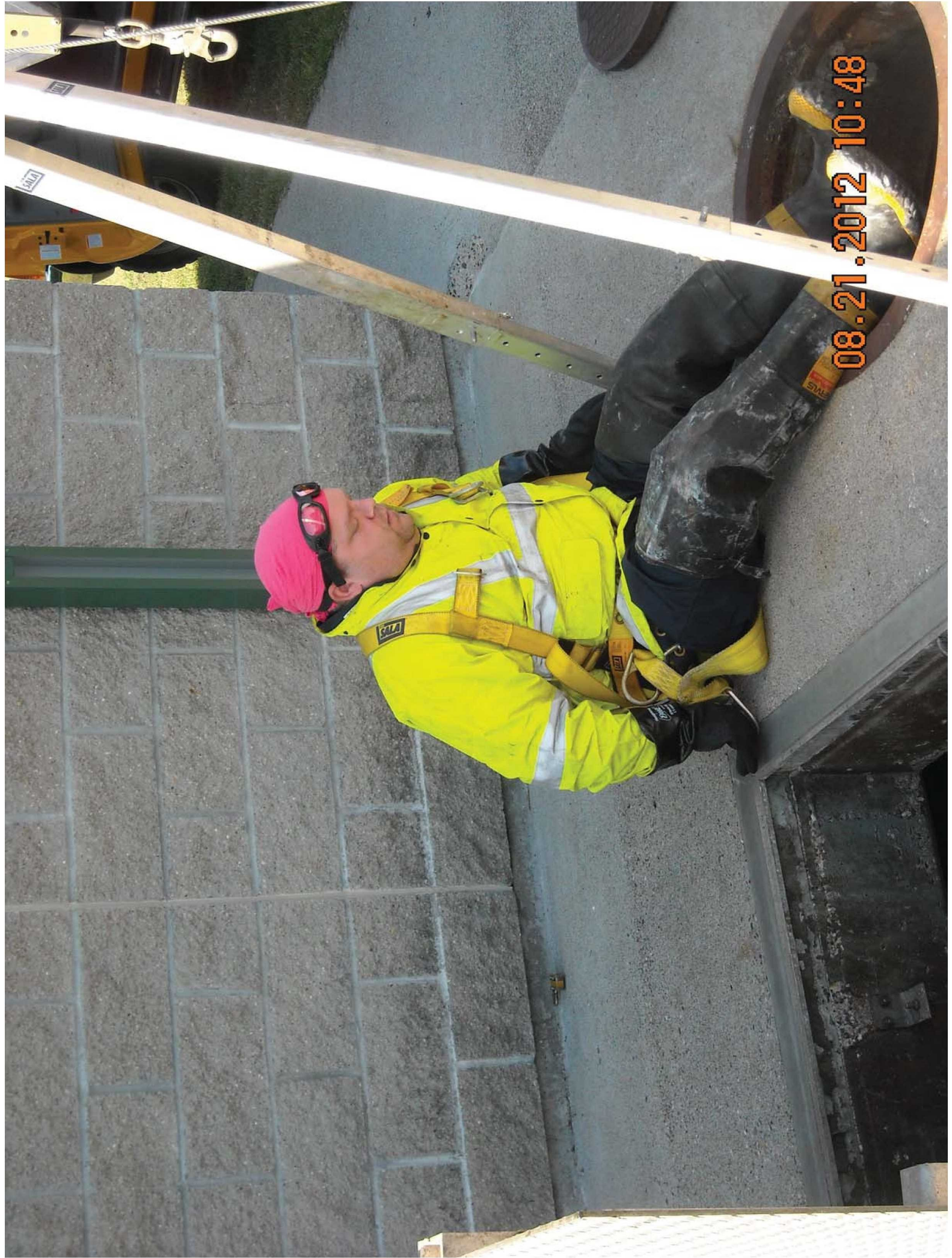


SHEET INDEX

SHEET	DESCRIPTION
G000	TITLE SHEET
CS100	SITE PLAN
PX100	EXISTING LIFT STATION PLAN
PX101	EXISTING LIFT STATION SECTION
PD100	LIFT STATION PLAN REMOVALS
PD101	LIFT STATION SECTION REMOVALS
PP100	LIFT STATION PROPOSED IMPROVEMENTS
PP101	LIFT STATION PROPOSED IMPROVEMENTS
S100	PROPOSED IMPROVEMENTS
S101	STRUCTURAL DETAILS
E000	ELECTRICAL NOTES
ED001	ELECTRICAL DEMOLITION
E001	PROPOSED IMPROVEMENTS
E002	ELECTRICAL RISER AND SCHEDULES



NOTATIONS
EXISTING
ELEVATIONS
UTILITIES MAY
VARY
AT LOCATIONS.
THIS PLAN IS A UTILITY
QUALITY LEVEL
GUIDELINE OF CHANCE
FOR THE COLLECTION
OF UTILITY DATA.



08.21.2012 10:48

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Brett Angell, Business and Workforce Development Specialist

SUBJECT: Resolution Approving of a Contract for Services between the City of Brooklyn Center and the Metropolitan Consortium of Community Developers for the Open to Business Program

Requested Council Action:

- Motion to approve a contract between the Economic Development Authority of Brooklyn Center and the Metropolitan Consortium of Community Developers (MCCD) for the Open to Business program

Background:

The Open to Business Program, operated by the Metropolitan Consortium of Community Developers (MCCD), provides direct, one-on-one technical assistance services to local entrepreneurs and small businesses. The services include: business and strategic plan development, marketing and communications planning, financial assessment, and referrals to professional services. Open to Business advisors also assist entrepreneurs identify borrowing needs and accessing financing options that best meet their unique needs.

The Open to Business Program currently partners with 6 counties and 29 cities within the Twin Cities metropolitan region. The Open to Business program has been providing services to Brooklyn Center since 2012. Open to Business advisors provide business and lending consultations on a bi-monthly basis at Brooklyn Center City Hall. Appointments are preferred but walk-ins are welcome, time permitting.

From January through November 2018, Open to Business advisors assisted 11 entrepreneurs in Brooklyn Center and provided approximately 74 hours of direct technical assistance. An in-depth summary of the 2018 Open to Business program for Brooklyn Center will be provided to the City Council in early February 2019.

The current contract between the City of Brooklyn Center and MCCD for the Open to Business program expires at the end of 2018. The proposed new contract will have a 3-year term running through the end of 2021 with an annual cost of \$10,000. The City of Brooklyn Center has an annual cost of \$5,000 for the program and the remaining \$5,000 is covered by the Hennepin County Housing Redevelopment Authority.

Budget Issues:

The annual \$5,000 cost for the Open to Business program will be funded by the Economic Development Authority of Brooklyn Center's professional services account.

Strategic Priorities and Values:

Resident Economic Stability

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION APPROVING A CONTRACT FOR SERVICES BETWEEN THE
CITY OF BROOKLYN CENTER AND METROPOLITAN CONSORTIUM OF
COMMUNITY DEVELOPERS FOR THE OPEN TO BUSINESS PROGRAM

WHEREAS, the City Council of Brooklyn Center, Minnesota (the “City”) has received a contract for services from Metropolitan Consortium of Community Developers company (the “MCCD”) for the Open to Business program which provides technical business and lending assistance to existing businesses, residents, and parties interested in starting a business in Brooklyn Center; and

WHEREAS, the current contract for services with MCCD for the Brooklyn Center Open to Business program expires on December 31, 2018; and

WHEREAS, the approved contract for services with MCCD for the Brooklyn Center Open to Business program will have a three-year term and will expire on December 31, 2021; and

WHEREAS, the contract for services includes an annual cost to the City of \$5,000 to be paid through the Economic Development Authority of Brooklyn Center’s Professional Services account; and

WHEREAS, the MCCD agrees to submit reports related to the Brooklyn Center Open to Business program twice per year and additional reports as requested by the City; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that it hereby approves the contract for services between the City of Brooklyn Center and the Metropolitan Consortium of Community Developers for the Open to Business Program.

December 10, 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.

**Contract for Services
Between the City of Brooklyn Center
&
Metropolitan Consortium of Community Developers
for the
Open to Business Program**

THIS AGREEMENT, is made and entered into as of the 1st day of January, 2019, between the City of Brooklyn Center and **Metropolitan Consortium of Community Developers**, (herein called "MCCD").

WHEREAS, the City of Brooklyn Center wishes to retain an entity with the capacity to provide small business technical assistance to existing businesses and those parties interested in opening a business in Brooklyn Center(the "Initiative") and

WHEREAS, MCCD has represented itself as competent to provide the services required to administer and carry out the Initiative; and

WHEREAS, the City of Brooklyn Center wishes to engage MCCD to provide said services necessary to carry out the Initiative;

NOW THEREFORE, it is agreed between the parties hereto that;

1. TIME OF PERFORMANCE

The service to be provided by MCCD shall commence on January 1, 2019 and unless canceled by either party, automatically renew January 1, 2020 and January 1, 2021. Either party may, at their sole discretion and without cause, cancel any remaining years covered under this agreement by providing written notice to the other party at least 30 days prior to renewal. Each Party agrees that a Party that opts out of the contract under these terms shall be subject to no penalty, and held harmless for future liability or obligation related to the terms of this agreement. All services, documents, and information to be furnished or performed by MCCD in order to carry out the Initiative shall be furnished or performed as promptly as possible, and with the fullest due diligence.

2. COMPENSATION

Total compensation to MCCD shall be \$10,000 for a one year period (the Contract Amount) to manage the Brooklyn Center Open to Business program. The Contract Amount will be paid in two equal installments: \$5,000 due and payable by the City of Brooklyn Center upon execution of this Agreement, and \$5,000 invoiced and dated on or about 6 months from the agreement date, payable by Hennepin County Housing Redevelopment Authority.

3. SCOPE OF SERVICES

MCCD will use the Contract Amount to provide technical assistance to existing Brooklyn Center businesses, residents and parties interested in starting a business in Brooklyn Center; (See **Exhibit A** Scope of Services-Brooklyn Center Open to Business Program).

4. REPORTING

MCCD agrees to submit reports related to its operation of the Brooklyn Center Open to Business program. Items to be reported on include, but are not limited to, the following:

- Number of inquiries
- Hours of technical assistance provided
- Type of assistance provided
- Type of business
- Annual sales revenue
- Number of businesses opened
- Number of business expanded/stabilized
- Number and amounts of financing packages
- Demographic information on entrepreneurs

The required reporting schedule is as follows:

January – June activity, report due July 31st

January – December activity, report due January 31st

MCCD will provide additional reports as requested by the City of Brooklyn Center.

5. PERSONNEL

MCCD represents that it has, or will secure, at its own expense, all personnel required in performing the services to carry out the Initiative. Such personnel shall not be employees of or have any contractual relationship with the City of Brooklyn Center. No tenure or any other rights or benefits, including worker's compensation, unemployment insurance, medical care, sick leave, vacation pay, severance pay, or any other benefits available to City of Brooklyn Center employees shall accrue to MCCD or employees of MCCD performing services under this agreement. The MCCD is an independent contractor.

All of the services required to carry out the Initiative will be performed by MCCD, and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and local law to perform such work.

6. INTEREST OF MEMBERS OF THE CITY, EDA AND OTHERS

No officer, member, or employee of the City of Brooklyn Center, and no member of its governing body, and no other public official or governing body of the locality in which the Initiative is situated or being carried out, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of the Initiative, shall participate in the decision relating to this Agreement which affects his/her personal interest or the interest of any corporation, partnership, or association in which he/she is, directly or indirectly, interested or has any personal or pecuniary interest, direct or indirect, in this Agreement or proceeds thereof.

7. ASSIGNABILITY

MCCD shall not assign any interest in this Agreement, and shall not transfer any interest in the same without the prior written approval of the City of Brooklyn Center thereto.

8. COMPLIANCE WITH LOCAL LAWS

MCCD agrees to comply with all federal and state laws, statutes and applicable regulations and the ordinances of the City of Brooklyn Center.

9. INSURANCE

MCCD agrees to provide proof of workers' compensation and comprehensive general liability insurance. Comprehensive general liability insurance shall be in the minimum amount of \$1,500,000

10. HOLD HARMLESS

MCCD agrees to defend, protect, indemnify and hold harmless the City of Brooklyn Center, their agents, officers and employees harmless from and against all liabilities, losses, damages, costs, and expenses, whether personal, property, or contractual, including reasonable attorney's fees, arising out of, or related to the administration and operation of the Initiative, and from any act of negligence of MCCD, its officers, employees, servants, agents, or contractors.

The City of Brooklyn Center agree to defend, protect, indemnify and hold harmless the MCCD, its agents, officers and employees harmless from and against all liabilities, losses, damages, costs, and expenses, whether personal, property, or contractual, including reasonable attorney's fees, arising out of, or related to the administration and operation of the Initiative, and from any act of negligence of the City of Brooklyn Center, their officers, employees, servants, agents, or contractors.

11. NOTICES

A notice, demand, or other communication under the Agreement by either party to the other shall be sufficiently given or delivered if it is dispatched by mail, postage prepaid, return receipt requested, or delivered personally; and

(a) In the case of MCCD, is addressed or delivered personally to:

Lee Hall, Chief Operating Officer
Metropolitan Consortium of Community Developers
3137 Chicago Avenue South
Minneapolis, MN 55407

(b) In the case of the City of Brooklyn Center:

Meg Beekman
Business and Development Director
City of Brooklyn Center
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430

or at such other address with respect to any party as that party may designate in writing and forward to the other as provide in the Section.

12. MODIFICATION

This Agreement may not be modified, changed, or amended in any manner whatsoever without the prior written approval of all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

CITY OF BROOKLYN CENTER

**METROPOLITAN CONSORTIUM
OF COMMUNITY DEVELOPERS**

By: _____
Tim Willson, Mayor

By: _____
Jim Roth, Its Executive Director

And by;

By _____
Curt Boganey, City Manager

Exhibit A

Scope of Services

Open for Business Technical Assistance Services

MCCD will provide intensive one-on-one technical assistance to Brooklyn Center businesses, Brooklyn Center residents and aspiring entrepreneurs intending to establish, purchase, or improve a business in Brooklyn Center. Technical assistance includes, but is not limited to, the following:

- Business plan development
- Feasibility analysis
- Marketing,
- Cashflow and other financial projection development
- Operational analysis
- City and State licensing and regulatory assistance
- Loan packaging, and other assistance in obtaining financing
- Help in obtaining competent legal advice

MCCD will also provide technical assistance on a walk-in basis monthly in Brooklyn Center City Hall or as requested at a place of business within Brooklyn Center.

Open to Business Access to Capital

Access to capital will be provided to qualifying businesses through MCCD's Emerging Small Business Loan Program (see **Exhibit B** Small Business Loan Program Guidelines below). MCCD also provides its financing in partnership other community lenders, banks or both.

EXHIBIT B

Small Business Loan Program Guidelines

Loan Amounts:

- Up to \$25,000 for start-up businesses
- Larger financing packages for established businesses
- Designed to leverage other financing programs as well as private financing provided by the commercial banking community.

Eligible Projects:

- Borrowers must be a “for-profit” business.
- Business must be complimentary to existing business community.
- Borrowers must have equity injection as determined by fund management.

Allowable Use of Proceeds:

- Loan proceeds can be used for working capital, inventory, building and equipment and general business operations.

Interest Rates:

- Loan interest rate is dependent on use, term and other factors, not to exceed 10%.

Loan Term Length:

- Loan repayment terms will generally range from three to five years, but may be substantially longer for major asset financing such as commercial property.

Fees and Charges:

- Borrowers are responsible for paying all customary legal and other loan closing costs.

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Mike Albers, City Engineer

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Project No. 2017-05, Evergreen Park Area Safe Routes to School Trail and Sidewalk Improvements

Requested Council Action:

- Motion to approve the resolution accepting work performed and authorizing final payment, Project No. 2017-05, Evergreen Park Area Safe Routes to School Trail and Sidewalk Improvements

Background:

On September 25, 2017, the City Council awarded Project No. 2017-05 to Concrete Idea Inc. of Plymouth, Minnesota for the construction of the Evergreen Park Area Safe Routes to School Trail and Sidewalk Improvements. Concrete Idea Inc. has successfully completed the construction work for the project.

Budget Issues:

The original contract amount with Concrete Idea Inc. for project improvements was \$243,420.30. The total value of work certified for final payment is \$209,151.00. The total project cost including contingencies/administration/engineering/legal is \$264,844.79 and was completed 23.5 percent under budget in the amount of \$81,140.51. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Strategic Priorities and Values:

Key Transportation Investments

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING
FINAL PAYMENT, PROJECT NO. 2017-05, EVERGREEN PARK AREA
SAFE ROUTES TO SCHOOL TRAIL AND SIDEWALK IMPROVEMENTS

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, Concrete Idea Inc. of Plymouth, Minnesota has completed the following improvements in accordance with said contract:

Improvement Project No. 2017-05, Evergreen Park Area Safe Routes to School Trail and Sidewalk Improvements

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

1. Final payment shall be made on Improvement Project No. 2017-05, Evergreen Park Area Safe Routes to School Trail and Sidewalk Improvements, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be \$209,151.
2. The estimated project costs and revenues are hereby amended as follows:

COSTS	<u>As Original Award</u>	<u>As Final</u>
Contract	\$ 243,420.30	\$ 209,151.00
Contingency	\$ 24,000.00	\$ 0.00
Admin/Legal/Eng. (to date)	\$ 78,565.00	\$ 54,693.79
Engineering (Estimate for Dec 2018)	\$ -0-	\$ 1,000.00
Total Estimated Project Cost	\$ 345,985.30	\$ 264,844.79
 REVENUES	 <u>As Original Award</u>	 <u>As Final</u>
Street Reconstruction Fund	\$ 82,296.06	\$ 54,389.48
Capital Projects Fund	\$ 68,608.00	\$ 42,804.51
Federal Grant	\$ 194,736.24	\$ 167,320.80
Miscellaneous	\$ 345.00	\$ 330.00
Total Estimated Revenue	\$ 345,958.30	\$ 264,844.79

RESOLUTION NO. _____

December 10, 2018

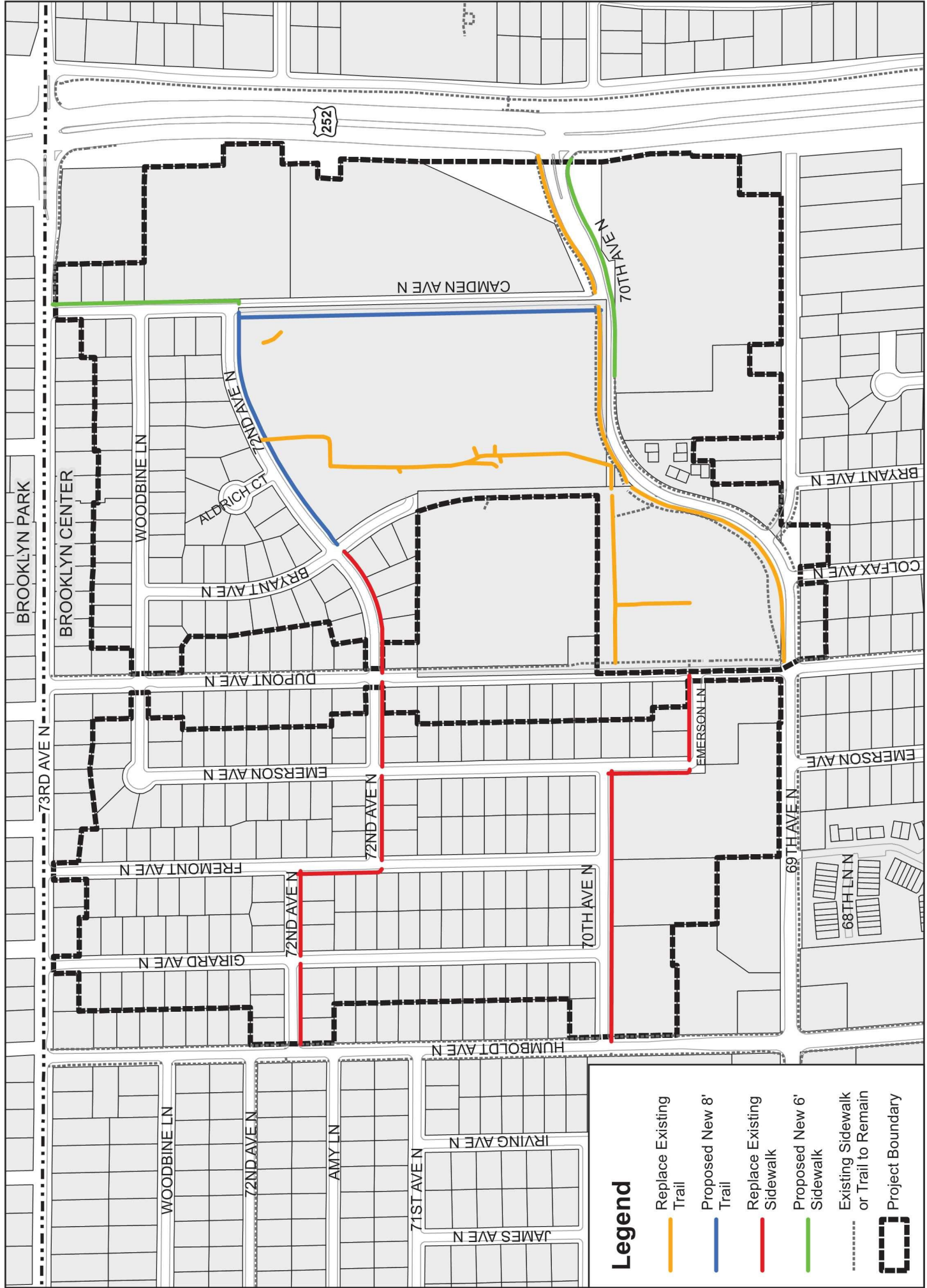
Date

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.



Sidewalk and Trail Improvements Evergreen Park Area Safe Routes To School



COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Kelli Wick, Human Resources Director

SUBJECT: Resolution Setting Salaries for Calendar Year 2019

Requested Council Action:

- Motion to adopt the resolution setting salaries for calendar year 2019.

Background:

Section 2.07 of the City Charter requires that the City Council shall fix the salary of all employees of the City. Generally speaking, the City employs three different sets of employees, union, non-union and city manager.

Union employees encompass the vast majority of public works and police department employees. Salaries and wages for these employees are established through the collective bargaining process. Contracts are settled with all union groups for 2019.

The action before you relates to the wages and salaries of the eighty-three (86) non-union full-time employees out of a total of 162 full time employees working for the City. These at-will employees have no contract and rely upon the actions of the City Council through policy to assure reasonable working conditions, salaries and wages that are competitive in the market place.

The proposed budget provides for a three percent general wage increase. It also provides for scheduled performance based step increases for employees below the range maximum. Staff recommends approval of the pay plan with a 3% general wage increase for 2019.

Budget Issues:

The proposed budget will support a 3% pay plan adjustment and scheduled performance step increases provided by the resolution.

COUNCIL ITEM MEMORANDUM

DATE: November 30, 2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Kelli Wick, Human Resources Director 

SUBJECT: Resolution Setting Salaries for Calendar Year 2019

Recommendation:

It is recommended that the City Council adopt the resolution setting salaries for calendar year 2019.

Background:

Section 2.07 of the City Charter requires that the City Council shall fix the salary of all employees of the City. Generally speaking, the City employs three different sets of employees, union, non-union and city manager.

Union employees encompass the vast majority of public works and police department employees. Salaries and wages for these employees are established through the collective bargaining process. Contracts are settled with all union groups for 2019.

The action before you relates to the wages and salaries of the eighty-three (86) non-union full-time employees out of a total of 162 full time employees working for the City. These at-will employees have no contract and rely upon the actions of the City Council through policy to assure reasonable working conditions, salaries and wages that are competitive in the market place.

The proposed budget provides for a three percent general wage increase. It also provides for scheduled performance based step increases for employees below the range maximum. Staff recommends approval of the pay plan with a 3% general wage increase for 2019.

Budget Issues:

The proposed budget will support a 3% pay plan adjustment and scheduled performance step increases provided by the resolution.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION SETTING SALARIES FOR CALENDAR YEAR 2019

WHEREAS, Section 2.07 of the City Charter for the City of Brooklyn Center requires that the City Council shall fix the salary of all officers and employees of the City; and

WHEREAS, the 1984 Pay Equity Act as adopted and amended by the Legislature requires every political subdivision of the State of Minnesota to establish "equitable compensation relationships" between its employees; and

WHEREAS, the City Council has reviewed the 2019 Full-time Employee Pay Plan; and

WHEREAS, an individual employee's movement through their respective pay schedule reflects a progression in corresponding levels or improved job performance; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Center that it hereby sets wages, salaries for the calendar year 2019 by adoption of the attached Pay Plan and allows the City Manager to set appropriate increases to the part-time schedule consistent with other employee groups, which the City Manager shall be authorized to pay.

BE IT FURTHER RESOLVED that the City Manager may reclassify, adjust, add and/or delete position(s) to pay grades in the Pay Plan(s) but is limited to authorizing increases due to Pay Equity Act compliance and by the Annual Budget constraints adopted by the City Council; and

BE IT FURTHER RESOLVED that the 2019 Full-time Pay Plan is approved and adopted because it is in general an equitable pay plan for City Employees; however, parts of the Pay Plan are approved and adopted solely for the purpose of compliance with the mandates of Minnesota Statutes, Section 471.999; that adoption of the Pay Plan shall create no vested rights, terms or conditions of employment or entitlement to any given level of compensation for any employee or group of employees; that the Pay Plan shall be subject to continuing review and reconsideration and may be amended from time to time by the City Council; and

BE IT FURTHER RESOLVED that the City Manager be authorized to employ full and part-time and/or temporary employees as may be necessary, and to establish competitive rates of pay for such help consistent with the 2019 budget appropriations and to make interim appointments to fill vacant positions whenever a position is vacant because a regular employee is on leave of absence, vacation leave, sick leave, or is absent for any other reason, and to establish rates of pay for such appointments consistent with the 2019 budget appropriations; and

RESOLUTION NO. _____

BE IT FURTHER RESOLVED that authorized wage adjustments, not to exceed the maximums contained herein, shall become effective January 1, 2019.

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.

pay plan resolution 2018

2019
City of Brooklyn Center Regular Full-Time Positions

Position	Positions Authorized	Organized	Exempt from Overtime
CITY MANAGER'S OFFICE			
City Manager	1	Contract	Yes-Exec
Deputy City Manager	1	No	Yes-Exec
City Clerk	1	No	Yes-Adm
Deputy City Clerk	1	No	No
Customer Service Representative	1	No	No
Human Resources Director	1	No	Yes-Adm
Human Resources/Benefits Specialist	1	No	No
Human Resources/Payroll Technician	1	No	No
IT Director	1	No	Yes-Adm
IT Specialist	1	No	No
IT Technician	1	No	No
Communications Coordinator	1	No	Yes-Adm
COMMUNITY DEVELOPMENT			
Community Development Director	1	No	Yes-Exec
City Planner/Zoning Administrator	1	No	Yes-Adm
Business & Workforce Development Specialist	1	No	Yes-Adm
Building and Community Standards Division			
Deputy Director of Building & Community Standards	1	No	Yes-Adm
Housing/Community Standards Supervisor	1	No	Yes-Adm
Building Official	1	No	Yes-Adm
Building Inspector	3	No	No
Housing/Code Enforcement Inspector	3	No	No
Community Development Administrative Assistant	2	No	No
FISCAL AND SUPPORT SERVICES			
Director of Finance	1	No	Yes-Exec
Assistant Director of Finance	1	No	Yes-Adm
Accountant	1	No	Yes-Adm
Utilities Technician II	1	No	No
Accounting Technician II	1	No	No
Liquor Stores Division			
Liquor Operations Manager	1	No	Yes-Exec
Liquor Store Manager	3	No	Yes-Adm
Liquor Store Category Lead	1	No	No
Liquor Store Office Assistant	1	No	No

Position	Positions Authorized	Organized	Exempt from Overtime
FIRE DEPARTMENT			
Fire Chief	1	No	Yes-Exec
Deputy Fire Chief	1	No	Yes-Exec
Fire Inspector/Educator	1	No	No
Fire Administrative Coordinator	1	No	No
POLICE DEPARTMENT			
Chief of Police	1	No	Yes-Exec
Police Commander	3	L #86	Yes-Adm
Police Sergeant	7	L #86	No
Police Officer	33	L #82	No
Police Detective	5	L #82	No
Support Services Manager	1	No	Yes-Adm
Crime Analyst	1	No	No
Crime Prevention Specialist	1	No	No
Police Administrative Assistant	1	No	No
Police Records Technician	7	No	No
Property Technician	1	No	No
PUBLIC WORKS DEPARTMENT			
Director of Public Works	1	No	Yes-Exec
City Engineer	1	No	Yes-Adm
Principle Engineer	1	No	Yes-Adm
Assistant City Engineer	1	No	Yes-Adm
Engineering Technician IV	1	No	No
Engineering Technician III	3	No	No
Public Works Administrative Assistant	1	No	No
Streets and Parks Division			
Deputy Director of Public Works	1	No	Yes-Exec
Supervisor of Streets and Parks Maintenance	1	No	Yes-Adm
Crew Leader	3	L #49	No
Maintenance II	11	L #49	No
Central Garage Division			
Mechanic	2	L #49	No
Crew Leader	1	L #49	No
Night Service Person	1	L #49	No
Central Garage Administrative Technician	1	No	No
Public Works Administrative Technician	1	No	No
Public Utilities Division			
Supervisor of Public Utilities	1	No	Yes-Adm
Water Treatment Plant Lead Operator	1	L #49	No
Crew Leader	1	L #49	No
Maintenance II	6	L #49	No

Position	Positions Authorized	Organized	Exempt from Overtime
COMMUNITY ACTIVITIES, RECREATION & SERVICES			
Director of Community Activities, Rec. & Serv.	1	No	Yes-Exec
Recreation Program Supervisor	3	No	Yes-Adm
Golf Course Superintendent	1	No	Yes-Adm
CARS Administrative Assistant	1	No	No
Recreation Clerk	1	No	No
Earle Brown Heritage Center Division			
EBHC General Manager	1	No	Yes-Exec
EBHC Operations Director	1	No	Yes-Exec
EBHC Crew Chief	2	No	No
EBHC Sales Director	1	No	Yes-Exec
EBHC Sales Manager	4	No	Yes-Adm
EBHC Maintenance Custodian	3	No	No
EBHC Secretary/Billing Clerk	1	No	No
EBHC Secretary/Receptionist	1	No	No
Government Buildings Division			
Maintenance Lead	1	No	No
Maintenance Custodian	1	No	No
Maintenance Technician	1	No	No
TOTAL REGULAR FULL-TIME POSITIONS AUTHORIZED: 166			

2019 City Manager and Department Head Pay Plan

Exempt from overtime (not eligible for overtime)

1/1/19

Position title		Minimum	Maximum
City Manager: Salary pursuant to employment contract			
Director of Finance	Annual	\$ 109,161	\$ 133,846
Chief of Police	Annual	\$ 109,161	\$ 133,846
Director of Public Works	Annual	\$ 109,161	\$ 133,846
Community Development Director	Annual	\$ 109,161	\$ 133,846
Director of Comm. Activities, Rec. & Services	Annual	\$ 109,161	\$ 133,846
Fire Chief	Annual	\$ 109,161	\$ 133,846
Deputy City Manager	Annual	\$ 109,161	\$ 133,846

The City Manager is authorized to set salaries within the established ranges.

This schedule reflects a 3% increase January 1, 2019

2019 Supervisory Full-time Pay Plan - Exempt

1/1/19

Exempt from overtime (not eligible for overtime)

Pay Grade	Title		Step A	Step B	Step C	Step D	Step E	Step F	Step G
S35	IT Director	Annual	\$ 93,177	\$ 97,836	\$ 102,728	\$ 105,296	\$ 107,928	\$ 110,626	\$ 113,392
		Hourly	\$ 44.797	\$ 47.036	\$ 49.388	\$ 50.623	\$ 51.889	\$ 53.186	\$ 54.515
S34	Human Resources Director	Annual	\$ 90,904	\$ 95,450	\$ 100,222	\$ 102,728	\$ 105,296	\$ 107,928	\$ 110,626
		Hourly	\$ 43.704	\$ 45.889	\$ 48.184	\$ 49.388	\$ 50.623	\$ 51.889	\$ 53.186
S33	Dep. Dir. Of Public Works City Engineer	Annual	\$ 88,687	\$ 93,122	\$ 97,778	\$ 100,222	\$ 102,728	\$ 105,296	\$ 107,928
		Hourly	\$ 42.638	\$ 44.770	\$ 47.008	\$ 48.184	\$ 49.388	\$ 50.623	\$ 51.889
S32	EBHC General Manager	Annual	\$ 86,524	\$ 90,850	\$ 95,393	\$ 97,778	\$ 100,222	\$ 102,728	\$ 105,296
		Hourly	\$ 41.598	\$ 43.678	\$ 45.862	\$ 47.008	\$ 48.184	\$ 49.388	\$ 50.623
S29	Liquor Operations Manager Deputy Director of Comm. Development	Annual	\$ 80,346	\$ 84,364	\$ 88,582	\$ 90,796	\$ 93,066	\$ 95,393	\$ 97,778
		Hourly	\$ 38.628	\$ 40.559	\$ 42.587	\$ 43.652	\$ 44.743	\$ 45.862	\$ 47.008
S24	City Clerk	Annual	\$ 71,014	\$ 74,565	\$ 78,293	\$ 80,251	\$ 82,257	\$ 84,313	\$ 86,421
		Hourly	\$ 34.142	\$ 35.849	\$ 37.641	\$ 38.582	\$ 39.547	\$ 40.535	\$ 41.549
S22	Support Services Manager	Annual	\$ 67,592	\$ 70,972	\$ 74,521	\$ 76,384	\$ 78,293	\$ 80,251	\$ 82,257
		Hourly	\$ 32.496	\$ 34.121	\$ 35.827	\$ 36.723	\$ 37.641	\$ 38.582	\$ 39.547

This schedule provides salary ranges for supervisory employees. The schedule reflects all current salary ranges for this group and provides for a 3% increase January 1, 2019. This group of employees is exempt from overtime under FLSA.

Normal progression: Minimum is the starting rate. After successful completion of six months of a probationary period, individuals move to the next step. After eighteen months of successful performance of job duties, individuals move to the next step. Additional advances in steps up to the maximum shall be at the discretion of the City Manager based upon recommendation of the Department Head.

City Manager's Discretion: The City Manager is authorized to set salaries below the minimum rate when performance or qualifications are less than required for the position. The City Manager is authorized to set salaries above the minimum rate when qualifications exceed those required for the starting rate.

2019 Non-Organized Full-time Employee Pay Plan - Exempt

1/1/19

Exempt from overtime (not eligible for overtime)

Pay Grade	Title		Step A	Step B	Step C	Step D	Step E	Step F	Step G
C30	Supervisor Public Utilities Supervisor Streets/Parks Deputy Fire Chief	Annual	\$ 82,166	\$ 86,274	\$ 90,588	\$ 92,853	\$ 95,174	\$ 97,553	\$ 99,992
		Hourly	\$ 39.503	\$ 41.478	\$ 43.552	\$ 44.641	\$ 45.757	\$ 46.901	\$ 48.073
C28	Assistant City Engineer	Annual	\$ 78,207	\$ 82,117	\$ 86,223	\$ 88,378	\$ 90,588	\$ 92,853	\$ 95,174
		Hourly	\$ 37.599	\$ 39.479	\$ 41.453	\$ 42.490	\$ 43.552	\$ 44.641	\$ 45.757
C27	Assistant Finance Director Building Official Housing & Comm Stds. Supv.	Annual	\$ 76,299	\$ 80,114	\$ 84,120	\$ 86,223	\$ 88,378	\$ 90,588	\$ 92,853
		Hourly	\$ 36.682	\$ 38.516	\$ 40.442	\$ 41.453	\$ 42.490	\$ 43.552	\$ 44.641
C25	City Planner/Zoning Adm Bus & Workforce Devel Specialist Communication Coordinator	Annual	\$ 72,623	\$ 76,254	\$ 80,066	\$ 82,068	\$ 84,120	\$ 86,223	\$ 88,378
		Hourly	\$ 34.915	\$ 36.660	\$ 38.493	\$ 39.456	\$ 40.442	\$ 41.453	\$ 42.490
C22	Accountant	Annual	\$ 67,437	\$ 70,809	\$ 74,350	\$ 76,208	\$ 78,114	\$ 80,066	\$ 82,068
		Hourly	\$ 32.422	\$ 34.043	\$ 35.745	\$ 36.639	\$ 37.555	\$ 38.493	\$ 39.456
C20	Rec. Program Supervisor EBHC Operations Director EBHC Sales Director Golf Course Supt. Communications Coordinator	Annual	\$ 64,188	\$ 67,397	\$ 70,767	\$ 72,536	\$ 74,350	\$ 76,208	\$ 78,114
		Hourly	\$ 30.860	\$ 32.403	\$ 34.023	\$ 34.873	\$ 35.745	\$ 36.639	\$ 37.555
C18	EBHC Sales Director	Annual	\$ 61,095	\$ 64,150	\$ 67,357	\$ 69,041	\$ 70,767	\$ 72,536	\$ 74,350
		Hourly	\$ 29.373	\$ 30.841	\$ 32.383	\$ 33.193	\$ 34.023	\$ 34.873	\$ 35.745
C16	Liquor Store Manager	Annual	\$ 58,151	\$ 61,059	\$ 64,111	\$ 65,714	\$ 67,357	\$ 69,041	\$ 70,767
		Hourly	\$ 27.957	\$ 29.355	\$ 30.823	\$ 31.593	\$ 32.383	\$ 33.193	\$ 34.023
C12	EBHC Sales Manager	Annual	\$ 52,682	\$ 55,316	\$ 58,082	\$ 59,534	\$ 61,022	\$ 62,548	\$ 64,111
		Hourly	\$ 25.328	\$ 26.594	\$ 27.924	\$ 28.622	\$ 29.338	\$ 30.071	\$ 30.823
C8	Assistant Liquor Manager	Annual	\$ 47,727	\$ 50,114	\$ 52,619	\$ 53,935	\$ 55,283	\$ 56,665	\$ 58,082
		Hourly	\$ 22.946	\$ 24.093	\$ 25.298	\$ 25.930	\$ 26.578	\$ 27.243	\$ 27.924

This schedule provides a salary range for non-organized employees in exempt positions. The schedule reflects all current salary ranges for this group and provides for a 3% increase January 1, 2019. This employee group is exempt from overtime under FLSA.

Normal progression: Minimum is the starting rate. After successful completion of six months of a probationary period, individuals move to the next step. After eighteen months of successful performance of job duties, individuals move to the next step. Additional advances in steps up to the maximum shall be at the discretion of the City Manager based upon recommendation of the Department Head.

City Manager's Discretion: The City Manager is authorized to set salaries below the minimum rate when performance or qualifications are less than required for the position. The City Manager is authorized to set salaries above the minimum rate when qualifications exceed those required for the starting rate.

Merit Steps: Merit steps up to ten percent above the maximum rate shall only be awarded with the express approval of the City Council as recommended by the City Manager.

2019 Non-organized Full-time Employee Pay Plan - Non-exempt

1/1/19

Non-exempt (eligible for overtime)

Pay Grade	Title		Step A	Step B	Step C	Step D	Step E	Step F	Step G
D40	Principal Engineer	Hourly	\$ 34.920	\$ 36.666	\$ 38.499	\$ 39.462	\$ 40.448	\$ 41.460	\$ 42.496
D37	Engineering Tech IV	Hourly	\$ 33.877	\$ 35.571	\$ 37.349	\$ 38.283	\$ 39.240	\$ 40.221	\$ 41.227
D35	Building Inspector	Hourly	\$ 32.245	\$ 33.857	\$ 35.550	\$ 36.438	\$ 37.349	\$ 38.283	\$ 39.240
D33	IT Specialist	Hourly	\$ 30.691	\$ 32.225	\$ 33.837	\$ 34.683	\$ 35.550	\$ 36.438	\$ 37.349
D32	Engineering Tech III	Hourly	\$ 29.942	\$ 31.439	\$ 33.011	\$ 33.837	\$ 34.683	\$ 35.550	\$ 36.438
D31	Building/Housing Inspector Crime Analyst	Hourly	\$ 29.212	\$ 30.673	\$ 32.206	\$ 33.011	\$ 33.837	\$ 34.683	\$ 35.550
D30	Housing & Code Enf. Insp	Hourly	\$ 28.500	\$ 29.925	\$ 31.421	\$ 32.206	\$ 33.011	\$ 33.837	\$ 34.683
D29	Maintenance Lead IT Technician	Hourly	\$ 27.804	\$ 29.195	\$ 30.654	\$ 31.421	\$ 32.206	\$ 33.011	\$ 33.837
D26	Fire Inspector HR/Benefits Specialist Payroll/HR Technician	Hourly	\$ 25.819	\$ 27.110	\$ 28.466	\$ 29.177	\$ 29.907	\$ 30.654	\$ 31.421
D24	Crime Prevention Specialist	Hourly	\$ 24.575	\$ 25.804	\$ 27.094	\$ 27.771	\$ 28.466	\$ 29.177	\$ 29.907
D21	Fire Adm. Coordinator	Hourly	\$ 22.820	\$ 23.961	\$ 25.159	\$ 25.788	\$ 26.433	\$ 27.094	\$ 27.771
D20	Deputy City Clerk Police Adm. Assistant Public Works Adm. Assistant Public Works Adm. Tech. CARS Adm. Assistant Comm. Dev. Adm. Assistant Accounting Technician II Utilities Technician II Police Records Specialist	Hourly	\$ 22.264	\$ 23.377	\$ 24.546	\$ 25.159	\$ 25.788	\$ 26.433	\$ 27.094
D17	Central Garage Adm. Tech EBHC Sec./Billing Clerk EBHC Maint. Custodian Police Records Technician Property Technician Maintenance Technician	Hourly	\$ 20.674	\$ 21.708	\$ 22.793	\$ 23.363	\$ 23.947	\$ 24.546	\$ 25.159
D13	EBHC Sec./Receptionist Cust. Service Representative Liquor Store Office Assistant CARS Cust. Service Rep. Maintenance Custodian	Hourly	\$ 18.730	\$ 19.666	\$ 20.650	\$ 21.166	\$ 21.695	\$ 22.237	\$ 22.793
D8	EBHC Crew Chief Liquor Store Category Lead	Hourly	\$ 16.554	\$ 17.382	\$ 18.251	\$ 18.707	\$ 19.175	\$ 19.655	\$ 20.146

This schedule provides a salary range for non-organized employees in non-exempt positions. The schedule reflects all current salary ranges for this group and provides for a 3% increase January 1, 2019. This employee group is not exempt from overtime under FLSA.

Normal progression: Minimum is the starting rate. After successful completion of six months of a probationary period, individuals move to the next step. After eighteen months of successful performance of job duties, individuals move to the next step. Additional advances in steps up to the maximum shall be at the discretion of the City Manager based upon recommendation of the Department Head.

2019 IUOE Local 49 Employee Pay Plan

1/1/19

Non-exempt (eligible for overtime)

Position title		1-Jan 2019
Maintenance III	Hourly	30.68
Maintenance II	Hourly	29.25
Step 3	Hourly	27.38
Step 2	Hourly	25.52
Step 1	Hourly	23.68
Start	Hourly	21.81
Mechanic	Hourly	30.68
Night Service Person	Hourly	29.25

This schedule provides a salary range consistent with the labor agreement.

Crew Leader: An employee assigned, in writing by the Department Head or Public Works Superintendent, to assist a supervisor as a crew leader will be paid an additional \$1.50 per hour above the base wage of their regular position.

The current agreement extends through December 31, 2021

2019 Police Commander & Sergeant (LELS Local 86) Pay Plan

1/1/19

Exempt from Overtime			
Position Title		Min	Max
Commander	Annual	\$ 112,524	\$ 117,420
3% + \$.25/hour market adjustment	Monthly	\$ 9,377	\$ 9,785

1/1/19

Non-exempt from Overtime			
Position Title		Max	
Sergeant	Start	\$ 44.36	
3% + \$.25/hour market adjustment	Step 1	\$ 48.09	
	After 36 months	\$ 49.29	

This schedule provides a salary range consistent with the labor agreement.

yr	L2 12 yr	E1 bach	E2 m	L3 16 yr	L4 20 yr	DE1	DE1E1	DE1E2	DE1L1	DE1L2	DE1L3	DE1L4	SAU	SAUE1	SAUE2	SAUE3
			\$ 32.316	\$ 32.630									\$ 31.952	\$ 32.911	\$ 33.230	
			\$ 35.180	\$ 35.521									\$ 34.732	\$ 35.774	\$ 36.121	
10	\$ 41.305	\$ 40.907	\$ 41.305	\$ 42.099	\$ 42.893	\$ 42.337	\$ 43.607	\$ 44.031	\$ 43.184	\$ 44.031	\$ 44.877	\$ 45.724	\$ 40.293	\$ 41.502	\$ 41.905	\$ 41.099

pay

s employment - 79% of base pay
incentive (Bachelor's Degree) if elected
incentive (Master's Degree) if elected
nent differential

ncentive (Bachelor's Degree) & special assignment differential
ncentive (Master's Degree) & special assignment differential

s employment - 86% of base pay

ncentive (Bachelor's Degree)

ncentive (Master's Degree)

nent differential

ncentive (Bachelor's Degree) & special assignment differential

ncentive (Master's Degree) & special assignment differential

ent - 100% of base pay

er 8 years of continuous service)

er 12 years of continuous service)

ncentive (Bachelor's Degree)

ncentive (Master's Degree)

er 16 years of continuous service)

er 20 years of continuous service)

erential & on-call pay

erential & on-call pay, educational incentive (Bachelor's Degree)

erential & on-call pay, educational incentive (Master's Degree)

erential & on-call pay, longevity (after 8 years of continuous service)

erential & on-call pay, longevity (after 12 years of continuous service)

erential & on-call pay, longevity (after 16 years of continuous service)

erential & on-call pay, longevity (after 20 years of continuous service)

ment officer differential

ment officer differential & educational incentive (Bachelor's Degree)

ment officer differential & educational incentive (Master's Degree)

ment officer differential & longevity (after 8 years of continuous service)

ment officer differential & longevity (after 12 years of service) or education incentive (Bachelor's Degree)

ment officer differential & longevity (after 16 years of service) or education incentive (Master's Degree)

ment officer differential & longevity (after 20 years of service)

ber 31, 2019

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Mike Albers, City Engineer

SUBJECT: Resolutions Regarding Interstate Area Street and Utility Improvements

Requested Council Action:

- *Motion to open public hearing*
- *Take public input*
- *Motion to close public hearing*
- *Motion to approve resolutions:*
 - *Ordering the Interstate Area Street Storm Drainage and Utility Improvements;*
 - *Authorizing preparation of project plans and specifications; and*
 - *Certifying special assessments for the project to the Hennepin County Tax Rolls*

Background:

A series of two public hearings are scheduled on December 10, 2018. The first public hearing is to consider ordering improvements and authorize preparation of plans and specifications for Improvement Project Nos. 2019-01, 02, 03 and 04. The second public hearing is to consider certification of proposed special assessments for street and storm drainage improvements for Improvement Project Nos. 2019-01 and 2019-02. All potentially affected property owners have been notified by mail of the date of public hearings and the amount of proposed special assessments. The public hearings have also been published in the official city newspaper in accordance with state statute.

I. Explanation of Improvements

The proposed project includes roadway, storm drainage and utility improvements for the residential neighborhood area commonly referred to as the Interstate Area. The project was previously established by the City Council on May 29, 2018, by Resolution 2018-116. On November 13, 2018, the City Council received a project feasibility report and called for a public hearing to be held on December 10, 2018, to consider these improvements.

The project feasibility report provides a description of recommended improvements for the neighborhood and an estimated project budget. The proposed improvements are as follows:

1. Street Improvements – Full street reconstruction of all streets including regrading, base preparation, installation of concrete driveway aprons, bituminous paving, installation of concrete curb and gutter, replacement of street signs, replacement of free-standing street lights with LED light fixtures and boulevard restoration.

2. Storm Drainage Improvements – Includes installation of new storm sewer and installation of concrete curb and gutter on all streets, and repair and replacement of existing storm sewer, installation of new and repair and replacement of existing catch basins and manholes.

3. Water Main Improvements – Includes replacement of approximately 65 percent of existing water main pipes and installation of new valves, hydrants and water services to the shut off valve where impacted.

4. Sanitary Sewer Main Improvements – Includes complete replacement of sanitary sewer pipe, access structures and residential sewer services to property lines.

II. Summary of Assessments

Special assessments are proposed as one of several funding sources for the improvements located within the Interstate Area. On November 13, 2018, the City Council adopted the 2019 special assessment rates for street and storm drainage improvements for residential zoned properties. The 2019 rates were established in accordance with the City's Special Assessment Policy.

The feasibility report includes a preliminary assessment roll identifying approximately 234 residential properties that are zoned "R1", 2 sub-dividable residential properties that are zoned "R1" and 1 sub-dividable church property that is zoned "R1". See attached revised Appendix D—Final Assessment Roll and Figure 8—Assessment Map from the project feasibility report.

Assessments for Full Street Reconstruction

Special assessments for non-subdividable single family residential properties that are zoned R1 were calculated at full unit assessment rates of \$4,623 for street improvements and \$1,387 for storm drainage improvements. Other R1 zoned properties that are larger than the standard single family lot including 516 62nd Avenue, 600 62nd Avenue and 6240 Aldrich Avenue were assessed based on computing a maximum number of subdividable lots times the full R1 unit assessment amount for street and storm drainage improvements.

Public Comments

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

If an appeal for a specific property is actually filed with district court, the City Attorney will advise the City Council of options for handling the dispute and potential litigation issues. Currently, staff is not aware of any substantive objection and recommends approval accordingly.

Public comments were included in the Feasibility Report (Appendix B). Subsequently, an additional public comment was received from a property owner on 62nd Avenue (see attached memorandum dated December 3, 2018).

Payment Options Available to Property Owners

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

1. Pay the entire amount of the special assessment, without interest, between March 1 and September 30, 2019.
2. From October 1, 2019, to the end of the business day on November 20, 2019, a property owner may pay the total assessment, with interest calculated from October 1, 2019, to the date of payment.
3. A property owner may pay the assessment over a 10-year period. The first payment will be due with taxes in 2020. The total principle will be payable in annual installments. Interest at 5.0 percent is paid on the unpaid

balance.

4. Partial prepayments (such as paying half now and certifying the balance) are not allowed under the City's current Assessment Policy.

III. Recommended Council Procedure

First Public Hearing to Order Improvements: Staff recommends that a presentation be provided to the City Council prior to holding the first public hearing. Following the presentation, a public hearing to consider ordering the improvement project should be conducted to receive public comments. Public comments concerning special assessments should be deferred to the second public hearing. A resolution ordering the improvements and authorizing preparation of plans and specifications is provided for City Council consideration upon closing of the first public hearing.

Second Public Hearing for Special Assessments: After taking action on the first proposed resolution to order the project, it is recommended that the City Council then conduct a second public hearing on proposed special assessments. The attached resolution certifying special assessments for street and storm drainage improvements for Improvement Project Nos. 2019-01 and 2019-02 to the Hennepin County tax rolls is provided for City Council consideration upon closing of the second public hearing.

Budget Issues:

The proposed street and utility improvements are included in the 2019 Capital Improvement Program. The total project cost is estimated to be \$10,490,000. Funding sources for the project are budgeted from sources as described in the project feasibility report previously accepted by the City Council on November 13, 2018. The special assessment rates were adopted by the City Council on November 13, 2018, and funding source amounts that are included in the feasibility report are listed below:

	Feasibility Report (11/13/18)
Special Assessments	\$ 1,460,430.00
Sanitary Sewer Utility	\$ 1,750,000.00
Water Utility	\$ 2,100,000.00
Storm Drainage Utility	\$ 1,662,959.00
Street Light Utility	\$ 90,000.00
<u>Street Reconstruction Fund</u>	<u>\$ 3,426,611.00</u>
Total	\$10,490,000.00

Strategic Priorities and Values:

Key Transportation Investments

Member introduced the following resolution and moved
its adoption:

RESOLUTION NO. _____

RESOLUTION ORDERING IMPROVEMENTS AND AUTHORIZING
PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT
PROJECT NOS. 2019-01, 02, 03 AND 04, INTERSTATE AREA STREET,
STORM DRAINAGE AND UTILITY IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council on May 29, 2018, authorized consideration of street, storm drainage and utility improvements in the area generally described as “INTERSTATE AREA”, more specifically described as follows: 60th Avenue N from Dupont Avenue N to Aldrich Avenue N; 61st Avenue N from Dupont Avenue N to Lyndale Avenue N; 62nd Avenue N from Dupont Avenue N to Lyndale Avenue N; Aldrich Avenue N from 59th Avenue N to 62nd Avenue N; Bryant Avenue N from 59th Avenue N to Lilac Drive N; Camden Avenue N from 59th Avenue N to 220’ north of Camden Court; Camden Court from Camden Avenue N to 130’ east of Camden Avenue N; Colfax Avenue N from 59th Avenue N to Lilac Drive N; Lilac Drive N from Dupont Avenue N to Bryant Avenue N; and Lyndale Avenue N from 58th Avenue N to 62nd Avenue N; and

WHEREAS, the City Council has received and accepted a feasibility report for said proposed improvements, as prepared under the City Engineer’s supervision; and

WHEREAS, said improvements are necessary, cost effective and feasible as detailed in the feasibility report; and

WHEREAS, the City Council on November 13, 2018, adopted a resolution setting a date for a public hearing regarding the proposed improvements for Interstate Area; and

WHEREAS, ten days published notice of public hearing was given and the public hearing was held on December 10, 2018, at which time all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the City Council has considered all comments, testimony, evidence and reports offered at or prior to the December 10, 2018, public hearing; and

WHEREAS, the City reasonably expects to spend monies from the Infrastructure Construction Fund on a temporary basis to pay the expenditures described in this resolution; and

WHEREAS, the City reasonably expects to reimburse itself for such expenditures from the proceeds of taxable or tax-exempt bonds, the debt service of which is expected to be paid from property taxes, special assessments or utility fees. The maximum amount of special assessment obligations expected to be issued for such project is \$1,460,430.00; and

RESOLUTION NO. _____

WHEREAS, the City Engineer is prepared to develop plans and specifications for said public improvement project.

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

1. Improvement Project Nos. 2019-01, 02, 03 and 04, Interstate Area Street, Storm Drainage and Utility Improvements, are hereby ordered and the City Engineer is authorized to prepare plans and specifications for said improvements.
2. This resolution is intended to constitute official intent to issue taxable or tax exempt reimbursement bonds for purposes of Treasury Regulations and any successor law, regulation, or ruling. This resolution will be modified to the extent required or permitted by Treasury Regulations or any successor law, regulation, or ruling.

December 10, 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.

Member _____ introduced the following resolution and moved
its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT
PROJECT NOS. 2019-01 AND 2019-02, INTERSTATE AREA STREET AND
STORM DRAINAGE IMPROVEMENTS TO THE HENNEPIN COUNTY TAX
ROLLS

WHEREAS, pursuant to proper notice duly given as required by law, the City Council
has met, heard and passed upon all objections to the proposed Special Assessment Levy Nos. 20161
and 20162; and

WHEREAS, assessment rolls, copies of which are attached hereto and part hereof by
reference, have been prepared by the City Engineer and City Clerk, tabulating those properties where
street improvement and storm drainage costs are to be assessed.

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

1. Such proposed assessments, Special Assessment Levy No. 20161 for street improvements and Special Assessment Levy No. 20162 for storm drainage improvements, made a part hereof, are hereby accepted and shall constitute special assessments against lands named therein, and each tract of land therein included is hereby found to be benefited by the improvement in the amount of the assessments levied against it.
2. Such assessments shall be payable in equal annual installments extending over a period of ten (10) years as indicated on the assessment roll. The first of the installments shall be payable with ad valorem taxes in 2020, and shall bear interest on the entire assessment at the rate of 5.0 percent per annum from October 1, 2019, through December 31, 2020. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may at any time prior to certification of assessment to the County Auditor pay the whole assessment, to the City Treasurer, without interest, if entire assessment is paid on or before September 30, 2019. After September 30, 2019, he or she may pay the total assessment, plus interest. Interest will accumulate from October 1, 2019, through the date of payment. Such payment must be made by the close-of-business November 20, 2019, or interest will be charged through December 31 of the succeeding year. If the owner wishes to pay off the balance at some point in the future, such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

RESOLUTION NO. _____

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

December 10, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

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

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL

December 10, 2018

2019 INTERSTATE AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2019-01 AND 02

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
0111821210117	906	60TH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120026	505	61ST AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430025	506	61ST AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120027	509	61ST AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430026	510	61ST AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340097	810	61ST AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210123	905	61ST AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430034	509	62ND AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430033	515	62ND AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430003	516	62ND AVE N	20161	\$ 9,246.00	20162	\$ 2,774.00	Subdividable R1 = 2 equivalent parcels
3611921430002	520	62ND AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430032	521	62ND AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340001	600	62ND AVE N	20161	\$ 9,246.00	20162	\$ 2,774.00	Subdividable R1 = 2 equivalent parcels
3611921340004	800	62ND AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340003	814	62ND AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210037	5901	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210036	5907	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210035	5915	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210028	5916	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210034	5921	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210033	5927	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210027	5930	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210032	5933	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210031	5941	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210026	5942	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210030	5947	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210077	6000	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210084	6001	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210076	6006	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210083	6009	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210075	6012	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210082	6015	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210074	6018	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210081	6023	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210073	6024	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210072	6030	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210080	6031	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210071	6036	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210079	6037	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210070	6042	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210078	6043	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340090	6100	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340091	6106	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340096	6107	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340008	6115	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340092	6116	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340007	6123	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340093	6128	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340006	6131	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340094	6132	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340005	6139	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340095	6140	ALDRICH AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340099	6240	ALDRICH AVE N	20161	\$ 23,115.00	20162	\$ 6,935.00	Subdividable R1 = 5 equivalent parcels
0111821210039	5906	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210122	5907	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210113	5915	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210040	5916	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210111	5921	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210041	5922	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210109	5927	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL

December 10, 2018

2019 INTERSTATE AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2019-01 AND 02

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
0111821210042	5928	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210107	5933	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210043	5934	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210044	5940	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210105	5941	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210103	5947	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210045	5948	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210091	6000	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210118	6001	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210090	6006	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210100	6007	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210089	6014	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210099	6015	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210088	6020	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210097	6021	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210087	6028	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210094	6029	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210086	6034	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210093	6035	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210085	6040	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210092	6041	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340010	6100	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340021	6101	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340011	6106	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340020	6107	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340012	6114	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340019	6115	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340013	6122	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340018	6123	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340014	6130	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340017	6131	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340015	6138	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340016	6139	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340083	6200	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340053	6201	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340052	6207	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340082	6210	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340051	6215	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340081	6220	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340050	6221	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340049	6225	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340080	6228	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340048	6233	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340079	6234	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340047	6237	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340078	6240	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340077	6246	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340098	6252	BRYANT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210008	5911	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120019	5912	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210007	5919	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120020	5922	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120021	5926	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210006	5929	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120022	5930	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210005	5937	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120023	5940	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210004	5945	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120024	5950	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210003	5953	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120025	5958	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210002	5959	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120035	6000	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL

December 10, 2018

2019 INTERSTATE AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2019-01 AND 02

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
0111821210069	6001	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120036	6006	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210068	6007	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120037	6012	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210067	6015	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120038	6018	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210066	6019	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120039	6024	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210065	6025	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120040	6030	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210064	6031	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120041	6036	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210063	6037	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120042	6042	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210062	6043	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430027	6100	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340089	6101	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430028	6106	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340088	6107	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430029	6116	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340087	6117	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430030	6122	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340086	6125	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430031	6128	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340101	6145	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1 (South Lot: Address Pending)
3611921340100	6145	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1 (North Lot)
3611921430036	6200	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340045	6215	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430035	6218	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340044	6221	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340043	6227	CAMDEN AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430038	6220	CAMDEN CT	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210121	5906	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210024	5907	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210023	5913	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210112	5914	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210022	5919	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210110	5920	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210021	5925	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210108	5926	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
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0111821210019	5937	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210104	5940	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210018	5943	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210102	5946	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210017	6001	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210116	6006	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
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0111821210015	6013	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
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0111821210095	6024	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210013	6025	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210124	6030	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210012	6031	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210011	6037	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821210010	6043	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340022	6100	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340033	6101	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340023	6106	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340032	6107	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL

December 10, 2018

2019 INTERSTATE AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2019-01 AND 02

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
3611921340024	6114	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340031	6115	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340025	6122	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340030	6123	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340026	6130	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340029	6131	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340027	6138	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340028	6139	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340054	6200	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340069	6201	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340055	6206	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340068	6207	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340056	6214	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340067	6215	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340057	6220	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340066	6221	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340058	6224	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340065	6227	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340059	6230	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340064	6233	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340060	6236	COLFAX AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340039	6138	DUPONT AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340076	6222	LILAC DR N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340063	6230	LILAC DR N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340061	6234	LILAC DR N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340062	6238	LILAC DR N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921340046	6242	LILAC DR N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821130035	5807	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821130033	5815	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821130032	5821	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821130031	5837	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120016	5921	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120015	5929	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120014	5935	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120013	5937	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120012	5945	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120011	5951	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120010	5957	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120034	6001	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120033	6007	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120032	6015	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120031	6023	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120030	6031	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120029	6035	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
0111821120028	6041	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430024	6101	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430023	6109	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430022	6117	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430021	6127	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430020	6133	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
3611921430019	6139	LYNDALE AVE N	20161	\$ 4,623.00	20162	\$ 1,387.00	R1
Total Assessments				\$ 1,123,389.00		\$ 337,041.00	





MEMORANDUM

DATE: December 3, 2018

TO: Curt Boganey, City Manager

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

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

SUBJECT: Resident Survey Comment Update – Interstate Area Street and Utility Improvements, Project Nos. 2019-01, 02, 03 and 04

This memo supplements Appendix B (Resident Comments) of the feasibility report for the Interstate Area Street and Utility Improvements dated November 5, 2018.

Please see the attached letter from the property owner at 509 62nd Avenue regarding the potential new sidewalk along 62nd Avenue from Dupont Avenue to Lyndale Avenue. This information is an additional comment received subsequent to the City Council accepting the feasibility report on November 13, 2018.

Michael Albers - City Engineer
BC City Council Members

We have some comments and concerns in regard to the 2019 proposed reconstruction improvements – specifically the potential 6 foot cement sidewalk along 62nd Avenue from Dupont to Lyndale.

We have lived at 509 62nd Ave (on southside) between Lyndale and Camden for 48 years and feel very strongly a sidewalk in this area on 62nd Ave is not needed. We have no traffic here - car or pedestrian. It's only very few resident cars and very very rarely do we see a pedestrian.

All the streets the sidewalk would cross - Colfax, Bryant, Aldrich, Camden, Lyndale - do not have and will not have sidewalks. We question the expense to put in a sidewalk that goes nowhere - to a wall - especially when we'll be getting a nice new street like the Avenues just mentioned that any pedestrian would enjoy.

Also, we are concerned because any tree or bush that may be removed for this project will affect the buffer we need in this corner against the freeway noise we get. It definitely increased when the Highway Department remove trees on the freeway side of the wall a few years ago.

Also, the \$6,000 plus expense for the residents (even split over 10 years) has got to be a real hardship for many in this area. We feel any unnecessary or unneeded expense in this project should be considered for elimination to keep the cost down.

BC has a really nice suburban atmosphere. Please don't spoil its residential areas with unneeded cement projects. We appreciate your considering our comments and concerns.

Thomas and Sandra Hall

[REDACTED]

509 62nd Avenue

City of Brooklyn Center

Interstate Area

Street and Utility Improvements (2019)

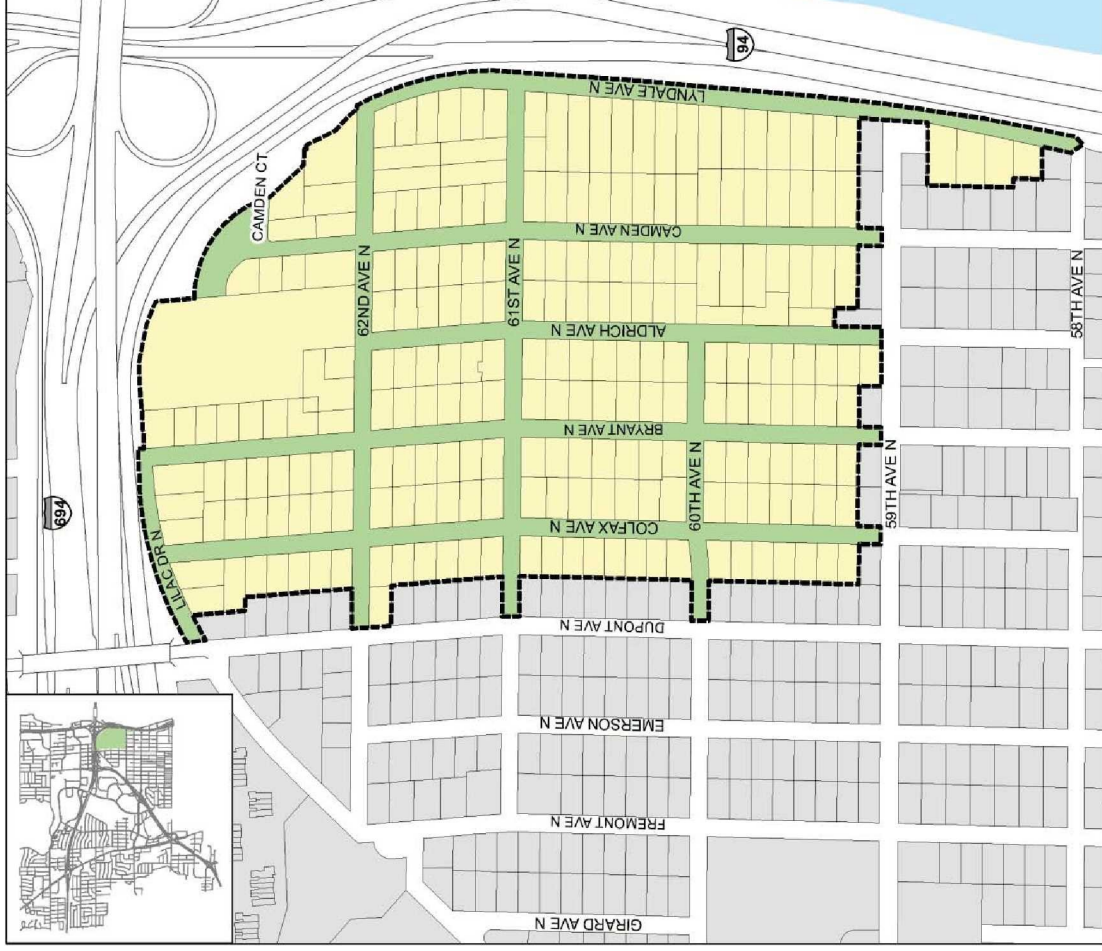
Public Hearings

December 10, 2018



Public Improvement Hearing: Special Assessments:

- Local public improvements to the City's infrastructure based on State of Minnesota Statute Chapter 429
- Interstate Area Street & Utility Improvements, Project Nos. 2019-01, 02, 03 & 04



CENTER
AT THE CENTER

Figure 1

CIP PROJECT AREAS
2019 - 2026
DRAFT

Legend

Reconstruction Projects

- Brooklyn Blvd Phase 1 - 2019
- 51st Ave. - 2020
- Lyndale Ave. - 2020
- Lyndale Ave. - 2021
- Lyndale Ave. - 2022
- Lyndale Ave. - 2023
- Lyndale Ave. - 2024
- Lyndale Ave. - 2025
- Lyndale Ave. - 2026

Full Depth Pavement Replacement Projects

- Lyndale Ave. - 2021
- Lyndale Ave. - 2022
- Lyndale Ave. - 2023
- Lyndale Ave. - 2024
- Lyndale Ave. - 2025
- Lyndale Ave. - 2026

Mill and Overlay Projects

- Lyndale Ave. - 2021
- Lyndale Ave. - 2022
- Lyndale Ave. - 2023
- Lyndale Ave. - 2024
- Lyndale Ave. - 2025
- Lyndale Ave. - 2026

Mill and Overlay Projects

- Lyndale Ave. - 2021
- Lyndale Ave. - 2022
- Lyndale Ave. - 2023
- Lyndale Ave. - 2024
- Lyndale Ave. - 2025
- Lyndale Ave. - 2026

Completed Construction (62.5 Miles - 87.5% since 1993)

August 2018

- 
- Center for the Study of the Book
AT THE UNIVERSITY OF CHICAGO

August 2018

Project Planning

Project Evaluation

- Sanitary Sewer
- Water Main
- Storm Drainage
- Streets, Sidewalks, Trails
- Street Lights
- Other

Sanitary Sewer Collection System

- Collection System Installed in 1960, 1962, 1964, 1965 and 1972
- Mainly 8" VCP, some 8" PVC
- Root Intrusion - root sawing required to maintain conveyance capacity (95%)
- Condition Survey / Televising Inspections (**cracked pipe, sags**)

Proposed Improvements

- New trunk sewers within streets
- Replace service lines up to property line within streets

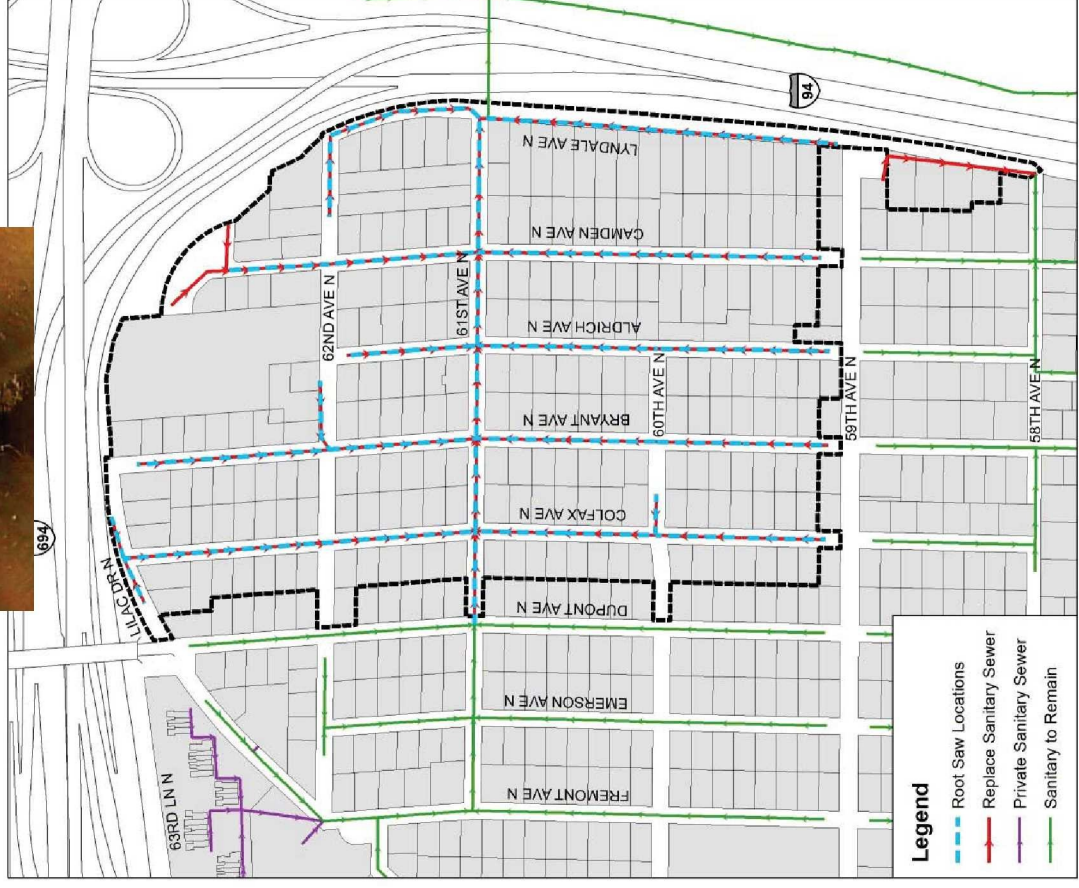
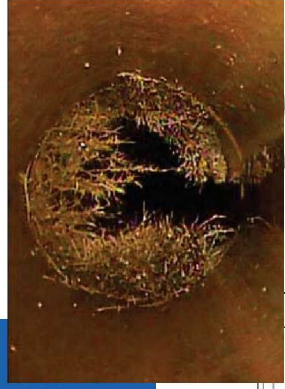


Figure 5

Sanitary Sewer Root Saw Locations
Interstate Area Street and Utility Improvements



Water Distribution System

- Distribution System Installed: 1964, 1969 and 1972

- 6" and 8" CIP
- 24" Steel on Colfax Ave

- Cast Iron Pipe with cement liner – in relatively good condition (couple issue areas)

- Issues - Undermining Cast Iron Pipe (during sanitary sewer replacement)

Proposed Improvements

- Replace valves and hydrants throughout project area
- Replacement of Water Main (where adjacent to deep sanitary sewer replacement and steel line on Colfax: approx. 60%-70%)
- Replace service lines up to property line, Curb Stops

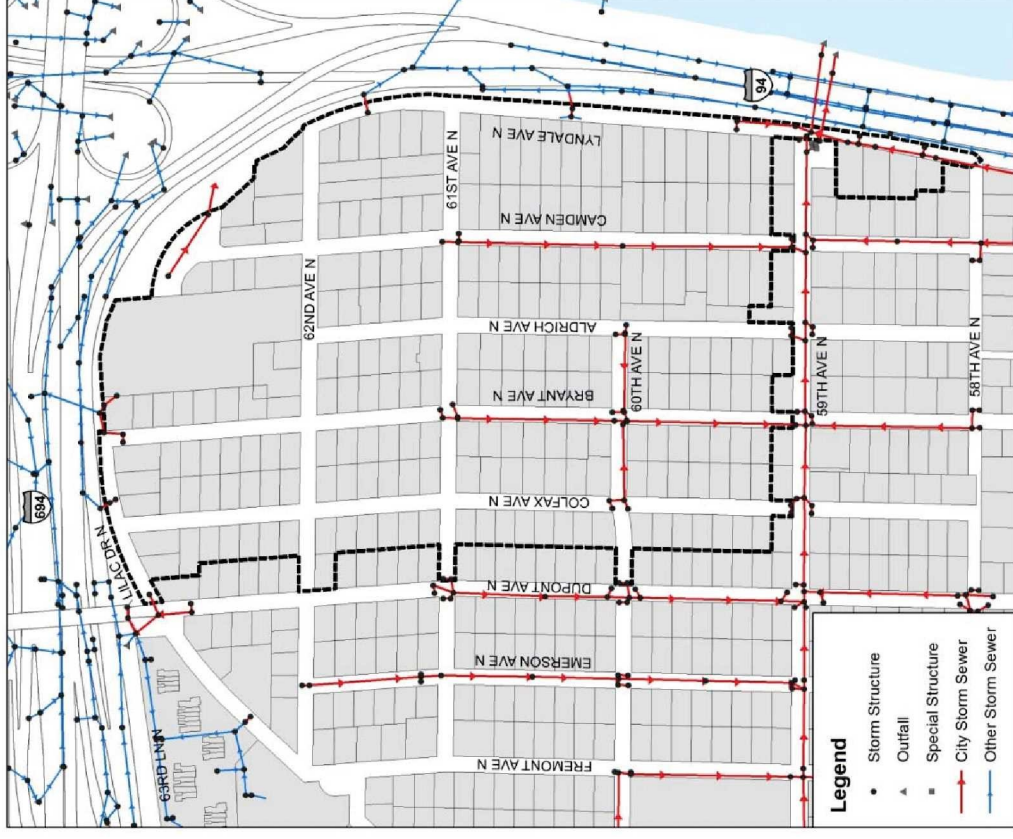


Water Main Break Locations
Interstate Area Street and Utility Improvements



Storm Water Drainage System

- Existing storm sewer system is developed throughout neighborhood – some standing water on road edges and at intersections
- Expansion of system needed
- Coordination with water and sewer replacement
- Proposed Improvements
 - Remove and Replace Storm Structures and Pipe As Needed
 - Extend new catch basins and storm sewer pipe where feasible
 - Water quality treatment: sump catch basins, rain gardens, other improvements where feasible



Existing Storm Sewer
Interstate Area Street and Utility Improvements



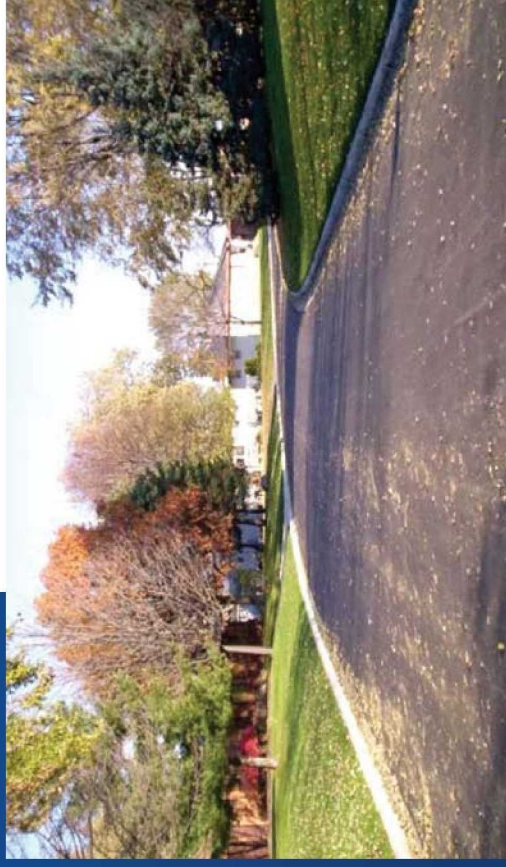
Pavement Condition vs. Drainage (Typical)



Pavement Condition

- Subgrade (Foundation) Condition – good condition
- Drainage issues
- Material Deterioration

Street Reconstruction



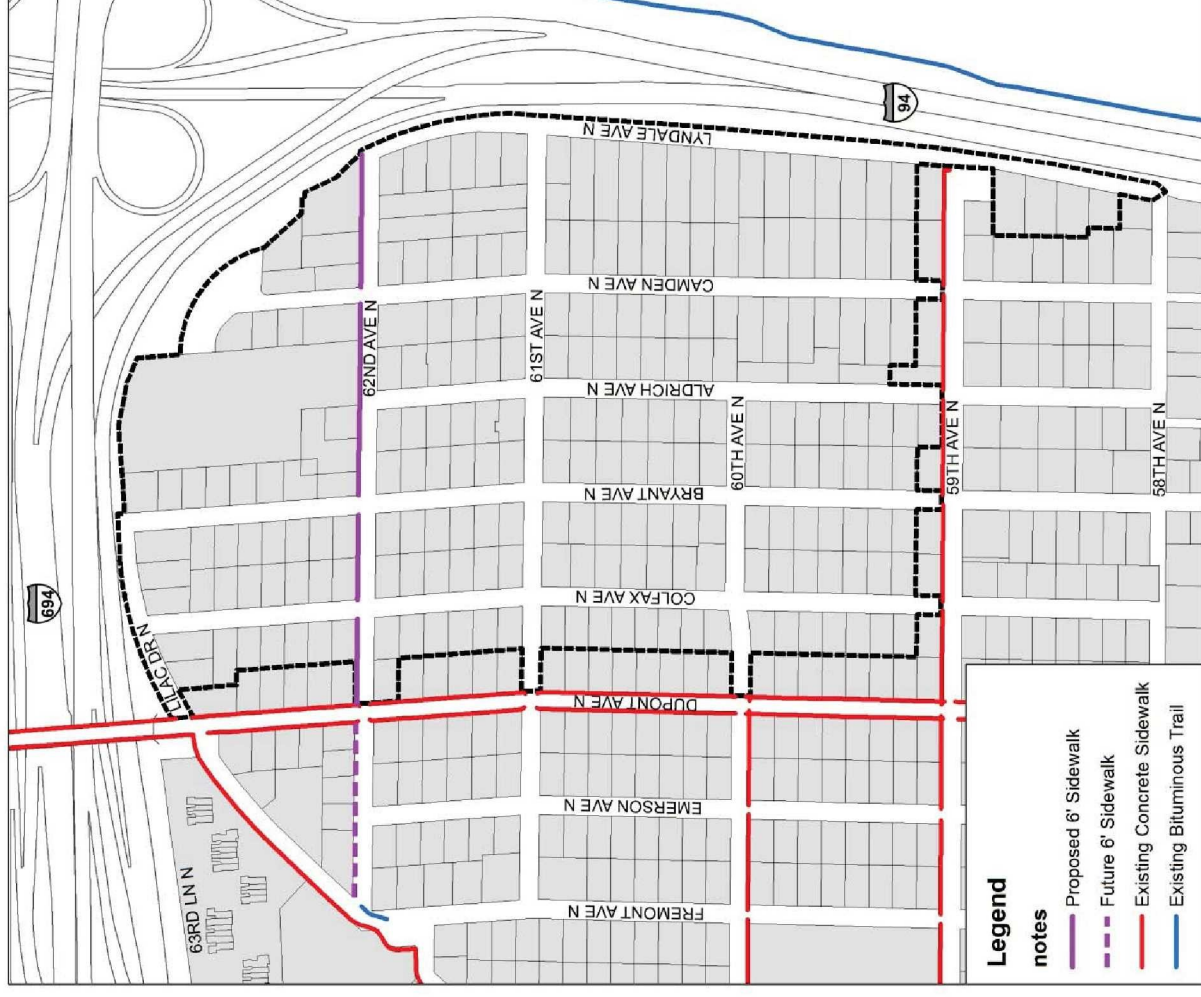
Proposed Improvements

- New Curb and Gutter
- Full Depth Pavement and Aggregate Base
- Reconstruction 30 feet wide for all street except Lilac Drive
- Reconstruction Lilac Drive 28 feet wide (Dupont Ave to Bryant Ave)

Sidewalk Improvements

Replace Pedestrian Curb Ramps at Existing Sidewalks on 59th Ave and Dupont Ave as needed

Potential new 6' concrete sidewalk along north side of 62nd Ave from Dupont Ave to Lyndale Ave



City Policies and Studies

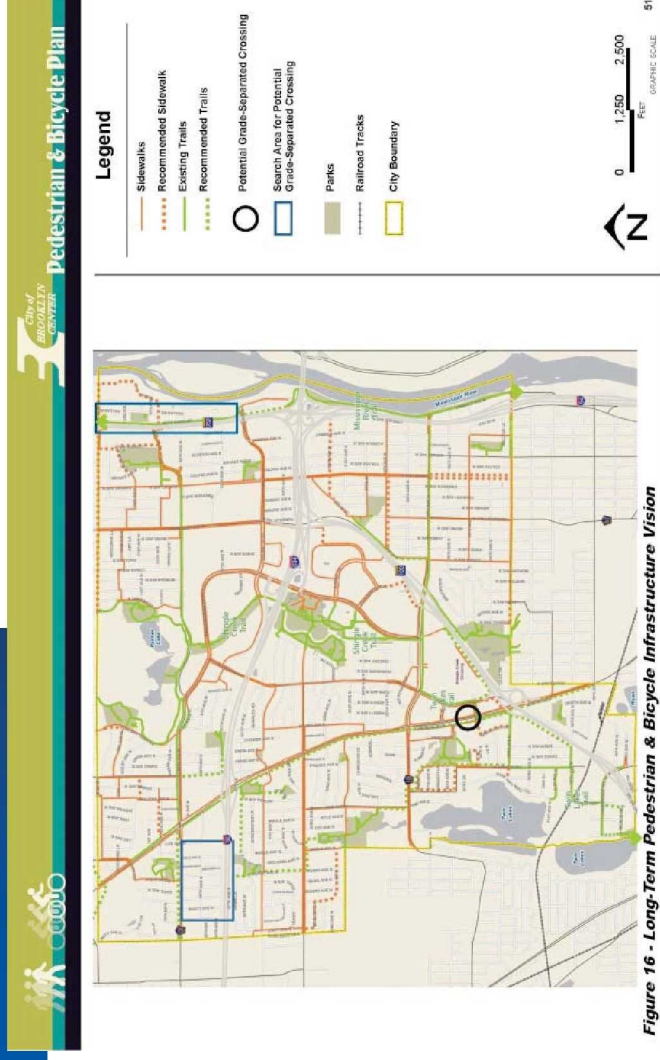


Figure 16 - Long-Term Pedestrian & Bicycle Infrastructure Vision

Complete Street Policy of the City of Brooklyn Center

Adopted by City Council on June 24, 2013



Complete Street Policy Adopted by City Council June 24, 2013



Existing Conditions and Proposed Improvements

Figure 1. Existing Picture, 62nd Avenue and Dupont Avenue looking easterly



Figure 2. Proposed Sidewalk, 62nd Avenue and Dupont Avenue looking easterly

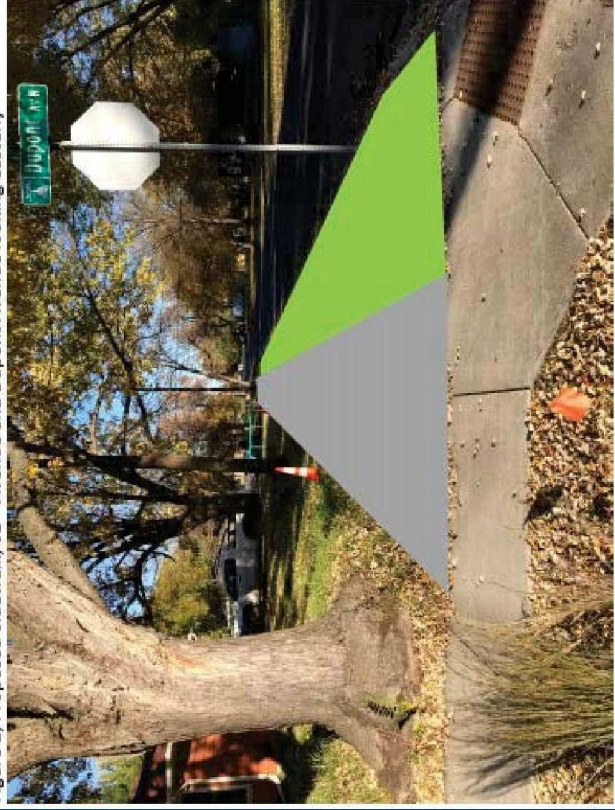
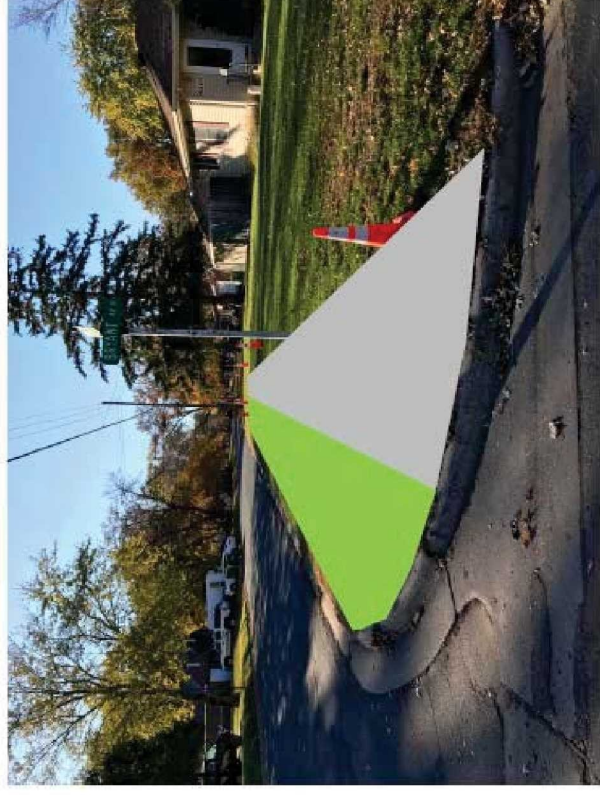


Figure 5. Existing Picture, 62nd Avenue and Bryant Avenue looking westerly



Figure 6. Proposed Sidewalk, 62nd Avenue and Bryant Avenue looking westerly



Existing Conditions and Proposed Improvements

Figure 7, Existing Picture, 62nd Avenue looking westerly



Figure 8, Proposed Sidewalk, 62nd Avenue looking westerly

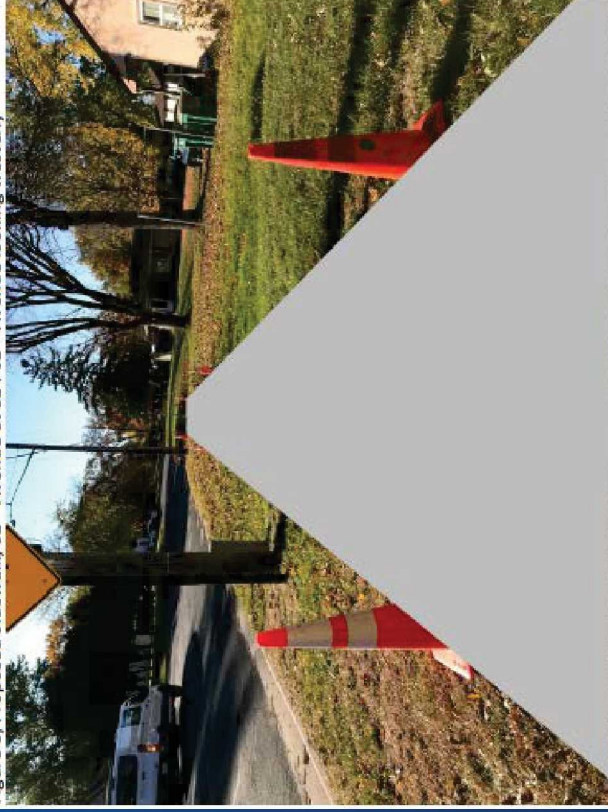


Figure 9, Existing Picture, 62nd Avenue at 814 62nd Avenue looking easterly

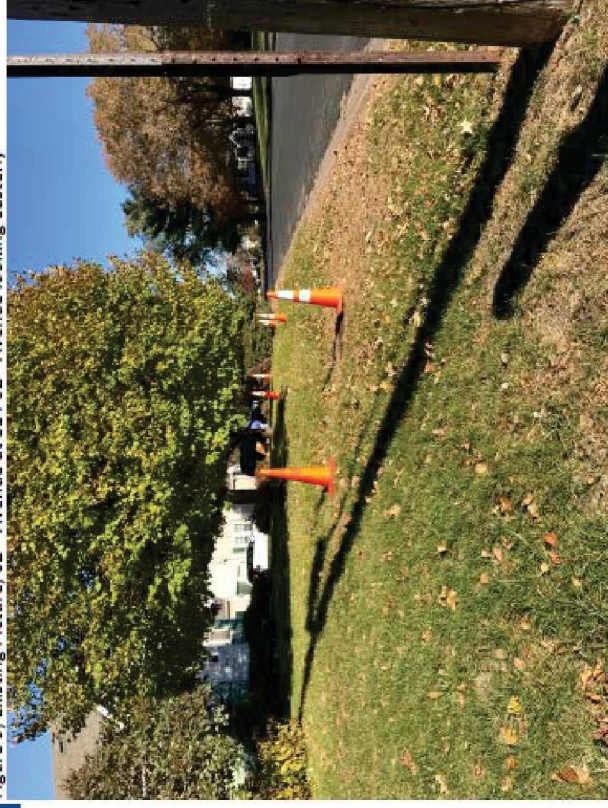
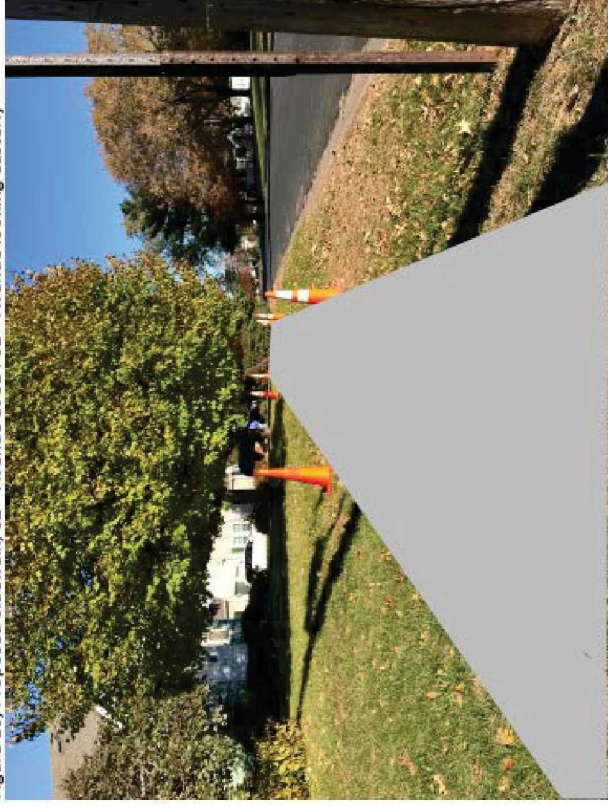


Figure 10, Proposed Sidewalk, 62nd Avenue at 814 62nd Avenue looking easterly



Existing Conditions and Proposed Improvements

Figure 11, Existing Picture, 62nd Avenue and Church Driveway looking westerly

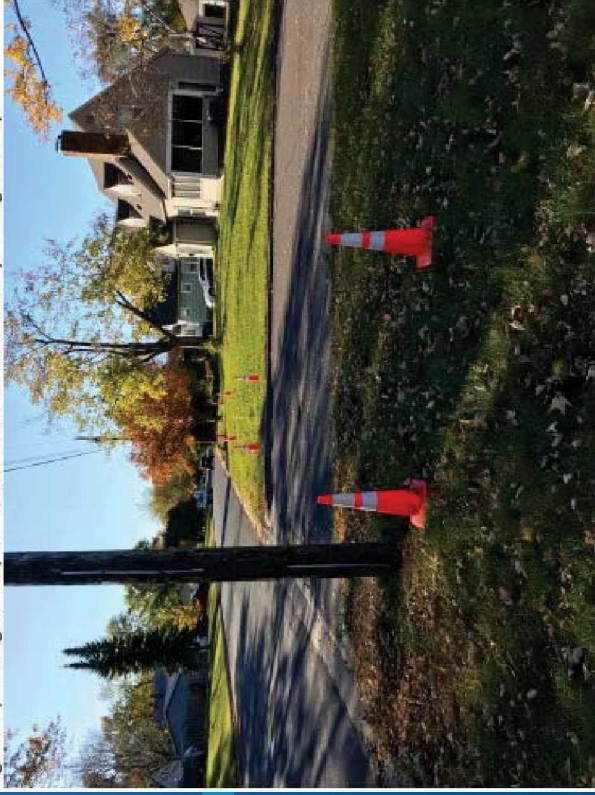


Figure 12, Proposed Sidewalk, 62nd Avenue and Church Driveway looking westerly

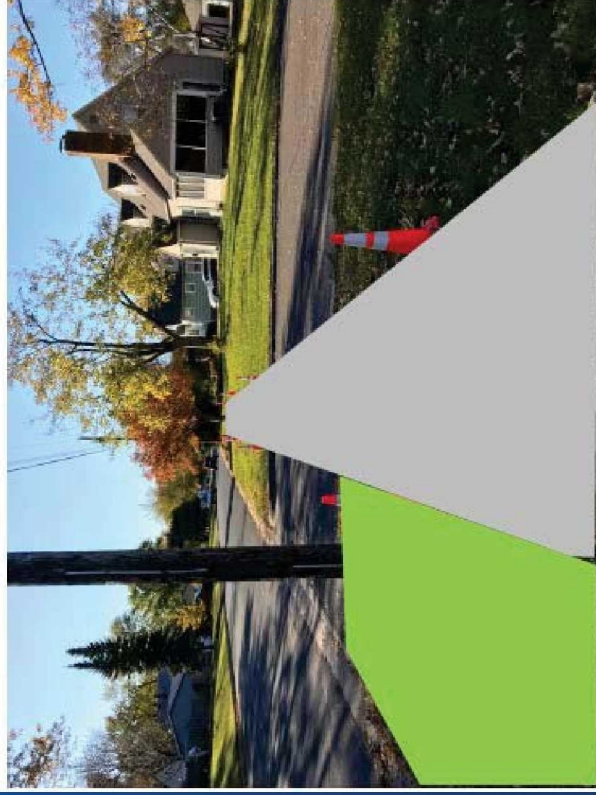


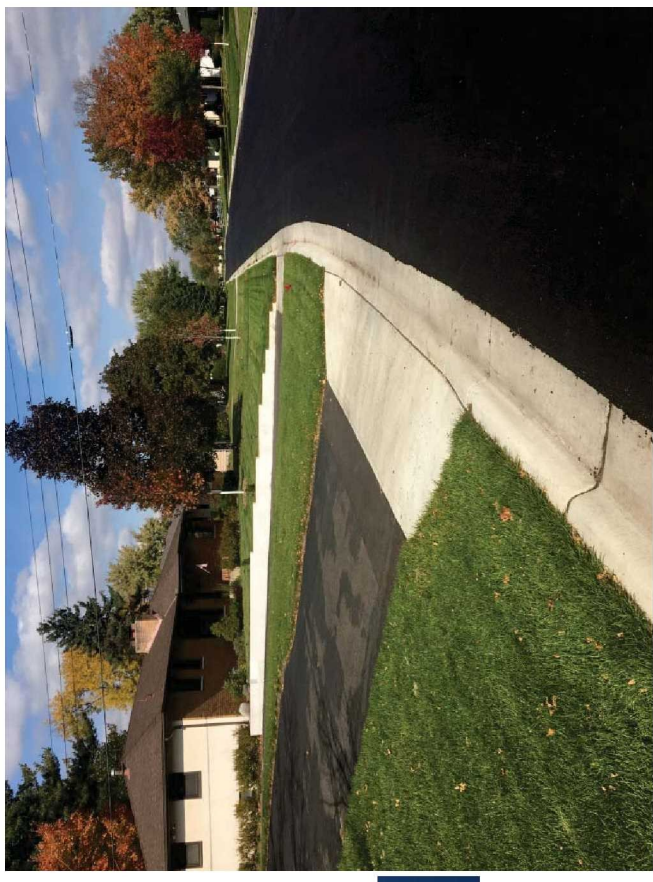
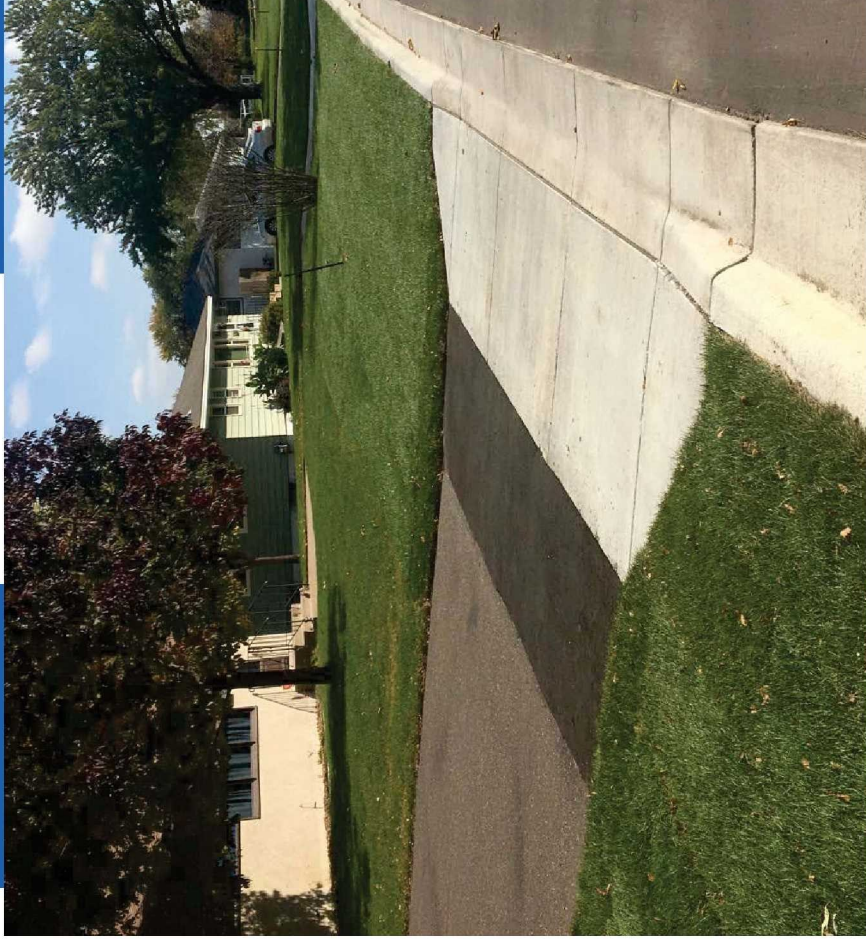
Figure 15, Existing Picture, 62nd Avenue at 520 62nd Avenue looking westerly



Figure 16, Proposed Sidewalk, 62nd Avenue at 520 62nd Avenue looking westerly



Restoration

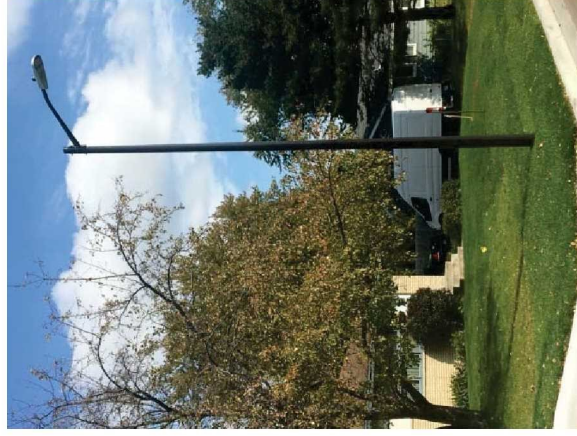


Restoration

- Driveways that are disturbed due to the street reconstruction will be replaced.
- Disturbed boulevard areas will be restored with topsoil and sod.
- Tree replacement on 1:1 ratio in fall

Street Lighting

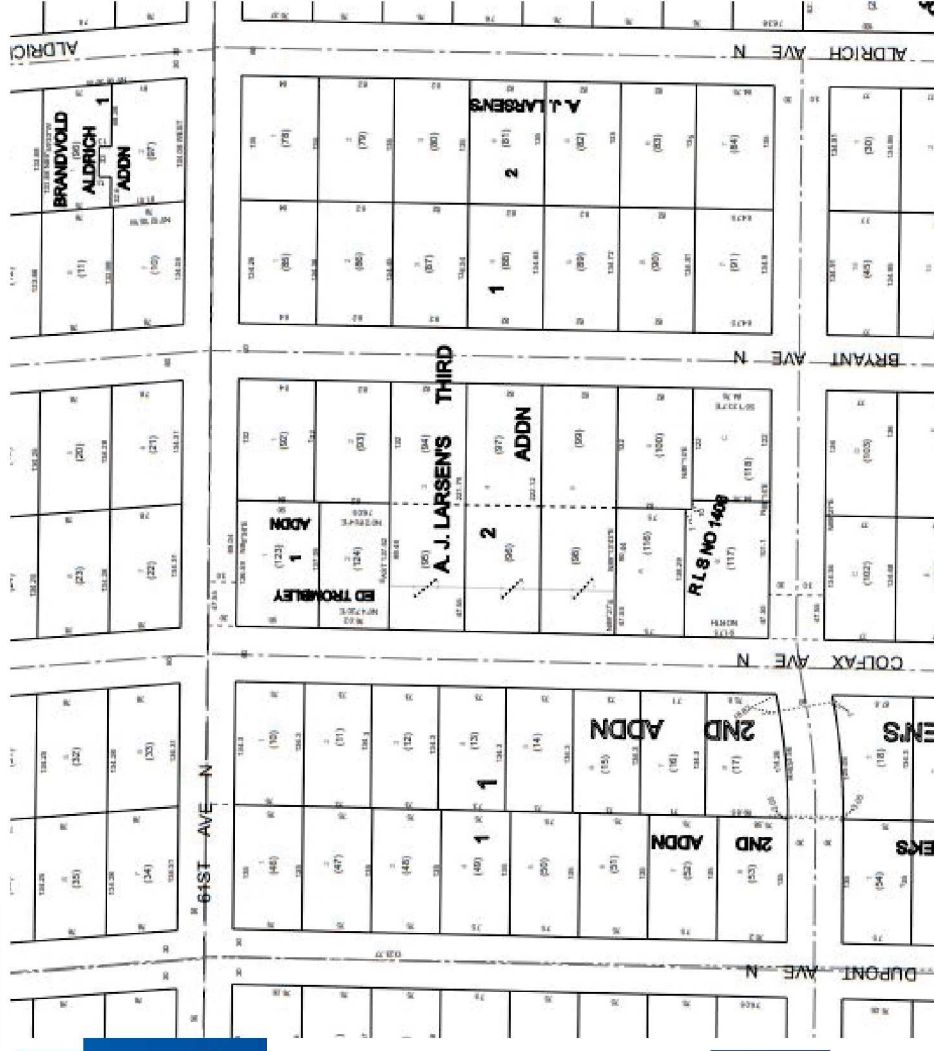
- Replace 11 Free-Standing Street Lights with Fiberglass Poles and LED light fixtures
- Existing Lights on Multi-Use Poles to Remain



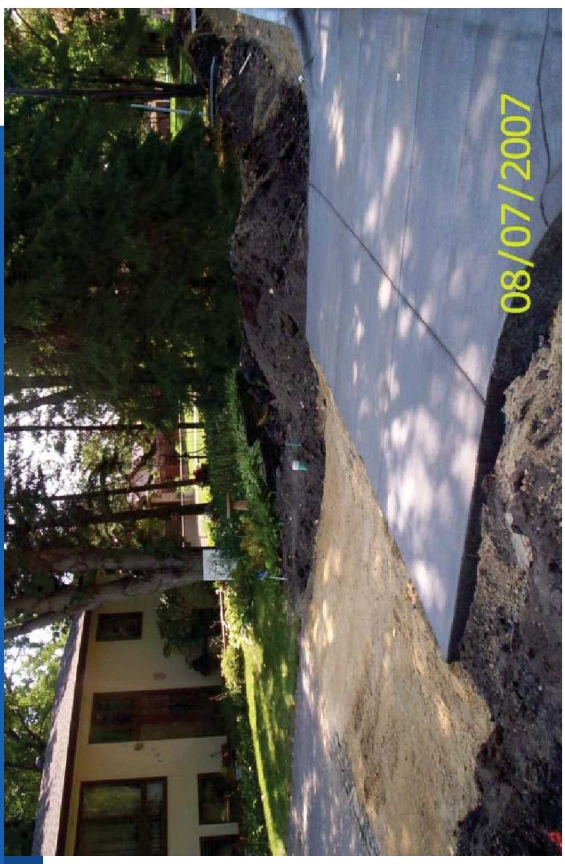
Street Lights
Interstate Area Street and Utility Improvements

Public Right-of-Way

- Right-of-way and easements are dedicated to the public for construction and maintenance of streets and utilities
- Delineated on subdivision plats.
- Typical right-of-way width
 - 60' for Interstate Area
 - Right-of-way edge is approx. 15' beyond the edge of street pavement/back of curb.



During Construction - Inconvenience

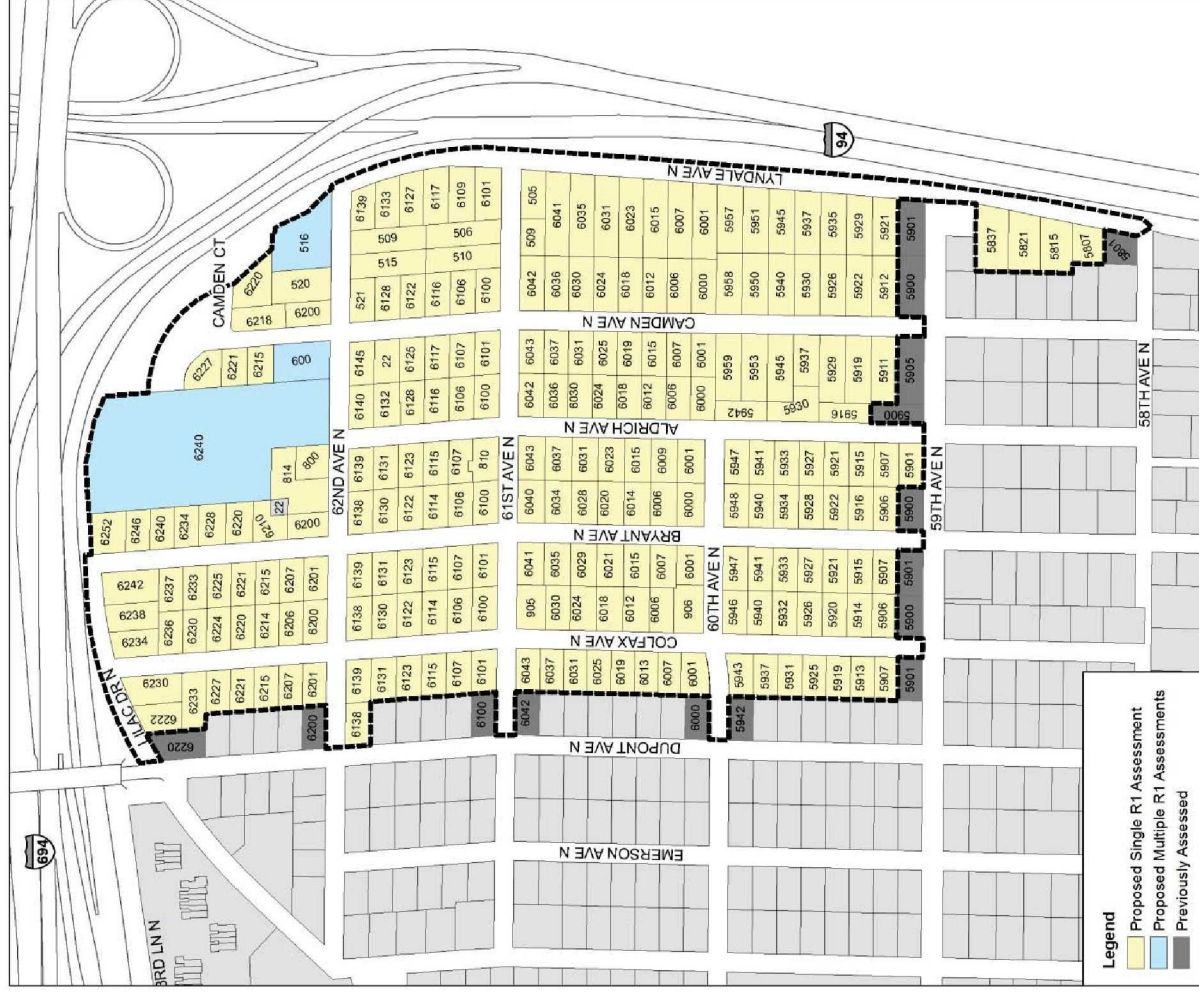


Preliminary Project Budget

	CIP – Est.	Percent Total
	<u>Project Amount</u>	
Special Assessments	\$ 1,460,430.00	13.9%
Sanitary Sewer Utility	\$ 1,750,000.00	16.7%
Water Utility	\$ 2,100,000.00	20.0%
Storm Drainage Utility	\$ 1,662,959.00	15.8%
Street Light Utility	\$ 90,000.00	0.9%
Street Reconstruction Fund	<u>\$ 3,426,611.00</u>	<u>32.7%</u>
Total	\$10,490,000.00	100%

Note: These are only preliminary estimated amounts

Preliminary Assessment Area



Special Assessments - Estimated Amounts & Payment Options

Full Street Reconstruction with New Curb and Gutter

- 2018 Assessment Rates for R1 properties: \$4,623 (street) + \$1,387(drainage) = \$6,010
- Sub-divisible R1 properties to be charged for additional property
- 2019 Interest Rate: 5.0%

1. Pay in full - No interest between March and September 30, 2019
 2. Pay in full from October 1 to November 20, 2019, with interest from October 1
 3. Pay in installments with property taxes over a 10-year period starting in 2020
- Partial prepayments cannot be accepted

If a project is approved an Assessment Reminder Letter will be sent

Estimated Payment Amount

Assessment Amount: \$6,010.00
Assessment Interest Rate: 5.00%
Assessment Term: 10 Years

Year	Annual Payment	Principle	Interest	Balance
1	\$976.63	\$601.00	\$375.63	\$5,409.00
2	\$871.45	\$601.00	\$270.45	\$4,808.00
3	\$841.40	\$601.00	\$240.40	\$4,207.00
4	\$811.35	\$601.00	\$210.35	\$3,606.00
5	\$781.30	\$601.00	\$180.30	\$3,005.00
6	\$751.25	\$601.00	\$150.25	\$2,404.00
7	\$721.20	\$601.00	\$120.20	\$1,803.00
8	\$691.15	\$601.00	\$90.15	\$1,202.00
9	\$661.10	\$601.00	\$60.10	\$601.00
10	\$631.05	\$601.00	\$30.05	\$0.00
Totals:	\$7,737.88	\$6,010.00	\$1,727.88	

Note: These are only preliminary estimated amounts – these amounts will change dependent on when interest starts accruing. Approximate monthly payment ranges from \$53 - \$82.

Preliminary Project Schedule

- Neighborhood Information Meeting October 24, 2018
- Council Receives Feasibility Report November 13, 2018
- **Conduct Public Hearing/Order Plans December 10, 2018**
- Approve Plans/Advertise for Bids February 2019
- Accept Bids/Award Project March/April 2019
- Begin Construction April 2019
- Substantial Completion October 2019
- Tree Replacements Fall 2019

City of Brooklyn Center

Interstate Area

Street and Utility Improvements (2019)

Staff Recommendations:

- Authorize Project
- Certify Special Assessments

December 10, 2018

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Resolution Authorizing the Issuance, Sale and Delivery of its Conduit Multifamily Housing Revenue Bonds relating to the Unity Place Project; Adopting a Housing Program Pursuant to Minnesota Statutes, Chapter 462C; Approving the Forms of and Authorizing the Execution and Delivery of the Bonds and Related Documents; Providing for the Security, Rights, and Remedies with Respect to the Bonds; and Granting Approval for Certain Other Actions with Respect Thereto.

Requested Council Action:

- *Motion to open public hearing*
- *Take public input*
- *Motion to close public hearing*
- *Motion to approve resolution authorizing the issuance, sale, and delivery of its Conduit Multifamily Housing Revenue Bonds relating to the Unity Place Project; adopting a housing program pursuant to Minnesota Statutes, Chapter 462C; approving the forms of and authorizing the execution and delivery of the bonds and related documents; providing for the security, rights, and remedies with respect to the bonds; and granting approval for certain other actions with respect thereto.*

Background:

Unity Limited Partnership has requested authorization from the City of Brooklyn Center for the issuance of conduit bonds to finance the renovation, improvement and equipping of Unity Place site and building. Unity Place is a 112 unit affordable rental townhome development located at 7256 Unity Avenue North in Brooklyn Center.

On October 10, 2018 Unity Limited Partnership submitted an application for conduit revenue bond project financing along with the applicable fee. City staff and bond attorney have reviewed the application and concur that meets the criteria set forth in the City's conduit debt administrative guidelines.

Administrative guidelines include:

- The project is to be compatible with the overall development plans and objectives of the City and of the neighborhood in which the project is located.
- The project is in areas of the City that the City wishes to develop, redevelop, or which in any way complements any development plans or policy of the City. It is also the City's intent to assist in business expansions or relocations within the City where it can be shown that such would have a substantial, favorable impact on employment or tax base, or both.

A resolution setting the public hearing on or after December 10th, 2018 was approved by City Council on November 14, 2018.

The resolution authorizes a maximum aggregate principal amount of the Bonds to be issued to finance the project of \$13,500,000.

A brief presentation on the process and project will be presented as an introduction to the public hearing. As part of that introduction, Dan Walsh, Vice President of Housing Development for the Community Housing Development Corporation (representing Unity Place) will present a power point on the proposed financing and project.

Budget Issues:

The total administrative fee that the City will receive for the issuance will be approximately \$67,500. The Bonds will not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of Brooklyn Center. The issuance of the Bonds will not affect the City's credit rating.

Strategic Priorities and Values:

Targeted Redevelopment

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

RESOLUTION _____
AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF ITS CONDUIT
MULTIFAMILY HOUSING REVENUE BONDS RELATING TO THE UNITY
PLACE PROJECT; ADOPTING A HOUSING PROGRAM PURSUANT TO
MINNESOTA STATUTES, CHAPTER 462C; APPROVING THE FORMS OF
AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE BONDS
AND RELATED DOCUMENTS; PROVIDING FOR THE SECURITY, RIGHTS,
AND REMEDIES WITH RESPECT TO THE BONDS; AND GRANTING
APPROVAL FOR CERTAIN OTHER ACTIONS WITH RESPECT THERETO

WHEREAS, the City of Brooklyn Center, Minnesota (the “City”), is a home rule charter city duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota; and

WHEREAS, pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Act”), the City is authorized to carry out the public purposes described in the Act by issuing revenue bonds and notes or other obligations to finance or refinance multifamily housing developments located within the City, and as a condition to the issuance of such revenue obligations, adopt a housing program providing the information required by Section 462C.03, subdivision 1a, of the Act; and

WHEREAS, in the issuance of the City’s revenue obligations and in the making of a loan to finance a multifamily housing development, the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended; and

WHEREAS, Unity Limited Partnership, a Minnesota limited partnership (or one or more affiliated entities to be created, collectively, the “Borrower”), has requested that the City issue its revenue bonds, pursuant to the Act, in an aggregate amount not to exceed \$13,500,000, in one or more series, at one time or from time to time (the “Bonds”) and lend the proceeds thereof to the Borrower to (i) finance the acquisition, renovation, construction, and equipping of an approximately 112-unit rental housing facility and related amenities located at 7256 Unity Avenue North in the City (the “Project”); (ii) fund one or more reserve funds to secure the timely payment of the Bonds, if necessary; (iii) pay interest on the Bonds during the renovation of the Project, if necessary; and (iv) pay the costs of issuing the Bonds; and

WHEREAS, on November 13, 2018, the City Council adopted a preliminary resolution (the “Preliminary Resolution”) which constitutes a reimbursement resolution and an official intent of the City to reimburse expenditures with respect to the Project from the proceeds of tax-exempt revenue bonds in accordance with the provisions of Treasury Regulations, Section 1.150-2; and

WHEREAS, the Issuer is seeking allocation of the bonding authority from Minnesota Management and Budget (“MMB”), allocating volume cap bonding authority to the City in the amount of \$13,500,000 for issuance of the Bonds and no Bonds will be issued until the City receives an allocation of the bonding authority; and

WHEREAS, the City has prepared a housing program providing the information required by Section 462C.03, subdivision 1a of the Act (the “Housing Program”) regarding the issuance by the City

of one or more revenue obligations in the maximum principal amount of \$13,500,000 to finance the acquisition, renovation, construction, and equipping of the Project; and

WHEREAS, a notice of public hearing (the “Public Notice”) was published in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), with respect to: (i) the required public hearing under the Code; (ii) the required public hearing under Section 462C.04, subdivision 2, of the Act; (iii) the Housing Program; and (iv) approval of the issuance of the Note and on this same date, the City Council conducted a public hearing on the date hereof at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing; and

WHEREAS, the Bonds will be issued pursuant to this Resolution and the Bonds and the interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement and the Indenture; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City’s interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City; and

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

1. Findings. The City acknowledges, finds, determines, and declares that the issuance of the Bonds is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Bonds, and the other actions of the City under the Indenture, the Loan Agreement, and this resolution constitute a public purpose and are in the interests of the City. The Project constitutes a “qualified residential rental project” within the meaning of Section 142(d) of the Code, and a “multifamily housing development” authorized by the Act, and furthers the purposes of the Act. In authorizing the issuance of the Bonds for the financing of the Project and the related costs, the City’s purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing or preserving affordable multifamily housing developments for low or moderate income residents of the City and otherwise furthering the purposes and policies of the Act.

2. Financing Structure. The Borrower has requested that the City issue, sell, and deliver the Bonds pursuant to a Trust Indenture, dated on or after January 1, 2019 (the “Indenture”), between the Issuer and U.S. Bank National Association (the “Trustee”) as the Multifamily Housing Revenue Bonds (Unity Place Project), Series 2019 to be purchased by Dougherty & Company, LLC (the “Underwriter”) pursuant to the Bond Purchase Agreement, dated on or after the date this Resolution is approved (the “Bond Purchase Agreement”), among the Underwriter, the City, and the Borrower and the proceeds derived from the sale of the Bonds will be loaned by the City to the Borrower to finance a portion of the cost of the Project pursuant to the terms of a Loan Agreement, dated on or after January 1, 2019, by and between the Borrower and the City (the “Loan Agreement”). Pursuant to the Loan Agreement the City will loan the proceeds of the Bonds to the Borrower. The payments to be made by the Borrower under the Loan Agreement are fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. When executed, the right, title and interest of the City in, to and under, among other things, the Loan Agreement (except as therein provided) will be assigned to the Trustee pursuant to the Indenture. The Bonds shall bear interest at the rates, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, and shall be in such form and have such other details and provisions as may be prescribed in the Indenture, as executed in accordance with Sections 6 and 14. The Trustee is hereby appointed as the Paying Agent and the Bond Registrar for the Bonds.

3. Authorization of Bonds. Subject to receiving allocation of the bonding authority from MMB, for the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in one or more series in a principal amount not to exceed the lesser of \$13,500,000 or the amount of bonding authority allocated to the City by MMB. The Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in substantially the form now on file with the City, with any necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturity of the Bonds, the interest rate or rates on the Bonds and the terms of redemption of the Bonds) as are approved as evidenced by the execution thereof as provided in Sections 6 and 14. Subject to receiving allocation of the bonding authority from MMB, the City hereby authorizes the Bonds to be issued, in whole or in part, as “tax-exempt bonds,” the interest on which is excludable from gross income for federal and State of Minnesota income tax purposes; provided that, if necessary, certain Bonds may be issued as taxable obligations.

The Council hereby authorizes and directs the execution of the Bonds in accordance with the terms of the Indenture, and hereby provides that the Indenture shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the owners of the Bonds, the City, and the Trustee as set forth therein. The Trustee is hereby appointed as the Paying Agent and the Bond Registrar for the Bonds.

All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this Resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall be substantially in the form in the Indenture on file with the City, which form is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds and the terms of redemption of the Bonds) as the Mayor and the City Manager (the “City Officials”), in their discretion, shall determine. The execution of the Bonds with the manual or facsimile signatures of the City Officials and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

4. Limitation of Liability. The Bonds shall be special, limited revenue obligations of the City payable solely from the revenues provided by the Borrower pursuant to the Loan Agreement and other funds pledged pursuant to the applicable Financing Documents; the City does not pledge its general credit or taxing powers or any funds of the City to the payment of the Bonds.

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

5. Approval of Housing Program; Compliance with Certain Rental and Occupancy Restrictions as to the Project. The Housing Program is hereby adopted, ratified, and approved in all respects without amendment. The City Manager is hereby authorized to do all other things and take all other actions as may be necessary or appropriate to carry out the Housing Program in accordance with the Act and any other applicable laws and regulations. To ensure compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Code and to ensure compliance with

certain restrictions imposed by the City, the Project will be subject to a Regulatory Agreement, dated as of or after January 1, 2019 (the “Regulatory Agreement”), among the City, the Borrower, and the Trustee.

6. Approval of Forms; Execution. Subject to receiving allocation of the bonding authority from MMB, the City Officials are hereby authorized and directed to execute and deliver the Indenture, the Loan Agreement, Bonds, the Bond Purchase Agreement, the Regulatory Agreement, and any consents or such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including without limitation various certificates of the City, the Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, a letter prepared in accordance with Section 42(m)(2)(D) of the Code evidencing the determination of the City, as the issuer of the Bonds, based on conclusions of a third party analyst, that the amount of tax credits to be allocated to the Project will not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified low-income housing project, a certificate as to arbitrage and rebate and similar documents (collectively, the “Financing Documents”).

All of the provisions of the Financing Documents, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Financing Documents shall be substantially in the forms currently on file with the City, which are hereby approved, with such necessary and appropriate variations, omissions and insertions as do not materially change the substance thereof, and as the City Officials, in their discretion, shall determine, and the execution thereof by the City Officials shall be conclusive evidence of such determination.

7. Bond Opinion. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel, to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

8. Official Statement. The City has not participated in the preparation of the Official Statement relating to the offer and sale of the Bonds (the “Official Statement”), and has made no independent investigation with respect to the information contained therein, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information, except for the information under the captions “THE ISSUER” and “NO LITIGATION—The Issuer.” Subject to the foregoing, the City hereby consents to the distribution and the use by the Underwriter of the Official Statement in connection with the offer and sale of the Bonds. The Official Statement is the sole material consented to by the City for use in connection with the offer and sale of the Bonds.

9. Council Authority; No Personal Liability. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City or the City Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City Council, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

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

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

10. Severability. In case any one or more of the provisions of this Resolution, other than the provisions contained Section 4, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this Resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

11. Validity. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

12. Authorization; Direction. The officers of the City, bond counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution. If for any reason either of the City Officials is unable to execute and deliver the documents referred to in this Resolution, such documents may be executed by any member of the City Council or any officer of the City delegated the duties of such City Officials with the same force and effect as if such documents were executed and delivered by such City Officials.

13. City Costs. The Borrower shall pay the City's administrative fee in connection with the issuance of the Bonds, as provided in the Loan Agreement, and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued, including any costs for attorneys' fees. The Borrower shall indemnify the City against all liabilities, losses, damages, costs and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Project or the Bonds, as provided for and agreed to by the Borrower in the Loan Agreement.

14. Future Amendments. The authority to approve, execute and deliver future amendments to the Financing Documents herein authorized entered into by the City in connection with the issuance of the Bonds and any consents required under the Financing Documents is hereby delegated to the City Officials upon consultation with the City's Bond Counsel, subject to the following conditions: (a) such amendments or consents do not require the consent of the holder of the Bonds or such consent has been obtained; (b) such amendments or consents do not materially adversely affect the interests of the City; (c) such amendments or consents do not contravene or violate any policy of the City; and (d) such amendments or consents are acceptable in form and substance to the City's Bond Counsel. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the City Officials

shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of either of the City Officials, any instrument authorized by this paragraph to be executed and delivered may be executed by the officer of the City or the City authorized to act in his/her place and stead.

15. Governmental Program. The City has established a governmental program of acquiring purpose investments for qualified residential rental projects. The governmental program is one in which the following requirements of §1.148-1(b) of the federal regulations relating to tax-exempt obligations shall be met:

- (a) the program involves the origination or acquisition of purpose investments;
- (b) at least 95% of the cost of the purpose investments acquired under the program represents one or more loans to a substantial number of persons representing the general public, states or political subdivisions, 501(c)(3) organizations, persons who provide housing and related facilities, or any combination of the foregoing;
- (c) at least 95% of the receipts from the purpose investments are used to pay principal, interest, or redemption prices on issues that financed the program, to pay or reimburse administrative costs of those issues or of the program, to pay or reimburse anticipated future losses directly related to the program, to finance additional purpose investments for the same general purposes of the program, or to redeem and retire governmental obligations at the next earliest possible date of redemption;
- (d) the program documents prohibit any obligor on a purpose investment financed by the program or any related party to that obligor from purchasing Bonds of an issue that finances the program in an amount related to the amount of the purpose investment acquired from that obligor; and
- (e) the City shall not waive the right to treat the investment as a program investment.

16. Effective Date. This Resolution shall be in full force and effect from and after its approval.

December 10, 2018
Date

Mayor

ATTEST:_____
City Clerk

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

and the following voted against the same:

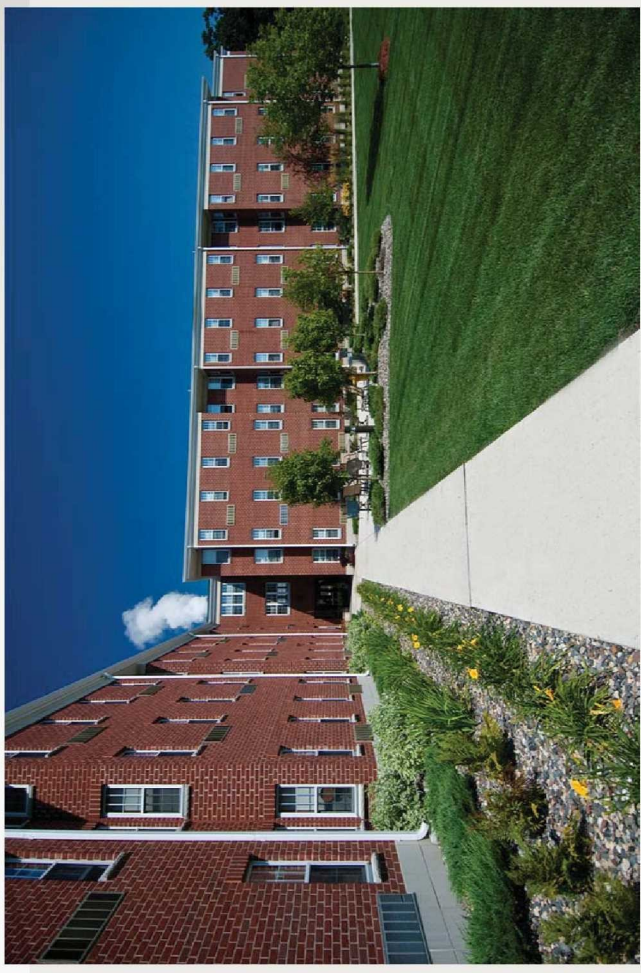
whereupon said resolution was declared duly passed and adopted.

Unity Place Renovation

December 10, 2018

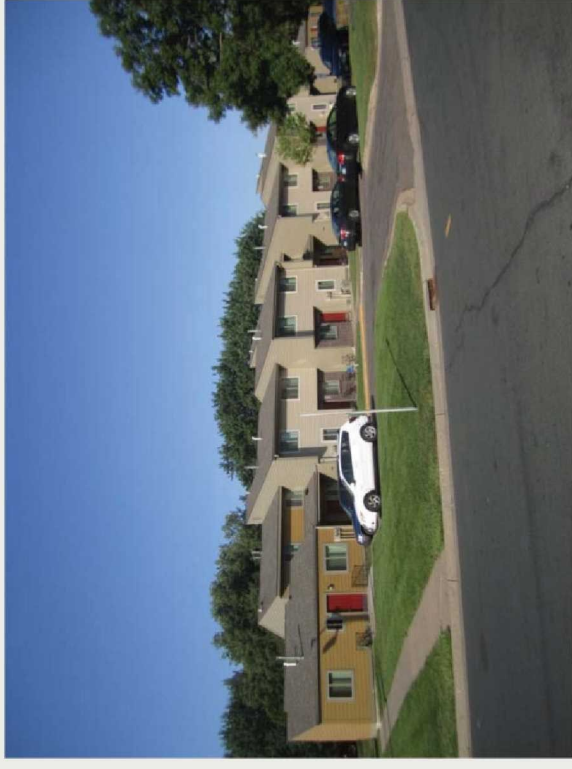


About Community Housing Development Corporation (CHDC)



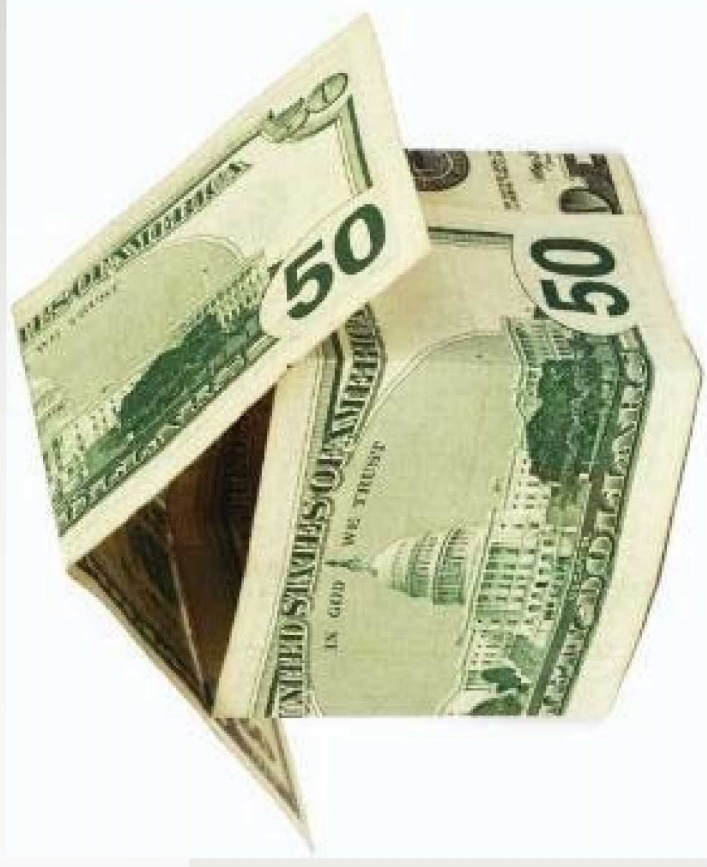
Unity Place Property Characteristics

- 112-unit rental townhome complex consisting of 61 two and 51 three bedroom units.
- Originally built in 1978, CHDC has owned the property since 1994.
- General occupancy permanent rental housing primarily for low income families.
- 100% of the units have project-based Section 8 rent assistance.

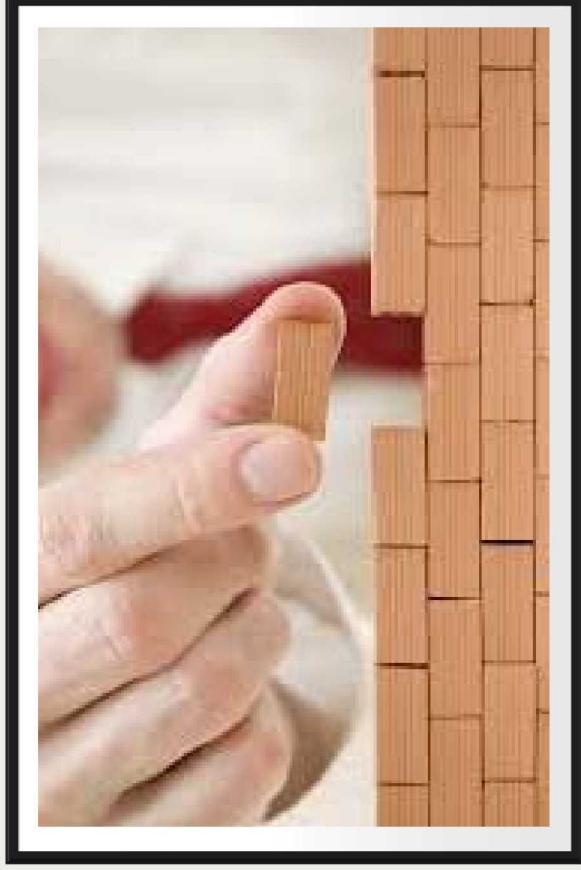


Proposed Refinance and Renovation Purpose

- Section 8 contract renewed and preserved.
- Capital and livability improvements, so the property is solid for the next 20 years.
- (Not adding units or modifying unit sizes)



Tax Exempt Conduit Bonds

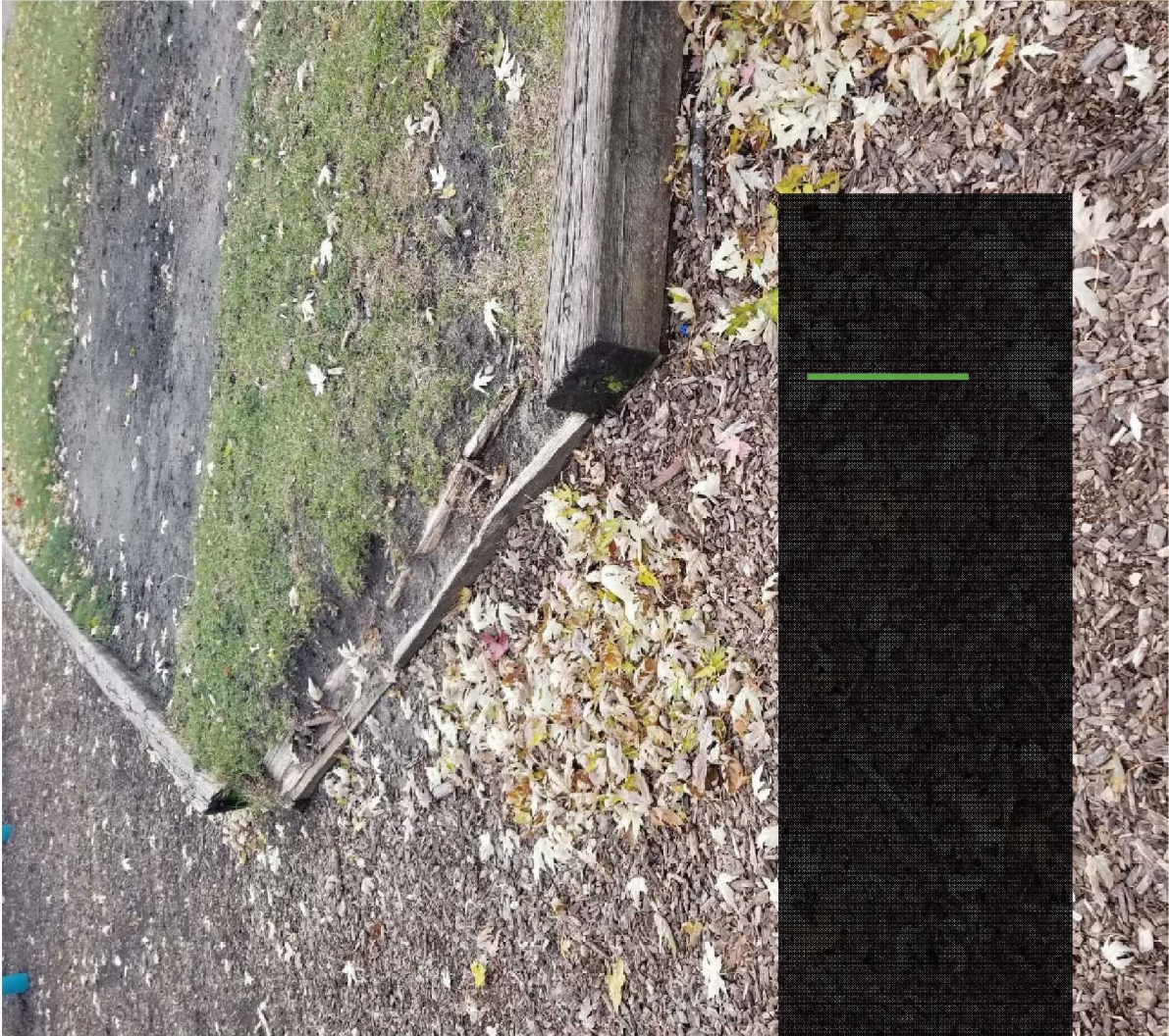
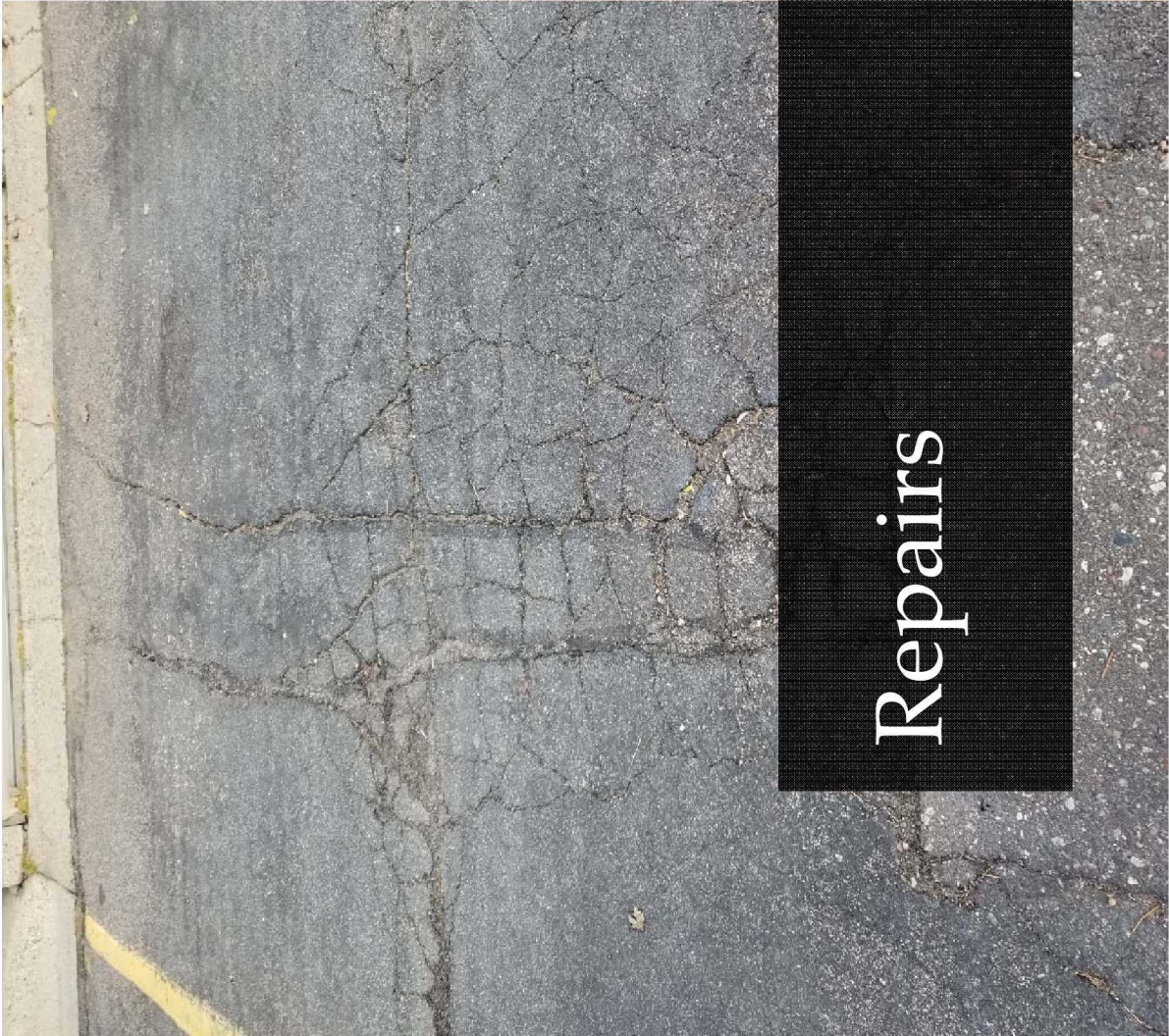


- State bonds with a smaller interest rate.
- Come with federal low income housing tax credits.

Renovation Activities Overview

- Approximately \$67,000 per unit.
- Residents occupy units during construction.
Working hard to minimize disruption.
- Repairs, asset protection, sustainability and livability improvements.





Repairs

Asset Protection



Sustainability and Building Performance

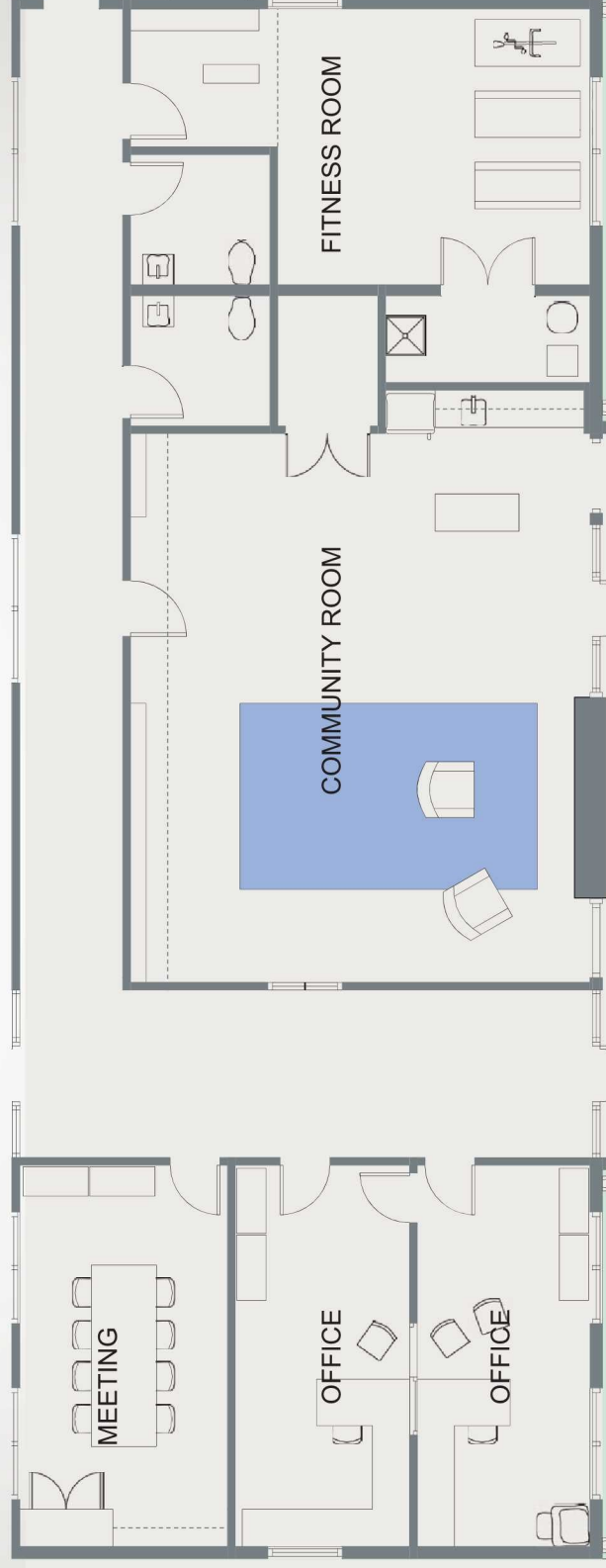




Livability Improvements



Livability Improvements



Questions?



COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Resolutions Adopting Utility Rates for 2019

Requested Council Action:

- Motion to open Public Hearing
- Take public input
- Motion to close Public Hearing
- Motion to adopt Resolutions 2019 Water Utility Rates, Fees and Charges; 2019 Sewer Utility Rates, Fees and Charges; 2019 Storm Sewer Utility Rates, Fees and Charges; 2019 Street Light Rates, Fees and Charges; and 2019 Recycling Rates and Charges

Background:

At the October 29, 2018 joint work session of the City Council and Financial Commission, staff presented the expected expenditures for operation of the City's utility services for 2019. The expenditures include total direct and indirect costs including depreciation of capital assets and administrative costs. The work session also included projections of revenue needed for 2019 and for the next fifteen years to keep operations running smoothly and fund the infrastructure improvements needed in each of the utility systems. The cash flow analysis for each of the five utilities indicate anticipated rate changes necessary to maintain targeted cash balances during the construction of the utility improvements associated with the City's 15-year Capital Improvement Plan (CIP).

For 2019, rate increases are proposed for Water, Sanitary Sewer and Storm Sewer Utilities in order to maintain cash reserves, fund operations, pay for debt service and finance infrastructure improvements. Rates for the various utilities are recommended as follows for 2019:

Fund	Description	2018 Rate	2019 Rate	Change
Water	Base Charge - Residential (quarterly)	\$14.64	\$15.52	\$0.88 / quarter
Consumption Charge	Tier I (0 - 30 gallons)	\$2.44	\$2.59	\$0.15 / 1,000 gallons
-	Tier II (31 - 60 gallons)	3.04	3.22	\$0.18 / 1,000 gallons
Residential Meters	Tier III (61 and greater)	4.54	4.81	\$0.27 / 1,000 gallons
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$3.04	\$3.42	\$0.38 / 1,000 gallons
Sanitary Sewer	Base Charge (quarterly)	\$82.42	\$84.89	\$2.47 / quarter
Consumption Charge	(Per 1,000 gallons)	\$3.32	\$3.58	\$0.26 / 1,000 gallons

- Non-residential				
Storm Sewer	Base Charge (quarterly)	\$14.77	\$15.07	\$0.30 /quarter
Street Light	Base Charge (quarterly)	\$6.55	\$6.55	No change
Recycling	Base Charge (quarterly)	\$11.98	\$11.98	No change

The utility bill for a household using 18,000 gallons of water (considered the typical residential user) is shown in comparison to 2018 rates as follows:

Fund	2018 Bill	2019 Bill	\$ Change/quarter
Water	\$58.56	\$62.14	\$3.58
Sanitary Sewer	82.42	84.89	2.47
Storm Sewer	14.77	15.07	0.30
Street Light	6.55	6.55	-
Recycling	<u>11.98</u>	<u>11.98</u>	-
Total	\$174.28	\$180.63	\$6.35

Staff is also recommending an increase in the residential water meter charge (5/8" or 3/4" meter) from \$99.00 to \$149.00. This charge is applied only to customers who need to acquire a previously non-existent residential water meter as part of new construction or to replace a water meter damaged intentionally or through the negligence of a property owner. The City will continue to replace water meters at no charge to the customer if found to be worn or defective. The charge remains significantly below the cost to the City to purchase the water meter of \$230/meter plus any costs associated with staff time to administer or replace.

The proposed rates would become effective on January 1, 2019.

City Code sections 11.02 and 11.06 require a notice and hearing prior to the City Council setting new utility rates. The Public Hearing Notice was published in the Brooklyn Center Post on November 22, 2018.

Budget Issues:

The 2019 budgeted utility revenue projections reflect the proposed utility rates.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING 2019 WATER UTILITY RATES, FEES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the "Public Utility Rate Schedule" and shall be adopted by resolution of the City Council; and

WHEREAS, financial requirements for the utility funds have been identified and reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following Water Utility rates, fees and charges are hereby adopted and shall be effective for all billings issued on or after January 1, 2019.

2019 WATER UTILITY RATE SCHEDULE
Water Rates, Fees and Charges

Base Rate

Year 2019 \$3.42 per 1,000 Gallons

Quarterly Minimum Rate

<u>Meter Size</u>	<u>2019 Quarterly Minimum Charge</u>
1"	\$ 45.11
1 ½"	\$ 58.00
2"	\$ 112.78
3"	\$ 225.57
4"	\$ 380.24
6"	\$ 870.05
8"	\$ 1,647.82
10"	\$ 2,197.10

Water Conservation Rate

<u>Meter Size</u>	<u>Base Charge (minimum charge per quarter)</u>
5/8" and 3/4"	\$ 15.52

<u>Thousands of Gallons</u>	<u>Consumption Charge (per 1,000 gallons used)</u>
0 to 30	\$ 2.59
31 to 60	\$ 3.22
61 and greater	\$ 4.81

RESOLUTION NO. _____

Fees

Water Meter Charge 5/8" or 3/4" \$149.00

Water Meter Charge Larger than 3/4" Actual Cost + \$2.00

Other Charges

Delinquent account, quarterly charge Greater of \$3.00 or 10% of unpaid balance

Certification for collection with property taxes \$30.00

Fire Service Line Charge \$ 12.50 per quarter

December 10, 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.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING 2019 SEWER UTILITY RATES, FEES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the "Public Utility Rate Schedule" and shall be adopted by resolution of the City Council; and

WHEREAS, financial requirements for the utility funds have been identified and reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following Sewer Utility rates, fees and charges are hereby adopted and shall be effective for all billings issued on or after January 1, 2019.

2019 SEWER UTILITY RATE SCHEDULE

Sewer Rates, Fees and Charges

Base Rate Quarterly Residential
(minimum quarterly charge)

	Single Family	Apartment	Senior Citizen
Year 2019	\$84.89	\$59.42	\$46.69

Non-Residential Rate

Year 2019	\$3.58 per 1,000 Gallons
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Fees

SAC Charge set by MCES

Fee Established by MCES

Charges

Delinquent account, quarterly charge Greater of \$3.00 or 10% of unpaid balance

Certification for collection with property taxes \$30.00

Line cleaning charge Labor, materials, equipment and overhead

Sanitary Sewer Connection Established annually by resolution

December 10, 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.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING 2019 STORM SEWER UTILITY RATES, FEES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the "Public Utility Rate Schedule" and shall be adopted by resolution of the City Council; and

WHEREAS, financial requirements for the utility funds have been identified and reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center that the following Storm Sewer Utility rates and charges are hereby continued and shall be effective for all billings issued on or after January 1, 2019.

2019 STORM SEWER UTILITY RATE SCHEDULE
Storm Sewer Rates and Charges

Quarterly Rates per Acre

	<u>2019 Minimum Quarterly Charge</u>
Base Rate	\$ 60.24
Cemeteries and Golf Courses	\$ 15.07
Parks	\$ 30.12
Single Family, Duplex, Townhouse	\$ 15.07/lot
School, Government Buildings	\$ 75.31
Multiple Family, Churches	\$ 180.71
Commercial, Industrial	\$ 301.20
Vacant Land	As Assigned

Charges

Delinquent account, quarterly charge	Greater of \$3.00 or 10% of unpaid balance
Certification for collection with property taxes	\$30.00
Private facility cleaning charge	Labor, materials, equipment and overhead

December 10, 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.

Member
resolution and moved its adoption:

introduced the following

RESOLUTION NO. _____

RESOLUTION ADOPTING 2019 STREET LIGHT RATES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the "Public Utility Rate Schedule" and shall be adopted by resolution of the City Council; and

WHEREAS, financial requirements for the utility funds have been identified and reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following Street Light Utility rates and charges are hereby adopted and shall be effective for all billings issued on or after January 1, 2019.

2019 STREET LIGHT UTILITY RATE SCHEDULE

Street Light Rates and Charges

Quarterly Rates

<u>Customer</u>	<u>2019 Minimum Quarterly Charge</u>
Per Dwelling Unit:	
Single, Double and Multiple Family Residential	\$6.55
Per Acre:	
Parks	\$10.90
Schools, Government Buildings, Churches	\$21.80
Retail and Service-Office	\$32.69
Commercial and Industrial	\$32.69
Vacant Land and Open Space	As Assigned
Charges	
Delinquent account, quarterly charge	Greater of \$3.00 or 10% of unpaid balance
Certification for collection with property taxes	\$30.00

December 10, 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.

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING 2019 RECYCLING RATES AND CHARGES

WHEREAS, the City of Brooklyn Center is a member of the Hennepin Recycling Group (HRG), which is a joint powers group organized pursuant to Minnesota Statutes Section 471.59 (1987); and

WHEREAS, the purpose of the joint powers agreement is to create an organization by which member cities may jointly and cooperatively provide for the efficient and economical collection, recycling and disposal of solid waste within and without their respective corporate boundaries in compliance with the Minnesota Waste Management Act, Minnesota Statutes Chapter 115A (1987); and

WHEREAS, the HRG has established a curbside recycling program for its member cities to meet the requirements of Hennepin County Ordinance No. 13, Solid Waste Source Separation for Hennepin County; and

WHEREAS, the City of Brooklyn Center must establish rates to fund the City's curbside recycling program and the cost for projected reimbursement of recycling charges from the HRG along with other program operating charges; and

WHEREAS, the recycling program includes a bi-annual curbside cleanup; and

WHEREAS, Brooklyn Center Ordinance No. 89-11 authorizes the City to establish rates for recycling services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the recycling charges shall be as follows for all billings issued on or after January 1, 2019:

2019 RECYCLING UTILITY RATE SCHEDULE
Recycling Rates and Charges

Minimum Charge per Household per quarter: \$11.98 per quarter

Charges

Delinquent account, quarterly charge Greater of \$3.00 or 10% of unpaid balance

Certification for collection with property taxes \$30.00

December 10, 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.

Public Hearing Utility Rates for 2019

Finance Department
December 10, 2018

Rate Considerations

- Maintain service levels
- Stabilize rate changes
- Provide cash for operating needs
- Provide cash for capital projects
- Provide cash for debt service

Utility Improvements

- Rates primarily drive by \$19.2 million in utility infrastructure investments over next two years

Project	Storm Drainage Utility	Sanitary Sewer Utility	Water Utility	Street Light Utility
2019				
Interstate Area Improvements	\$1,670,000	\$1,750,000	\$2,600,000	\$90,000
Bellvue Area Mill and Overlay	\$390,000	\$60,000	\$40,000	\$0
Southeast Area Mill and Overlay	\$590,000	\$120,000	\$70,000	\$0
Brooklyn Boulevard Corridor Project (49th Ave. to Bass Lk Rd)	\$482,000	\$86,000	\$333,000	\$155,000
51st Avenue Improvements (at Brooklyn Blvd)	\$133,000	\$77,100	\$70,300	\$0
Connections at Shingle Creek Phase 2 (Creek Stabilization Project)	\$96,000	\$0	\$0	\$0
70th Avenue Storm Sewer Trunk Line Rehabilitation	\$328,000	\$0	\$0	\$0
Storm Water Ponds 26-004,26-006,35-003 & 35-004 Rehab	\$149,000	\$0	\$0	\$0
Lift Station No. 2 Rehabilitation and Miss. River Trunk Sewer Line	\$0	\$850,000	\$0	\$0
Well Nos. 2 and 3 Rehabilitation	\$0	\$0	\$140,000	\$0
2019 Subtotal	\$3,838,000	\$2,943,100	\$3,253,300	\$245,000
2020				
Grandview Park Area Improvements	\$1,910,000	\$1,760,000	\$2,320,000	\$140,000
Humboldt Ave (CR 57) Reconstruction (53rd to 57th)	\$110,000	\$330,000	\$320,000	\$20,000
Logan/Lilac/59th Avenues Reconstruction	\$120,000	\$10,000	\$280,000	\$20,000
Lift Station No. 8 Rehabilitation	\$0	\$258,000	\$0	\$0
Water Tower No. 1 Painting	\$0	\$0	\$950,000	\$0
Well No. 5 Rehabilitation	\$0	\$0	\$74,000	\$0
Storm Water Pond 40-001 Rehab	\$258,000	\$0	\$0	\$0
2020 Subtotal	\$2,398,000	\$2,358,000	\$3,944,000	\$180,000

2019 Proposed Rate Changes

Fund	Description	2018 Rate	2019 Rate	Change
Water	Base Charge (Per Quarter)	\$14.64	\$15.52	\$0.88 / quarter
Consumption Charge – Residential Meters	Tier I (0 – 30 gallons)	\$2.44	\$2.59	\$0.15 / 1,000 gallons
	Tier II (30 – 60 gallons)	3.04	3.22	\$0.18 / 1,000 gallons
	Tier III (61 and greater)	4.54	4.81	\$0.27 / 1,000 gallons
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$3.04	\$3.42	\$0.38 / 1,000 gallons
Sanitary Sewer	Base Charge (Per Quarter)	\$82.42	\$84.89	\$2.47 / quarter
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$3.32	\$3.58	\$0.26 / 1,000 gallons
Storm Sewer	Base Charge (Per Quarter)	\$14.77	\$15.06	\$0.30 /quarter
Street Light	Base Charge (Per Quarter)	\$6.55	\$6.55	No change
Recycling	Base Charge (Per Quarter)	\$11.98	\$11.98	No change

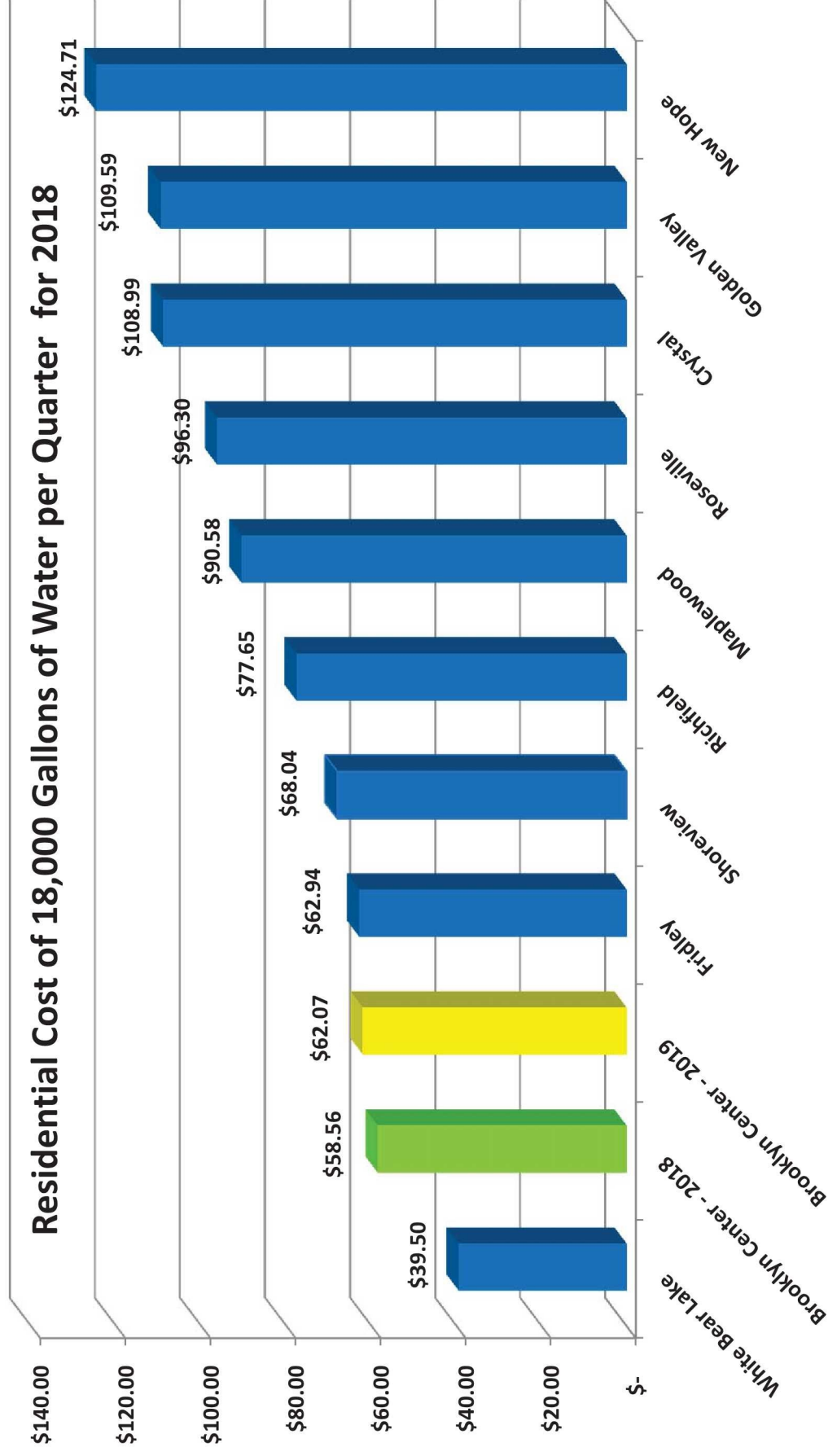
Water Meter Charge

- Current: \$99 Water Meter Charge (Residential)/ Actual Cost + \$2 (Non-residential)
 - Only charged when a customer obtains a new water meter (new construction or replacement of a damaged meter as a result of intentional damage/negligence)
 - Not charged for worn/defective water meters
- Proposed: \$149 Water Meter Charge (Residential)/ Actual Cost + \$2 (Non-residential)
 - Actual cost to the City of \$230/meter + costs associated with staff time to administer and replace

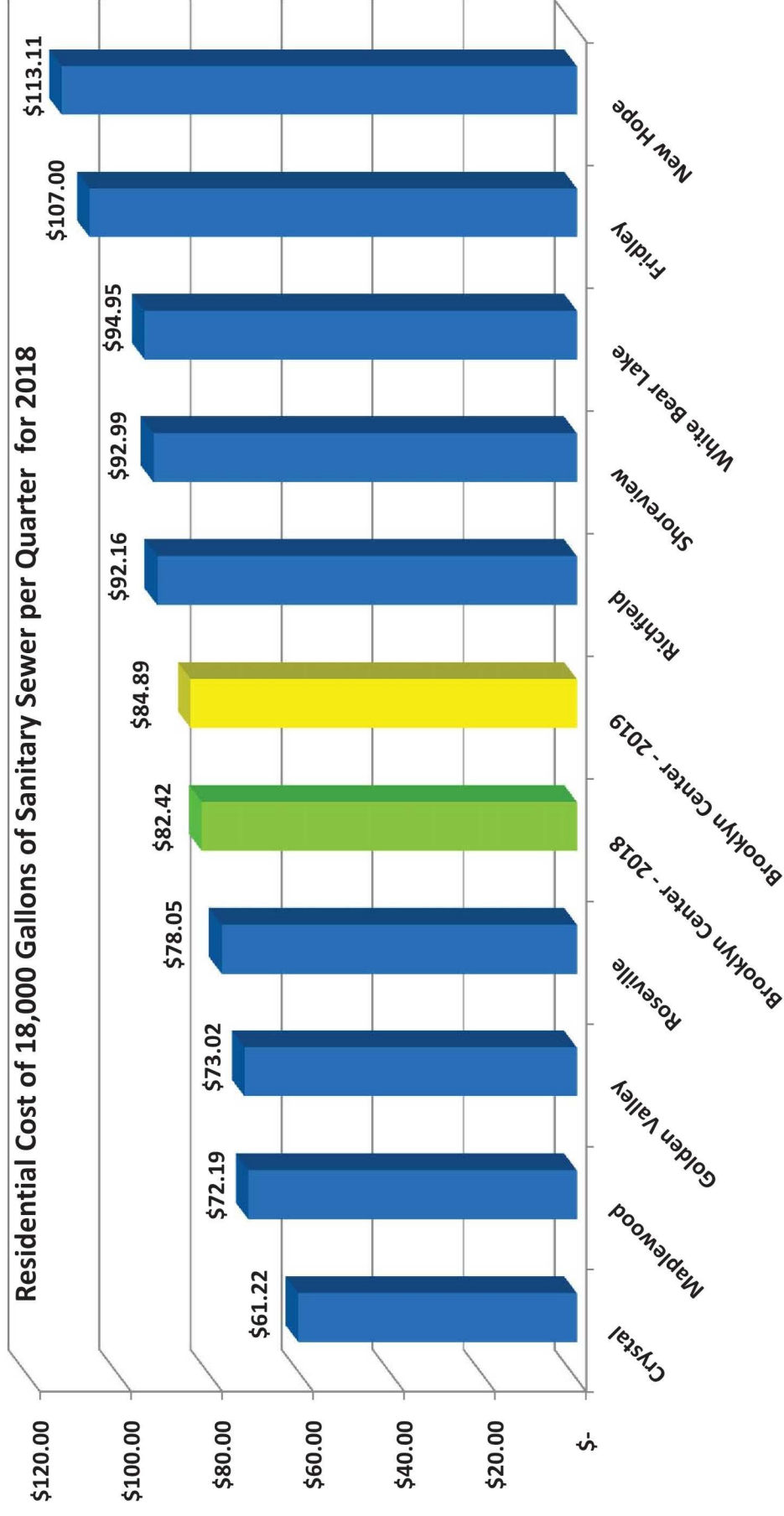
Residential Utility Bill (18,000 gallons of water)

Fund	2018 Bill	2019 Bill	\$ Change/quarter
Water	\$58.56	\$62.14	\$3.58
Sanitary Sewer	\$82.42	\$84.89	2.47
Storm Sewer	\$14.77	\$15.07	0.30
Street Light	\$6.55	\$6.55	-
Recycling	<u>\$11.98</u>	<u>\$11.98</u>	-
Total	\$174.28	\$180.63	\$6.35

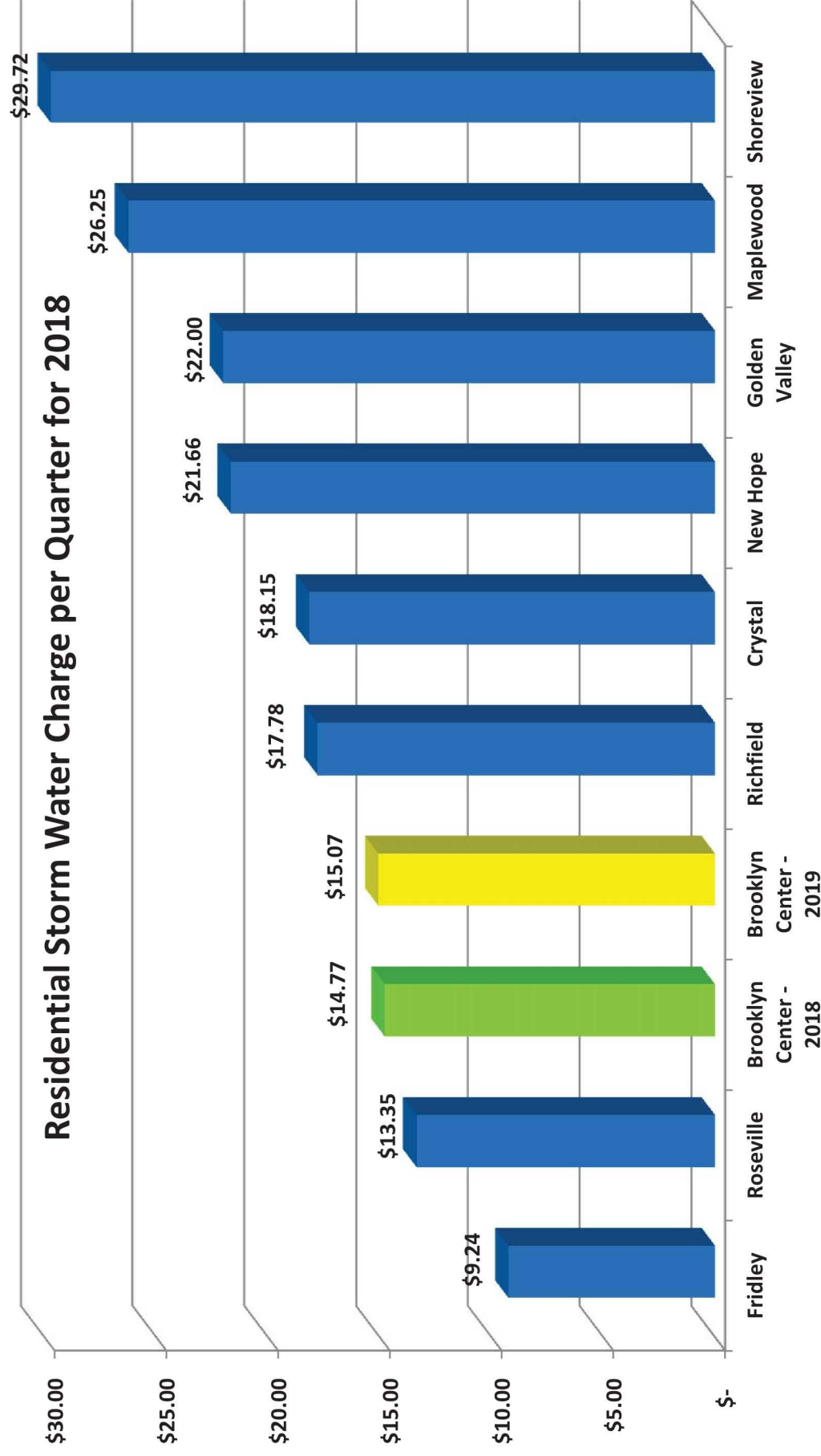
Water Utility Rate Comparison



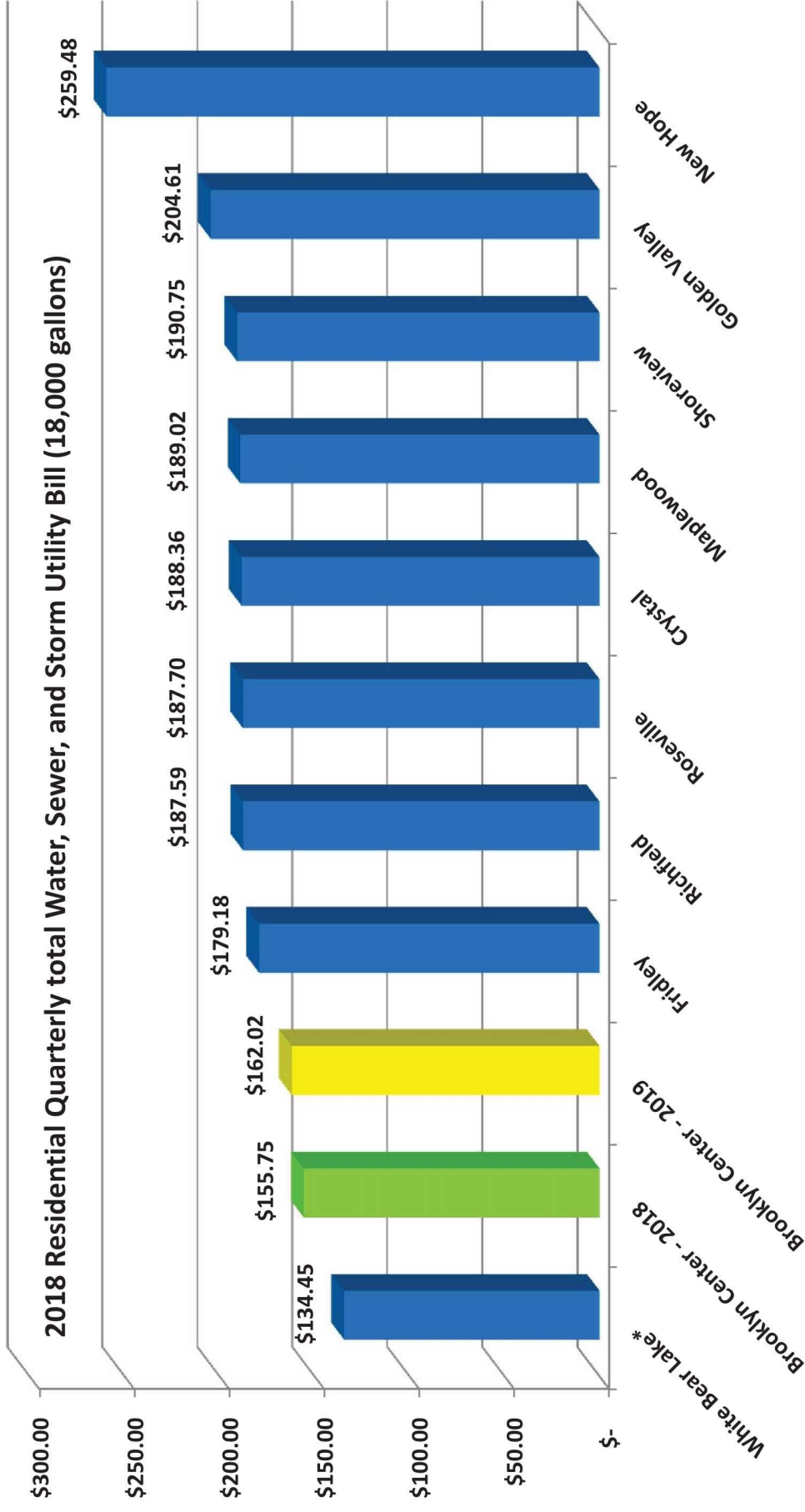
Sanitary Sewer Utility Rate Comparison



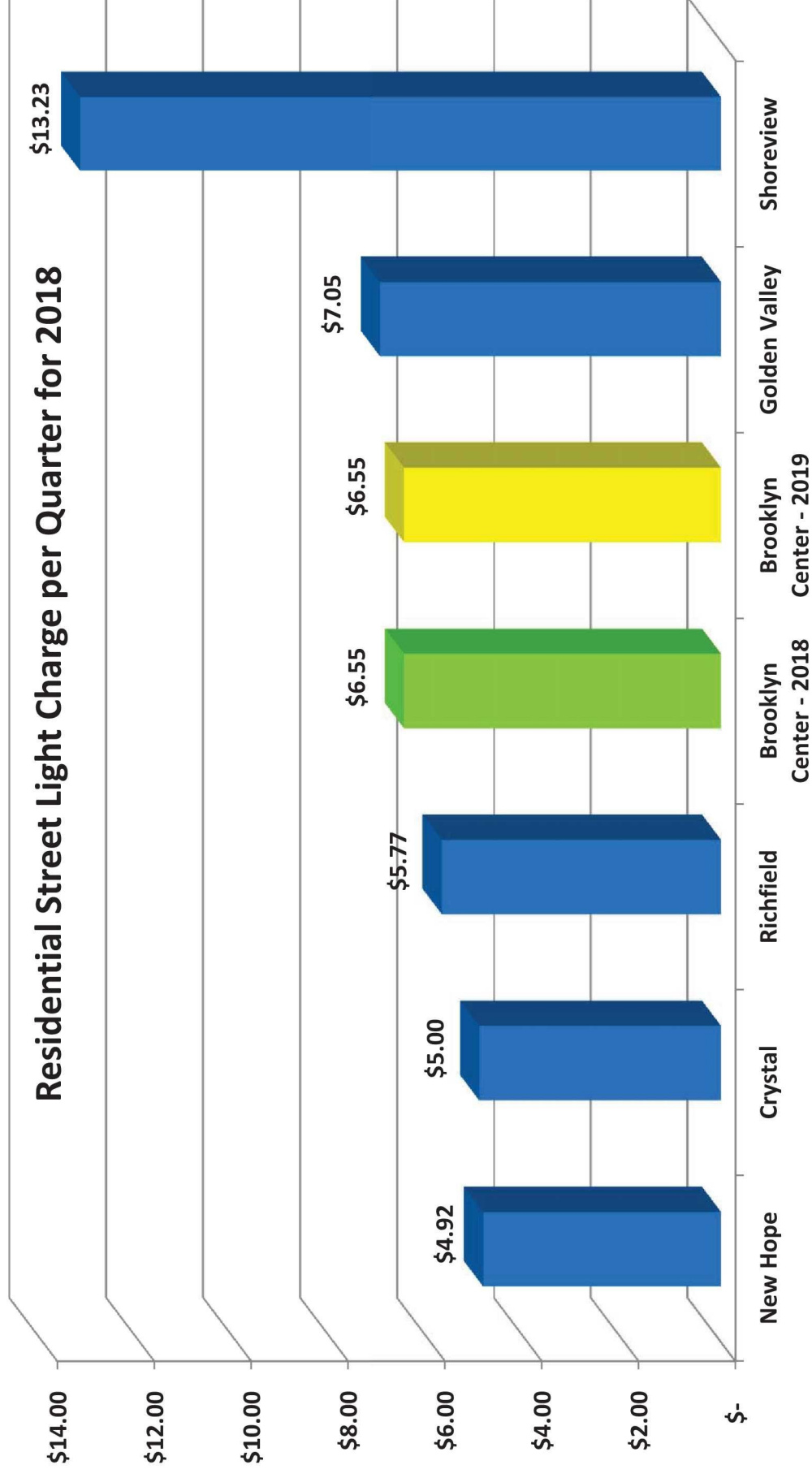
Storm Sewer Utility Rate Comparison



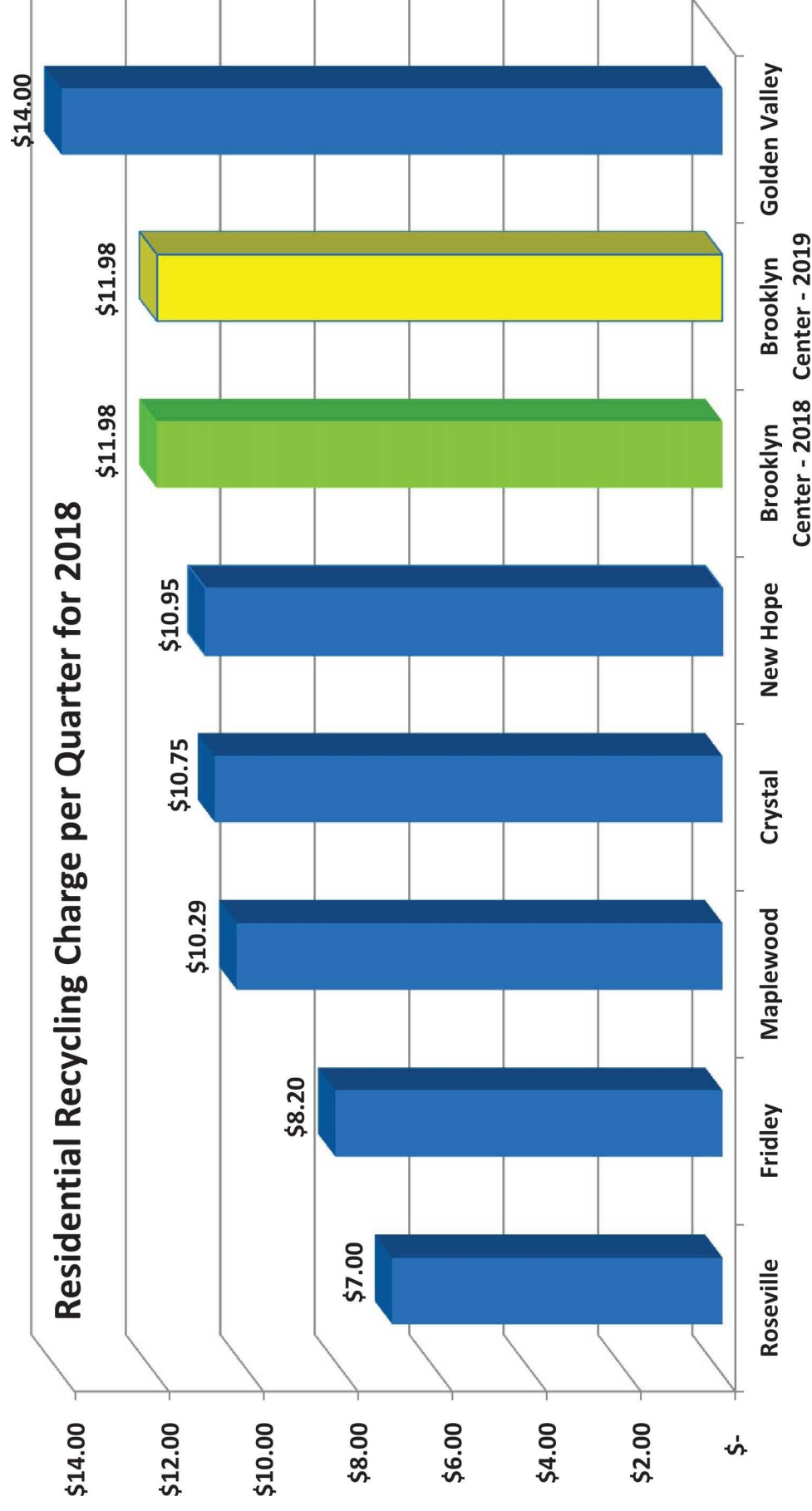
Water, Sewer, Storm Utility Rate Comparison



Street Light Utility Rate Comparison



Recycling Utility Rate Comparison



Next Steps

- Open public hearing for comments on proposed 2019 utility rates
- Council consideration of:
 - Resolution adopting 2019 water utility rates
 - Resolution adopting 2019 sewer utility rates
 - Resolution adopting 2019 storm sewer utility rates
 - Resolution adopting 2019 street light rates
 - Resolution adopting 2019 recycling rates
- Questions?

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: An Ordinance Amending Chapter 35 of the City Code of Ordinances Regarding Elementary and Secondary School Interim Use in the City's Commercial and Central Commerce Overlay Districts

Requested Council Action:

- *Motion to open public hearing*
- *Take public input*
- *Motion to close the public hearing*
- *Motion to approve the Second Reading, adopt an Ordinance authorizing amendments to Chapter 35 of the City Code of Ordinances regarding elementary and secondary school interim uses in the City's Commercial and Central Commerce Overlay Districts, and approve a summarized version of the ordinance for publication.*

Background:

Brooklyn Center Community Schools (the School District) is embarking on significant renovations to the existing Brooklyn Center STEAM Middle and High School which will occur over the next two years. In order to accommodate the construction activity, the School District has determined that they will need to relocate some students for a period of approximately 20 months to an off-site location in a temporary school building.

The School District has selected the property located at 5951 Earle Brown Drive, which was the former location of Brown College, as their preferred site. The relocation will require some renovation of the building in order to make it suitable for classroom and faculty use, and the School District has entered into a lease agreement with the owner of the property for a period of 20 months. They hope to relocate students to the temporary school location by January 2019 in order to maintain their construction schedule and commence construction at the Brooklyn Center STEAM Middle and High School (located at 6500 Humboldt Avenue North).

Currently, elementary and secondary educational uses are not permitted in the C-2 (Commerce) District or the Central Commerce Overlay District, both of which affect the selected site. Staff is recommending that, if the Council wishes to allow the use, that an amendment to the Zoning Code occur, which would allow certain temporary school uses with the approval and issuance of an Interim Use Permit (IUP). In addition, existing language relating to interim school uses in the R1 (One Family Residence) District would be amended to provide cohesiveness and clarity when discussing temporary school uses within the Zoning Code.

IUPs are similar to special use permits in that they require a public hearing and approval from the Planning Commission and City Council. Further, the City Council may place conditions on the approval of an IUP. Unlike a special use permit, the City Council may place a sunset date on an IUP, after which the use must be terminated.

Because of the School District's urgency in moving ahead with the work on the former Brown College site, the School District requested City Council consideration of a resolution to adopt *interim regulations* that would allow the time needed to work through the process of adopting more permanent Zoning Code amendments relating to temporary school uses and the processing of an Interim Use Permit. The requested resolution was reviewed and adopted at the City Council meeting on October 8, 2018, and went into effect immediately.

On October 25, 2018, the Planning Commission held a public hearing regarding the requested Zoning Code amendments regarding temporary school uses and a request by the Applicant to approve an Interim Use Permit for the temporary relocation of the Brooklyn Center STEAM High School to 5951 Earle Brown Drive, which is located within the C-2 (Commerce) District and the Central Commerce Overlay District. No comments were made by the public either before the public hearing or during the public hearing.

Following close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City Council approval of the requested Zoning Code amendments for temporary school uses and the request to issue an Interim Use Permit for the temporary school use at 5951 Earle Brown Drive, subject to the Applicant complying with the conditions as outlined in the Planning Commission Report dated October 25, 2018, and the associated resolution.

On November 13, 2018, the City Council approved the first reading of the request to amend certain sections of Chapter 35 (Zoning) City Code of Ordinances and set the second reading and public hearing for the amendment request to December 10, 2018. During the same evening, the City Council approved the Interim Use Permit request by Brooklyn Center Community Schools. Both requests were unanimously (5-0) approved.

A copy of the prepared ordinance, which would amend certain sections of the Chapter 35 (Zoning) City Code of Ordinances is attached for your review and consideration. The aforementioned ordinance reflects similar language originally addressed in City Council Resolution No. 2018-185 (*A Resolution Adopting Interim Regulations for Elementary and Secondary School Uses in the City's Commercial and Central Commerce Overlay Districts on the Issuance of an Interim Use Permit*).

Budget Issues:

None to consider at this time.

Strategic Priorities and Values:

Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to elementary and secondary school interim uses in the City's commercial and central commerce overlay districts.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF
ORDINANCES REGARDING ELEMENTARY AND SECONDARY SCHOOL
INTERIM USE IN THE CITY'S COMMERCIAL AND CENTRAL COMMERCE
OVERLAY DISTRICTS

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Brooklyn Center City Code, Chapter 35, Section 35-310(3) regarding the R1 One Family Residence District is amended as follows:

3. Interim Uses

- a. Temporary classroom buildings as an accessory use to a public or private elementary or secondary school offering a regular course of study accredited by the Minnesota Department of Children, Families and Learning, subject to the following procedures and conditions: in Section 35-430.
 - ~~1) Interim use permits will be issued in accordance with the procedures and subject to the conditions stated in Section 35-220.~~
 - ~~2) At the time of granting such a permit the Council shall specify a date or event that can be identified with certainty by which the interim use must be terminated and the structure(s) shall be removed from the site. In any event, however, such interim use shall not continue beyond any date when the Council, or any other governmental body having the power of eminent domain, adopts a resolution approving acquisition of the property by eminent domain, or the zoning of the property is changed to any classification under which the interim use is no longer permitted.~~
 - ~~3) The Council may impose any conditions on such interim use which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future.~~

~~No such permit shall be issued unless the applicant first agrees in writing to the imposition of any such conditions.~~

~~4) In addition to any other conditions which may be imposed by the Council, the following restrictions shall apply:~~

~~aa. Applicable lot standards and sign regulations shall be observed.~~

~~bb. A landscape and parking plan for the property shall be submitted and approved by the Council.~~

~~cc. Unless approved by the Council pursuant to this section and section 35-220, no new buildings may be erected on the property and no existing buildings may be expanded while the interim use continues.~~

~~dd. Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use.~~

~~ee. The total square footage of temporary classrooms on any one site shall not exceed 2000 square feet.~~

Article II. Brooklyn Center City Code, Chapter 35, Section 35-322 regarding the C2 Commerce District is amended as follows:

4. Interim Uses.

- a. Temporary public and private elementary and secondary schools offering a regular course of study accredited by the Minnesota Department of Education, subject to the procedures and conditions in Section 35-430.

Article III. Brooklyn Center City Code, Chapter 35 is amended by adding a new Section 35-430 as follows:

Section 35-430. TEMPORARY SCHOOL USES.

1. Interim Use. The use of temporary classroom buildings as an accessory use to a permanent or temporary public or private elementary or secondary school, and the use of property for a temporary public or private elementary or secondary school, allowed by this Chapter shall not occur except upon issuance of an interim use permit in accordance with the procedures and subject to the conditions stated in Section 35-220.

2. Application. An application for an interim use permit for a temporary school use allowed by this Chapter may only be submitted by an existing public or private elementary or secondary school located in the City of Brooklyn Center, offering a regular course of study accredited by the Minnesota Department of Education. The application for the interim use permit shall, in addition to the information required on the application form, include the following information.
 - a. If the requested interim use permit is for an on-site temporary school building:
 - (i) The number, size, and layout of any temporary classroom buildings to be located on the school site;
 - (ii) Setbacks of any proposed temporary classroom buildings to property lines;
 - (iii) Elevations and/or renderings of the proposed temporary classroom buildings;
 - (iv) The number of students that will be served by the temporary classroom buildings; and
 - (v) The reason for the need for temporary classroom buildings and the length of time they will be in use.
 - b. If the requested interim use permit is for an off-site temporary school:
 - (i) The location of the proposed temporary school;
 - (ii) The number of students and faculty that will occupy the school;
 - (iii) A transportation plan, which includes bus times and routes, number of buses, number of anticipated drop-offs, and drop-off locations;
 - (iv) A parking and circulation plan;
 - (v) The reason for the need for the temporary school and the length of time it will be in use; and
 - (vi) If exterior modifications to the building are proposed, elevations and/or renderings of the proposed changes.
3. Issuance. An application for an interim use permit for a temporary school use shall be processed in accordance with Section 35-220, except that the following additional standards shall also be considered:
 - a. The proposed use must conform to the regulations in this Chapter;

- b. The date or event that will terminate the use can be identified with certainty;
 - c. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - d. The applicant agrees to the conditions the City Council imposes on the use.
- 4. Conditions. The City Council may impose any conditions on the interim use permits it issues as it deems are necessary or expedient to protect the public health, safety or welfare, or to ensure the use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. Every interim use permit shall identify the date or event that will terminate the permit. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.
- 5. Performance Standards. In addition to any conditions placed on an interim use permit by the City Council, the following restrictions shall apply to interim use permits issued for a temporary school use.
 - a. For temporary classroom buildings:
 - (i) Applicable lot standards and sign regulations shall be observed;
 - (ii) A landscape and parking plan for the property shall be submitted and approved by the Council;
 - (iii) Unless approved by the Council, no new buildings may be erected on the property and no existing buildings may be expanded while the interim use continues;
 - (iv) Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use; and
 - (v) The total square footage of temporary classrooms on any one site shall not exceed 2000 square feet.
 - b. For temporary schools:
 - (i) Applicable lot standards and sign regulations shall be observed;
 - (ii) A parking and circulation plan shall be submitted and approved by the Council; and

(iii) Unless approved by the Council, no new buildings may be erected and no existing buildings may be expanded on the property while the interim use continues.

6. Renewal. An application to renew an interim use permit for a temporary school use shall be submitted no fewer than 90 days prior to the termination of the existing permit, and processed in the same manner as a new application.

Article IV. Brooklyn Center City Code, Chapter 35, Section 35-2240 regarding the CC Central Commerce Overlay District is hereby amended as follows:

3. Interim Uses. The following uses are allowed in the CC Central Commerce Overlay District with the issuance of an interim use permit.

a. Temporary public and private elementary and secondary schools offering a regular course of study accredited by the Minnesota Department of Education, subject to the procedures and conditions in Section 35-430.

4. The following uses are not permitted in the CC Central Commerce Overlay District:

- a. sauna establishments
- b. massage establishments
- c. currency exchanges
- d. pawn shops
- e. secondhand goods dealers

45. The following area is hereby established as being within the CC Central Commerce Overlay District:

The CC Central Commerce Overlay District is located within the area bounded by a continuous line beginning at a point located at the intersection of John Martin Drive and T.H. 100 and going southwesterly along the centerline of T.H. 100 to its intersection with Brooklyn Boulevard; thence northerly along the easterly right-of-way line of Brooklyn Boulevard to a point located approximately 445' northerly of its intersection with County Road No. 10; thence east along an extended line made up of the south boundary lines of the plats for Grimes 2nd Addition, Hipp's 4th Addition and Hipp's 5th Addition, Hennepin County, continued to the centerline of Shingle Creek; thence northerly along the centerline of Shingle Creek to the centerline of I-94; thence easterly along said line to the centerline of

Humboldt Avenue North; thence southerly to the centerline of T.H.
100; thence southwesterly to the point of the beginning.

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

Adopted this ____ day of _____, 2018.

Tim Willson, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Liquor License Violation - Jammin Wings

Requested Council Action:

- *Motion to open public hearing*
- *Take public input*
- *Motion to close public hearing*

Background:

On October 9, 2018, the Brooklyn Center Police Department conducted alcohol compliance checks at all on-sale liquor license holders within the City of Brooklyn Center. At Jammin Wings, the bartender served the individual that was under the age of 21 even after looking at their ID.

This is Jammin Wings second liquor violation in 2018. The first violation was operating an Optional 2 am liquor license with an expired license. In the minutes from the January 22, 2018, City Council meeting, the council

imposed a \$1,300 civil penalty, suspending \$1,000, contingent upon no further liquor license violations.

Section 11-125 Revocation and Suspension: The City Council may suspend or revoke any liquor license or permit and may impose a penalty not to exceed \$2,000 pursuant to Minnesota Statutes, Section 340A.415, for the violation of any provision or condition of this Chapter or of any State law or rule or federal law regulating the sale of Liquor. The City Council shall revoke a Liquor License for any willful violation that, under the laws of the State, is grounds for mandatory revocation, including the licensee's failure to maintain the insurance required by Section 11-121 of this Chapter in full force and effect.

No suspension after hearing shall exceed 60 days.

Strategic Priorities and Values:

Safe, Secure, Stable Community



MEMORANDUM

TO: Barb Suciu, City Clerk

FROM: Tim Gannon Chief of Police

DATE: October 11, 2018

SUBJECT: Alcohol Compliance Check-Failure

On 10/9/18 at approximately 7:30 p.m. officers from the Brooklyn Center Police Department conducted alcohol compliance checks at all on-sale liquor license holders within the City of Brooklyn Center. Officers were assisted by a BCPD Explorer who was working for the PD and is under the age of 21. When the Explorer attempted to purchase alcohol at Jammin Wings, 2590 Freeway Blvd, the bartender served the Explorer alcohol even after looking at the presented ID which clearly showed the Explorer to be under the legal age to purchase.

That bartender was then arrested and positively identified which is maintained in the official police report (BC18-004300). The arrested will be charged via formal complaint with a charge of Furnishing Alcohol to a Minor (GM).

There were no other alcohol compliance failures during this round of compliance checks.

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

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

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

Motion passed unanimously.

No one appeared to address this item.

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

Motion passed unanimously.

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

Motion passed unanimously.

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

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

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

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

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

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

Motion passed unanimously.

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

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

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

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

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

Motion passed unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion passed unanimously.

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

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

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

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

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

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

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

9. PLANNING COMMISSION ITEMS

- None.

10. COUNCIL CONSIDERATION ITEMS

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

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

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

10a1. 4200 JOYCE LANE

10a2. 6325 KYLE AVENUE N.

10a3. 6424 SCOTT AVENUE N.

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

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

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

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

Motion passed unanimously.

Member April Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-32

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

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

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

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

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

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

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

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

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

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

RESOLUTION NO. 2018-32

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

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

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

RESOLUTION NO. 2018-32

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

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

February 12, 2018

Date

Tim Willson

Mayor

ATTEST:

Sharon Krutson
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, Kris Lawrence-Anderson, DAN Ryan and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approve the Renewal for Jammin Wings Intoxicating Liquor License and Sunday Sales Liquor License

Requested Council Action:

- Motion to approve the renewal for Jammin Wings Intoxicating Liquor License and Sunday Sales Liquor License

Background:

- This is the renewal for Jammin Wings Intoxicating liquor license and Sunday Sales Liquor License. This would typically be placed on the Consent Agenda but with the hearing and additional information it was placed as a Council Consideration item.

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Tim Gannon Chief of Police

SUBJECT: An Ordinance Amending Chapter 23 of the Brooklyn Center City Code Regarding Hospitality Accommodations

Requested Council Action:

- Motion to approve the first reading of an Ordinance Amending Chapter 23 and move for a second reading as well as a public hearing on January 14, 2019

Background:

During the November 13, 2018 City Council work session city staff presented a number of revisions and additions to the existing Transient Accommodations Ordinance. The Council recommended the following six tasks for city staff to utilize while continuing to research and edit the ordinance:

1. Change the ordinance name to Hospitality Accommodations Ordinance.
2. Implement performance standards for all lodging hospitality businesses in the City.
3. Broaden the definition of a 'call for service.'
4. Correct the wording within 'annual calls for service.'
5. Include the proposed enhanced point system (notated below) into the definition of 'annual calls for service.'
6. An additional provision for Level 2 and 3 license holders requiring them to complete a Hospitality Inspection checklist.

The attached ordinance does incorporate the changes recommended.

Proposed Hospitality Accommodations Ordinance Modifications

1. All references to the word 'transient' have been changed to 'hospitality.'
2. Six basic best practices were identified and apply to all lodging hospitality businesses within the City:
 - a) A clearly written Check-in Policy which requires a credit card to reserve a room and guarantee payment at check-in.
 - b) A guest registry which includes the name and home address of the primary guest; make, model, and license plate of vehicle; and form of payment.
 - c) Provide an annual training to all staff in cooperation with the City of Brooklyn Center.
 - d) Ensure that all officers of the ownership group, managers, and other responsible employees shall provide their name, address, e-mail, and telephone number to the City.
 - e) A manager or other responsible employee must be on premises at all times.
 - f) A policy to inspect rooms of guests who refuse maid service for three consecutive days or behave suspiciously in a manner that the hospitality accommodations staff, based on training and experience, could reasonably suspect is not lawful.

3. “A call for service – is any criminal activity, violation of city code or general call for service requiring a police response; except medical emergencies, domestics, and proactive policing measures, observed by the City concerning a transient accommodation property and is responded to by the City.”

This updated definition further clarifies what a call for service is and further clarifies that almost all of the police service calls, when a response is necessary, would be calculated into the aggregate call total. Please take note that within this proposal all police responses (not including the exceptions already listed) will count towards the aggregate calculation regardless of who makes the service call. In other words the hotel/motel staff exception would be removed from the definition.

4. We will utilize a point system for the ‘annual calls for service.’ The method to determine annual calls for service is calculated by the total number of points per police call type in a year using the enhanced point system. Dividing that result by the number of rooms in that specific lodging hospitality business. This process will specifically identify each police call and assign an appropriate point total based on the severity of the incident.

5. Proposed Enhanced Point System

5 Points Violent Crime

3 Points Other Part 1 Crime

2 Points Part 2 Crimes and All Other Calls for Service (Per Ordinance)

-1 Point Hotel/Motel Employee Calls for Police **One point would be removed per occurrence.

6. A Health and Safety Inspection form is also attached. This form would be utilized for only those lodging hospitality businesses that have a Level 2 or 3 license type, based on their police calls for service history.

It is believed that if the modifications to the ordinance will have a positive impact by decreasing public safety calls for service and increasing safety for all who visit Brooklyn Center’s lodging hospitality businesses as well as their employees.

Budget Issues:

The additional safety and health inspections that's required for a level 2 or level 3 license will involve staff from Building and Community Standards. In reviewing the current and potential hotel/motel statistics we find that on any given year the inspections may be necessary on 2 or 3 properties. Based on an evaluation by Building and Community Standard staff study no additional staff would be needed to conduct those inspections. As such there are no budget issues to report.

Strategic Priorities and Values:

Safe, Secure, Stable Community

City of Brooklyn Center
Hospitality Accommodation
Inspection Checklist



Business Name/Address _____ Inspection Date _____

Manager/Supervisor Name _____ No. of Rooms Inspected _____

Interior Requirements

- ___ 1. Floors: hallways, stairways, guest rooms, bathrooms and store rooms are clean, sanitary, smooth, in good repair, and approved coverage.
- ___ 2. Walls and ceilings: hallways, stairways, guest rooms, bathrooms and store rooms are cleaned, painted, and in good repair.
- ___ 3. Studs, joists, rafters are not exposed except when suitable. Finished and kept clean.
- ___ 4. Windows are properly screened.
- ___ 5. All rooms and hallways used by patrons are well lit.
- ___ 6. Rooms are ventilated outside.
- ___ 7. Tempered, make-up air during winter.
- ___ 8. All rooms meet minimum heat requirements

Bathroom Requirements

- ___ 9. Toilet is in good repair.
- ___ 10. Shower/Tub is in good repair.
- ___ 11. Approved source of water and adequate supply under pressure.
- ___ 12. Hot water does not exceed 130 degrees Fahrenheit.

Plumbing and Swimming

- ___ 13. RPZ inspection report is made available.
- ___ 14. Water Softener clean and maintained.
- ___ 15. Water heaters are in good repair.
- ___ 16. Public pools and facilities inspection report made available.

Units (15% of all reviewed)

- ___ 17. Door locks (dead bolt).
- ___ 18. Window security on all windows.
- ___ 19. Number clearly identified at each unit.
- ___ 20. Eye views in each door.
- ___ 21. Striker plate and screws in place.
- ___ 22. Smoke and CO Alarms in operable condition.

Common Areas

- ___ 23. Surveillance in working order (if required or provided by the property owner).
- ___ 24. No Trespass signs at all entrances and/or placed in locations that can be clearly seen by all guests and visitors.
- ___ 25. Proper lighting.
- ___ 26. Elevator inspection report is available onsite
- ___ 27. Fire inspection report is available onsite

- ___ 28. Building, plumbing, mechanical, electrical and other building permits are closed out
- ___ 29. Utility rooms are clear of storage and mechanical and electrical equipment is accessible

Property Exterior

- ___ 30. Ground cover plants do not exceed three feet in height.
- ___ 31. Plants under windows are maintained at a height that is below the windowsill.
- ___ 32. Trees are trimmed so the lower branches are at least five feet off the ground.
- ___ 33. Landscaping does not interfere with lighting distribution.
- ___ 34. Surveillance in working order
- ___ 35. Ground cover such as mulch and rock is adequate to provide cover.
- ___ 36. Property/facility free of litter and rubbish.
- ___ 37. Garbage receptacles are clean and in good repair.
- ___ 38. Trash enclosures are properly screened and in good repair.
- ___ 39. Exterior lighting is operable and functional:
 - ___ Building exterior.
 - ___ Trash enclosures.
 - ___ Entry and exit points.
 - ___ Parking lots.

[illegible]

Date: _____
Community Development
6301 Shingle Creek Pkwy
www.cityofbrooklyncenter.org

Received By. _____
763-569-3330 - Phone
763-569-3360 - Fax

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 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 related to hospitality accommodations.

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. 2018-17

AN ORDINANCE AMENDING CHAPTER 23 OF THE BROOKLYN CENTER CITY CODE REGARDING HOSPITALITY ACCOMMODATIONS

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Brooklyn Center City Code, Chapter 23, Sections 23-2400 through 23-2415 are hereby amended by deleting them in their entirety and replacing them with the following:

HOSPITALITY ACCOMMODATIONS

Section 23-2400. PURPOSE. It is the purpose of these Sections 23-2400 through 23-2415 to ensure that hotels and motels (referred to collectively in these Sections as a “hospitality accommodation”) are complying with certain minimum standards and are implementing measures as may be needed to discourage the use of their facilities for criminal activities in order to protect the safety of their guests and the public. Those owning and operating hospitality accommodations in the City have a responsibility to ensure their guests and visitors have accommodations that are safe, secure, free from unreasonable noise, nuisances, and threats to their safety and security.

Section 23-2401. LICENSE REQUIRED. It is unlawful for any person, firm, or corporation to operate a hospitality accommodation in the City without a hospitality accommodation license issued pursuant to Sections 23-2400 through 23-2415. A separate license is required for each hospitality accommodation property.

Section 23-2402. DEFINITIONS

- A. “Annual calls for service” – The aggregate total of all the points, specified in Section 23-2404(E), assigned to the calls for service to a hospitality accommodation property in a calendar year divided by the total number of lodging units in the hospitality accommodation as determined by the City.
- B. “Call for service” – Includes any of the following:

1. Any report made to the police department of criminal activity, violation of the city code, or a general call for service requiring a police response from or concerning a hospitality accommodation in connection with an incident occurring at that hospitality accommodation property, except calls for a medical emergency or domestic assault; or
2. Any incident observed by police concerning a hospitality accommodation property and is responded to by a police officer.

Only a call for service that is verified by the responding police officer as being a valid call for service shall be included in the annual calls for service calculation for the purposes of these Sections 23-2400 through 23-2415.

- C. “Hospitality accommodation” – Any facility such as a hotel, motel, condominium, resort, or any other facility or place offering six or more lodging units to guests for periods of less than thirty days, but not including jails, hospitals, care facilities, senior living centers, residential treatment facilities, prisons, detention homes, and similar facilities.
- D. “Hospitality accommodation property” – Any land containing a facility for hospitality accommodation including any associated parking areas, recreation areas, loading areas, or other amenities located on the same parcel of property.
- E. “Hospitality accommodation license” or “license” – A license issued by the City to a level I hospitality accommodation, a level II hospitality accommodation, or a level III hospitality accommodation.
- F. “Level I hospitality accommodation” – Any hospitality accommodation whose annual calls for service are less than .20 calls per lodging unit.
- G. “Level II hospitality accommodation” – Any hospitality accommodation whose annual calls for service are at least .20 calls per lodging unit, but less than .40 calls per lodging unit.
- H. “Level III hospitality accommodation” – Any hospitality accommodation whose annual calls for service are at least .40 calls per lodging unit or greater.
- I. “Lodging unit” – One self-contained unit within a hospitality accommodation designated by number, letter, or some other method of identification that is designed or used for overnight accommodations. A lodging unit shall not include areas or rooms not utilized for overnight accommodations such as banquet rooms, meeting rooms, business centers, pool areas, and workout rooms.
- J. “Part 1 crime” – Any crime identified in the Uniform Crime Reporting Program as a Part 1 crime, but which does not constitute a “violent crime” as defined in

this Section. Part 1 crimes include, but are not necessarily limited to, theft, auto theft, burglary, or arson (first, second, or third degree).

- K. “Police department” – The City of Brooklyn Center Police Department.
- L. “Property safety inspection” – An annual inspection of level II and level III hospitality accommodations conducted by the City based on a hospitality accommodation inspection checklist developed by the City and adopted by the City Council.
- M. “Violent crime” – Is any homicide (any degree), robbery, criminal sexual conduct (first, second, or third degree), or assault (first, second, or third degree).

Section 23-2403. RESTRICTIONS ON ISSUING LICENSES. A hospitality accommodation license shall not be issued or renewed if any of the following circumstances exist:

- A. The applicant submits an incomplete license application or fails to submit the required application fee;
- B. The applicant is untruthful in any of the information provided to the City as part of its request for a license;
- C. The hospitality accommodation is not in compliance with the requirements associated with the particular license level applicable to the hospitality accommodation;
- D. The applicant has failed to correct any violations noted in a correction order issued as a result of safety inspection required under Section 23-2412; or
- E. The hospitality accommodation property is not in compliance with any applicable federal, state, or local law, rule, regulation, or ordinance.

Section 23-2404. LICENSING PROCESS AND RENEWAL. The level of a hospitality accommodation license shall be determined and the license shall be issued in accordance with this Section.

- A. A new hospitality accommodation shall obtain a hospitality accommodation license from the City prior to opening for business. A new hospitality accommodation that had not previously operated within the City shall initially qualify for a level I hospitality accommodation license. The City may charge a reduced license fee for a new hospitality accommodation license based on the number of months remaining in the particular licensing period.
- B. The annual renewal of a hospitality accommodation license shall be in accordance with the following timelines:

1. By February 1st the City shall notify each existing hospitality accommodation in writing of its annual calls for service for the previous year and the level of hospitality accommodation license for which it must apply;
 2. By April 1st each hospitality accommodation shall submit to the City a complete application for the appropriate level of license;
 3. By May 1st each hospitality accommodation must obtain the required level of hospitality accommodation license from the City; and
 4. By June 1st each hospitality accommodation shall be in full compliance with any conditions placed on the license by the City Council, unless a different compliance date is indicated in the license or a provisional license is issued because of change in licensing levels.
- C. The City Council shall issue a hospitality accommodation license upon submission of a complete application, payment of applicable fees, compliance with the applicable special requirements, compliance with any correction orders, and proper licensing with all applicable government agencies, including the Minnesota Department of Health.
- D. If a hospitality accommodation is required, based on its annual calls for service, to transition to a stricter licensing level, the City Council may issue a provisional license to allow additional time for the hospitality accommodation to come into compliance with the additional special requirements applicable to the new level. The hospitality accommodation is required to come into full compliance with the requirements applicable to the new license level and any additional conditions placed on the license by the City Council by the date indicated in the provisional license. The City shall conduct an inspection and if it determines the hospitality accommodation has complied, the license automatically becomes a regular license for the particular license level without further action by the City. If the hospitality accommodation is not in compliance by the date indicated, the provisional license shall terminate unless the City Council acts to extend it. Any such extension approved by the City Council shall be subject to any additional conditions the City Council may place on the license.
- E. The following scale shall be used to calculate the number of points assigned to a hospitality accommodation for the calls of service to determine the level of license the hospitality accommodation is required to obtain.

Type of Call for Service	Points
Violent crime	5 Points
Part 1 crime	3 Points
Any other crime or call for service	2 Points

If an employee of the hospitality accommodation originated the call for service, the number of points assigned to the particular call for service shall be reduced by one point.

- F. To determine the type of hospitality accommodation licenses required, the City shall divide the annual calls for service at a hospitality accommodation, calculated using the point system set out in paragraph E of this Section, by the total number of lodging units in the hospitality accommodation.
- G. A hospitality accommodation may be subject to a property safety inspection as provided in Section 23-2412 and any such hospitality accommodation shall comply with any correction orders issued as a result of the inspection.
- H. Failure of a hospitality accommodation to comply with the requirements applicable to the license level, any additional conditions issued by the City Council, or a correction order shall constitute sufficient grounds for the revocation, suspension, or nonrenewal of the hospitality accommodation license.

Section 23-2405. LICENSE FEE. The fee for a hospitality accommodation license shall be as set forth by City Council resolution. The City Council may establish a separate fee for each licensing level.

Section 23-2406. LICENSE PERIOD. All hospitality accommodation licenses shall expire on April 30 each year and must be renewed in accordance with Section 23-2404.

Section 23-2407. TRANSFER OF LICENSES. A hospitality accommodation license may be transferred to a new owner of a hospitality accommodation continuing to operate on the same hospitality accommodation property for which the license was issued. The transfer shall not affect the current license level and the calls for service that occurred prior to the transfer shall be used in calculating the license level at renewal. Written notice of the transfer shall be provided to the City within ten business days after the transfer. The notice shall include the name and address of the person, firm, or corporation taking ownership or control of the hospitality accommodation. A hospitality accommodation license shall not be transferred or relocated to a hospitality accommodation located on a different site.

Section 23-2408. LEVEL I HOSPITALITY ACCOMMODATION. A level I hospitality accommodation is required to meet the special requirements in this Section, which constitute the minimum performance standards for all hospitality accommodations.

- A. Have clear check-in policies that, at a minimum, require all guests reserving or renting a room to use a credit card to guarantee the reservation or rental.
- B. Provide and keep a register for the registration of all guests, and every guest must be registered. Upon the arrival of each guest, the operator of the hospitality accommodation must require the guest to provide the name and home address of

the guest and every person with the guest as a member of the party, and if the guest is traveling by motor vehicle, the make of the vehicle and license plate number, including the name of the state or country issuing the license plate. The method of payment must be noted as part of the registration information. The registration information must be recorded in the guest register and kept in an accurate and orderly manner. The guest register must be retained for one year and made available for inspection by the City upon reasonable request.

- C. Work cooperatively with the City to provide training no less than annually to all staff members directly involved in registering guests and housekeeping staff.
- D. Provide the City the name, address, e-mail address, and telephone number of the president, vice-president, secretary, and treasurer of the ownership group of the hospitality accommodation.
- E. Provide the City the name, e-mail address, and telephone number of all managers and other responsible employees of the hospitality accommodation.
- F. Require a manager or other responsible employee to be on premises of the hospitality accommodation property at all times.
- G. Inspect rooms of guests who refuse housekeeping service for three consecutive days or who behave suspiciously in a manner staff reasonably suspect, based on training and experience, may be engaged in unlawful activity.

Section 23-2409. LEVEL II HOSPITALITY ACCOMMODATION. A level II hospitality accommodation is required to meet the special requirements required of a level I hospitality accommodation and the additional special requirements in this Section, which are designed to deter crime, in order to be eligible for a hospitality accommodation license, and shall comply with any conditions the City Council may impose on the license.

- A. Submit a management plan to the City detailing steps the hospitality accommodation intends to take to reduce criminal activity.
- B. Consult with the police department to obtain such inspection services and advice regarding crime prevention as may be needed to address the types and calls for service made to the hospitality accommodation property.
- C. Consult with the police department to keep apprised of police activity occurring on the hospitality accommodation property.
- D. Install and operate a surveillance camera, with a recorder, in the lobby at all times.

- E. Consult with the police department to undergo a “crime prevention through environmental design” (CPTED) inspection and incorporate the recommendations into the hospitality accommodation property.
- F. Issue parking passes to all vehicles allowed to park on the transient accommodation property, each pass marked with an issued date and expiration date.
- G. Submit to semi-annual audits by the City to verify compliance with the requirements of this Section.

Section 23-2410. LEVEL III HOSPITALITY ACCOMMODATIONS. A level III hospitality accommodation is required to meet the special requirements of a level II hospitality accommodation, and including those applicable to a level I hospitality accommodation, and the additional special requirements in this Section, which are designed to deter crime, to be eligible for a hospitality accommodation license, and shall comply with any conditions the City Council may impose on the license.

- A. Conduct background checks on all owners, managers, and employees of the hospitality accommodation in accordance with Section 23-2411.
- B. Enforce the following guest rules:
 - 1. Lodging units cannot be rented for less than a six-hour period;
 - 2. Prohibit guests from producing loud noises that unreasonably disturb the tranquility of the other guests or those adjacent to the hospitality accommodation property; and
 - 3. Alcohol may not be consumed in common areas except for designated banquet or reception rooms or areas.
- C. Remove all graffiti and repair all vandalism within seven days of occurrence.
- D. Install lighting in all common areas with minimum maintained lighting of 1.5 foot-candles at ground level.
- E. Install and continually operate video monitoring equipment in all parking lots on the hospitality accommodation property that are monitored and recorded at the front desk at all times.
- F. Have a licensed, armed, and uniformed security guard on the premises every day from 6:00 p.m. until 6:00 a.m.

Section 23-2411. BACKGROUND CHECKS.

- A. A hospitality accommodation required to conduct background checks on its owners, managers, and employees, such background checks must comply with and include the following:
 - 1. A Minnesota statewide criminal history check covering at least the last three years, which must be conducted by a company providing criminal history check services utilizing the most recent update of the Minnesota criminal history files;
 - 2. A statewide criminal history check from the person's previous states of residence covering the last three years if the person has not resided in Minnesota for at least the three years preceding the history check; and
 - 3. A criminal history check conducted in all seven counties in the Twin Cities metropolitan area (the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) covering at least the last three years, including all misdemeanor, gross misdemeanor, and felony convictions.
- B. The hospitality accommodation shall retain the criminal history check information for the duration of the person's employment, but in no case less than two years, and shall make the information available for inspection upon request by the City Manager or the City Manager's designee.

Section 23-2412. PROPERTY SAFETY INSPECTION. The City shall conduct property safety inspections in accordance with the provisions of this Section.

- A. The City shall annually conduct a property safety inspection of all level II and level III hospitality accommodations for the purpose of enforcing the property maintenance code and the standards in this Section. The property safety inspection is required prior to the issuance of a level II or level III hospitality accommodation licenses. The City may at all reasonable times enter and inspect all lodging units, common areas, and operational areas of the hospitality accommodation. Except when otherwise authorized by law or in an emergency, the City shall not inspect an occupied lodging unit without the consent of the occupant.
- B. Property safety inspections shall include the following:
 - 1. At least 15% of all lodging units in the hospitality accommodation shall be inspected. The City shall determine which lodging units to inspect and shall rotate the lodging units inspected to ensure all lodging units will be inspected periodically;
 - 2. All common areas and operational areas of a hospitality accommodation shall be inspected as part of each property safety inspection; and

3. The inspection shall be based on a hospitality accommodation inspection checklist and the City shall inspect each item on the list during each inspection.
- C. Any violations found during the property safety inspection shall be corrected in the timeframe established in the correction order issued by the City. The City shall conduct a reinspection of the hospitality accommodation to confirm compliance with the correction order. Failure to correct any of the violations noted in a correction order within the established timeframe may result in the suspension, revocation, or nonrenewal of the hospitality accommodation license as provided in Section 23-2413.

Section 23-2413. REVOCATION AND SUSPENSION OF LICENSE. A hospitality accommodation license may be revoked, suspended, or not renewed by the City Council, upon recommendation of the City Manager, in accordance with this Section.

- A. The City Council may revoke, suspend, or not renew a hospitality accommodation license upon any of the following grounds:
1. A false statement, misrepresentation, or fraudulent statement on any application or other information or report required by these Sections 23-2400 through 23-2415;
 2. Failure to pay the application fee, fine, penalty, reinstatement fee, special assessment, real estate taxes, or other financial claim due to the City under this Code;
 3. Failure to comply with any of the special requirements applicable to the level of license held by the hospitality accommodation;
 4. Failure to comply with any of the conditions placed on the license by the City Council;
 5. Failure to comply with any part of a correction order resulting from a property safety inspection within the timeframe indicated in the order;
 6. Failure to continuously comply with any zoning, health, building, nuisance, or other Code requirements;
 7. Failure to obtain or maintain any licenses required for the hospitality accommodation; or
 8. Failure to comply with any other applicable federal, state, or local law, rule, regulation, or ordinance.

- B. A decision to revoke, suspend, or not renew a hospitality accommodation license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given an opportunity to request a hearing before the City Council before final action is taken to revoke, suspend, or not renew the license. An applicant or licensee waives its right to a hearing if it fails to submit a written request for a hearing to the City within ten days of the issuance of the written notice. If a timely request for a hearing is received, the City Council shall conduct a hearing at the next regularly scheduled City Council meeting and provide the applicant or licensee an opportunity to be heard.
- C. The written decision to revoke, suspend, or not renew a hospitality accommodation license shall identify the specific grounds for the decision. Upon issuance of the written decision, no lodging unit within the hospitality accommodation may be offered or used for any period of time by guests until a new hospitality accommodation license is issued in accordance with Section 23-2414.

Section 23-2414. REAPPLICATION AFTER LICENSE ACTION. Reapplication for a hospitality accommodation license after the City Council has revoked, suspended, or not renewed a license shall be in accordance with this Section.

- A. A hospitality accommodation license may be suspended for up to ninety (90) days and may, after the period of suspension, be reinstated subject to compliance with these Sections 23-2400 through 23-2415 and any conditions imposed by the City Council at the time of suspension.
- B. A hospitality accommodation license revoked or not renewed by the City Council will not be reinstated or issued until the owner has applied for and secured a new hospitality accommodation license and complied with all conditions imposed at the time of revocation or nonrenewal. The City Council may impose a period following the revocation or nonrenewal of the owner's previous license during which a new hospitality accommodation license may not be submitted. A decision not to renew a hospitality accommodation license may take the form of a suspension or revocation.
- C. An application for a new hospitality accommodation license following the revocation, suspension, or nonrenewal of the license must be accompanied by a reinstatement fee, as specified by City Council resolution, in addition to all other application and related fees.
- D. The conditions of approval of any subsequent application for a license to operate a hospitality accommodation on the same property following a period of revocation or denial of renewal of a hospitality accommodation license shall be

based upon the hospitality accommodation property's history of annual calls for service prior to the revocation or non-renewal.

- E. No subsequent application for a hospitality accommodation license on the same property following a period of revocation or nonrenewal shall be approved unless the applicant presents a corrective action plan that is approved by the City to help ensure the conditions and causes of the prior revocation or nonrenewal are appropriately addressed. Implementation of, and compliance with, the corrective action plan shall be a condition of the license.

Section 23-2415. VIOLATIONS.

- A. Any person, firm, or corporation who violates any provision of these Sections 23-2400 through 23-2415 is, upon conviction, guilty of a misdemeanor. The penalty that may be imposed for a misdemeanor is a sentence of not more than 90 days or a fine of not more than \$1,000, or both. Each day upon which a violation of these Sections 23-2400 through 23-2415 occurs constitutes a separate offense.
- B. In lieu of issuing a criminal citation, the City may issue an administrative citation and impose a civil penalty on any person, firm, or corporation who violates any provision of these Sections 23-2400 through 23-2415.
- C. Any person required to register at a hospitality accommodation who intentionally presents false identification, provides a false or assumed name, or otherwise provides false guest register information is guilty of a misdemeanor.
- D. Nothing in this Section shall be construed as a waiver of any applicable state license requirements or from compliance with all applicable civil and criminal laws.

Article II. Brooklyn Center City Code, Chapter 23, Section 23-006.05 is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

Section 23-006.05. PAYMENT OF PROPERTY TAXES REQUIRED. No license shall be granted or renewed for tobacco related products; bowling alleys; public dancing; filling stations; pawnbrokers; secondhand goods dealers; motor vehicle dealerships; saunas and sauna baths; massage parlors; rap parlors, conversation parlors, adult encounter groups, adult sensitivity groups, escort services, model services, dancing services, or hostess services; ~~transient~~ hospitality accommodations; or amusement devices for operation on any property on which taxes, assessments, or other financial claims of the state, county, school district, or city are due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota Statutes, Section 278.01 through 278.03, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) year after becoming due.

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

Adopted this ____ day of _____, 2018.

Tim Willson, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

COUNCIL ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Jesse Anderson, Deputy Director of Community Development

SUBJECT: An Ordinance Amending Chapter 12 of the City Code of Ordinances Regarding Tenant Protections

Requested Council Action:

- Motion to approve the first reading of an Ordinance Amending Chapter 12 and second reading as well as call for a public hearing and which will be held on January 14, 2019

Background:

At a work session on April 9, 2018, the City Council reviewed numerous policies relating to affordable housing. The policies were presented to the Council and staff at an earlier Council meeting by affordable housing advocates who have been working with multiple cities around the region on similar efforts. These policies have been designed to address specific problems related to the creation of new affordable units, the preservation of existing affordable housing, and the protection of tenant's rights.

Based on that discussion, Council directed staff to monitor the landlord lawsuit against the City of Minneapolis related to the acceptance of Section 8 Vouchers. Since that meeting, the courts have struck down the ordinance which would have banned landlords from discriminating based on whether a tenant had vouchers or not. Minneapolis is appealing the decision. Staff will continue to monitor the process and will bring the item back to Council should a higher court make a different determination.

At the work session, Staff was also directed to bring back the Tenant Protection Ordinance for further consideration by Council.

At the November 13, 2018, City Council Work session staff presented additional information about a Tenant Protection Ordinance, including a draft of an ordinance which was modeled after similar ordinances adopted by St. Louis Park, Richfield, and Bloomington. At that meeting staff were directed to bring the Tenant Protection Ordinance to the Housing Commission for review and recommendation.

The Housing Commission reviewed the ordinance at their November 20, 2018, Housing Commission Meeting. The Housing Commission unanimously passed a motion to recommend approval of the Tenant Protection Ordinance. The Housing Commission did make the following recommended changes which have been reflected in the updated ordinance.

1. Increase the income requirement to 80% and remove the minimum 20% of units requirement. Therefore, requiring protection for any unit that qualifies based on income.
2. Section 12-912D.2.a.8. Change language to require notice to tenant if modifications to lease will be made within 30 days after the 90-day tenant protection period ends. The previous language required notification only if the landlord intended to make modifications to the lease the day following the end of the

90-day tenant protection period.

3. Section 36a. Clarification on how many months the tenant protection period would be when 3 months totals 89 days.
4. 12-912D.2.D. Adjust wording for delivering the notice to the City to allow additional time. For example, if the landlord hand delivers the notice to tenants, they can still provide the notice to the City by mail.

Tenant Protection Ordinance Overview

As the value of rental property has increased, so has investment interest. As properties change hands it is common for new owners to make capital improvements and increase rents, change screening criteria, or alter other aspects of the lease agreement that force existing tenants out of the building. The purpose of the Tenant Protection ordinance is to freeze the terms of the existing lease for a 90 day period of time, allowing tenants time to relocate should they need to.

The ordinance requires a new owner of a naturally occurring affordable housing property to pay relocation benefits to tenants if the new owner increases rent, rescreens existing residents resulting in tenants relocating from the property, implements non-renewals without cause within 3 months after the purchase, or materially changes the terms of the lease resulting in the tenant relocating from the property. The ordinance has the effect of freezing lease terms for 90 days after the sale of a property. The purpose is to allow tenants three (3) months to relocate if necessary.

This ordinance wouldn't interfere with the sale of naturally occurring affordable housing, however; it would provide relocation assistance to the tenants if necessary. The ordinance would require new buyers to notify tenants within 30 days if substantive changes to the lease are forthcoming, giving tenants time to relocate if necessary.

The ordinance defines "Cause" as the renter violating a provision of the City's rental housing provisions, nonpayment of rent, malicious destruction of property, or disturbing the peace. This means that a new landlord would not be able to non-renew a lease except for these reasons during the tenant protection period. A landlord would still be able to evict a tenant through the typical legal process.

The ordinance lays out a specific notification process that includes both notification of the tenants and the City when new ownership of the property occurs.

Enforcement

One aspect of the ordinance that staff continues to have concerns about relates to the enforcement of it in situations where a tenant feels they are owed relocation benefits, but the landlord feels they do not. None of the other cities that have adopted similar ordinances have dealt with this issue directly within the ordinance. While the City can require documentation from the landlord that they have met the notification requirements to the tenants, if a dispute arises, the City is not in a position to mediate that dispute. In that situation the remedy for a tenant who feels that the ordinance has been violated would be through the courts. Taking a landlord to court can be a costly and onerous process that tenants may not choose to pursue.

The City Attorney's office has provided information relating to what actions a tenant may take in this situation and the response was that there is not a clear path the tenant would have to bring a suit against their landlords based on the alleged ordinance violations. There may be opportunity for a lawsuit to be filed. However, there is no clear legal path on this type of tenant action because it would be new to the court system.

The purpose of the ordinance is to hold a lease arrangement for 90 days upon sale of a property to a new owner, allowing tenants time to find new housing should they need to. New owners in all likelihood will simply wait the 90 days to make the alterations to any lease terms that they intend to make and relocation benefits will never need to be paid, so the issue of enforcement will likely rarely come up. However, the City would not be in a good position to address issues in the event of a dispute between the landlord and tenant regarding the ordinance if they were to

come up.

Stakeholder Review and Input

Staff have provided the draft ordinance to Homeline for review. They appreciate that Brooklyn Center has implemented the changes Homeline recommended. However, they suggested that the City also consider adding a 60-day advance notice of proposed sale. Homeline suggests *"that provision is very important because it actually gives tenants very critical information about the stability of their housing. While it could end up being difficult to enforce, more broadly we believe it is a clear demonstration of the interest the city has in supporting a significant portion of the population."*

Staff reviewed the advance notice of sale policy with the Council at the April work session and expressed concerns for the policy at that time. Staff's primary concern is the management of the information related to the notice of sale, how it is maintained, who it is distributed to, and the City's liability to do so. In addition, the advanced notice of sale policy runs the risk of interfering with the sale of property, and landlords have expressed strong concern over its unintended consequences of deterring sales and unduly increasing the cost of acquisitions.

In response to the Tenant Protection Ordinance, staff reached out to several landlords in the community to ask them to provide input on the proposed ordinance. Generally, those talked to expressed an overall concern about the ordinance and its possible unintended consequences, but acknowledged that it was likely manageable. Concerns raised included:

- Landlords who can will increase rents to push their properties outside the purview of the ordinance.
- The ordinance will increase acquisition costs by adding additional carrying costs on the first 90 days which may dissuade buyers.
- The ordinance adds costs for buyers to complete their due diligence on a property and, because the ordinance is new, adds uncertainty with the compliance procedures.
- Landlords noted that the housing market is cyclical and, though there is an affordable housing issue right now, that the vacancy rate would eventually stabilize back up so that displacement and affordability would not always be such a large concern.
- Landlords commented that Brooklyn Center's housing market was unique in that, while this ordinance would affect most rental properties because of the large amount of affordable rental units in the City, displacement was not as large of an issue here as it is in communities where there are very few affordable rental units, and so the ordinance may not be as necessary.

Next Steps

If the Council approves the first reading of the ordinance it will go to the City Council for a second reading and public hearing on January 14th, 2019.

Budget Issues:

There will be staff time relating to the enforcement of the ordinance. However, it is not currently anticipated that the additional workload will result in additional staff.

Further, a resolution will be brought forward at the time of the public hearing relating to the relocation costs associated with this ordinance.

Strategic Priorities and Values:

Resident Economic Stability

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/13/2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

SUBJECT: Tenant Protection Ordinance

Recommendation:

- Consider providing direction to staff regarding the draft tenant protection ordinance

Background:

At a worksession on April 9, 2018, the City Council Reviewed numerous policies relating to affordable housing. The policies were presented to the Council and staff at an earlier Council meeting by affordable housing advocates who have been working with multiple cities around the region on similar efforts. These policies have been designed to address specific problems related to the creation of new affordable units, the preservation of existing affordable housing, and the protection of tenant's rights.

Based on that discussion, Council directed staff to monitor the landlord lawsuit against the City of Minneapolis related to the acceptance of Section 8 Vouchers. Since that meeting, the courts have struck down the ordinance which would have banned landlords from discriminating based on whether a tenant had vouchers or not. Minneapolis is appealing the decision. Staff will continue to monitor the process and will bring the item back to Council should a higher court make a different determination.

At the work session, Staff was also directed to bring back the Tenant Protection Ordinance for further consideration by Council. The purpose of this discussion is to update Council on the research that has been done on this topic since then, and to seek direction from Council on how to proceed.

Tenant Transition/Protection Ordinance (Tenant Protection) – This would require a new owner of a naturally occurring affordable housing property to pay relocation benefits to tenants if the new owner increases rent, rescreens existing residents or implements non-renewals without cause within 3 months after the purchase. The ordinance has the effect of freezing lease terms for 90 days after the sale of a property. The purpose is to allow tenants three (3) months to relocate if necessary.

- This ordinance wouldn't interfere with the sale of naturally occurring affordable housing, however; it would provide assistance to the tenants if necessary.
- The ordinance would require new buyers to notify tenants within 30 days if substantive changes to the lease are forthcoming, giving tenants time to relocate if necessary.
- The policy could dissuade potential apartment buyers from buying in Brooklyn Center, who may opt to purchase a property in a city without this policy.
- This ordinance would not have affected the situation that occurred at the Earle Brown Terrace Assisted Living facility as this property was vacated prior to the sale of the property.
- St. Louis Park, Bloomington, Richfield, and Golden Valley have adopted similar ordinances.
- Minneapolis is in the process of approving a similar ordinance.
- Bloomington is considering amendments to their tenant protection ordinance related to enforcement.
- Of the cities who have adopted this ordinance non have had to take enforcement action against a

landlord for violating this ordinance.

A draft ordinance, prepared by the City Attorney is attached for review and consideration. St. Louis Park originally drafted the ordinance in partnership with several of their landlords as well as affordable housing advocates. It was broadly supported. The draft is similar to that of St. Louis Park's and Richfield's with some modifications.

- The tenant protection requirements would be integrated into the rental licensing application process and documentation would need to be provided in order for a property to receive their new license.
- Restricts the type of non-renewals that can occur during the tenant protection period.
- Restricts material changes to the terms of the lease to prevent the landlord from creating a hardship on the tenant during the protection period.

The ordinance would potentially add cost to an investor/buyer intending to purchase an apartment building in the City. Depending on the intentions of the new buyer a three month hold on changes to lease agreements could affect their offer to purchase. Existing landlords in St. Louis Park indicated that this was not of great concern, as long as the new buyer was well aware of the requirements, they would be able to build it into their proforma.

One aspect of the ordinance that staff continues to have concerns about relates to the enforcement of it in situations where a tenant feels they are owed relocation benefits, but the landlord feels they do not. None of the other cities that have adopted similar ordinances have dealt with this issue directly within the ordinance. While the City can require documentation from the landlord that they have met the notification requirements to the tenants, if a dispute arises, the City is not in a position to mediate that dispute. In that situation the remedy for a tenant who feels that the ordinance has been violated would be through the courts. Taking a landlord to court can be a costly and onerous process that tenants are not likely to pursue.

The purpose of the ordinance is to essentially hold a lease arrangement for 90 days upon sale of a property to a new owner, allowing tenants time to find new housing should they need to. New owners in all likelihood will simply wait the 90 days to make the alterations to any lease terms that they intend to make and relocation benefits will never need to be paid, so the issue of enforcement will likely rarely come up. However, the City would not be in a good position to address issues in the event of a dispute between the landlord and tenant regarding the ordinance if they were to come up.

Policy Issues:

- Does the Council require additional information regarding tenant protection before concluding if further policy actions are necessary?
- Are there recommended changes to the draft ordinance that should be considered?
 - The current draft ordinance would apply to multifamily properties with at least 20% of their units affordable at 60% of the area median income (AMI). Homeline recommended the City consider amending the draft ordinance so that it would apply to multi-family properties with at least one unit affordable to households making 80% AMI.
- Would the City Council want the Housing Commission to review the ordinance and make a recommendation before the Council takes any action?

Strategic Priorities and Values:

Resident Economic Stability

MEMORANDUM – COUNCIL WORK SESSION

DATE: April 9, 2018

TO: Curt Boganey, City Manager

FROM: Jesse Anderson, Deputy Director of Community Development

THROUGH: Meg Beekman, Community Development Director

SUBJECT: Affordable Housing Policy

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding potential affordable housing policies for the City.

Background:

In May of 2017, the City Council received copies of emails forwarded by Councilmember Butler from African Career and Education Resource Inc. (ACER) requesting an opportunity to come before the City Council to discuss concerns about the need for affordable housing in Brooklyn Center. In addition Mayor Willson was in contact with a representative of Community Action Partnership of Hennepin County (CAPHC) regarding the same topic.

On July 10, 2017, by consensus the City Council directed staff to invite representatives from ACER and CAPHC to a future work session to present information and have a dialogue on the issue of affordable housing.

On August 14, 2017, the City Council received a presentation from ACER and CAPHC regarding the topic of affordable housing. At the presentation ACER and CAPHC advocated that the City consider adopting policies that would address the region's need for affordable housing, protect tenants, and help preserve naturally occurring affordable housing. The Council directed staff to bring the subject back to a future work session for discussion.

Regional Housing Trends:

The Twin Cities Metropolitan Area is currently experience record low vacancy rates. According to Marquette Advisors' midyear report in August 2017, the average vacancy rate across the Twin Cities metro was 2.4 percent. Experts agree that a balanced rental market will typically see an average vacancy rate of around 5 percent.

The impact of low vacancy rates over time has increased rents, a growing interest from outside investors, and landlords in a position to be choosier about who they rent to. This has borne out throughout the Twin Cities Metropolitan Area as rents have gone up throughout the region. The average rent at the end of July 2017 had increased 3.1-percent year over year. In addition, the Metropolitan Council is seeing a reduction in the number of landlords accepting Section 8

MEMORANDUM – COUNCIL WORK SESSION

vouchers. According to the Metropolitan Council, landlords are citing the increased interest for their units from non-voucher holders as the primary reason for the change.

Yet another impact of the increasing value of rental property is the growing number of investors purchasing Class B or Class C rental properties, which are renting for naturally affordable rents, making cosmetic improvements, and increasing rents so that the units are no longer affordable. According to the Minnesota Housing Partnership, the sales of apartment buildings in the metro area jumped 165 percent between 2010 and 2015. Often the change in ownership will also come with a change in policy related to criminal history, acceptance of Section 8 vouchers, or minimum income requirements, resulting in existing tenants being displaced from the property.

The region is also seeing a loss of smaller-sized rental properties (1-4-units). This is due, in part to single family properties converting back into owner-occupied as the market recovers from the recession, but also a growing number of local investors purchasing smaller properties and flipping them. While some of the proposed policies would impact single family rentals, the primary focus of affordable housing advocates and media attention has been on larger properties (40-units or greater).

Affordable housing advocates have identified potential policies designed to address these issues. The policies fall into one of three categories; 1) preservation policies designed to preserve naturally occurring affordable housing and prevent it from being flipped; 2) tenant protection policies designed to prevent or mitigate displacement; and 3) creation policies designed to create new, legally-binding, affordable housing that will replace the naturally occurring affordable housing that is being lost.

Brooklyn Center's Current Rental Housing:

According to the Metropolitan Council, the following table indicates what is considered affordable rents in the Twin Cities Metropolitan Area:

# of Bedrooms	30% AMI	50% AMI	60% AMI	80% AMI
Efficiency	\$474	\$791	\$949	\$1,265
1-Bedroom	\$508	\$848	\$1,017	\$1,356
2-Bedroom	\$610	\$1,017	\$1,220	\$1,627
3-Bedroom	\$705	\$1,175	\$1,410	\$1,880
4-Bedroom	\$786	\$1,311	\$1,573	\$2,097

*Rents include tenant-paid utilities

According to the Metropolitan Council, the following table indicates average rents in Brooklyn Center:

# of Bedrooms	Survey	5-Year Avg
Efficiency	\$730	\$744
1-Bedroom	\$869	\$801
2-Bedroom	\$1,019	\$925
3+ Bedroom	\$1,281	\$1,147

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

MEMORANDUM – COUNCIL WORK SESSION

Brooklyn Center currently has 834 rental license holders. 713 of those are for single family homes. 71 of the licenses are for 2-4-unit properties. 24 are for properties with between 5 and 39 units. 27 licenses are for properties with greater than 40 units. There are approximately 4,300 rental units in the City. The average rents in Brooklyn Center are considered affordable for those making around 50 percent of the Area Median Income. Of the 11,608 total housing units (both rental and owner-occupied) in Brooklyn Center, 89.5 percent are naturally occurring affordable housing. There are currently 402 Section 8 voucher holders in the City.

Brooklyn Center currently has five apartment building that are legally-binding affordable housing, Ewing Square Townhomes (23-units), The Crest Apartments (69-units), Unity Place (112-units), Emerson Chalet Apartments (18-units), and The Sanctuary (158-units). Also, Lynwood Apartment (50-units) is currently applying for Certified Low Income Status, which would make it a legally-binding affordable property. This equates to 3.7 percent of the City's housing stock is legally-binding affordable housing.

Anecdotally, a recent phone survey of 34 Brooklyn Center landlords found a current average vacancy rate of 1.3 percent.

Rents in Brooklyn Center are currently very affordable compared to the region. Low rents may be contributing to the low vacancy rates. If the vacancy rates are in fact below 2 percent, and they remain that low over time, it would be reasonable to expect rents to increase. However, given the current low rents, even an increase in rents of 20-30 percent would result in rents still considered affordable for those making 60-80% AMI.

Affordable Policy Options:

Section 8 Ordinance (Tenant Protection) - Prohibiting discrimination against Section 8 voucher holders and other recipients of government programs. The policy would prohibit landlords from denying any tenants' application based on the applicant receiving government assistance.

- Staff surveyed 34 Brooklyn Center apartments and found that 50 percent indicated that they do not accept section 8 vouchers.
 - Minneapolis recently adopted this ordinance, which allows applicants who feel they have been discriminated against to seek damages through the city's department of Civil Rights.
 - The City of Minneapolis has an active lawsuit filed against them by 55 apartment owners over the legality of this ordinance. The lawsuit argues the mandate conflicts with state law and unfairly forces them to comply with requirements of federal housing voucher programs for low-income residents. It also says the law violates the Minnesota Constitution because it reduces their property values, forces landlords to enter into contracts and represents an unnecessary government intervention in their businesses. Landlords also claim that this could cause landlords to increase rent and/or application criteria as to price out Section 8 vouchers.
- Staff feels that if the ordinance is upheld by the courts, it could be a useful tool to ensure residents are not discriminated against based on their source of income; however additional review would be necessary related to the enforcement of the ordinance. Staff

MEMORANDUM – COUNCIL WORK SESSION

recommends that the City monitor the Minneapolis lawsuit then review pending the outcome.

Notice of Intent to Sell (Preservation) – Rental property owners must give advanced notice prior to the sale of a rental property. This gives a preservation buyer an opportunity to match the purchase price. It would also give service providers additional time to relocate residents who would be displaced as a result of the sale.

- Landlords would be concerned about delaying the closing of a property sale, which could have a negative effect on price. Preservation companies such as Aeon have expressed concerns that this could increase the competition for these properties, and thusly increase sales prices.
 - Enforcement would be difficult because the penalty would come after the sale has occurred. If the property has sold, the seller no longer has ties to the property so enforcing a citation could be challenging and may not be a deterrent. In a workgroup in St. Louis Park landlords stated that if there was a \$1000.00 citation for selling without notice, they would likely still sell the property and pay the citation.
 - It is unclear who the seller would need to notify of their intent to sell and what would be done with that information once it was known. Who would decide what buyers could have access to the information? Who would be responsible for disseminating the information?
 - It is possible that this ordinance would dissuade investors, who may opt to purchase property in cities that do not have the additional requirements.
 - St. Louis Park is looking at an alternative ordinance related to tenant transition/protection would address the need for additional time to relocate tenants.
- Staff recommends that the city consider other options such as the tenant transition ordinance.

Tenant Transition/Protection Ordinance (Tenant Protection) – This would require a new owner of a naturally occurring affordable housing property to pay relocation benefits to tenants if the new owner increases rent, rescreens existing residents or implements non-renewals without cause within 3 months after the purchase. The ordinance has the effect of freezing lease terms for 90 days after the sale of a property. The purpose is to allow tenants three (3) months to relocate if necessary.

- This ordinance wouldn't interfere with the sale of naturally occurring affordable housing, however; it would provide assistance to the tenants if necessary.
 - The ordinance would require new buyers to notify tenants within 30 days if substantive changes to the lease are forthcoming, giving tenants time to relocate if necessary.
 - St. Louis Park adopted the Tenant Protection Ordinance in March of 2018.
 - The policy could dissuade potential apartment buyers from buying in Brooklyn Center, who may opt to purchase a property in a city without this policy.
- Staff recommends that the City review this policy further to determine the legality of it, the enforcement mechanism, and what the specific impacts in Brooklyn Center might be.

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Just-Cause Eviction (Tenant Protection) – Also known as Just-Cause Non-Renewal, this would require a landlord to provide a reason if they were going to not renew a tenant's lease that was expiring. Currently landlords must provide a just cause for eviction, which a tenant can appeal in court. There is no appeal process available to tenants who lose their housing due to non-renewal of lease.

- Landlords see this as taking away a valuable management tool for dealing with problem tenants and have the unintended consequence of increasing the number of evictions filed and strengthening screening standards.
 - When St. Louis Park conducted their meetings with landlords and the Multi-family Housing Association, this ordinance received the strongest opposition.
 - The enforcement of this policy would be through the court system and would require a tenant to take legal action against their landlord via a lawsuit.
 - Of the 34 landlords surveyed by staff, the majority of evictions or non-renewals are the result of non-payment of rent or criminal activity.
 - The intent of this ordinance would be to protect tenants from being non-renewed in the event a new owner wants to empty a building in order to do a substantial renovation with the goal of increasing rents.
- Staff recommends that the City consider other options such as the tenant transition ordinance to protect tenants.

Inclusionary Housing Policy (Creation) – These are a collection of policies that could be adopted by the city which would either encourage or require new affordable units to be included as part of new market-rate residential development projects which receive public subsidy or other discretionary City approvals. Frequently it is in the form of a requirement that a percentage of units be affordable in a new residential development in exchange for public subsidy of the project.

- New developments such as the Opportunity Site would be required to include a certain number of affordable units.
 - Inclusionary Housing policies ensure that new affordable units are added as market-rate units are built, thus ensuring mixed-income communities.
 - Cities such as St. Louis Park and Minneapolis have found that in higher rent developments, a certain percentage of affordable units can be required without increasing the need for additional public subsidy. This is due to the higher than average market rents, which off-set the affordable units. In Brooklyn Center, as is true in communities with lower average rents, it is likely that the cost of the affordable units would require additional public subsidies in order for a project to be financially feasible.
- If the Council would like to move forward with this police staff would recommend reviewing the feasibility of future development if an affordable housing policy is adopted.

4D Tax Breaks (Preservation) – Also known as the Low Income Rental Classification Program (LIRC), Minnesota provides a property tax break, currently amounting to 40%, to subsidized rental properties under LIRC, commonly referred to as the 4D program. There is the potential,

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however, to extend 4D eligibility to certain currently unsubsidized affordable properties, without changing current law. This is because the LIRC/4D statute defines eligible properties as those which meet two conditions: the owner of the property agrees to rent and income restrictions (serving households at 60% AMI or below) and receives “financial assistance” from federal, state or local government. This presents the possibility of creating a “Local 4D” program in which qualifying properties receive the 4D tax break in return for agreeing to conditions which meet certain local government policy goals.

- A government agency would need to provide a financial contribution to a rental apartment with a low income agreement placed on the property. The property could then be eligible to apply for 4D status. This would allow a landlord to make physical improvements to the property in exchange for affordable rents.
 - The reduction in property taxes would not decrease the City’s revenue from property taxes, as the funds would be distributed to all other properties; however, it would reduce that property’s share of local property taxes.
 - The amount of the tax break is a limiting factor as it equates to around \$80/unit per year; however, the program may be an incentive for a property owner in a community where the market rents are already considered affordable, since they would not need to depress their rent rates.
 - Hennepin County is looking into a rehabilitation program for rental properties which would function similarly to the CDBG housing rehabilitation program, but be County funded.
 - The City could also look at funding a program for rental housing rehabilitation.
- Staff recommends working with the County to determine the feasibility of a County-led program. The City could also review EDA or TIF 3 Housing funds to determine the availability of funds for a city program that would provide rental housing rehab assistance in exchange for a 5-10 year affordability requirement. This could be set up as a per unit matching forgivable loan.

Other Policies/Programs

- Identify buildings that are at-risk of being flipped. Reach out to owners of at-risk buildings and gauge their short and long-term plans. Help connect them with preservation buyers on a case-by-case basis.
- Comprehensive Plan – the City is in the process of updating its Comprehensive Plan. If the preservation and/or creation of affordable housing are a priority for the City, it should be reflected in the City’s Comprehensive Plan.
- Education – Work with the Metropolitan Council to provide education on Section 8 voucher programs to dispel some of the negative perceptions of the program.

Policy Issues:

Does the Council believe that the information presented indicates a need for additional policy actions to address the concerns raised regarding affordable housing and the protection of tenant rights?

MEMORANDUM – COUNCIL WORK SESSION

Does the Council require additional information regarding these issues before concluding if further policy actions are necessary?

Which policies if any would the Council want brought back for further consideration?

Which policy does the council consider a higher priority?

Strategic Priorities:

- Resident Economic Stability

Attachments:

US Census Bureau Data

Metropolitan Council Land use Chart

August 14, 2017 Council Work Session Memo

August 14, 2017 Council Work Session Minutes

Housing Strategies Table Presented at Previous Work-Session

Mixed-Income Housing Policies among Neighboring Cities Table

Phone Survey of Brooklyn Center Apartments

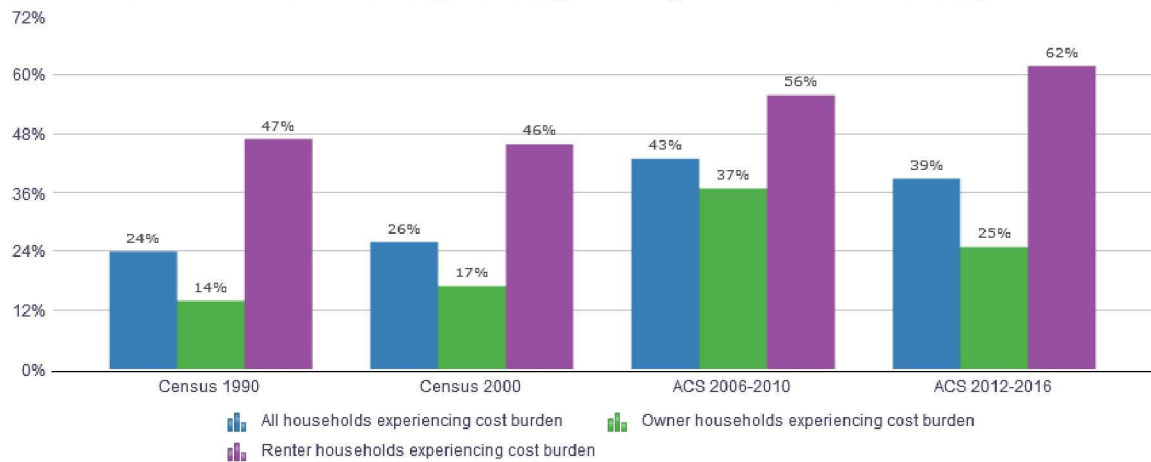
Phone Survey of Brooklyn Center Single Family Property Management Companies:

US Census Bureau Data:

Source: [Certificate of Real Estate Value](#), Minnesota Department of Revenue.
[Download chart data](#)

[Back to top](#)

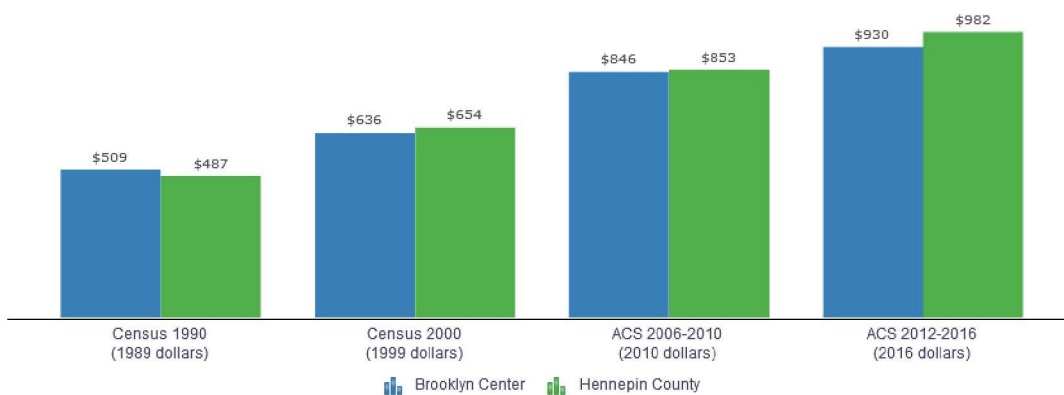
Percent of Households Experiencing Housing Cost Burden in Brooklyn Center



Source: U.S. Census Bureau [Decennial Census](#) and [American Community Survey](#).

Households experience housing cost burden when their housing costs are 30% or more of their gross income. For renters, housing costs include rent and utilities; for owners, housing costs include mortgage principal and interest, property taxes, property insurance, utilities, and other fees. Use caution when comparing 1990 and 2000 data (which include only some households) to American Community Survey data (which include all households). See the [metadata](#) for more information.

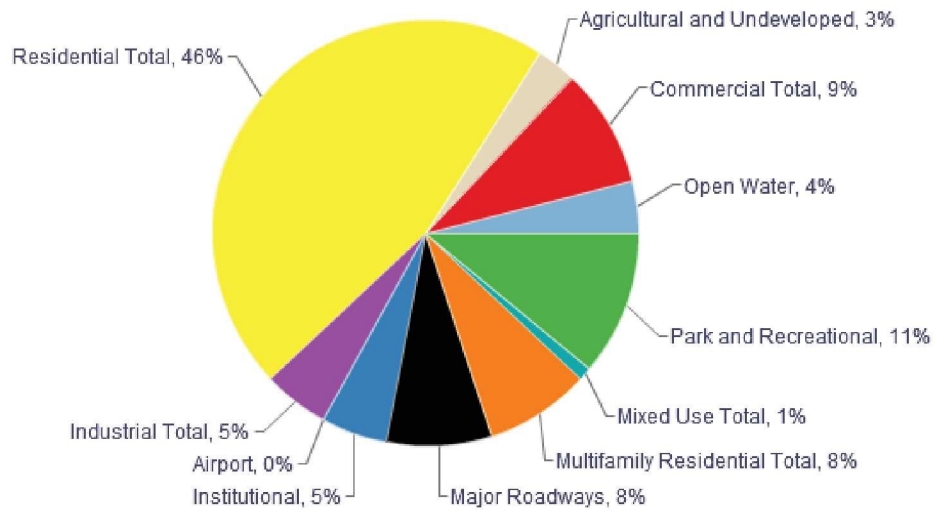
Median Gross Rent in Brooklyn Center



Source: U.S. Census Bureau [Decennial Census](#) and [American Community Survey](#).

Metropolitan Council Land Use Chart:

Generalized Land Use in Brooklyn Center, 2016



Source: [Metropolitan Council Generalized Land Use Historical Data Set](#)

MEMORANDUM – COUNCIL WORK SESSION

DATE: August 10, 2017
TO: City Council
FROM: Curt Boganey, City Manager 
SUBJECT: Affordable Housing Presentation

Recommendation:

It is recommended that the City Council receive the presentation/report and consider providing direction to staff.

Background:

In May of 2017 the City Council received copies of emails (attached) forwarded by Councilmember Butler from African Career and Education Resource Inc. (ACER) requesting an opportunity to come before the City Council to discuss concerns about the need for affordable housing in Brooklyn Center. In addition Mayor Wilson was in contact with a representative of Community Action Partnership of Hennepin County (CAPHC) regarding the same topic.

On July 10th 2017 by consensus the City Council directed staff to invite representatives from ACER and CAPHC to a future work session to present information and have a dialogue on the issue of affordable housing.

It is my understanding that these groups have collaborated in the past and will jointly present on the issue of Affordable Housing before the City Council. . As stated in the email from Executive Director, Munene the overall goal of the group is to enact or strengthen current policies that will preserve naturally occurring affordable housing, secure the rights and improve the living conditions of tenants living in affordable rental properties.

Enclosed with this report is a copy of Housing Strategies and Tools for the City Of Brooklyn Center (Exhibit A) provided by ACER and 3 Pillars of Affordable Housing Advocacy (exhibit B) provided by CAPHC. These documents represent some of the issues that will be presented to the City Council

Policy Issues:

Does the Council believe that the information presented indicate a need for additional policy actions to the address the concerns raised regarding affordable housing and the protection of tenant rights?

Does the Council require additional information regarding these issues before concluding if further policy actions are necessary?

How does the Council want staff to proceed regarding the issues raised about affordable housing and tenant rights?

Excerpt- July 10th 2017 City Council Study Session

Councilmember Butler referenced the document from African Career Education & Resource (ACER) and stated this group would like to present findings related to affordable housing and how the City can ensure that housing remains for those who need it. She asked that this topic be scheduled for a future Work Session agenda. Mayor Willson stated this is the second time the City Council has received this information, noting in the second report they correctly updated Brooklyn Park to Brooklyn Center. He stated he is not opposed to scheduling this topic for a future Work Session. Mr. Boganey asked how much time they will require. Councilmember Butler suggested 20 minutes plus time for questions. Mr. Boganey stated he will contact them to arrive at a date within the next 30 days.

The City Council consensus was to direct staff to schedule this topic for a future Work Session.

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
AUGUST 14, 2017
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

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

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Dan Ryan, Kris Lawrence-Anderson, April Graves, and Marquita Butler were present. Also present were City Manager Curt Boganey, Director of Business and Development Gary Eitel, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

**AFRICAN CAREER AND EDUCATION RESOURCE, INC. (ACER)
AFFORDABLE HOUSING – CITY MANAGER**

Denise Butler, ACER Project Manager, Nelima Sitati Munene, ACER Executive Director, and Christine Hart with Community Action Partnership of Hennepin County Community Development provided a presentation on the background and purpose of this item.

Councilmember/Commissioner Ryan stated in the *Star Tribune* newspaper, there was an article on the issue of landlords deciding not to take Section 8 anymore and noted it is now in litigation. He stated in some of these cases they may need to wait to see how the items in litigation play out before they can decide how to proceed and help with these issues.

Mayor/President Willson asked what the State Legislature has indicated they are looking to do regarding the suggested local ordinances. Ms. Hart stated cities are still moving forward with these ordinances and then hoping the State makes some changes.

Councilmember/Commissioner Graves stated she believes there are some items they are already working on but there are a few she believes they could look at.

Mayor/President Willson stated he agrees with Councilmember/Commissioner Graves and also would like to explore and continue conversations on these issues. He stated at the Mayor's conference recently, they discussed the same issues and at a City level, they are being asked to look at the issues because it is closer to home and affecting their communities and then hopefully the state will follow suit.

Mr. Boganey stated the three policies that are being proposed are not new and have been used in other places. He asked how they choose these options and from their research, asked if it is their opinion that these are the most effective tools to address these issues being raised.

Councilmember/Commissioner Ryan stated he wished they had been here earlier this evening during the presentation by Brooklyn Alliance for Youth. He noted they discussed how to lift people out of poverty and make changes.

Mayor/President Willson asked if they would like to come back and speak further another time. Ms. Hart stated they would like to do that. Mr. Boganey noted he will add this to the agenda in the near future.

**DISCUSSION REGARDING A LETTER OF INTENT WITH EBERT CONSTRUCTION
FOR THE COMMERICAL DEVELOPMENT OF APPROXIMATELY 2 ACRES OF
THE NORTHERN PORTION OF LOT 1, BLOCK 1, NORTHBROOK CENTER 2ND
ADDITION (FOUR STORY, 112,000 SF COMMERICAL STORAGE BUILDING – 57TH
AND LOGAN AVENUES NORTH) – MR. EITEL**

Mr. Eitel Provided a presentation on this item with background and history.

Councilmember/Commissioner Ryan stated the change in the configuration of the roadway makes this site somewhat disadvantaged. He stated due to the problems they have had with this site he feels this would be something he agrees with.

Mr. Eitel stated this is a good site for this building in his opinion, brings income and not a lot of foot traffic, it is a win/win scenario, and noted it's a good-looking building.

It was the consensus of the EDA/City Council to move forward with this plan.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 9:47 p.m.

Motion passed unanimously.

Description	Opportunities	Challenges	Hennepin County Cities Considering
There should be an organized effort to track the most significant examples of this trend as well as identify buildings as soon as they come on the market (if possible before that). The City can also do a housing study that will identify the housing inventory and at-risk properties.	Brooklyn Center is at a great risk given the high percentage of naturally occurring affordable housing (NOAH). Identifying the multi-family housing in Brooklyn Center and documenting the problem gives the City more knowledge and ability to craft a strategic, outcome-oriented approach.		A number of cities have been doing housing studies and research on their housing inventory, particularly with the upcoming Comprehensive Plans.
The City must be given advanced notice prior to the sale of any building.	A Notice Period will give the City more to approach a preservation buyer to rehab the property and prevent displacement. In addition, the City can give service providers advanced notice in order to support tenants.	Developers will push back stating that it is restraining their ability to get the best price (i.e. buyers will lower the price if the market fluctuates in the 90 day time period.) Also, there could be a potential for the price to rise if there is a bidding war between a for-profit and a not for profit developer.	St. Louis Park, Golden Valley, Minneapolis, St. Paul, Bloomington, Richfield
Several of our non-profit housing providers are actively competing in the market for these properties, but they are disadvantaged in competing against for-profit purchasers on price and timing with a complex financial process. The City can help notify preservation buyers when they own properties will be up for sale. (e.g. Masons Park).	Preservation buyers will keep the rents affordable while enhancing the property.	Preservation buyers often need at least a 90 day notice prior to the property being listed on the market in order to put together a competitive bid.	Many cities have relationships with preservation buyers, and there is frequent communication.

When owners offer their buildings for sale, they would be required to notify tenants and the designated unit of government. Tenants or the government unit would then have a defined period of time to match the essential terms of the offer (price, timeline, etc.). If they are able to do so, they have the right to purchase the building themselves.	Prevents tenant displacement and can help a preservation buyer be competitive.	It can be hard to anticipate where these purchase opportunities will materialize, making it difficult to know where to push for local ordinances. Could get complicated determining what the offer's "essential terms" are.	Minnesota has a ROFR for manufactured home parks.
Many cities, like Brooklyn Center, have a supply of aging complexes that have deferred maintenance. Many managers of these complexes cite the costs of improvements as a reason to either 1) not make improvements or 2) increase the rents once improvements are made. Municipalities could offer rehab financing (low interest loans, forgivable grants) with commitments to maintain affordability over a set period of time. This could be done with CDBG dollars or in conjunction with Brooklyn Park's current Rental Rehab Program.	Preserves affordable housing units in the City as well as makes the property safe housing for residents.	Administration of the financing (could be done in conjunction with a local nonprofit), funds for the financing.	Bloomington- using their HRA levy money to put \$50,000 every year for a NOAH fund to preserve developments. It has been proposed to
This is essentially a tax credit given to housing providers who receive a government subsidy, and in exchange provide a percentage of their units at affordable levels (60%/50% AMI) for a set period of time. It has been suggested to staff in Brooklyn Center and we would like to see this move forward.	Increases the number of new affordable housing units in the City.	Providing the pot of money for developers to tap into; the program is voluntary.	This is a program Richfield had when it was funded at the state level. That funding has dried up, and it seems that most people think 4D has gone away. However, the statute allows for "local subsidies."

HOUSING STRATEGIES & TOOLS FOR THE CITY OF BROOKLYN CENTER

Changes to business practices in Brooklyn Park has resulted in a number of apartment properties not accepting Housing Choice Vouchers: (We are in the process of compiling the list of properties and will update this document and share it with you) This ordinance would say that properties cannot exclude applicants simply because they use a rent subsidy.	Voucher holders would not lose housing every time a building changes policies and practices. There would also more housing options available to voucher holders.	Oftentimes the challenge will be for the HRA to lessen the administrative burden on landlords participating in the HCV program. The challenge is minimal for the City.	St. Louis Park, Minneapolis, Suggested to Golden Valley, Bloomington, Eden Prairie and Richfield.
Just Cause Eviction protects tenants from eviction for improper reason as well as prevents involuntary displacement through lease non-renewals or notices to vacate. This would allow landlords to evict a tenant only for certain reasons, such as failure to pay rent or for violation of the lease terms. As an example, what we saw at Crossroads in Richfield could also happen in Brooklyn Center, where the new screening criteria was the reason many tenants' leases to not be renewed. Just Cause would allow these renters to continue living there until they break a condition of their new lease. It can be tied in with rental licensing.	Prevents involuntary displacement and protects tenants from eviction without a proper reason.		St. Louis Park, Minneapolis, Suggested to Golden Valley, Bloomington and Eden Prairie, suggested to Richfield.

Risk Mitigation Fund is oftentimes associated with the Housing Choice Voucher program. This Fund can be created as a response to the extremely low vacancy rate and the disparity between cost of living and wages. It serves as a damage fund to supplement costs the security deposit does not fulfill. It also has been offered as short-term vacancy reimbursement.	Incentivizes landlords to participate in voucher programs, providing voucher holders with more access to housing options. Provides insurance to landlords for any monetary losses from potential damage to property.	Funding the RMF; perpetuating stigma that voucher holders cause more damage (no evidence to support this)	Minneapolis HRA, Metro HRA, Dakota County CDA; many models across Minnesota.
This policy would ensure that with every development that happens, there would be an inclusion of affordable housing. It also can be applied to rehabbed developments.	Increases the number of new affordable housing units in the City.	Only applies to new construction, therefore not addressing the need to preserve and maintain NOAH	St. Louis Park, Edina, Minnetonka, Golden Valley, Eden Prairie, Minneapolis, Richfield is considering and others have shown interest.
Brooklyn Center could structure its zoning so as to prevent an owner engaging in conversion actions from doing so before obtaining the city's zoning related approval.	Provides the City of Brooklyn Center with more leverage to intervene.		Minneapolis. Has been presented to Richfield.
51% of Brooklyn Center households are cost burdened (ACS 2015). Rental assistance would lessen the burden by supplementing income, so housing costs are no more than 30% of income.	Residents would be able to afford housing costs without sacrificing other basic needs.	It is costly and unsustainable. As rent increases, rental assistance is insufficient and cannot serve as many households.	Hennepin County & a number of cities
As Brooklyn Center completes its Comprehensive Plan, it is encouraged that the Plan has detailed solutions with strong language around the preservation of language around the preservation of naturally occurring affordable housing. This plan will guide the City's housing efforts in the next ten years.	Strong language can positively guide the City's housing efforts in the next ten years.		A number of Hennepin County cities

Program Type	Affordability Requirements	Affordability Period	Opt-out (alternative) options	Enforcement Tool	Comments
Financial assistance for developments creating 10 multi-family units or more, or continuation of an existing family development of at least 10 units.	18% of total units in the development required at 60% AMI or 10% of units required affordable at 50% AMI. - Families may remain in the dwelling unit as long as the income does not exceed 120% AMI.	25 year minimum (considering an increase).	- Subject to City Council approval: - Dedication of existing units - Offsite construction near public transit - Participation in construction of affordable units by another developer within the City	Affordable Housing Performance Agreement between City and Developer prior to Zoning Compliance Permit being issued.	- Implement development of 1,073 units produced. - No development option. - Units must be developed throughout approved b
Single-Family or Comprehensive Ordinance for all new family development of 10 or more units.	10% of all rentable area at 50% AMI or 20% of all rentable area at 60% AMI.	15 year minimum.	- Dedication of existing units equal to 110%, must be equivalent quality. - New construction at a different site. - Participation in construction of affordable units by another developer within the City.	- Land use restrictive covenant. - PUD ordinance states development must consider affordability.	City will continue development of housing including parking and interest loan Foundation
Single-Family or Comprehensive Ordinance for all new family development of 10 or more units, or continuation of an existing family development of at least 10 units.	15% of total project units at 60% AMI or 10% of project units at 50% AMI. - Families may remain in the dwelling unit as long as the income does not exceed 120% AMI.	20 year minimum.	Equal or greater amount dedication of existing units.	- Affordable Housing Performance Agreement. - Mix of policy and ordinance.	City will continue development of housing including parking and interest loan Foundation
Single-Family or Comprehensive Ordinance for all new family development of 10 or more units, or continuation of an existing family development of at least 10 units.	15% of units at 60% AMI or 10% of units at 50%AMI or 5% of units at 30%AMI	20 year minimum.	Consider an alternative proposed by developer.	- Affordable Housing Performance Agreement. - Mix of policy and ordinance.	Units must be developed throughout approved b
Single-Family or Comprehensive Ordinance for all new family development of 10 or more units, or continuation of an existing family development of at least 10 units.	Varies based on funding source but generally is either 20% of units at 60% AMI or 20% of units at 50% AMI	15 year minimum.	None.		- Only 1-2 projects have advantage since 2002 - Currently e

bonus and parking incentive						
A assisted rentals homeownership. development in zones – density incentive	Rentals – 30% of units affordable to households earning 60% AMI, of which at least one third will be affordable to 50% AMI, and at least one third will affordable to 30% AMI.	Rental - 10 year minimum .			Development Agreement	Voluntary/ not being being revised
distance incentive based for developments.	Rentals – 10% of units at 50% AMI for all developments, 20% of units at 50% AMI if using TIF funding.	30 year minimum.	Considered on a case by case basis.		Development Agreement.	Produced since 2004
distance voluntary/incentive approach for all projects; exploring a policy.	- City subsidy – 20% of units at 50% AMI. - Voluntary/incentive – starts at 10% of units at 50% AMI.					
distance incentive based – bonus policy	20% of units at 80% AMI or negotiated. 30% of units at 80% AMI.	15 year minimum.				
distance incentive based – bonus policy	Negotiable					15% density requirements

number of units	number of vacant units	Rent for a studio	Rent for a 1 bedroom	Rent for a 2 bedroom	Rent for a 3 bedroom	Rent for a 4 bedroom	Do you accept section 8	Has rent increased over the past 2years?	How much has rent increased?	Most common reason for increase
12	0	750	800				no new	yes	\$15-50	most common reason for increase
12	0	Ave: \$750	Ave \$850				Yes	yes	8%	most common reason for increase
10	0		845-950				yes	no		most common reason for increase
36	0	755	929	1075			no	yes	5% each month	most common reason for increase
24	0	\$895	1 fl-\$1025, 2-3 fl \$1075				Yes (Typically don't meet criteria)	yes	100 - 2bd - 1bd 75	most common reason for increase
90	0		garden - \$750 2-3 floor \$800				yes	yes	\$20	most common reason for increase
128	0	\$735	\$835-855	\$945-975			no	yes	\$50	most common reason for increase
122	3 for end of march		\$755	\$935			yes	yes	50	most common reason for increase
81	4 (0 in past few years)	1181-1275 (1bd + den	1081	1190-1750			No (inherited)	yes	2-5%	most common reason for increase
65			1150							most common reason for increase
120	1	845-920	1010-190				No new ones	yes	3% increase	most common reason for increase
18	0	737	870				yes	no		most common reason for increase
52	3	775	850-875-895	995-1045			no	yes	50	most common reason for increase
72	0	849	949	1139			yes	yes	34-55	most common reason for increase
54	0	849	949	1139			no	yes	34-55	most common reason for increase
36	1	750	900-995				no	yes	75-95	most common reason for increase
50	0	895-925	1050-1190				yes	Yes	2-4%	most common reason for increase
117	0	919-949	1129-1159	1159-1189 2bd+1.5ba	1209-1249 2bd+2ba		no	yes	100	most common reason for increase
128	0	900	975-1000	1250			yes	yes	50-75	most common reason for increase
84	2	929	999-1050				no	yes	40	most common reason for increase
22	1	800	800-1000				yes	yes	75	most common reason for increase
36	3	700	800-850	1150-1200			yes	yes	\$50	most common reason for increase
276	3	950+	1105-1225+				yes	yes	5%	most common reason for increase
112	2		904-909	970			yes	yes	30	most common reason for increase

	number of vacant units	Rent for a studio	Rent for a 1 bedroom	Rent for a 2 bedroom	Rent for a 3 bedroom	Rent for a 4 bedroom	Rent for a 5 bedroom	Do you accept section 8	Has rent increased over the past 2years?	How much has rent increased?	Most
	0		1050	1250	1450	1550	yes	yes	2-3%		
	1		1300	1350	1400	1500	Yes	no	yes	50	
	0		1235-1325	1410-1450				no	no		non-p
	0		1150					no	no		
	0		1170-1250					yes	no		no
	0	1000	1200					no	yes	5%	
	0	850-950		1350-2000				no	no		
								yes	no		

AGENDA



1. Call to Order

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

2. Roll Call

3. Approval of Consent Agenda

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

4. Commission Consideration Items

- a. Resolution Approving a Preliminary Development Agreement with Thor Living, LLC
 - *Motion to approve a resolution approving a Preliminary Development Agreement with Thor Living, LLC*
- b. Resolution Approving a Preliminary Development Agreement with Centra Homes, LLC
 - *Motion to approve a resolution approving a Preliminary Development Agreement with Centra Home, LLC*

5. Adjournment

EDA ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: Resolution Approving a Preliminary Development Agreement with Thor Living, LLC

Background:

Thor Living is a development and construction company which is contemplating a project on EDA-owned property at 61st Avenue N and Brooklyn Boulevard. The property consists of three single-family parcels which were acquired by the EDA in 2012 and 2016. They are immediately adjacent to the Sanctuary Senior Living project and are currently located in TIF District 6, which is a housing district. There is a fourth single family parcel immediately to the west of the three parcels (3606 61st Avenue N) which is privately owned, but included in the TIF District. The EDA had anticipated purchasing that property at the time the TIF District was established however the property owners indicated they were not ready to move forward with the sale. City staff have since been in contact with the homeowners who have now indicated a willingness to sell their property. The addition of this fourth parcel, if it occurs, would effect the layout of the site and proposal.

At the November 26, 2018, City Council meeting, Thor Living shared their concept for the site which included a four-story, 80-110-unit multi-family development. The building would have a mix of unit sizes from studios up to three bedroom units. They are proposing a mix of underground and surface parking at a ratio of one stall per bedroom.

The product they are proposing would be a mid-range, market-rate product with rents affordable to those making 50%-80% of the area median income. They call it "attainable housing", and it would be similar to other workforce housing developments around the region. The developer has submitted a project narrative which describes their concept, the anticipated rents, and their ownership model.

The developer submitted an initial proforma which indicates a total project cost of approximately \$15,000,000. The proforma indicates that there will be a gap in the financing and the developer anticipates applying for public subsidy to make the project feasible. The project as proposed would meet the affordability requirements for a housing TIF district, which is the type of TIF district that the property currently is in. Any request for public subsidy would go through the City's formal review process, including review by the City's public finance consultant.

After reviewing the concept proposal the City Council indicated an openness to the project. The developer is now requesting a Preliminary Development Agreement to allow them time to conduct a review of the property, obtain financing for the project, prepare appropriate plans, obtain necessary City approvals for the development, and negotiate with the EDA on an agreement for the sale of the Property. The Preliminary Development Agreement would expire on July 30, 2019.

The next step would be for the developer to submit an application for public subsidy, which would trigger the City and EDA's formal review process. The EDA and developer will also need to negotiate a purchase agreement for the property, which would also require a public hearing and approval from the EDA prior to

execution.

Budget Issues:

None to consider at this time.

Strategic Priorities and Values:

Targeted Redevelopment

Commissioner
moved its adoption:

introduced the following resolution and

EDA RESOLUTION NO.

RESOLUTION APPROVING A PRELIMINARY DEVELOPMENT
AGREEMENT WITH THOR LIVING, LLC

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the "Authority") has received a proposal from Thor Living, LLC, a Minnesota limited liability company (the "Developer") regarding the development of land owned by the Authority for the creation of a multifamily workforce housing apartment building, which proposal contemplates the Authority's conveyance of the Authority Property to the Developer; and

WHEREAS, the Authority's Board of Commissioners has reviewed the Developer's development concept and has caused to be prepared a Preliminary Development Agreement to allow the Developer to negotiate the purchase of the Authority Property, conduct due diligence, obtain the necessary financing and commitments to construct the development, apply for and gain approval from the City for the development and any necessary public subsidy; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Economic Development Authority of Brooklyn Center, Minnesota (the "Board"), as follows:

1. The EDA hereby approves the Preliminary Development Agreement substantially in accordance with the terms set forth in the form presented to the Board, together with any related documents necessary in connection therewith (collectively, the "Preliminary Development Documents") and hereby authorizes the President and Executive Director to negotiate the final terms thereof and, in their discretion and at such time as they may deem appropriate, to execute the Preliminary Development Documents on behalf of the Authority, and to carry out, on behalf of the Authority, the Authority's obligations thereunder.

2. The approval hereby given to the Preliminary Development Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the Authority and by the officers authorized herein to execute said documents prior to their execution; and said officers are hereby authorized to approve said changes on behalf of the Authority. The execution of any instrument by the appropriate officers of the Authority herein authorized shall constitute evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Board by any duly designated acting official, or by such other officer or officers of the Board as, in the opinion of the City Attorney, may act in their behalf.

3. Upon execution and delivery of the Preliminary Development Documents, the officers and employees of the Authority are hereby authorized and directed to take or cause to be taken such actions as may be necessary on behalf of the Authority to implement the Preliminary Development Documents.

Resolution No.

4. The Board hereby determines that the execution and performance of the Preliminary Development Documents will help realize the public purposes of the Act.

December 10, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

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

PRELIMINARY DEVELOPMENT AGREEMENT

PRELIMINARY DEVELOPMENT AGREEMENT dated this 10th day of December, 2018, by and between the Economic Development Authority of Brooklyn Center, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430 (the “Authority”) and Thor Living LLC, 1256 Penn Ave. North, Suite 4000, Minneapolis, MN 55411 (the “Developer”).

WHEREAS, the Authority is the fee owner of property located in the City of Brooklyn Center (the “City”) at 6101, 6107 Brooklyn Blvd and 3600 61st Ave North (the “Property”) which Property the Authority is willing to consider selling for purposes of development of an approximately 80-110 unit multi-family workforce housing apartment building (the “Development”);

WHEREAS, the Developer desires to explore the possibility of acquiring the Property together with additional adjoining private property (“Additional Property”) to combine with the Property (together, the “Property” and “Additional Property” are referred to herein as the “Development Property”) for development of the Development;

WHEREAS, the Authority’s Board of Commissioners has reviewed the Development concept and is interested in development of the Property as proposed by the Developer;

WHEREAS, if the Developer is successful in obtaining the necessary financing and commitments to construct the Development and agrees to construct the Development, then the Authority would be willing to enter into an agreement with the Developer for the conveyance of the Property and construction of the Development at a mutually agreed upon price together with other negotiated conditions for conveyance of the Development Property;

WHEREAS, Developer has requested that the Authority execute this Preliminary Development Agreement (“PDA”) agreeing to work solely with Developer during the term hereof on negotiations for acquisition of the Development Property by Developer to provide Developer with time to conduct review of the Development Property, obtain financing for the proposed Development, prepare appropriate plans for the Property, obtain necessary City approvals for the Development, and negotiate with the Authority on an agreement for the sale of the Development Property;

WHEREAS, the Authority is willing to enter into this PDA for such purposes upon the terms and conditions provided herein.

NOW THEREFORE the parties agree as follows:

1. In consideration of the processing of the Development under the terms of this PDA, the Authority agrees that it will negotiate and work solely with Developer on negotiations for sale of the Property to Developer for Developer’s proposed Development until July 30, 2019 (“Term”).

2. During the Term of this PDA, Developer agrees to use its best efforts to:

- (i) complete site planning and site engineering;
- (ii) complete architectural concept plans;
- (iii) submit application for a Public Subsidy request and all necessary financial documentation needed for review;
- (iv) submit application, and receive all necessary City approvals related to the subdivision and development of the Development Property;
- (v) secure construction financing necessary to construct a project consistent with the terms of this PDA;
- (vi) negotiate a Contract for Private Development for acquisition and development of the Development Property and construction of an approved Development.

3. During the Term of this PDA, Developer and the Authority agree to use their best efforts to resolve property acquisition issues related to the Development Property and to attempt to bring fruition to the proposed Development through a Contract for Private Development for conveyance of the Property and development of the Development Property; provided, however, that the Developer acknowledges that the Authority will not exercise the power of eminent domain with respect to the acquisition of any property in connection with the Development or this PDA.

4. Developer may assign this PDA to an affiliate or Authority approved successor upon written notification and approval by the City.

5. The Developer will provide the City with a written progress report on the status of the goals identified in Paragraphs 2 and 3 every 30 days following the date of this PDA.

6. This PDA represents the entire understanding of the parties regarding the Development Area and any amendment to this PDA shall be in writing and be executed by both parties.

7. Both Parties are aware of and acknowledge that contingencies and unknowns presently exist, any one or more of which could make the Development cost prohibitive, and that both parties are expending sums of money and time with full knowledge of the risks involved and that neither party shall be liable for any of the other party's expenses in any event, except (i) as otherwise provided pursuant to a separate agreement between the parties, (ii) in connection with an application for a Public Subsidy, or (iii) pursuant to required fees or costs related to applications made to the City or under City Code.

8. The parties agree that this PDA is not intended to bind the parties to enter into an agreement for the sale and acquisition of the Property, but is merely intended to set forth the parties' intent to proceed with the process of (i) negotiating an agreement for the sale of the Development Property and development of the Development Property and (ii) resolving certain pre-development issues related to the Development Property and Development.

9. No approval given by the Authority hereunder or in connection herewith shall be deemed to constitute an approval of the Development for any purpose other than as stated herein and the process outlined in this Agreement shall not be deemed to supersede any concept review,

conditional use permit, vacation, subdivision, or other zoning or planning approval process of the Authority or the City relative to the development of real estate.

10. This PDA may be amended by mutual written agreement of the parties.

11. If any portion of this Agreement is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of any remaining portion of this Agreement.

12. Notice, demand, or other communication from one party to the other shall be deemed effective if sent by certified mail, postage prepaid, return receipt requested or delivered personally to a party at its address in the first paragraph of this Agreement, or at such other address as such party may designate in writing to the other party.

13. The Authority and Developer agree that this Agreement is intended to be preliminary in nature and will be superseded by one or more definitive contracts, mutually satisfactory to the Authority and the Developer, which shall be negotiated, approved and executed by the Authority and the Developer and no obligation regarding the conveyance of property or provision of any Public Subsidy shall exist with respect to the Development prior the approval and execution of such definitive contract(s).

IN WITNESS WHEREOF, the Authority has caused this Agreement to be duly executed in its name and behalf and the Developer has caused this Agreement to be duly executed in its name and behalf on or as of the date first above written

**ECONOMIC DEVELOPMENT AUTHORITY
OF BROOKLYN CENTER, MINNESOTA**

By _____
Its President

By _____
Its Executive Director

Thor Living, LLC

By _____
Its _____

6101 Brooklyn Blvd

Product Type

THOR Living proposes what we call “attainable housing”. This type of housing can aptly be described as similar to workforce housing. We believe that there is a “missing middle” or a hole in the spectrum of multi-family housing. There are a great deal of people out there with livable wage jobs who are looking for new, safe, comfortable housing who can’t find it in their communities. For the most part it doesn’t exist because developers and investors of real estate are looking for the highest return on their dollar. Typically this type of product has a lesser return than even affordable housing, because it doesn’t receive the deep governmental subsidies. This market rate product does require some lean in by the local city government. If TIF or low cost land can be applied, this product type stands a chance to work financially.

Rents

Studios: \$940 1 Bedroom: \$1260 2 Bedroom: \$1568 3 Bedroom: \$1755

We have 45% of our units under the 60% AMI threshold for purposes of housing TIF. TIF for housing requires 40% or more under the 60% AMI threshold, so we surpass that requirement.

Ownership and management

THOR does not contemplate owning or managing this project at this time. We typically have outside investors who either manage their own portfolios or use reputable 3rd party managers.

Similar Projects

THOR is currently developing and building a similar product type called 1935 Park Ave in South Minneapolis. It contains 43 units of housing ranging from studios to 3 bedrooms. We have surface parking only. The amenities are a fitness center and a bike storage room.

Amenities

We are flexible on amenities and finishes, but only up to the point that they work financially in the project. We would work closely with City staff to determine all of these variables.

Site

We like this site for multiple reasons. We believe that this product type in this locations serves the City of Brooklyn Center and its community members well. There seems to be existing support for attainable housing in this area. It is located close to some walkable retail. It has quick and easy access to major roads. It resides in an existing TIF district.

City Benefits

As stated, we feel this new product type doesn't exist currently in the City of Brooklyn Center and that is highly needed. Providing attainable housing for the missing middle is an admirable and necessary product for many communities. We believe that this will resonate well with the citizens and keep them around at night and on the weekends supporting the local retail and other community amenities. Density in housing is good for retail. Studies prove this out. An investment in housing is an investment in more than just the specific project. It supports other parts of the economic engine.

Parking

Per our site plan we currently have 60 stalls of surface parking and 53 stalls of underground parking contemplated. This totals 113 stalls. When you add up the total number of bedrooms in the mix of apartments that we are proposing, we have 102 total bedrooms. We exceed the total number of bedrooms by 11 stalls. We propose a ratio of 1.1 to 1. We also propose adding as much green space as we can to this highly hard surfaced site. If there is room, we would propose a small dog park for the community to use.

Site Plan – Although a basic site plan doesn't show the laundry in the units, we commit to this request.

EDA ITEM MEMORANDUM

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: Resolution Approving a Preliminary Development Agreement with Centra Homes, LLC

Background:

The EDA owns approximately 8 acres of undeveloped, contiguous land just to the west of Highway 252 and south of 69th Avenue N. The property was acquired in 2011 by the EDA after the owner failed to complete the platting and development of the Eastbrook Estates 2nd Addition. The EDA acquired the property for the purpose of preserving it for future residential housing opportunities. The property was acquired for \$250,000 using TIF 3 pooled housing funds. These funds are set aside specifically to be used to catalyze the development of affordable housing. If affordable housing is not the final use on the property, then the funds will need to be paid back to the district.

At their October 8, 2018, meeting the City Council reviewed three proposals from developers interested in developing the site. At their November 13, 2018, meeting the City Council selected Centra Homes as the preferred developer.

Centra Homes had offered two options as part of their proposal: 1) A 50' Lot Concept Plan which proposed 35 single family homes with a minimum lot width of 50 feet and anticipated home values of \$315,000-\$350,000. 2) A 60' Lot Concept Plan which proposed 30 single family homes with a minimum lot width of 60 feet and anticipated home values of \$330,000-\$365,000. Centra proposed a purchase price of \$350,000 for land with the first option and \$270,000 for the second option.

The City Council indicated they preferred the first option.

In addition to the vacation of some right of way, Centra has indicated that their proposal will require the acquisition of additional private property in order to accommodate the new housing. If the properties cannot be acquired, or the acquisition amount is different than the estimated amount, then the projects may need to be altered or the land value adjusted.

Staff has prepared a Preliminary Development Agreement that will allow Centra to begin their due diligence, negotiate the additional property acquisition, and apply for a preliminary and final plat from the City. The Preliminary Development Agreement will expire on April 1, 2019. Centra hopes to complete the platting process by that date and be able to commence with construction activities shortly thereafter.

A purchase agreement will need to be negotiated as part of the next steps of the process, which will come back before the EDA for approval. The disposition of public land also requires a public hearing before the EDA, which will occur prior to closing and as part of the approval of the purchase agreement.

Budget Issues:

None to consider at this time.

Strategic Priorities and Values:

Targeted Redevelopment

Commissioner
moved its adoption:

introduced the following resolution and

EDA RESOLUTION NO.

RESOLUTION APPROVING A PRELIMINARY DEVELOPMENT
AGREEMENT WITH CENTRA HOMES, LLC

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the "Authority") has received a proposal from Centra Homes, a Minnesota limited liability company (the "Developer") regarding the development of land owned by the Authority for the creation of a final plat, construction of 35 single family homes, and associated public infrastructure improvements including utilities, new roads and storm water ponding, which proposal contemplates the Authority's conveyance of the Authority Property to the Developer; and

WHEREAS, the Authority's Board of Commissioners has reviewed the Developer's development concept and has caused to be prepared a Preliminary Development Agreement to allow the Developer to negotiate the purchase of the Authority Property, conduct due diligence, and gain approval from the City for a preliminary and final plat to subdivide the property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Economic Development Authority of Brooklyn Center, Minnesota (the "Board"), as follows:

1. The EDA hereby approves the Preliminary Development Agreement substantially in accordance with the terms set forth in the form presented to the Board, together with any related documents necessary in connection therewith (collectively, the "Preliminary Development Documents") and hereby authorizes the President and Executive Director to negotiate the final terms thereof and, in their discretion and at such time as they may deem appropriate, to execute the Preliminary Development Documents on behalf of the Authority, and to carry out, on behalf of the Authority, the Authority's obligations thereunder.

2. The approval hereby given to the Preliminary Development Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the Authority and by the officers authorized herein to execute said documents prior to their execution; and said officers are hereby authorized to approve said changes on behalf of the Authority. The execution of any instrument by the appropriate officers of the Authority herein authorized shall constitute evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Board by any duly designated acting official, or by such other officer or officers of the Board as, in the opinion of the City Attorney, may act in their behalf.

3. Upon execution and delivery of the Preliminary Development Documents, the officers and employees of the Authority are hereby authorized and directed to take or cause to be taken such actions as may be necessary on behalf of the Authority to implement the Preliminary Development Documents.

Resolution No.

4. The Board hereby determines that the execution and performance of the Preliminary Development Documents will help realize the public purposes of the Act.

December 10, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

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

PRELIMINARY DEVELOPMENT AGREEMENT

THIS PRELIMINARY DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into this 10th day of December, 2018, by and between the Economic Development Authority of Brooklyn Center, Minnesota (the “**Authority**”) with its principal office at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430, and Centra Homes, LLC, a Minnesota limited liability company (the “**Developer**”) with its principal office at 11460 Robinson Dr. NW, Coon Rapids, MN 55433. The Authority and the Developer may hereinafter be referred to individually as a “party” and collectively as the “parties.”

WHEREAS, the Authority is the owner of certain real property described in Exhibit A (the “**Authority Property**”) located in the City of Brooklyn Center (the “**City**”); and

WHEREAS, the Developer has presented to the Authority a concept for the development of the Authority Property and certain other real property located adjacent to the Authority Property that may be acquired by the Developer (the “**Additional Property**”) for the creation of a final plat, construction of 35 single family homes with anticipated sale prices between \$315,000-\$350,000, and associated public infrastructure improvements including utilities, new roads and storm water ponding (the “**Development**”), which proposal contemplates the Authority’s conveyance of the Authority Property to the Developer. The Developer has allocated \$350,000 for the purchase of both the Authority Property and Additional Property; and

WHEREAS, the Authority Property and the Additional Property are collectively referred to in this Agreement as the “**Development Property**”; and

WHEREAS, the Authority’s Board of Commissioners has reviewed the Developer’s development concept and desires to enter into this Preliminary Development Agreement to allow the Developer to negotiate the purchase of the Authority Property, conduct due diligence, and gain approval from the City for a preliminary and final plat to subdivide the property; and

WHEREAS, the Authority and Developer intend to proceed with the Development if: (i) a satisfactory agreement can be reached regarding the purchase price to be paid by the Developer for the Authority Property; (ii) the Developer successfully negotiates the purchase of any necessary Additional Property; (iii) satisfactory financing for the Development can be secured; and (iv) the City approves a preliminary and final plat to subdivide the property, allowing the Development to proceed.

NOW, THEREFORE, in consideration of the foregoing, the Authority and the Developer hereby agree as follows:

Section 1. Preliminary Nature of Agreement. The Authority and Developer agree that this Agreement is intended to be preliminary in nature. Before the Authority and Developer can make a decision on whether to proceed with the implementation of the Development, it will be necessary to assemble Additional Property and consider information relative to the uses, design, economics and other aspects of the Development. The purpose of this Agreement is to allow the

Developer an opportunity to assemble such necessary information, to refine the above referenced development concept, to negotiate with the Authority concerning the execution of a purchase agreement and subdivision agreement (collectively, the “**Contracts**”), and which, if executed, will set forth the rights and responsibilities of the Authority and the Developer with respect to the Development.

During the term of this Agreement, the Authority agrees that it will not: (i) discuss the terms of the Development with a third party without the prior written consent of Developer, except to the extent required by the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) or other law; or (ii) enter into or negotiate a similar agreement or any other proposals with any party other than the Developer to develop the Authority Property.

Section 2. Present Intent of Parties. The parties intend this Agreement to document their present understanding and commitments and, further, that if the following conditions are fulfilled to the mutual satisfaction of the Authority and Developer the parties will proceed in an attempt to formulate a mutually satisfactory Purchase Agreement for the Authority Property:

- (a) the Developer demonstrates the feasibility of the Development as refined pursuant to this Agreement;
- (b) the completion of all undertakings required by this Agreement in a satisfactory and timely manner;
- (c) the satisfaction of such other conditions as are determined to be appropriate by either party; and
- (d) the Development is generally consistent with the proposal submitted to the Authority’s Board of Commissioners on October 8, 2018.

The Contracts (together with any other agreements entered into between the parties hereto contemporaneously therewith) when executed will supersede all understandings and obligations of the parties hereunder.

Section 3. Development Design. The Developer’s concept for the Development on the Development Property is preliminary in nature and must be refined before implementation. The concept as proposed involves the creation of a final plat, construction of 35 single family homes with related public infrastructure improvements including utilities, new roads and storm water ponding improvements.

Section 4. Developer Undertakings. During the term of this Agreement the Developer shall do the following:

- (a) Continue to refine its site and building plans for the Development.
- (b) Undertake preliminary engineering, soil testing/borings and geotechnical analysis of the Development Property. For this purpose, the Developer and its contractors

shall have the right to enter upon the Authority Property at reasonable times and after notice to the Authority. The Developer shall indemnify, defend and hold the Authority harmless from and against any claims or damage, of whatsoever nature, arising out of the entry onto the Authority Property and shall repair any damage caused to the Authority Property. This obligation shall survive termination of the Agreement.

- (c) Submit to the Authority a proposed schedule for the undertaking of the Development including timing of the closing and commencement and completion of construction activities.
- (d) Using title information and a survey provided by the Authority, update evidence of title to the Authority Property and provide to the Authority any objections to title.
- (e) Seek to secure a commitment for financing sufficient for construction of the public infrastructure improvements.
- (f) Obtain environmental reports and studies provided by the Authority and such other studies and testing deemed necessary, to determine the acceptability of the environmental condition of the Authority Property and any Additional Property.
- (g) Identify the Additional Property to be acquired to undertake and complete the Development and work to secure options or purchase agreements with the owners of such property.
- (h) Prepare, submit application, and receive all necessary City approvals related to the subdivision and development of the Development Property.
- (i) Make all required presentations to the City Council of the City, the Authority's Board of Commissioners and the City Planning Commission in connection with seeking approvals for the Development.

All of the information described above shall be prepared or collected at the sole expense of the Developer. The Developer shall have no obligation to provide the Authority or City any reports, tests, analyses or any other due diligence it has prepared internally or obtained from any third party except as specifically provided herein.

Section 5. Authority Undertakings. During the term of this Agreement, the Authority will undertake the following:

- (a) Coordinate any necessary meetings with the Authority, City Council, Planning Commission and the community.
- (b) Assist in identifying public improvements necessary to be constructed in connection with the Development including, but not limited to, utilities, new roadways and storm water ponding.

- (c) Identify construction, permit, application, utility and any other fees and the amount of such fees that the Developer may be expected to pay in connection with the Development.
- (d) Identify the approval process and timeframes for development approvals that may be expected for the Development.
- (e) Provide to the Developer any title information and any third party reports the Authority has on hand regarding the Authority Property.
- (f) Provide to the Developer any surveys and environmental reports related to the Authority Property that are in the possession of the Authority. The Authority will, at the Developer's expense, cooperate with the Developer in pursuing any federal or State environmental approvals, permits, program enrollments or determinations requested by the Developer with respect to the Authority Property.
- (g) Notwithstanding any provisions or understanding to the contrary, neither the City nor the Authority will exercise its condemnation powers to acquire any additional property or other real property in connection with the Development.

Section 6. Contingencies. The parties acknowledge and agree that proceeding with the Development is subject to a number of contingencies including, but not limited to, the following:

- (a) The acquisition of all or part of the Development Property by direct purchase, on such terms and conditions as are acceptable to both parties.
- (b) The acceptance by the Developer of its environmental and geotechnical assessments and all other environmental and wetland reports and surveys certified to the Developer and its lender, deemed necessary by the Authority and the Developer for all of the property to be encompassed by the Development, which reports and surveys must be satisfactory to the Authority and the Developer.
- (c) The Authority and the Developer having obtained all necessary approvals for the Development from all appropriate governmental authorities including, but not limited to, any necessary watershed district approvals.
- (d) The Developer having obtained such land use approvals from the City as is necessary to allow the Development to move forward.
- (e) Title to the Authority Property and any Additional Property having been found acceptable to the Developer in its sole discretion.
- (f) The Developer having conducted such soils, well, engineering, hazardous waste, environmental and other testing as it determines necessary.

- (g) The Developer having obtained financing for, at a minimum, the public infrastructure improvements acceptable to Developer and satisfactory to the Authority.

Section 7. Negotiation of Contracts. During the term of this Agreement, the Authority and the Developer shall proceed with the negotiation of Contracts relative to the Development. The decision to enter into the Contracts shall be in the sole discretion of each of the parties. If prior to execution of the Contracts either party determines in its sole discretion that it is not in its best interest, for whatever reason, to proceed with the Development or the Contracts, it shall so notify the other party, whereupon this Agreement shall terminate and neither party shall have any rights or obligations to the other or to any third party under or with respect to this Agreement, except as provided in Section 9 regarding Authority costs incurred prior to such termination. If the Developer determines during the term of this Agreement that undertaking the Development is not financially feasible, it will promptly notify the Authority of such determination and the parties will terminate this Agreement.

Section 8. Effect of Approvals. No approval given by the Authority hereunder or in connection herewith shall be deemed to constitute an approval of the Development for any purpose other than as stated herein and the process outlined in this Agreement shall not be deemed to supersede any concept review, conditional use permit, vacation, subdivision, or other zoning or planning approval process of the Authority or the City relative to the development of real estate.

Section 9. Payment of Costs. Both Parties are aware of and acknowledge that contingencies and unknowns presently exist, any one or more of which could make the Development cost prohibitive, and that both parties are expending sums of money and time with full knowledge of the risks involved and that neither party shall be liable for any of the other party's expenses in any event, except (i) as otherwise provided pursuant to a separate agreement between the parties, (ii) in connection with an application for a Public Subsidy, or (iii) pursuant to required fees or costs related to applications made to the City or under City Code.

Section 10. Modifications. This Agreement may be modified and the term hereof may be extended only through written amendments hereto signed by both of the parties to this Agreement.

Section 11. Exclusive Rights. In consideration of the time, effort and expenses to be incurred by Developer in pursuing the undertakings set forth herein and in further consideration of the funds paid to the Authority, the receipt of which is hereby acknowledged, the Authority hereby agrees that for the term of this Agreement it will not provide or enter into an agreement with any third party in connection with any proposed development of the Authority Property. During such period the Developer shall have the exclusive right to work with the Authority in establishing definitive Contracts for the Development Property. Said exclusive rights shall continue, unless earlier terminated as provided herein, for the period described within Section 12 of this Agreement.

Section 12. Term and Termination. This Agreement shall be effective as of the date first written above and shall continue until April 1, 2019, unless terminated earlier in accordance with Section 7. If for any reason the Contracts have not been entered into by the parties by such date, or any mutually approved extension thereof, this Agreement shall be null and void and neither party shall have any liability or obligations to the other, except as provided in Section 9 regarding Authority costs incurred prior to the termination of this Agreement.

Section 13. Severability. If any portion of this Agreement is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of any remaining portion of this Agreement.

Section 14. Notices. Notice, demand, or other communication from one party to the other shall be deemed effective if sent by certified mail, postage prepaid, return receipt requested or delivered personally to a party at its address in the first paragraph of this Agreement, or at such other address as such party may designate in writing to the other party.

IN WITNESS WHEREOF, the Authority has caused this Agreement to be duly executed in its name and behalf and the Developer has caused this Agreement to be duly executed in its name and behalf on or as of the date first above written

**ECONOMIC DEVELOPMENT AUTHORITY
OF BROOKLYN CENTER, MINNESOTA**

By _____
Its President

By _____
Its Executive Director

Centra Homes, LLC

By _____
Its _____

EXHIBIT A
Legal Description of the Authority Property

**Council/EDA Work
Session**

City Hall Council Chambers
December 10, 2018

AGENDA



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.

ACTIVE DISCUSSION ITEMS

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
 - Cities United Membership
 - Livable Wages
 - Affordable Housing Recommendations
 - On-Street Parking Conditions
 - CBDG Funding
 - Public Subsidy Discussion
 - 1st Saturday Market discussion
 - Future Use of EDA Properties

MEMORANDUM - COUNCIL WORK SESSION

DATE: 12/10/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM:

SUBJECT: Pending Items

Recommendation:

- Cities United Membership
- Livable Wages
- Affordable Housing Recommendations
- On-Street Parking Conditions
- CBDG Funding
- Public Subsidy Discussion
- 1st Saturday Market discussion
- Future Use of EDA Properties

Background: