

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

3. Discussion of Work Session Agenda Item as Time Permits

4. Adjourn

**CITY COUNCIL
MEETING**

City Hall Council Chambers
November 26, 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

- *Motion to approval of the minutes for:*

- *November 13, 2018 - Special Council Meeting Canvassing Board*
- *November 13, 2018 - Study Session*
- *November 13, 2018 - Regular Council Meeting*
- *November 13, 2018 - Work Session Meeting*

b. Approval of Licenses

- *Motion to approve the licenses as presented*

7. Presentations/Proclamations/Recognitions/Donations

a. Youth Art Contest Awards

Consider awarding the winners of the Youth Art Contest.

8. Public Hearings

9. Planning Commission Items

a. Resolution Approving Planning Commission Application No. 2018-019 for a

Special Use Permit for an Adult Daycare Facility (Located at 5615 Brooklyn Boulevard)

- Motion to approve a resolution approving Planning Case 2018-019 for a Special Use Permit for an adult daycare facility at 5615 Brooklyn Boulevard based on the submitted plans, the findings of fact, and subject to the conditions in the resolution.

10. Council Consideration Items

11. Council Report

- a. Reminder: No Parking on streets with 2.5" of snow

12. Adjournment

COUNCIL ITEM MEMORANDUM

DATE: 11/26/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approval of the minutes for:*

- *November 13, 2018 - Special Council Meeting Canvassing Board*
- *November 13, 2018 - Study Session*
- *November 13, 2018 - Regular Council Meeting*
- *November 13, 2018 - Work Session 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

SPECIAL MEETING
NOVEMBER 13, 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 5:45 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler (arrived at 5:55 p.m.), Kris Lawrence-Anderson, and Dan Ryan. Councilmember April Graves was absent and excused. Also present were City Manager Curt Boganey, City Clerk Barb Suciu, City Attorney Troy Gilchrist, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

2018 MUNICIPAL GENERAL ELECTION RESULTS

Mayor Willson introduced this agenda item and invited City Manager Curt Boganey to address the City Council.

City Manager Curt Boganey invited City Clerk Barb Suciu to the podium.

City Clerk Barb Suciu reviewed 2018 Municipal General Election results, including 8,007 voters on Election Day and 2,654 absentee voters for a total of 10,661 voters. She stated overall voter turnout was 64%, which is similar to 2014, although absentee voting increased in 2018 by 9%.

Ms. Suciu read the votes per candidate: for Mayor, Mike Elliot received 5,253 votes and Tim Willson received 4,297 votes. For Councilmember, Dan Ryan received 5,039 votes; April Graves received 4,989 votes; Dan Baumgarner received 2,704 votes; and Alois Bellick received 1,526 votes.

Ms. Suciu expressed appreciation and thanks to all residents and City Staff who helped facilitate the election process, including Community Center staff, Earle Brown Heritage Center staff, and City Administration, including the Community Development, Public Works, and Police and Fire Departments, as well as all Election Judges.

Mayor Willson stated some candidates have not released their campaign financial reports, as required by State Statute. He added candidates spent money on signage that exceeds the \$750 limit, above which candidates are required to file a financial report regarding funds spent on their

campaign. He noted these financial reports must be filed within 30 days and available to the public on the City website.

Ms. Suciú stated some reports have been submitted, which she has not had a chance to upload to the website. She added reminders were sent to candidates. She noted Hennepin County has confirmed that financial reports are not necessary if a candidate's total expenditure is below \$750.

Mayor Willson stated he is aware of that requirement. He added the City will be subject to large penalties if certification is issued before a candidate has filed their financial report. He requested that City Staff follow up on this issue and ensure that the financial reports are filed.

Mayor Willson noted that one candidate did not use the appropriate "prepared and paid for by" notification on their campaign signage. He added the same candidate had multiple different sets of signs that appeared to be costly, and financial reports must be submitted to the City. Ms. Suciú agreed to follow up with the candidates.

Councilmember Butler arrived at 5:55 p.m.

Mayor Willson stated he was not the successful candidate for Mayor in this election, but he hopes to continue to work within the City in a political role. He added he has served as the City's Mayor for 12 years, and his tenure was marked by redevelopment and economic growth in Brooklyn Center. He thanked Mr. Boganey and his staff for their support and guidance over the years.

Councilmember Ryan moved, and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2018-186 regarding the canvass of the November 6, 2018, Municipal General Election.

Motion passed unanimously.

ADJOURNMENT

Councilmember Ryan moved and Councilmember Butler seconded to close the Special Session at 6:04 p.m.

Motion passed unanimously.

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

STUDY/WORK SESSION
NOVEMBER 13, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study/Work Session called to order by Mayor Tim Willson at 6:05 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves (arrived at 6:37 p.m.), Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Ryan requested the following correction to the minutes of the October 15, 2018, Joint Work Session with the Financial Commission:

Page 2, line 2 – replace “Move and Rebuild” with “ReMove and Rebuild”

Councilmember Ryan requested the following correction to the minutes of the October 29, 2018, Joint Work Session with the Financial Commission:

-Paragraph 7, line 2 - replace “Advancements” with “Improvements”

It was the majority consensus of the City Council to accept the corrections to the October 15 and October 29, 2018, Joint Work Session with the Financial Commission meeting minutes.

City Manager Boganey requested the addition of the following Agenda Item to tonight’s City Council Work Session Agenda:

- Update on Development Activities

Age-Friendly Community Initiative

Councilmember Ryan reviewed a resident request for a program in Brooklyn Center similar to Brooklyn Park’s “Age-Friendly Community” initiative. He added the City of Brooklyn Center may already be providing similar programs and events.

Councilmember Ryan agreed to bring flyers from Brooklyn Park's program to the next City Council meeting for feedback and comment.

Mayor Willson expressed his support and requested that Mr. Boganey forward this suggestion to the City's outreach staff to determine whether to move forward. He added this could be added to an upcoming Work Session agenda. Mr. Boganey agreed and indicated he would discuss with staff to conduct an inventory of current levels of engagement.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

REVIEW OF TRANSIENT ACCOMMODATIONS ORDINANCE

Police Chief Tim Gannon reviewed the City Ordinance related to Law Enforcement common practices for hotels and motels within Brooklyn Center. He stated the proposed amendments to the Ordinance will clarify definitions and make it easier to enforce. He added the implementation of standardized business practices would improve the safety and security at hotels in the City of Brooklyn Center.

- Police Chief Gannon reviewed proposed amendments to the Ordinance:
- Change the Ordinance name to Hospitality Accommodations Ordinance
- Implement basic best practices for all lodging hospitality businesses in the City;
- Broader definition of a "call for service";
- Correct the wording within "annual calls for service", including the proposed enhanced point system;
- A provision for Level 2 and 3 license holders to submit a Health and Safety Inspection.

Police Chief Gannon stated the Ordinance would be amended to "Hospitality and Accommodations" rather than "Transient Accommodations". He added this change would be implemented throughout the Ordinance. He noted the current procedure related to calls for service should also be expanded to include violations of City Code and any general call for service that requires a response from the Police Department.

Police Chief Gannon stated the formula used to calculate points to determine the level of licensing should be clarified and amended. He noted health and safety inspections requirements and compliance with required corrections should be clarified.

Police Chief Gannon stated City Staff reviewed this issue and have provided good strategies for implementing the necessary changes. He thanked City Staff, including Dr. Edwards, for their assistance.

Mayor Willson asked whether the new title of "Hospitality Accommodations" will affect non-hotel properties, such as restaurants and entertainment complexes.

City Attorney Troy Gilchrist stated the term would be defined the Ordinance.

Councilmember Graves arrived at 6:37 p.m.

Councilmember Lawrence-Anderson stated she supports the proposed changes. Councilmember Ryan agreed. He added the proposed changes are a result of direct experience and data gathered by members of the Police Force in the field, and he is satisfied with the research.

Mr. Boganey stated City Staff will provide a draft Ordinance for the City Council's review.

Mayor Willson thanked Chief Gannon for his presentation. He added the City's goal is to lessen the impact of crime on the City's residents. He noted hotels and motels should have a more defined role in this process.

ADJOURNMENT

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to close the Study Session at 6:40 p.m.

Motion passed unanimously.

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

REGULAR SESSION
NOVEMBER 13, 2018
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

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

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

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

No one wished to address the City Council.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to close the Informal Open Forum at 6:47 p.m.

Motion passed unanimously.

2. INVOCATION

- None.

3. CALL TO ORDER REGULAR BUSINESS MEETING

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

4. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Finance Director Nate

Reinhardt, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Attorney Troy Gilchrist, 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 Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the minutes of the Joint Work Session with the Financial Commission on October 15, 2018, and October 29, 2018, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. October 15, 2018 – Joint Work Session with Financial Commission
2. October 22, 2018 – Study Session
3. October 22, 2018 - Regular Session
4. October 29, 2018 – Joint Work Session with Financial Commission

6b. LICENSES

GASOLNE SERVICE STATION

Awad Company	6501 Humboldt Avenue N Brooklyn Center, MN 55430
Brookdale Holiday	5710 Xerxes Avenue Brooklyn Center, MN 55430
City of Brooklyn Center Municipal Garage	6844 Shingle Creek Parkway Brooklyn Center, MN 55430
Metropolitan Council Operations	6845 Shingle Creek Parkway Brooklyn Center, MN 55430
Two Rivers Investment, Inc.	6840 Humboldt Avenue N Brooklyn Center, MN 55430

MECHANICAL CONTRACTOR

Airics Heating & AC LLC	9124 Grand Avenue S Bloomington, MN 55378
All Climate Mechanical	7944 University Avenue NE Fridley, MN 55432
DeZiel Heating & AC Inc.	209 – 5 th Street Buffalo, MN 55313
WJW Company DBA: Twin City Heating & Air	10600 University Avenue NE Coon Rapids, MN 55448

CHRISTMAS TREE SALES

PQT CO- Rum River Tree Farm	21050 Lake George Boulevard Oak Grove, MN 56303
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RENTAL

INITIAL (TYPE II – two-year license)

5553 Aldrich Drive N.	Geri Williams
5636 Fremont Avenue N.	Alice Mansaray
5250 Great View Avenue	Chen Zhou/Cosco Properties LLC
6430 Indiana Avenue N.	Michael Holmes

RENEWAL (TYPE III – one-year license)

1510 69 th Avenue N.	Marsha Ann Darnell (met mitigation plan)
6610 Colfax Avenue N.	RHA 3, LLC (met mitigation plan)
5225 Howe Avenue N.	Michael Williamson

RENEWAL (TYPE II – two-year license)

5706 Camden Avenue N.	Gary Charles Parker
6761 Humboldt Avenue N.	Li-Chwen Su (met mitigation plan)
5307 Knox Avenue N.	Abraham Montemayor

RENEWAL (TYPE I – three-year license)

4819 Azelia Avenue N.	Penelope Brown (met mitigation plan)
6825-27 Noble Avenue N.	Robert Gardner (met action plan)
5347-53 Brooklyn Boulevard	Randall Cook
5406 70 th Circle	Mohammed Aaser
6013 Brooklyn Boulevard	Rosa Chiqui
5147 Drew Avenue N.	Frank Jin and Emily Zhao
4207 Lakeside Avenue #222	Don Stenberg
4207 Lakeside Avenue #238	Hussein Seman
5820 Logan Avenue N.	Farnaz Toussi (met mitigation plan)

- 6c. SETTING A PUBLIC HEARING ON PROPOSED UTILITY RATES FOR 2019**
- 6d. RESOLUTION NO. 2018-187 CERTIFYING SPECIAL ASSESSMENTS FOR EMERGENCY PRIVATE UTILITY SERVICE REPAIRS TO THE HENNEPIN COUNTY PROPERTY TAX ROLLS**
- 6e. RESOLUTION NO. 2018-188 SETTING 2019 EMPLOYER BENEFITS CONTRIBUTION FOR FULL-TIME NON-UNION EMPLOYEES**
- 6f. RESOLUTION NO. 2018-189 ESTABLISHING INTEREST RATE FOR 2019 SPECIAL ASSESSMENTS**

- 6g. RESOLUTION NO. 2018-190 ESTABLISHING 2019 STREET AND STORM DRAINAGE SPECIAL ASSESSMENT RATES**
- 6h. RESOLUTION NO. 2018-191 ACCEPTING FEASIBILITY REPORT, DECLARING COSTS TO BE ASSESSED AND CALLING FOR IMPROVEMENT AND ASSESSMENT PUBLIC HEARINGS FOR IMPROVEMENT PROJECT NOS. 2019-01, 02, 03, AND 04, INTERSTATE AREA STREET AND UTILITY IMPROVEMENTS**
- 6i. RESOLUTION NO. 2018-192 ESTABLISHING PARKING RESTRICTIONS FOR SEGMENTS ON CAMDEN AVENUE FROM 66TH AVENUE TO 1,330' SOUTH OF 66TH AVENUE**
- 6j. RESOLUTION NO. 2018-193 APPROVING SURFACE WATER MANAGEMENT PLANS UPDATES**
- 6k. RESOLUTION NO. 2018-194 APPROVING THE LABOR AGREEMENT FOR LAW ENFORCEMENT LABOR SERVICES (LELS) LOCAL 86 (POLICE COMMANDERS AND SERGEANTS) AND THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEARS 2019-2021**
- 6l. RESOLUTION NO. 2018-195 APPROVING THE CONTRACT FOR INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE) LOCAL 49 (PUBLIC WORKS MAINTENANCE) AND THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEARS 2019-2021**
- 6m. RESOLUTION NO. 2018-196 RELATING TO A MULTI-FAMILY RENTAL HOUSING FACILITY AND THE ISSUANCE OF CONDUIT HOUSING REVENUE BONDS UNDER MINNESOTA STATUTES, CHAPTER 462C, AS AMENDED; GRANTING PRELIMINARY APPROVAL THERETO; CALLING FOR A PUBLIC HEARING; ESTABLISHING COMPLIANCE WITH CERTAIN REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO (UNITY PLACE PROJECT)**
- 6n. RESOLUTION NO. 2018-197 AUTHORIZING THE SUBMISSION OF A LIVABLE COMMUNITIES ACT TRANSIENT-ORIENTED DEVELOPMENT ZONING IMPLEMENTATION GRANT APPLICATION TO THE METROPOLITAN COUNCIL**
- 6o. RESOLUTION NO. 2018-198 DECLARING A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF NUISANCE AT 5603 JAMES AVENUE N**

6p. ORDINANCE NO. 2018-16 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 passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

- None.

8. PUBLIC HEARINGS

8a. ORDINANCE 2018-14, AMENDMENT TO CITY ORDINANCE NO. 2018-14, CHAPTER 23, TOBACCO AND TOBACCO RELATED PRODUCTS

City Manager Curt Boganey stated this is the second reading of a proposed Ordinance amendment that would change the age at which it is legal to purchase tobacco-related products in Brooklyn Center. He invited Police Chief Gannon to review this agenda item.

Police Chief Gannon stated the City of Brooklyn Center has engaged in the "T-21" movement, an initiative to raise the legal age for the purchase of tobacco-related products to 21 years old. He added this is the second hearing of the Ordinance amendment. He noted City Staff recommends approval of the second public hearing and adoption of the Ordinance amendment.

Police Chief Gannon stated there has been City Council consensus on some aspects of the proposed restrictions. He added changes to the current Ordinance include clarification of terms, including the definition "covered product"; maximum number of licenses within the City to sell tobacco-related products limited to 15; and clarification of administrative penalties. He noted City Staff will work with retail partners to estimate costs and develop a work plan.

Councilmember Graves asked whether the Ordinance still contains language that would prevent detrimental criminal response for a youth who is caught buying or using tobacco-related products. City Attorney Gilchrist stated that section was deleted from the last page of the Ordinance.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to open the Public Hearing at 7:10 p.m.

Motion passed unanimously.

Jess Nolan, 5827 Camden Avenue N, stated she and her husband have lived in their home for 8 years and are proud to be a part of the vibrant community of Brooklyn Center. She expressed her support of the changes to the City's tobacco ordinance. She added she cares deeply about preventing youth tobacco use. She noted the ordinance will save lives and reduce health care

costs. She urged the City Council to give the next generation the support they need to lead tobacco-free lives. She thanked the City Council for sending a message about the importance of the youth in our community.

Sylvia Amos, 1404 14th Avenue N, representing Stair Step Foundation, a faith-based organization that serves the residents of Brooklyn Center, stated she wants to voice her support for raising the age to purchase tobacco to 21, and keeping tobacco out of the hands of young people. She added the proposed ordinance will help limit children's access to flavored tobacco products that are very popular.

Gretchen Garman, 2056 Baird Avenue, St. Paul, representing Hennepin County Public Health, thanked the City Council for supporting this initiative. She stated the City of Brooklyn Center should be commended for attempting to find ways to limit youth access to tobacco. She added the City Council also recently reviewed a comprehensive study of flavored tobacco. She urged the Council to revisit that issue. She thanked the City Council for their leadership in taking a stand on this important public health issue.

Emily Anderson, 4136 Columbus Avenue South, representing the Association for Nonsmokers-Minnesota, stated many local communities have voted to increase the purchase age to 21, and the T-21 movement puts the future of Minnesota's children over the tobacco industry. She added there is still work to be done at the State level as the tobacco industry has a lot of influence there, but cities should not wait for the State Legislature to act. She noted Brooklyn Center will become one of the leaders of the T-21 movement in Minnesota if this Ordinance is passed.

Kim Yang, 7224 Major Avenue North, stated she has seen many kids use flavored e-cigarettes at their high school. She added the products are made with beautiful colors, cute shapes and sweet flavors that appeal to kids. She showed a hoodie that had a built-in hidden vaping mechanism.

Panya Yang, 7224 Major Avenue North, stated students do not realize the harm and damage these products can cause to their health. She thanked the City Council for considering the Ordinance and taking action against tobacco companies that target kids. She expressed her pride in living in a community that takes care of its young people.

Amber Kerrigan, Twin Cities Medical Clinic, 14856 Evergreen Avenue, Andover, spoke on behalf of Dr. Nathan Chomilo of Brookdale Park Nicollet Clinic. She stated Dr. Chomilo, a pediatrician practicing in Brooklyn Center, was unable to attend tonight's meeting. She added Dr. Chomilo is proud that Brooklyn Center is considering an ordinance restricting sale of tobacco products to people under 21 years of age. She noted tobacco companies target communities at disproportionate rates, making it easier to start and harder to quit, and an ever-growing number of communities are increasing momentum toward a State-wide ban. She expressed Dr. Chomilo's appreciation of Brooklyn Center as a city with a history of being a leader in movement to end youth tobacco use.

Asafa Draga, 3008 Arliss Road, expressed his support of restricting sales of e-cigarettes to minors, as people can get addicted at a young age when they can obtain tobacco products from friends. He stressed the importance of doing this for the next generation, to help prevent children from ever getting started with the deadly habit of smoking in the first place.

Councilmember Ryan moved and Councilmember Butler seconded to close the Public Hearing at 7:30 p.m.

Motion passed unanimously.

Councilmember Lawrence-Anderson stated she is very proud of what the City Council's accomplishments in 2014. She added it is a personal issue for her as she lost her father at the age of 60, who died of smoking-related causes, and her mother is currently dealing with lung cancer. She thanked all the residents and supporters of the T-21 initiative who spoke during the public hearing.

Councilmember Ryan expressed his agreement with Councilmember Lawrence-Anderson's comments. He added it is a personal issue for him as well, as his father dealt with smoking-related illnesses for years and suffered the adverse effects of smoking on his health. He expressed disappointment that the City Council could not agree to raise the price of tobacco products. He stated restricting access to vaping devices is a critical feature, but he hopes other provisions can be revisited and consensus reached.

Mayor Willson stated he has heard from many organizations that care for people and understand that tobacco addiction is a very real and serious problem. He added the Federal Drug Administration (FDA) has been looking into vaping products and hopefully will take some regulatory action of the tobacco industry, which exploits citizens with their campaigns and lobbying efforts. He noted, in the past 12 years, there has only been one tobacco lobbyist who came to Brooklyn Center.

Mayor Willson stated he was a smoker for over 30 years and has been a non-smoker for the same amount of time. He added, when he was a smoker, he and his parents did not know the effects of tobacco and its addictive properties. He expressed his support of the Ordinance.

Councilmember Graves expressed her support of the T-21 initiative, which received impetus from members of the Youth Council. She stated this Ordinance is an important step toward reducing access to tobacco products.

Councilmember Graves moved and Councilmember Butler seconded to approve the second reading and adopt CITY ORDINANCE NO. 2018-14 Amending City Ordinance No. 2018-14, Chapter 23, Tobacco and Tobacco Related Products

Mayor Willson stated he hopes the Mayor-Elect and City Council will review and expand the Ordinance in the coming years.

Motion passed unanimously.

8b. ORDINANCE 2018-15 AMENDING CHAPTERS 19 AND 27 OF THE CITY CODE REGARDING PARKING

Ms. Beekman reviewed an Ordinance amendment related to parking and storage of commercial vehicles in public parking lots throughout the City. She stated the City has received several complaints regarding overnight parking of commercial trucks. She added, while the Ordinance prohibits storage of vehicles on residential property, this amendment is required to clarify parking restrictions on publicly owned property. She noted the Amendment would strengthen and clarify the Ordinance to facilitate enforcement.

Ms. Beekman stated City Staff recommends that the City Council hold a public hearing on this issue and approve the second reading and adoption of the Ordinance

Councilmember Graves moved and Councilmember Ryan seconded to open the Public Hearing at 7:46 p.m.

Motion passed unanimously.

No one appeared to address this item.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to close the Public Hearing at 7:47 p.m.

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to approve the second reading and adopt CITY ORDINANCE NO. 2018-15 amending Chapters 19 and 27 of the City Code Regarding Parking.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION NO. 2018-199 APPROVING PLANNING COMMISSION APPLICATION NO. 2018-018 FOR AN INTERIM USE PERMIT FOR THE TEMPORARY RELOCATION OF THE BROOKLYN CENTER STEAM HIGH SCHOOL (TO BE LOCATED AT 5951 EARLE BROWN DRIVE)

Planner and Zoning Administrator Ginny McIntosh reviewed the request for an Interim Use Permit to relocate the Brooklyn Center STEAM High School during a construction period. She stated the School District wishes to renovate a vacant space at 5951 Earle Brown Drive, and intends to relocate students to this location by January 2019. The applicant has agreed to conditions that would be imposed by the City Council.

Ms. McIntosh stated the applicant will conduct renovations on the space to make it usable for 400 high school students and approximately 40 staff. She added there are 2 parking access points and no minimum parking allowance for school use. She noted no more than 15 high school students will require parking, and the building will be served by 10-15 buses per day.

Ms. McIntosh stated City Staff recommends assessments and repairs in the parking lot. She added part of the irrigation system is not functioning and needs to be addressed. She noted the City Engineer's report indicates there must be compliance with ADA requirements including sufficient ADA parking, as well as compliance with Fire Code requirements and installation of a sprinkler system.

Mayor Willson asked whether the Educational Use designation will go away when the space is no longer used as a high school. Ms. McIntosh stated that would be reviewed when there is a new lease application.

Mr. Boganey stated City Staff proposes the interim use permit would be time limited.

Councilmember Graves requested clarification regarding building security. Ms. McIntosh stated the security system that is currently being used at the high school will be in place at this location as well.

Ms. McIntosh stated a signage plan was not submitted by the applicant, but they will likely use the multiple tenants panel board. The Planning Commission recommends approval of Resolution No. 2018-199, approving Planning Commission Application No. 2018-018 for an Interim Use Permit for the temporary relocation of the Brooklyn Center Steam High School, to be located at 5951 Earle Brown Drive.

Mayor Willson stated he is glad to see the building is being put to good use after being vacant for many years. He added the School District should increase their security presence at the new temporary location. He noted hopefully the City can work with the property owners on some type of redevelopment after the interim use ends.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2018-199 approving Planning Commission Application No. 2018-018, for an Interim Use Permit for the Temporary Relocation of the Brooklyn Center STEAM High School (to be located at 5951 Earle Brown Drive).

Motion passed unanimously.

9b. RESOLUTION NO. 2018-200 APPROVING PLANNING COMMISSION APPLICATION NO. 2018-017, FOR A SPECIAL USE PERMIT FOR JAMBO AFRICA (LOCATED AT 1601 FREEWAY BOULEVARD)

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2018-017, approving a Special Use Permit for live entertainment at Jambo Africa Restaurant. She stated the Resolution was published in the Sun Post and notices were sent to nearby property owners. She added the property does not abut any properties that are zoned Residential. She noted the applicant already possesses both liquor and public dance licenses.

Building Official Dan Grinsteinner noted that an ADA-compliant ramp will be required for the removable stage. The Planning Commission requested that the number of patrons within the establishment be restricted. The Planning Commission recommends City Council approval of Planning Commission Application No 2018-017, for a Special Use Permit for Jambo Africa.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2018-200 approving Planning Commission Application No. 2018-017, for a Special Use Permit for Jambo Africa (located at 1601 Freeway Boulevard).

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

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

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 the proposed rental license for 6712 Beard Avenue North. Seeing no one coming forward, Mayor Willson called for a motion.

Councilmember Ryan moved and Councilmember Butler seconded to approve the issuance of a Type IV six-month provisional rental license and mitigation plan for 6712 Beard Avenue North, with the requirement that the mitigation plan and all applicable ordinances must be strictly adhered to before a renewal rental license would be considered.

Motion passed unanimously.

11. COUNCIL REPORT

Councilmember Ryan reported on his attendance at the following events:

- October 29, 2018 – Highway 252 Freeway Conversion Project meeting – participants included Mayor Willson, Commissioner Mike Opat, as well as senior staff from Brooklyn Center, Brooklyn Park, Minnesota Department of Transportation and SRF Consulting
- October 29, 2018 – City Council Joint Work Session with Financial Commission to review Enterprise Funds
- November 8, 2018 - Coffee with a Cop at Tim Horton Restaurant – community engagement effort

- November 6, 2018 – General Election – Councilmember Ryan acknowledged the high rate of voter turn-out in Brooklyn Center, at 64%. He expressed his gratitude for residents’ support and confidence in him. He thanked his wife and his supporters who helped him get re-elected for the fourth time. He congratulated Councilmember Graves on her re-election. He expressed disappointment that Mayor Willson will no longer be a part of the City Council and added he has appreciated Mayor Willson’s excellent service and dedication for the past 12 years as Mayor of Brooklyn Center.

Councilmember Lawrence-Anderson reported on her attendance at the following event:

- November 6, 2018 – General Election – Councilmember Lawrence-Anderson congratulated Councilmembers Ryan and Graves on their successful re-election campaigns.

Councilmember Graves reported on her attendance at the following events:

- October 25, 2018 – tour of Noble Academy
- October 25, 2018 – meeting with Minneapolis Area Association of Realtors to discuss fair housing and market trends
- October 26, 2018 – dinner with former Vice President of Liberia
- October 29, 2018 – Progressive Baptist Church candidates’ event
- October 29, 2018 – Brooklyn Innovations ribbon cutting ceremony
- October 31, 2018 - trick or treating and door knocking
- November 2, 2018 – meeting with Ambrose Russell, Executive Director/Founder of The Inner Hero, which provides inspiration and mentoring to young people
- November 6, 2018 - participated in General Election – Councilmember Graves stated she is happy to be re-elected, offered her congratulations to Councilmember Ryan, and thanked her supporters for their hard work on her behalf.
- November 8, 2018 – Northside Neighborhoods Council meeting
- November 8, 2018 – Women and Girls of Color Symposium at University of Minnesota’s Urban Research and Outreach-Engagement Center (UROC)

Councilmember Butler reported on her attendance at the following events:

- October 29, 2018 – Councilmember Butler was unable to attend the Joint Work Session as she was out of the country
- November 6, 2018 – participated in General Election – Councilmember Butler thanked the election judges and offered congratulations to all candidates, whether they won or not
- November 8, 2018 – attended the Community Development Innovation Panel and was interviewed by a University of Minnesota student for a research project on women in politics.

Mayor Willson commented on the high number of residents in Brooklyn Center who turned out to vote on November 6, 2018.

12. ADJOURNMENT

Councilmember Graves moved and Councilmember Ryan seconded adjournment of the City Council meeting at 8:24 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 13, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Tim Willson at 8:26 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

ADA TRANSITION PLAN FOR PUBLIC RIGHTS OF WAY

Director of Public Works Doran Cote reviewed the City's ADA transition plan for public rights of way, which is being developed in compliance with the requirements of the Americans with Disabilities Act. Completion of this plan will ensure safe and compliant pedestrian facilities as well as maintaining the City's eligibility for federal funding.

Mr. Cote presented photos and depictions of ADA-compliant curbs, pedestrian crossings and intersections. Implementation and construction costs can vary depending upon the condition of the existing intersection and necessary improvements.

Mr. Boganey stated this initiative will involve significant cost to the City and represents an infrastructure investment that the City is committed to making that will improve accessibility for the residents of Brooklyn Center.

Councilmember/Commissioner Ryan asked where the required standards come from, and whether they could change in the future. Mr. Cote stated ADA-compliant standards are set by MnDOT. He added the City will be in compliance if improvements are made according to MnDOT's standards.

Mr. Cote stated City Staff plans to host an Open House in January or February 2019, encouraging participation from communities that have people with disabilities, to obtain their

feedback and comment. This information will be included in the ADA transition plan that will be presented to the City Council for their approval in April 2019.

Councilmember/Commissioner Lawrence-Anderson stated she supports the ADA transition plan, although it is not optional. Councilmember/Commissioner Ryan agreed, adding the City is compelled to comply with an unfunded mandate. He added he supports the general objective of universal accessibility for those who require it. He expressed concern about how the City can manage related costs.

Councilmember/Commissioner Graves asked why some crosswalks were recently replaced. Mr. Boganey stated they were damaged and worn and needed to be repaired.

Councilmember/Commissioner Graves stated she is anxious to see crosswalk improvements at intersections on Brooklyn Boulevard, which are used by many elderly people.

It was the majority consensus of the City Council to move forward with the ADA transition plan for intersections in Brooklyn Center.

TENANT PROTECTION ORDINANCE

Community Development Director Meg Beekman reviewed an Ordinance amendment that would protect tenants' rights, ensure the legality of housing contracts, and preserve naturally occurring affordable housing. City Staff presented recommendations to the City Council at a recent Regular Meeting, and were directed to review a Minneapolis Ordinance related to Section 8 vouchers. The City Council requested that City Staff provide a draft Tenant Protection Ordinance.

Ms. Beekman stated average vacancy rates in the metropolitan area are approximately 2.4%, which is very low. She added renters are at a disadvantage, as they are subject to increased rents, and landlords are in a position to be choosy about renters, and whether they will accept Section 8 vouchers for rent. She noted there has been growing interest in rental development from outside investors.

Ms. Beekman stated the proposed Ordinance includes a requirement that landlords must give tenants three months' notice to relocate. She added this requirement would mitigate tenant displacement and would apply to properties that have naturally occurring affordable units. She noted the proposed Ordinance restricts the type of non-renewals that have previously occurred during the tenant protection period.

Ms. Beekman stated the process, including disputes, would be managed through the City's existing rental license program. She added other cities in the metropolitan area have similar ordinances which were reviewed by City Staff. She noted, in these other ordinances, any

changes made by the landlord, such as a rent increase, must be subject to a 90-day hold period to give the tenant the opportunity to move before the changes are implemented.

Ms. Beekman stated there is a possibility that the proposed Ordinance could dissuade potential buyers from buying property in Brooklyn Center due to these restrictions. She added that is not something that can be easily measured. She noted the proposed Ordinance has been prepared for the City Council's review, based on similar ordinances from St. Louis Park and Richfield. She requested feedback and comment from the City Council. She asked whether the City Council wants the Housing Commission to review the proposed Ordinance before the City Council takes any action.

Councilmember/Commissioner Lawrence-Anderson stated she would like to hear what the Housing Commission has to say about the proposed Ordinance.

Councilmember/Commissioner Ryan agreed, adding it would be helpful to have the Housing Commission's input. He added he likes the additional requirement from HOME Line that the income requirement increase from 60% to 80% for rental properties with any number of units, not just properties with 20% or more affordable units.

Councilmember/Commissioner Ryan asked City Attorney Troy Gilchrist for his opinion regarding the dependability of the ordinance.

Mr. Gilchrist stated he does not recommend City Council involvement in any area that is currently involved in litigation. He added the proposed Ordinance is not free from the potential of litigation. He added, however, other cities are also enacting similar ordinances.

Councilmember/Commissioner Graves stated she is opposed to discriminating against renters who have Section 8. She added landlords should accept renters regardless of how they pay their rent. She noted she agrees that the Housing Commission should review this issue, and she is happy to see this proposed ordinance before the City Council.

Councilmember/Commissioner Graves stated she is curious about HOME Line's recommendation and would like to have an understanding about why they made it.

It was the majority consensus of the City Council to forward this issue to the Housing Commission.

EASTBROOK ESTATES DEVELOPMENT PROPOSALS

Ms. Beekman presented an overview of the agenda item, which was discussed at an October 8, 2018, City Council Work Session. She added the Eastbrook Estates property was acquired by the Economic Development Association (EDA) and is proposed for development. City Staff have met with multiple developers and requested submission of proposals. The City Council

expressed their preference for Centra Homes' Option A proposal, and subsequently toured a Centra Homes development in Maple Grove. This development would not involve any financial contribution from the City of Brooklyn Center. Ms. Beekman requested feedback and comment from the City Council.

Councilmember/Commissioner Ryan stated he likes the 50-foot wide single-family home lots in Centra's proposal, which would mean fewer homes on the site. He added he would be supportive of either a letter of intent or preliminary development agreement.

Councilmember/Commissioner Butler stated she is in favor of Centra Option A. She added she does not support townhomes. She noted this is an opportunity to give residents an upgraded housing option within the City of Brooklyn Center.

Councilmember/Commissioner Lawrence-Anderson agreed, adding she likes Centra's proposal for single-family homes on individual lots.

Councilmember/Commissioner Graves stated she is curious about a different street layout.

Councilmember/Commissioner Graves stated she is willing to go along with the rest of the City Council and make a decision based on what is being presented tonight.

It was the majority consensus of the City Council to choose Centra Homes Option A for the Eastbrook Estates housing development.

YOUTH ART CONTEST UPDATE

Ms. Beekman stated City Staff has recommended that framed artwork from the Youth Art Contest be exhibited on the Hall of Fame wall outside Council Chambers. She added the artwork would be displayed on a rotating basis and can be hung from a picture rail. She noted the existing Hall of Fame photos can be moved to the right, towards the Public Works Department.

Councilmember/Commissioner Ryan asked whether the Community Center would be a better location for the artwork to be displayed.

Councilmember/Commissioner Graves requested clarification on the Hall of Fame. Ms. Beekman stated photos and descriptions of past community members are featured on the Hall of Fame, which is maintained by the Brooklyn Center Historical Society. She added it could be perceived as a negative move by residents and the Historical Society if the Hall of Fame were to be removed entirely.

Councilmember/Commissioner Graves asked whether the Youth Art display would be temporary. Ms. Beekman stated the space would be permanent, and the art display would rotate

on an annual basis. Community Schools will be doing an ongoing art contest throughout the school year, so a permanent space needs to be created. She added the Hall of Fame could be moved to the right, or across the hall, but not removed entirely.

Councilmember/Commissioner Graves asked how long the Hall of Fame has been at its current location, and how people are chosen for inclusion. Ms. Beekman stated the Brooklyn Historical Society has managed the Hall of Fame, and the last nomination was in 2008.

Councilmember/Commissioner Graves stated she supports putting a spotlight on younger voices in the community.

Councilmember/Commissioner Ryan stated the City's rebranding process included recommendations from a consultant. He added the Community Center would be a good location for the youth art display, as young people go there all the time, and walk around in the atrium where there is a big wall space that would be a good location for art.

It was the majority consensus of the City Council to support the youth art display, but no consensus was reached regarding where to put the art display.

Mr. Boganey stated the wall outside Council Chambers was chosen because of its prominent location within City Hall. He added, as indicated in the proposal, the space would not be reserved only for the youth art exhibit but for many other types of art as well. He noted the Wall of Fame was established by Resolution, and the Historical Society has been responsible for its maintenance.

Councilmember/Commissioner Graves stated she would support something different at that location, especially if there is no intention to add more photographs to the Hall of Fame. Mr. Boganey stated City Staff can review other locations for the Hall of Fame to be presented to the City Council for their consideration.

Councilmember/Commissioner Lawrence-Anderson stated the youth art could be displayed in Council Chambers temporarily using adhesive wall strips or easels.

Councilmember/Commissioner Butler stated she is fine with moving the Hall of Fame photos down and displaying youth art outside Council Chambers.

"It was the majority consensus of the City Council to temporarily locate the Youth Art display in the Council Chambers.

UPDATE ON DEVELOPMENT

Mr. Boganey stated Bob Lux, Alatus LLC, would like to provide an update to the City Council on the opportunity site, including site planning, potential tenants and a tour of an apartment

building similar to what is being proposed. He added the Planning Commission can be included and City Staff will arrange participation. He noted he hopes a majority of Councilmembers and Commissioners can attend and provided three possible dates, November 19, 25 or 26 at 4:00 p.m. or 4:30 p.m.

It was the majority consensus of the City Council to visit and tour an Alatus LLC apartment complex with Bob Lux on November 26, 2018.

Ms. Beekman provided an update on the Target site and presented a site plan and letter from the Mayor to the CEO of Target Corporation, indicating the City's support of keeping Target in Brooklyn Center. City Staff had not received a response to that letter, and Target announced its plan to leave the facility soon after.

Ms. Beekman stated Mr. Lux of Alatus is moving forward with an alternative plan associated with the Minnesota Opportunity Zone account, a pool of funds that have been they have identified for expenditure in Minnesota in 2019. She added interest is growing in the former Olive Garden/Cracker Barrel site, and the EDA site next to Top Golf.

Mr. Boganey stated the Mayor and City Staff had been working diligently with Alatus to ensure that a new home for Target could be found if necessary, to keep it within Brooklyn Center.

ADJOURNMENT

Councilmember/Commissioner Lawrence-Anderson moved and Councilmember/Commissioner Ryan seconded to close the Study/Work Session at 10:00 p.m.

Motion passed unanimously.

COUNCIL ITEM MEMORANDUM

DATE: 11/26/2018

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.

FIREWORKS LICENSES

American Promotional Events
DBA: TNT Fireworks 3245 County Road No 10
Cub Foods
American Promotional Events
DBA: TNT Fireworks 6100 Shingle Creek Pkwy
Target

GASOLINE SERVICE STATION LICENSES

Royalty & Sons Inc. 6044 Brooklyn Blvd.
Brooklyn BP Brooklyn Center

LIQUOR OFF SALE 3.2 MALT

Awad Company 6501 Humboldt Ave N
Winner Gas Brooklyn Center 55430
Diamond Lake 1994, LLC 3245 County Rd 10
Cub Foods Brooklyn Center 55429
Ku, Leng 6350 Brooklyn Blvd
Sun Foods Brooklyn Center 55429
Northern Tier Retail LLC 6950 Brooklyn Blvd
Speedway #3192 Brooklyn Center 55429
Northern Tier Retail LLC 1901 57th Ave N
Speedway #4058 Brooklyn Center 55430
Northern Tier Retail LLC 6545 West River Rd
Speedway #4160 Brooklyn Center 55430

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MECHANICAL LICENSES

Advance Heating and AC	15311 Kangaroo St. NE Ramsey, MN 55330
Tonna Mechanical, Inc.	1440 Industrial Dr NW Rochester, MN 55901

SECONDHAND GOODS DEALER

Gamestop #535	6068 Shingle Creek Pkwy Brooklyn Center
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SIGN CONTRACTOR

Rose City Sign, Inc.	31208 County Rd 71 Eagle Bend, MN 56446
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TOBACCO LICENSES

Awad Companies	6501 Humboldt Ave N Brooklyn Center 55430
Bleu Ocean Inc.	615 66th Ave N Brooklyn Center 55430
Brookdale Holiday	5710 Xerxes Ave N Brooklyn Center 55430
Casey's General Store	2101 Freeway Blvd Brooklyn Center 55430
Diamond Lake 1994 LLC	3245 County Road 10
Jerry's Enterprises, Inc.	Brooklyn Center 55430
Premier Tobacco	6930 Brooklyn Blvd Brooklyn Center 55429
Royalty & Sons, Inc	6044 Brooklyn Blvd
Brooklyn BP	Brooklyn Center 55429
Leng Ku	6350 Brooklyn Blvd
Sun Foods	Brooklyn Center 55429
Two Rivers Investment, Inc.	6840 Humboldt Ave N Brooklyn Center 55430
Walgreens Company	6390 Brooklyn Blvd Brooklyn Center 55429

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 November 26, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
5133 France Ave N	Single Family	Initial	Cerberus SFR Holdings	0	II	N/A	II	
6143 Scott Ave N	Single Family	Initial	Maitland Acquisition	3	II	N/A	II	
700 66th Ave N Georgetown Park Townhouses	24 Bldgs 92 Units	Renewal	Wiensch Construction met mitigation plan	212 2.3/unit	III	10 .108/unit	III	IV
5101 63rd Ave N	Single Family	Renewal	Adedamola Ogundipe	4	II	0	II	II
1307 65th Ave N	Single Family	Renewal	NaLee Vang met mitigation plan	2	I	0	I	III
5351 71st Cir	Single Family	Renewal	Ghulam Pyarali	2	I	0	I	II
3501 72nd Ave N	Single Family	Renewal	Cosco Properties LLC met mitigation plan	1	I	0	I	III
6713 Colfax Ave N	Single Family	Renewal	Donald Speese	1	I	0	I	II
5701 James Ave N	Single Family	Renewal	Roxann and Patrick Knight	9	III	0	III	II
4007 Joyce Ln	Single Family	Renewal	John Jorgensen	2	I	0	I	II
5507 Judy Ln	Single Family	Renewal	David Sheets met mitigation plan	5	II	0	II	III
4207 Lakeside Ave #322	Single Family	Renewal	Paul Swedberg	4	II	0	II	II
5024 Lilac Dr N	Single Family	Renewal	Carlos Balbrera	0	I	0	I	II
6900 Regent Ave N	Single Family	Renewal	Houa Her met mitigation plan	1	I	0	I	IV

* 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: 11/26/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: Youth Art Contest Awards

Requested Council Action:

Consider awarding the winners of the Youth Art Contest.

Background:

As part of the 2040 Comprehensive Plan process, the City was seeking to engage youth in expressing the things they value about the community, and what they hoped the community would be like in 2040. In order to facilitate this engagement, the City sponsored a youth art contest. The contest was open to all youth exiting grades 6 through 12 who either reside in Brooklyn Center, or attend a school in Brooklyn Center.

The contest asked youth to imagine it was 2040, what is Brooklyn Center like? What kind of community do you want it to be? What are its values? What do you love about it? What makes it better than today? What does it mean to be a member of this community in 2040?

The intention was for young people to express their thoughts about these questions through an original piece of artwork that was two-dimensional and can be hung on a wall.

The artwork was judged in two categories; 6th-8th graders and 9th-12th graders.

Judging

As part of the contest, the City Council was asked to judge the submissions. Judging was scored based on three criteria:

Judging Rubric

Interpretation of Theme	How closely the piece relates to the theme, based on the artwork itself and artist statement	20 pts
Artistic Merit/Creativity	How creative and original is the piece in its conception of the theme and presentation	10 pts
Quality	The level of skill, and mastery of the medium, demonstrated in the piece	5 pts

Staff then add up the scores and informed the winners.

Winners

Certificates have been created for each winner. After their name is called they can receive their certificate and have a photo taken with their artwork. Winners will also receive gift certificates to Target.

Category 6-8th Grades

1st Place – *We Are One*

Anna Yang, Age 13

Brooklyn Middle School

“I drew people holding someone’s hands around the world because together, we are strong and can be more supportive with each other. No matter what nationality you are, everyone still loves you and will support you fully. This is what Brooklyn Center will be in the future. In the next 20 years until 2040s. People will be more peaceful and successful in the future.”

2nd Place – *Untitled*

Abubakar Deifan Fadul, Age 12

Brooklyn Center Middle and High School

3rd Place – *Untitled*

Abubakar Deifan Fadul, Age 12

Brooklyn Center Middle and High School

Category 9-12th Grades

1st Place – *Our Children’s Future will be Bright in Brooklyn Center*

Yong Cha Yang, Age 15

Park Center High School

“In this poster, there are hands holding a bright ball, which is Brooklyn Center. Each hands are helping to hold the community up as the lights become brighter. Brooklyn Center will not be the same or either improve without the help of each members of the community. With every love and support that’s given each day, the community will become more safe, secured, and loved.”

2nd Place – *Untitled*

Khe Mee Yang, Age 16

Park Center High School

– “The image that I drew shows the future of Brooklyn Center. I wanted to keep the culture of the earth, that’s why I drew an outside farmer’s market and an indoor farmer’s market. I drew a department of education because education takes up an important role in a person’s life. I also drew multiple buildings to show the expansion of Brooklyn Center.”

3rd Place – *Untitled*

Cha Lee Yang

Park Center High School

“I believe Brooklyn Center in the future is going to be a place where everyone can come and find a home or a

place where they belong.”

Strategic Priorities and Values:

Inclusive Community Engagement

Art Contest Winners

Category 6-8th Grades

1st Place – *We Are One*

Anna Yang, Age 13

Brooklyn Middle School

"I drew people holding someone's hands around the world because together, we are strong and can be more supportive with each other. No matter what nationality you are, everyone still loves you and will support you fully. This is what Brooklyn Center will be in the future. In the next 20 years until 2040s. People will be more peaceful and successful in the future."

2nd Place – *Untitled*

Abubakar Deifan Fadul, Age 12

Brooklyn Center Middle and High School

3rd Place – *Untitled*

Abubakar Deifan Fadul, Age 12

Brooklyn Center Middle and High School

Category 9-12th Grades

1st Place – *Our Children's Future will be Bright in Brooklyn Center*

Yong Cha Yang, Age 15

Park Center High School

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education because education takes up an important role in a person's life. I also drew multiple buildings to show the expansion of Brooklyn Center."

3rd Place – *Untitled*

Cha Lee Yang
Park Center High School

"I believe Brooklyn Center in the future is going to be a place where everyone can come and find a home or a place where they belong."

COUNCIL ITEM MEMORANDUM

DATE: 11/26/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: Resolution Approving Planning Commission Application No. 2018-019 for a Special Use Permit for an Adult Daycare Facility (Located at 5615 Brooklyn Boulevard)

Requested Council Action:

- Motion to approve a resolution approving Planning Case 2018-019 for a Special Use Permit for an adult daycare facility at 5615 Brooklyn Boulevard based on the submitted plans, the findings of fact, and subject to the conditions in the resolution.

Background:

Mohamed Tababouanga Albert ("Applicant") is requesting review and consideration of an application that would allow for the issuance of a Special Use Permit for the property located at 5615 Brooklyn Boulevard ("Subject Property"). The Subject Property consists of an existing two-story, multi-tenant building that was constructed in 1987 and associated site improvements. The Applicant is seeking to bring an adult daycare facility to Brooklyn Center.

The Applicant is currently the owner and administrator of Serenity Home Health Care System, Inc, in Saint Paul, which provides home health care solutions to individuals including: personal and home care assistance, registered nursing services, and housekeeping.

In reviewing previous requests for "adult daycares" it was determined that the use classification is similar in nature to that of a "group daycare facility," which is allowed by Special Use only in the C1 (Service/Office) District. Requests for issuance of a Special Use Permit require that a public hearing be scheduled. An Affidavit of Publication was received, confirming publication of a public hearing notice in the Brooklyn Center *Sun Post* on November 1, 2018. Mail notices were also sent out to property owners in accordance with Section 35-220 (*Special Use Permits*) of the Brooklyn Center Zoning Ordinance.

On November 15, 2018, the Planning Commission held a public hearing regarding the request for issuance of a Special Use Permit to allow for an adult daycare facility to open within an approximately 4,000-square foot space on the first/main floor of an existing two-story, 8,900-square foot building, originally constructed in 1987. No comments were received prior to or during the public hearing; however, a representative of the property owner, the Applicant, and representatives of the Applicant were available to answer questions asked by the Commissioners relating to the operation of the facility, the clients who would use the facility, the anticipated pick-up and drop-off plan for clients, and how the adult daycare facility operation would differ from the Applicant's other business in Saint Paul (Serenity Home Health Care System, Inc).

Following close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City Council approval of the requested issuance of a Special Use Permit for an adult daycare facility within a 4,000-square foot portion of an existing two-story building in the C1 (Service/Office) District, and located at 5615

Brooklyn Boulevard, subject to the Applicant complying with the conditions as outlined in the Planning Commission Report dated November 15, 2018, and the associated resolution.

A copy of the Planning Commission Report for Planning Commission Application No. 2018-019, dated November 15, 2018, and the City Council resolution regarding the approval and issuance of a Special Use Permit for an adult daycare facility within an existing two-story building is included with this memorandum.

Budget Issues:

There are no budget issues to consider at this time.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Planning Commission Report

Meeting Date: November 15, 2018

- Application Filed: 10/16/2018
- Review Period (60-day) Deadline: 12/15/2018
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2018-019
Applicant: Mohamed Tababouanga Albert
Location: 5615 Brooklyn Boulevard
Request: Special Use Permit for Adult Daycare Facility

INTRODUCTION

Mohamed Tababouanga Albert ("the Applicant") is requesting review and consideration of an application that would allow for the issuance of a Special Use Permit for the property located at 5615 Brooklyn Boulevard ("the Subject Property"). The Subject Property consists of an existing two-story, multi-tenant building that was constructed in 1987 and associated site improvements. The Applicant is seeking to bring an adult daycare facility to Brooklyn Center. The Applicant is currently the owner and administrator of Serenity Home Health Care System, Inc, in Saint Paul, which provides home health care solutions to individuals including: personal and home care assistance, registered nursing services, and housekeeping.

In reviewing previous requests for "adult daycares" it was determined that the use classification is similar in nature to that of a "group daycare facility," which is allowed by Special Use only in the C1 (Service/Office) District. Requests for issuance of a Special Use Permit require that a public hearing be scheduled. An Affidavit of Publication was received, confirming publication of a public hearing notice in the Brooklyn Center *Sun Post* on November 1, 2018 (Exhibit A). Mail notices were also sent out to property owners in accordance with Section 35-220 (*Special Use Permits*) of the Brooklyn Center Zoning Ordinance.

Map 1. Subject Property Location (5615 Brooklyn Boulevard).

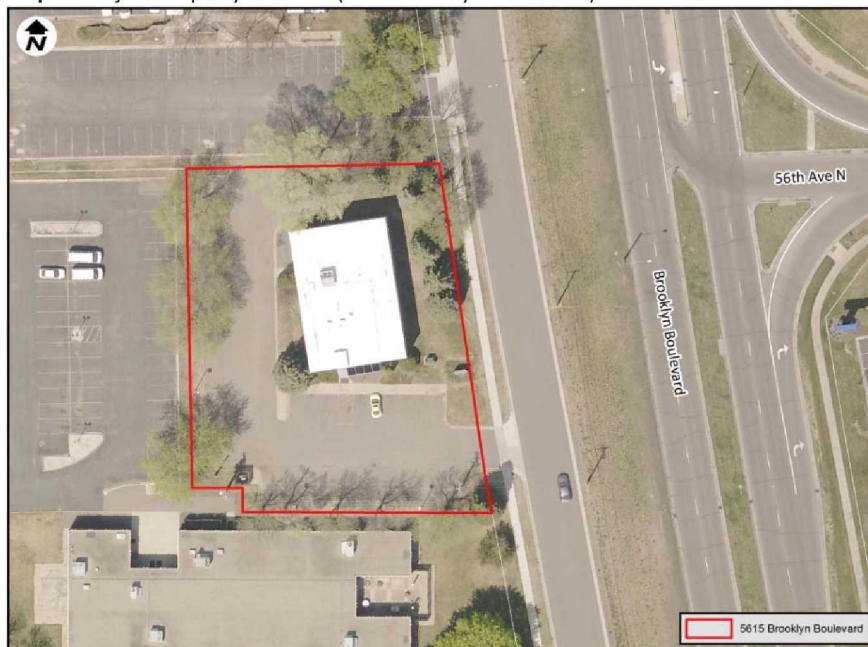


Image 1. Exterior and Interior Images of Subject Property (5615 Brooklyn Boulevard).



Photo Source: Arrow Companies and 42 Floors.

COMPREHENSIVE PLAN AND ZONING STANDARDS

2030 Land Use Plan: OS– Office/Service Business

Neighborhood: Upper Twin

Current Zoning: C1 (Service/Office) District

Surrounding Zoning: North: C1 (Service/Office) District
East: C2 (Commerce) District –Across Brooklyn Boulevard
South: C1 (Service/Office) District
West: C1 (Service/Office) District

Site Area: Approximately 0.69 Acres

SPECIAL USE PERMIT REVIEW

Background on Adult Daycare Facility Use

The C1 (Service/Office) District does not acknowledge “adult daycare” uses as a permitted or Special Use, nor is the use mentioned anywhere in the City Zoning Code. Minnesota State Statute defines “adult daycare center, adult day services center, or center” as, “a facility that provides adult day care or adult day services to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant’s home or the residence of the facility operator.”

Further, Minnesota Statutes section 245A.02 (*Definitions*), subdivision 2a notes that “adult day care,” “adult day services,” and “family adult day services” mean a program, “operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining and improving the participants’ capabilities for self-care. Adult day care, adult day services, and family adult day services do not include programs where adults gather or congregate primarily for purposes of socialization, education, supervision, caregiver respite, religious expression, exercise, or nutritious meals.”

Minnesota Statutes, section 245A.02, subdivision 7, defines “functional impairment” as follows:

Subd. 7. *Functional impairment.* For the purposes of adult day care, adult day services, family adult day services, or adult foster care, “functional impairment” means:

(1) a condition that is characterized by substantial difficulty in carrying out one or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working; or

(2) a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life and that requires support to maintain independence in the community.

Adult day centers are center-based facilities directly licensed by the Minnesota Department of Human Services (DHS) that provide adult day services to functionally impaired adults on a regular basis for

periods of fewer than 24 hours during the day in a setting that is not a residence. See Minnesota Rules, parts 9555.9600 to 9555.9730.

These rule sets forth requirements governing:

- The development of programming to respond to identified needs of the individual
- Rights of people receiving services
- Staff qualifications, orientation and training requirements
- Service expectations to ensure health and safety of people receiving services
- Policy and procedure requirements of the program

Special Use Permit Request

The Applicant is requesting approval of a Special Use Permit to allow for an adult daycare facility to occupy approximately 4,033-square feet of the first floor in an existing 8,900-square foot, two-story building located at 5615 Brooklyn Boulevard. According to Section 35-220 (*Special Use Permits*) of the City's Zoning Ordinance,

"Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must be granted by the City Council."

As "group day care facilities" have been identified as the most closely related use, Section 35-320 (*C1 Service/Office District*), Subsection 3 (*Special Uses*), notes that:

b. Group day care facilities provided that such developments, in each specific case, are demonstrated to be:

- 1) Compatible with existing adjacent land uses as well as with those uses permitted in the C1 district generally.
- 2) Complementary to existing adjacent land uses as well as those uses permitted in the C1 district generally.
- 3) Of comparable intensity to permitted C1 district land uses with respect to activity levels.
- 4) Planned and designed to assure that generated traffic will be within the capacity of available public facilities and will not have an adverse impact upon those facilities, the immediate neighborhood, or the community.
- 5) Traffic generated by other uses on the site will not pose a danger to children served by the daycare use.

And further provided that the special requirements set forth in Section 35-411 (*Special Requirements in C1 and C1A Districts*) are adhered to.

As is indicated in the language above, the "group daycare facilities" use is typically geared toward the more traditionally seen child daycare model. As was the case in the approval of the other adult day care facility in Brooklyn Center (Kashia Adult Day Services), which was approved of in 2003 and continues to operate today, the Applicant's submittal is similar in that their clients would not be suffering from severe medical problems and would utilize the adult day care for socialization opportunities, peer support, nutritional health, and other social services.

The Applicant notes in a letter submitted to the City on October 12, 2018 (Exhibit B), that the adult daycare facility would be open from 9 a.m. until 5 p.m., Monday through Saturday. Clients would be

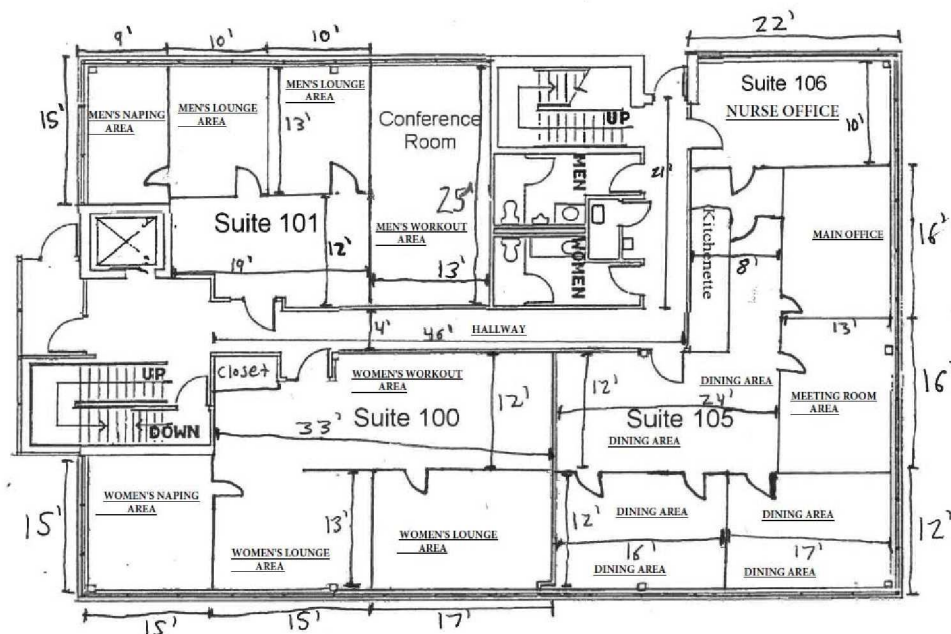
picked up from their homes and brought to the Subject Property. Per conversations with the Applicant, clients would be picked up by one of up to four 15-seat transport vans, which would be parked on-site. The pick-up and drop-off times would vary, however, it is anticipated that the majority of pickups would occur between 9 a.m. and 10 a.m. and drop offs would occur between 3 p.m. and 5 p.m. Clients would have access to activities, such as exercising, tabletop games, conversations, reading, movies, etc., and would be provided with breakfast, lunch, and snacks throughout the day.

The Applicant anticipates 10 to 15 clients to start, with a potential maximum occupancy of 50 clients. The Applicant also indicated that the intent is to have a minimum of two (2) nursing staff, with four (4) to six (6) aides, who would provide assistance to the nursing staff, serve as drivers, and work with clients throughout the day. The official maximum occupancy is to be determined by the City Building Official and authorized occupancy through licensing by the Minnesota Department of Human Services (DHS).

The Applicant notes that, as clients would be brought by transport van to the Subject Property, the parking requirements would be less than that needed in a typical office setting. Assuming a total of six (6) aides and two (2) nurses, a total of eight parking spaces would be required for staff, as well as four parking spaces for the transport vans, for a total of 12 parking spaces. Per the site and building plans approved under Planning Commission Application No. 85013, 44 parking spaces and one (1) proof-of-parking stall west of the building, required to meet the minimum regular office parking requirement of 45 spaces, was outlined as a condition of approval. It was noted that the proof-of-parking space was to be installed upon a determination by the City that, "insufficient parking exists on the site."

According to the Applicant, the only other occupant located within the building is Quantum Chiropractic Arts. Assuming the Applicant occupies the approximately 4,033-square feet within the building, they would occupy approximately 43 percent of the building space. Based on a review of the Subject Property, the parking lot will need to be re-stripped in order to comply with the minimum off-street parking requirements and to verify the property meets minimum parking standards and address minimum ADA parking requirements, which require the presence of two (2) ADA stalls.

Image 2. Interior Layout of Subject Property (5615 Brooklyn Boulevard).



Per the *Standards of Special Use Permits*, a Special Use Permit may be granted by the City Council after demonstration by evidence that all of the following are met:

- 1. The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.***

The Applicant has noted that it is not his intent to endanger the public health, safety, morals, or comfort of his intended clients or the general public. As adult daycare uses are licensed through the Minnesota Department of Human Services (DHS), the use is conditional upon receiving approval from the State to operate at the Subject Property and ensuring all outstanding comments identified by the City Building Official, Fire Inspector, and Assistant City Engineer are addressed. Prior to applying for the Special Use Permit, the Applicant contacted the City Building Official and met the Building Official and Fire Inspector on-site to go over areas of concern relating to building ingress/egress, the installation of a kitchenette (to be further addressed by the Hennepin County Health Department), and the on-going monitoring and maintenance of a fire sprinkler system within the building.

As clients would not be driving to and from the Subject Property, safety is taken into account by having the clients picked up at their respective residences and dropped off at the front entry by a transport van. Clients would be supervised throughout the day by staff and the facility would typically be open Monday through Saturday during the daytime hours of 9 to 5 p.m.

The use is intended to provide functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining and improving the participants' capabilities for self-care. The centralized location also allows clients a place to socialize on a regular basis rather than in a potentially more isolated setting at home.

- 2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.***

The special use is not intended to be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair the property values within the neighborhood. The building is currently occupied by Quantum Chiropractic Arts, which offers an outpatient clinic setting for a variety of chiropractic, cranio-sacral, acupuncture, qi gong, and other therapeutic services to patients. Quantum is located on the second floor of the building. The proposed adult daycare facility would be located on the first floor of the building, allowing for some separation in uses.

The Subject Property is bordered to the south by the Girl Scout River Valleys service center building (located at 5601 Brooklyn Boulevard), a parking lot to the west, and another office building, containing an attorney's office, Hoglund, Chwialkowski & Mrozik, PLLC, and an accounting and tax firm, Robert Rampi, LTD (located at 5637 Brooklyn Boulevard) to the north. The office building is buffered by the Brooklyn Boulevard service road to the east before continuing across Brooklyn Boulevard to commercial uses such as Wells Fargo, Bremer Bank, and Taco Bell.

3. *The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The establishment of the special use should not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district. The Subject Property is currently surrounded by like-zoned C1 (Service/Office) District properties, with commercially-zoned C2 (Commerce) District properties located across Brooklyn Boulevard to the east. The proposed location of the adult daycare facility is within an existing building and the surrounding area is currently developed with office buildings constructed in 1965 and 1980, respectively.

4. *Adequate measurements have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets.*

As previously mentioned the Applicant contacted the City Building Official and Fire Inspector for a pre-inspection on site of the Subject Property and held a walk-through of the proposed space. The Building Inspector and Building Official have provided feedback on necessary measures identified from the City's perspective to allow for the operation of an adult daycare facility at the Subject Property.

Per Fire Inspector Brandon Gautsch, "they (the Applicant) will need to maintain and have the sprinkler system monitored. I noticed that there were no records of annual sprinkler testing and the property owner did not believe he had any type of monitoring service. Both would need to be in place and obtain UL Certification." Additionally, the Property Owner/Applicant will need to address the storage of combustibles and use of extension cords in the electrical/mechanical/riser room. This is an issue to be addressed not necessarily for the Applicant and use of the tenant space, but for the building as a whole.

City Building Official Dan Grinstein provided a preliminary plan review based on his visit to the Subject Property with the Fire Inspector. Per his review, dated October 30, 2018, and attached as Exhibit C, the Applicant will need to provide sufficient ingress/egress through the addressing of door swings, door hardware, and exit signage. Portable fire extinguishers are to be provided and a fire department lock box, if not already installed, is to be provided. Additional approval from the Hennepin County Health Department is required for the proposed kitchenette area. City Building permits may be required for any anticipated remodeling, including electrical, mechanical, and framing work.

Per Assistant City Engineer Andrew Hogg in his memorandum dated November 5, 2018, sufficient ADA parking is to be provided, the parking lot is to be re-striped per City standards, and a parking study is to be performed to evaluate the parking needs and layout of the parking (refer to Exhibit D). The Applicant/Property Owner shall also ensure the parking meets the site plan approvals identified for parking under Planning Commission Application No. 85013.

5. *The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

Per the submitted plans, the Applicant has no plans to alter the exterior of the building in such a way to render the building or site non-conforming. With regard to the minimum parking

requirements, and based on the intended operation of the adult daycare facility, staff is not concerned that sufficient parking will not be provided; however, the parking lot will need to be re-striped and sufficient ADA parking required as a general City requirement.

Based on staff findings, staff recommends the Planning Commission recommend City Council approval of the requested Special Use Permit for an adult daycare facility for the property located at 5615 Brooklyn Boulevard (Subject Property); subject to the Applicant complying with the comments outlined in the Approval Conditions noted below.

SITE AND BUILDING PLAN APPROVAL CONDITIONS:

Staff recommends the following conditions be attached to any positive recommendation on the approval of Application No. 2018-019 for 5615 Brooklyn Boulevard (Subject Property):

1. Building and Site Plan Review:

- a. Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal Building and Site Plan review by the City.

2. Agreements:

- a. The Applicant shall adhere to the maximum occupancies outlined by City staff and in accordance with any licensing requirements for the adult daycare use.
- b. Issuance of a Special Use Permit for the adult daycare use is conditioned upon the Applicant obtaining any necessary licensure from the Minnesota Department of Human Services (DHS) or other licensing authorities for the use or services provided. This information shall be provided to the City Planner for confirmation.
- c. The Applicant shall comply with the Preliminary Plan Review comments identified in Building Official Dan Grinstein's memo dated October 30, 2018. The Applicant shall provide final plans and submit permit applications for any work to be conducted in the leased space.
- d. The Applicant shall comply with all comments outlined in the memorandum prepared by Assistant City Engineer Andrew Hogg on November 5, 2018, and the parking/site plan identified under Planning Commission Application No. 85013.

3. Facilities and Equipment:

- a. The Subject Property parking lot is to be re-striped to meet City code requirements and provide sufficient ADA parking in proximity to main entrances.
- b. A parking study is to be performed to evaluate the parking needs and layout of the parking.
- c. The Applicant shall obtain approval from the Hennepin County Health Department for the proposed kitchenette.
- d. The Applicant/Property Owner shall ensure the fire sprinkler system is maintained and monitored.

RECOMMENDATION

Based on the above-noted findings, Planning Staff recommends the Planning Commission recommends City Council approval of Planning Commission Application No. 2018-019, Special Use Permit for an adult daycare facility for the Subject Property located at 5615 Brooklyn Boulevard, subject to the Applicant complying with the Approval Conditions.

Should the Planning Commission accept this recommendation, the Commission may elect to adopt the resolution to be provided at the Planning Commission meeting on November 15, 2018, which memorializes the findings in issuing a Special Use Permit approval, subject to the Applicant complying with the above-mentioned conditions of approval.

Attachments

Exhibit A- Affidavit of Publication for Notice of Hearing (5615 Brooklyn Boulevard), published November 1, 2018, in *Brooklyn Center Sun Post*.

Exhibit B- Application and Memo for Special Use Permit Request, prepared by Mohamed T. Albert, and dated October 12, 2018.

Exhibit C- Preliminary Plan Review, prepared by Building Official Dan Grinsteinner, and dated October 30, 2018.

Exhibit D- Memorandum, prepared by Assistant City Engineer Andrew Hogg, and dated November 5, 2018.

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

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, November 15, 2018, at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Special Use Permit for Adult Daycare Facility

PETITIONER:

Mohamed Tababouanga Albert

PROPERTY OWNER: Gedi-Damana Family Limited Partnership

PROPERTY NAMED IN THE PETITION: 5615 Brooklyn Boulevard, Brooklyn Center, Minnesota

PROPERTY ID:

03-118-21-42-0030

LEGAL DESCRIPTION: Tract B, Registered Land Survey No. 1547, Hennepin County, Minnesota

BRIEF STATEMENT OF CONTENTS OF PETITION:

The Applicant is requesting approval of a Special Use Permit to allow for the establishment of an adult daycare facility within an approximately 4,033-square foot portion of an existing two-story multi-tenant building.

Questions, comments, statements of support or objections should be directed to City Planner/Zoning Administrator Ginny McIntosh at (763) 569-3319 or email to gmcintosh@ci.brooklyn-center.mn.us.

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

Respectfully,

Ginny McIntosh

City Planner/Zoning Administrator

Published in the

Brooklyn Center Sun Post

November 1, 2018

873677



Serenity Home Health Care System Inc. **SERENITY HOME HEALTH CARE SYSTEM INC.**

400 Selby Avenue, Suite # M, Saint Paul, Minnesota 55102
Agency Phone: (952) 451-4149 Agency Fax: (651) 493-4868

October 12, 2018

City of Brooklyn Center
Planning Commission
City Hall Council Chambers
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Greetings Planning Commission Members:

I look forward to our November 15, 2018 planning meeting to discuss with you the matter of our company's desire to acquire a "Special Use Permit" from the City of Brooklyn Center to expand our business operations and better service our clients. **SERENITY ADULT DAY CARE** will provide our adult clients with a community facility to socialize and engage in fun and stimulating group activities. This company is a subsidiary of **SERENITY HOME HEALTH CARE SYSTEM INC.**, the parent company. Below I will provide the requested relevant information to the committee:

BUSINESS OPERATIONS DETAILS

- **Hours of Operation** 9:00 AM to 5:00 PM; Monday-Saturday
- **Transportation Services** to and from the facility: Pick-up times may vary (7:00 AM to 9:00 AM); Drop-off times may vary (5:00 PM to 6:00 PM)
- **Activities** Exercise, Breakfast, Lunch, Snacks, Television, Tabletop Games, Conversations, Reading, Movie Nights and Occasional Community Gatherings
- **Total Number of Clients Served** Variable anywhere from 1 min. to 50 max.
- **Total Number of Employees** Variable anywhere from 1 min. to 10 max.
- **Square-Footage of Leased Space** 4,033 SF
- **Interior Layout of Business** Refer to attached pages for interior floor plans of the Facility
- **Other Tenants in Building** QUANTUM CHIROPRACTIC ARTS
- **Vehicle Parking Spaces** Variable parking space requirements anywhere from 1 to 6 for employee vehicles and 4 spaces reserved for (15 Seat capacity) Transport Vans

PROPERTY OWNER DETAILS

- **Name** GEDI-DAMANA FAMILY LIMITED PARTNERSHIP
- **Address** 15100 Stone RD Wayzata, MN 55391
- **Phone** (763) 533-6071



Serenity Home Health Care System Inc. **SERENITY HOME HEALTH CARE SYSTEM INC.**

400 Selby Avenue, Suite # M, Saint Paul, Minnesota 55102
Agency Phone: (952) 451-4149 Agency Fax: (651) 493-4868

REAL ESTATE AGENCY DETAILS

- **Agency Name** ARROW COMPANIES
- **Address** 7365 Kirkwood Court N. Suite #335 Maple Grove, MN 55369
- **Phone** (763) 424-6355
- **Relevant Agent Name** Trevor Morlock; Ph: (763) 913-2734

Thank you for your consideration in this matter as I look forward to working with you to better assist our clients to live the rich and fulfilling lives they deserve.

Regards,

A handwritten signature in black ink that reads "Mohamed T. Albert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mohamed T. Albert

Owner & CEO

SERENITY HOME HEALTH CARE SYSTEM INC.

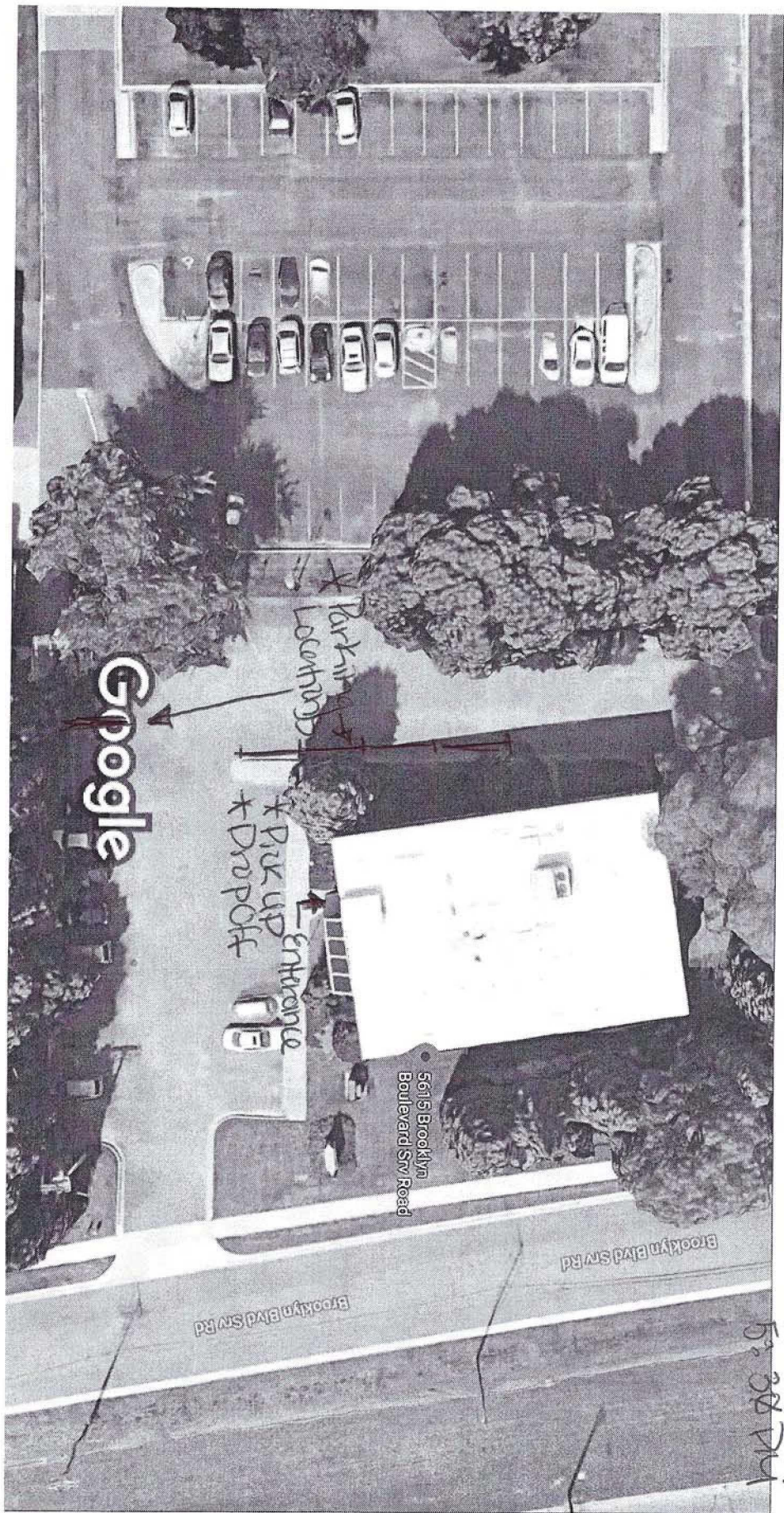
Google Maps

5615 Brooklyn Blvd Srv Rd

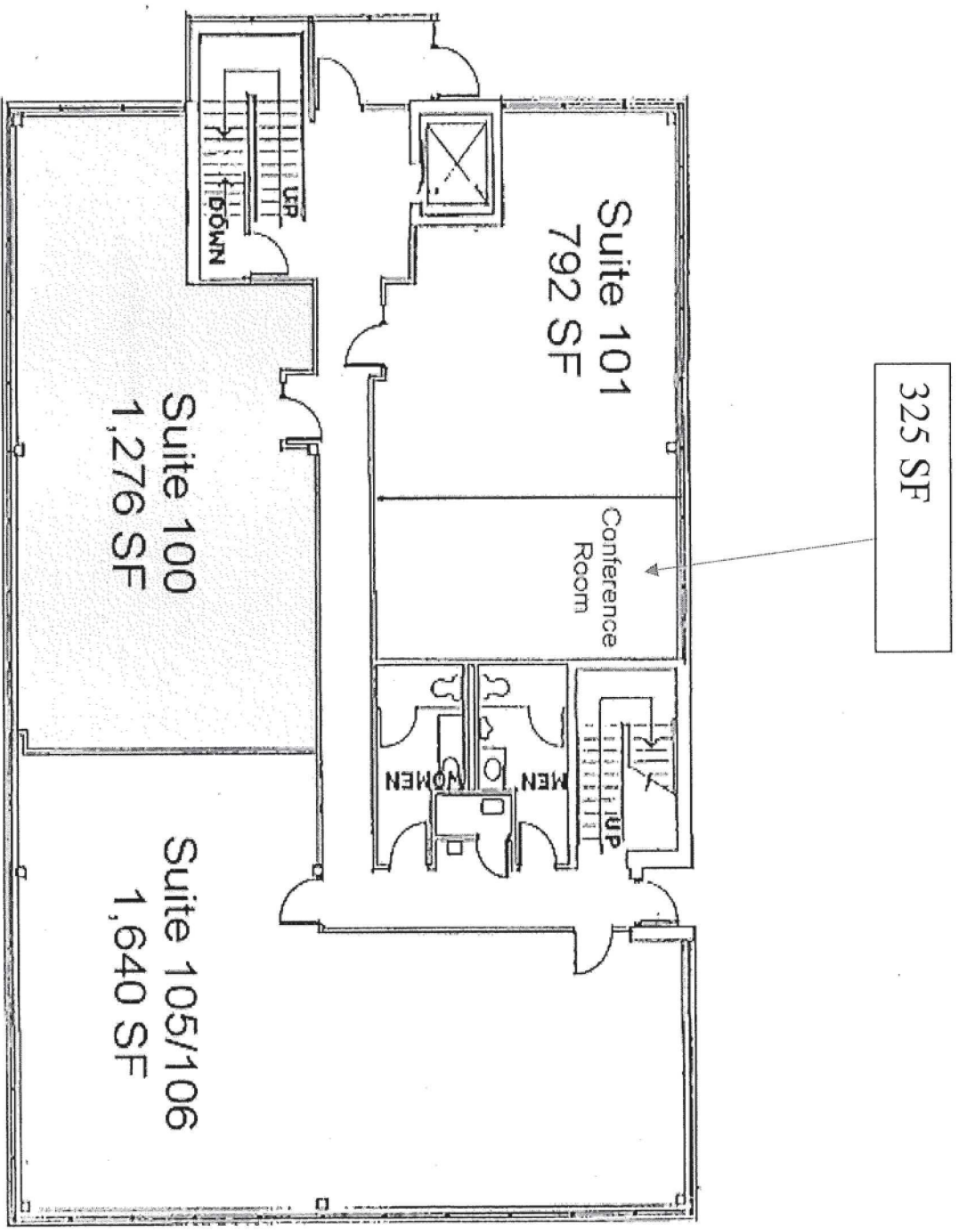
*Time Per Day *

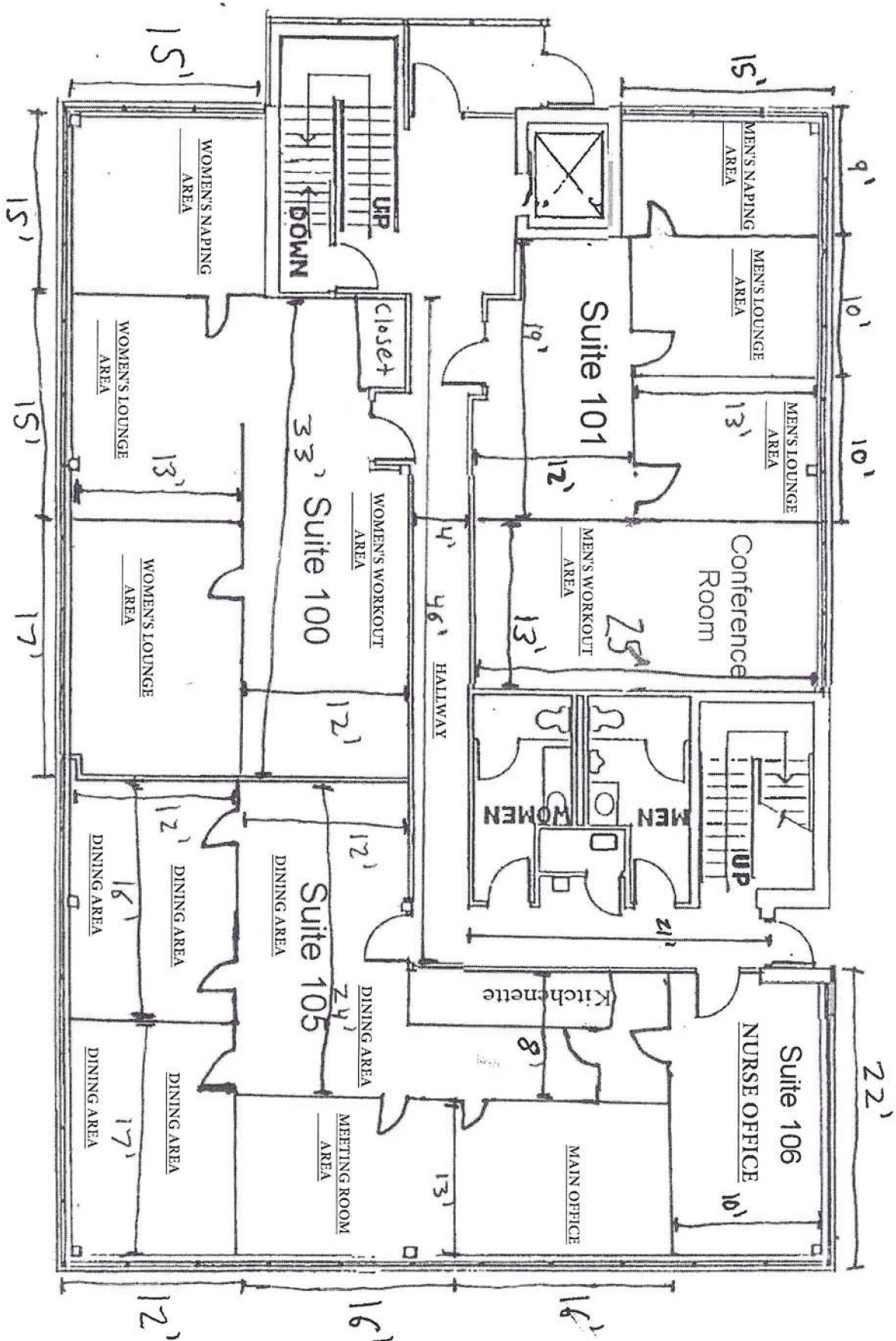
* Drop Off Times

- 8:00 AM to 9:00 AM
* Pick Up Times
- 5:00 PM to 5:30 PM



Bldg + Fire
1:00 - 10/16/18 Inspect.







BUILDING & COMMUNITY STANDARDS – PLAN REVIEW

Plan analysis based on

2012 IBC/2015 MN State Building Code, ANSI A117.1-2009, MN Chap 1323 Energy, MN State Fire Code

Project Number:	BCXXXXXXX	Date:	10/30/2018
Project Name:	Serenity Home Health Care	Contractor:	
Address:	5615 Brooklyn Blvd.	Phone:	
Valuation:	\$XXXXXX	Architect:	
Occupancy:	I4,A2	Engineer:	
Construction:	IIB	Occupant Load:	123
Area Square Ft:	4,033	Sprinklers:	Yes
SAC Charges:	0	Report by:	Dan Grinsteinner

Mohamed T. Albert
400 Selby Ave. Suite #M
St. Paul, Mn, 55102

Dear Mohamed,

A preliminary review for Serenity Home Health Care located at 5615 Brooklyn Blvd. has been completed. The documents that have been received are: Architectural Plans Un-signed. The building was reviewed as a "IIB" type of construction, fully fire sprinklered and "I4,A2" occupancy with an occupant load of XXX.

The following comments must be addressed:

1. Additional City permits that may be required from the Building Inspection Department for this proposal are: Building permit, HVAC permit, Plumbing permit, Electrical permit, Fire Sprinkler &

Alarm permit. Also the City's Community Development Department must be contacted on all proposed signage on the site. Permits are required for all exterior signage.

2. Door located in Suite 105 shall swing in the direction of travel when serving 50 or more occupants.
3. Door located in Suite 106 shall swing in the direction of travel when serving 50 or more occupants.
4. Doors in Suite 105 & 106 shall have hardware that does not require tight grasping, pinching or twisting of the wrist to operate.
5. Doors swinging into the required width of egress access shall not reduce the required width by more than half.
6. Doors located by kitchenette shall swing in the direction of travel to an exit or be removed.
7. The Facility must be licensed by Hennepin County Health Department. A Health Department approval letter shall be received prior to building permit approval.
8. Exit signage must meet the requirements of MNBC 1011 and approved on site by City Inspector.
9. Exit illumination must meet the requirements of MNBC 1006 and approved on site by the City Inspector.
10. Portable fire extinguishers must be current on inspection dates and placed in accordance with MNBC 906 and MNFC 906 and approved on site by the City Inspector.
11. A fire department lock box if not already installed is required to be installed in the area of the front entry or as agreed to with the City Inspector.
12. All requirements listed on the Fire Inspection report shall be corrected or addressed.
13. All requirements of the City Planning and Zoning shall be met.

A permit will be issued when items 1,& 7, are submitted / received before a final review can be completed and a permit is issued.

If you have any questions please do not hesitate to call me at 763-569-3313.

Sincerely,

Dan Grinsteinner
Building Official

MEMORANDUM

DATE: November 5, 2018

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Special Use Permit – Serenity Adult Day Care

Public Works Department staff reviewed the following documents submitted for review on November 5, 2018, for a Special Use Permit for Serenity Adult Day Care at 5615 Brooklyn Blvd:

- Application dated October 12, 2018

Subject to final staff Site Plan approval, the referenced plans must be revised in accordance with the following comments/revisions and approved prior to issuance of Land Alteration permit:

C1.01 – Site Plan

1. Accessibility shall comply with ADA standards.
2. Perform a Parking study to evaluate the parking needs and layout of parking.
3. Restripe parking lot.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-019, SUBMITTED BY MOHAMED TABABOUANGA ALBERT FOR APPROVAL AND ISSUANCE OF A SPECIAL USE PERMIT FOR AN ADULT DAYCARE FACILITY IN THE C1 (SERVICE/OFFICE) DISTRICT (LOCATED AT 5615 BROOKLYN BOULEVARD)

WHEREAS, Planning Commission Application No. 2018-019, submitted by Mohamed Tababouanga Albert (“Applicant”) requests approval and issuance of a Special Use Permit that would allow for an adult daycare facility to occupy approximately 4,033-square feet of the first floor in an existing two-story, 8,900-square foot building located at 5615 Brooklyn Boulevard (“Subject Property”); and

WHEREAS, the Subject Property is situated in the C1 (Service/Office) District and pursuant to a previous determination of the “adult daycare facility” use, the use classification is similar in nature to that of a “group daycare facility,” which is allowed by Special Use only in the C1 District per City Code Section 35-320; Subpart 3; and

WHEREAS, the Planning Commission held a duly noticed and called public hearing on November 15, 2018, whereby a Planning Commission report was presented and public testimony regarding the Special Use Permit were received; and

WHEREAS, the Planning Commission considered the Special Use Permit request in light of all testimony received, the guidelines and standards for evaluating this Special Use Permit contained in Sections 35-320 (*C1 Service/Office District*) and 35-220 (*Special Use Permits*) of the City’s Zoning Ordinance, and the request complies with the general goals and objectives of the City’s 2030 Comprehensive Plan; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota, does hereby recommend to the City Council that the Special Use Permit for an adult daycare facility, to be located at 5615 Brooklyn Boulevard, and as comprehended under Planning Commission Application No. 2018-019, may be approved based upon the following considerations:

- A. The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort, as the proposed adult daycare facility is similar in nature to that of a group day care facility for zoning regulation purposes and requires separate licensure from the Minnesota Department of Human Services (DHS) for the adult daycare facility use.
- B. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood as the proposed facility would be located within an existing two-story multi-tenant building with a tenant located on the second floor of the building, and the properties to the north and south have been developed with service/office type buildings including the Girl Scout River Valleys service center, an attorney’s office, and an accounting firm, with the area to the west serving as parking.

RESOLUTION NO.

- C. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district given that the proposed use is considered to be compatible with, complementary to, and of comparable intensity to other uses allowed in the C1 (Service/Office) Zoning District and that the Applicant will provide sufficient documentation to ensure that generated traffic will be within the capacity of available facilities and will not have an adverse impact on existing on-site and adjacent uses, nor the immediate neighborhood or community.
- D. Adequate measures have been or will be taken to provide ingress, egress and parking so designed as to minimize traffic congestion in the public streets as a preliminary walk through of the proposed space was held with the City Building Official and Fire Inspector to provide feedback on necessary measures to allow for the safe operation of an adult daycare facility, and additional conditions have been outlined that will require the incorporation of sufficient ADA parking, the re-striping of the parking lot to meet City standards, and the completion of a parking study to evaluate parking needs for the use and layout.
- E. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located as the Applicant has no plans to alter the exterior of the building in such a way as to render the building and site non-conforming, and the parking lot would be re-striped per City standards to ensure sufficient parking is provided as per the originally approved plans for the building under Planning Commission Application No. 85013.

AND WHEREAS, upon acceptance of all public comments and discussion of this item, the Planning Commission adopted Planning Commission Resolution No. 2018-020, which provides a favorable and unanimous recommendation to the City Council that the Special Use Permit for an adult daycare facility on the Subject Property be approved with certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that Planning Commission Application No. 2018-019 is hereby approved, subject to the following conditions and considerations:

1. Building and Site Plan Review:

- a. Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal Building and Site Plan review by the City.

2. Agreements:

- a. The Applicant shall adhere to the maximum occupancies outlined by City staff and in accordance with any licensing requirements for the adult daycare use.
- b. Issuance of a Special Use Permit for the adult daycare use is conditioned upon the Applicant obtaining any necessary licensure from the Minnesota Department of Human Services (DHS) or other licensing authorities for the use and/or services provided. This information shall be provided to the City Planner for confirmation.

RESOLUTION NO.

- c. The Applicant shall comply with the Preliminary Plan Review comments identified in Building Official Dan Grinsteinner's memo dated October 30, 2018. The Applicant shall provide final plans and submit permit applications for any work to be conducted in the leased space.
- d. The Applicant shall comply with all comments outlined in the memorandum prepared by Assistant City Engineer Andrew Hogg on November 5, 2018, and the parking/site plan identified under Planning Commission Application No. 85013.

3. Facilities and Equipment:

- a. The Subject Property parking lot is to be re-stripped to meet City code requirements and provide sufficient ADA parking in proximity to main entrances.
- b. A parking study is to be performed to evaluate the parking needs and layout of the parking.
- c. The Applicant shall obtain approval from the Hennepin County Health Department for the proposed kitchenette. Such an approval shall be forwarded to the Building Official for confirmation.
- d. The Applicant/Property Owner shall ensure the fire sprinkler system is maintained, monitored and possess UL Certification.
- e. The combustibles and extension cords identified in the building's existing electrical/mechanical/riser room are to be removed.

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.

Mohamed Tababouanga Albert



REQUEST:

- (1) Special Use Permit
for Adult Daycare
Facility



Item 9.a

City Council Meeting of 11/26/2018

Existing Conditions



Background & Request

- Applicant is requesting approval of:
 - **(1)** Issuance of a Special Use Permit for an Adult Daycare Facility within an approximately 4,033-square foot portion of an existing two-story building – use would be located on main/1st floor.
 - The building was constructed in 1987 and is currently home to tenant Quantum Chiropractic Arts (located on the 2nd floor)
 - The Applicant is currently Owner/Administrator of Serenity Home Health Care System, Inc, in Saint Paul, which provides home health care solutions to individuals, including: personal and home care assistance, registered nursing services, and housekeeping.



Background & Request (Cont.)

- **Note:** Requests for issuance of a Special Use Permit require that a public hearing be scheduled.
- An Affidavit of Publication was received, confirming publication of a public hearing notice in the Brooklyn Center *Sun Post* on November 1, 2018. Mail notices were also sent out to property owners in accordance with Section 35-220 (*Special Use Permits*) of the Brooklyn Center Zoning Ordinance.



Special Use Permit

Background on Use

- The C1 (Service/Office) District **does not acknowledge** “adult daycare” uses as a permitted or Special Use, nor is the use mentioned anywhere in the City Zoning Code.
- Minnesota State Statute defines “adult daycare center, adult day services center, or center” as, “a facility that provides adult day care or adult day services to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant’s home or the residence of the facility operator.”



Special Use Permit (Cont.)

Background on Use

- Provides: individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining and improving the participants' capabilities for self-care.
- “Adult day care, adult day services, and family adult day services” do not include programs where adults gather or congregate primarily for purposes of socialization, education, supervision, caregiver respite, religious expression, exercise, or nutritious meals.



Special Use Permit (Cont.)

Background on Use

- **Minnesota Statutes, section 245A.02, subdivision 7, defines “functional impairment” as follows:**
- **(1)** a condition that is characterized by substantial difficulty in carrying out one or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working; or
- **(2)** a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life and that requires support to maintain independence in the community.



Special Use Permit (Cont.)

SUP Request

- As “group day care facilities” have been identified as the most closely related use, Section 35-320 (*C1 Service/Office District*), Subsection 3 (*Special Uses*), notes that:
 - Group day care facilities provided that such developments, in each specific case, are demonstrated to be:
 - Compatible with existing adjacent land uses as well as with those uses permitted in the C1 district generally.
 - Complementary to existing adjacent land uses as well as those uses permitted in the C1 district generally.



Special Use Permit (Cont.)

SUP Request

- Additionally, “group daycare facilities” should be:
 - Of comparable intensity to permitted C1 district land uses with respect to activity levels.
 - Planned and designed to assure that generated traffic will be within the capacity of available public facilities and will not have an adverse impact upon those facilities, the immediate neighborhood, or the community.
 - Traffic generated by other uses on the site will not pose a danger (to children) served by the daycare use.
 - And further provided that the special requirements set forth in Section 35-411 (*Special Requirements in C1 and C1A Districts*) are adhered to.



Special Use Permit (Cont.)

SUP Request

- As was the case in the approval of the other adult day care facility in Brooklyn Center (Kashia Adult Day Services), which was approved of in 2003 and continues to operate today, the Applicant's submittal is similar in that their clients would not be suffering from severe medical problems and would utilize the adult day care for socialization opportunities, peer support, nutritional health, and other social services.



Special Use Permit (Cont.)

Proposal

- The Applicant notes in a letter submitted to the City on October 12, 2018, that the adult daycare facility would be open from **9 a.m. until 5 p.m., Monday through Saturday.**
- Clients would be picked up from their homes and brought to the Subject Property
 - Clients would be picked up by one of up to four 15-seat transport vans, which would be parked on-site.
 - Anticipated Pick-Up and Drop-Off Times:
 - Between 9 a.m. and 10 a.m.
 - Between 3 p.m. and 5 p.m.



Special Use Permit (Cont.)

- Clients would have access to activities, such as exercising, tabletop games, conversations, reading, movies, etc., and would be provided with breakfast, lunch, and snacks throughout the day.
- Applicant anticipates beginning with 10 to 15 clients, with a potential maximum occupancy of up to 50 clients.
 - This is dependent on both building occupancy allowances and allowances through necessary licensing (e.g. Minnesota Department of Human Services).

Staff Levels: Minimum of two (2) nursing staff, with (4) to six (6) aides to provide assistance to nursing staff, and work with clients throughout the day.



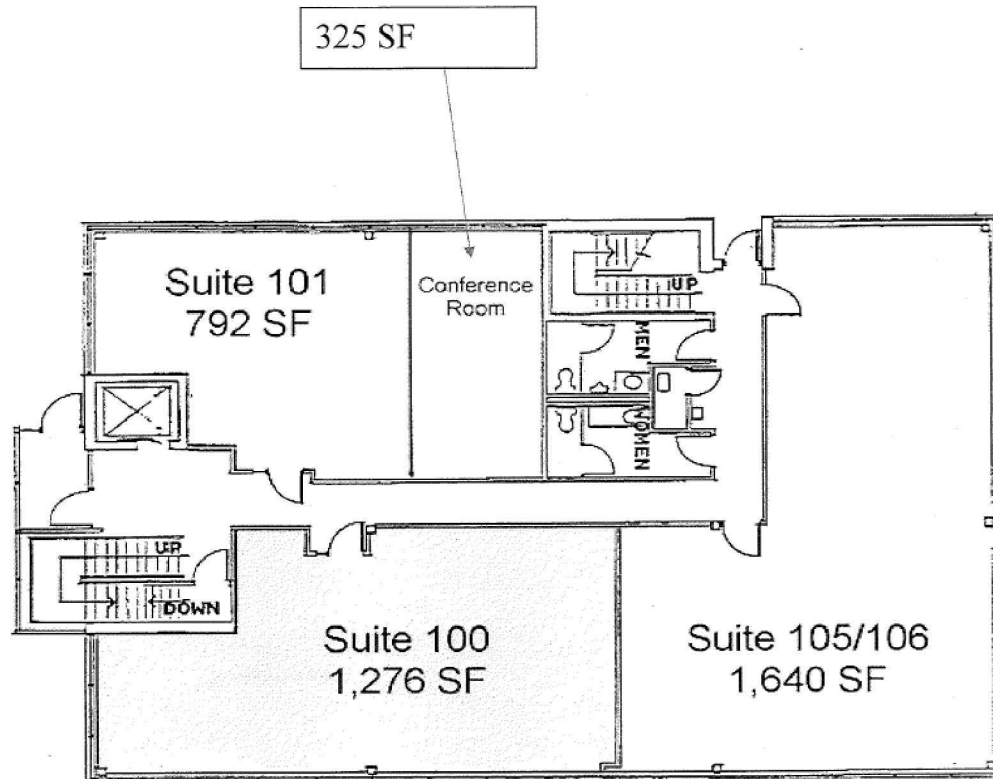
Special Use Permit (Cont.)

- **Parking Needs:** Original Site and Building Plan for Subject Property was approved under Planning Commission Application No. 85013 and outlined minimum of 44 on-site parking spaces with one (1) additional proof-of-parking space (to be implemented if deemed necessary).
 - Applicant would occupy approximately **43 %** of the total building square footage
 - Assuming 4 transport vans, 6 aides, and 2 nursing staff, a total of 12 parking spaces would be required for use (32 on-site parking spaces would be for remaining 57% of building)



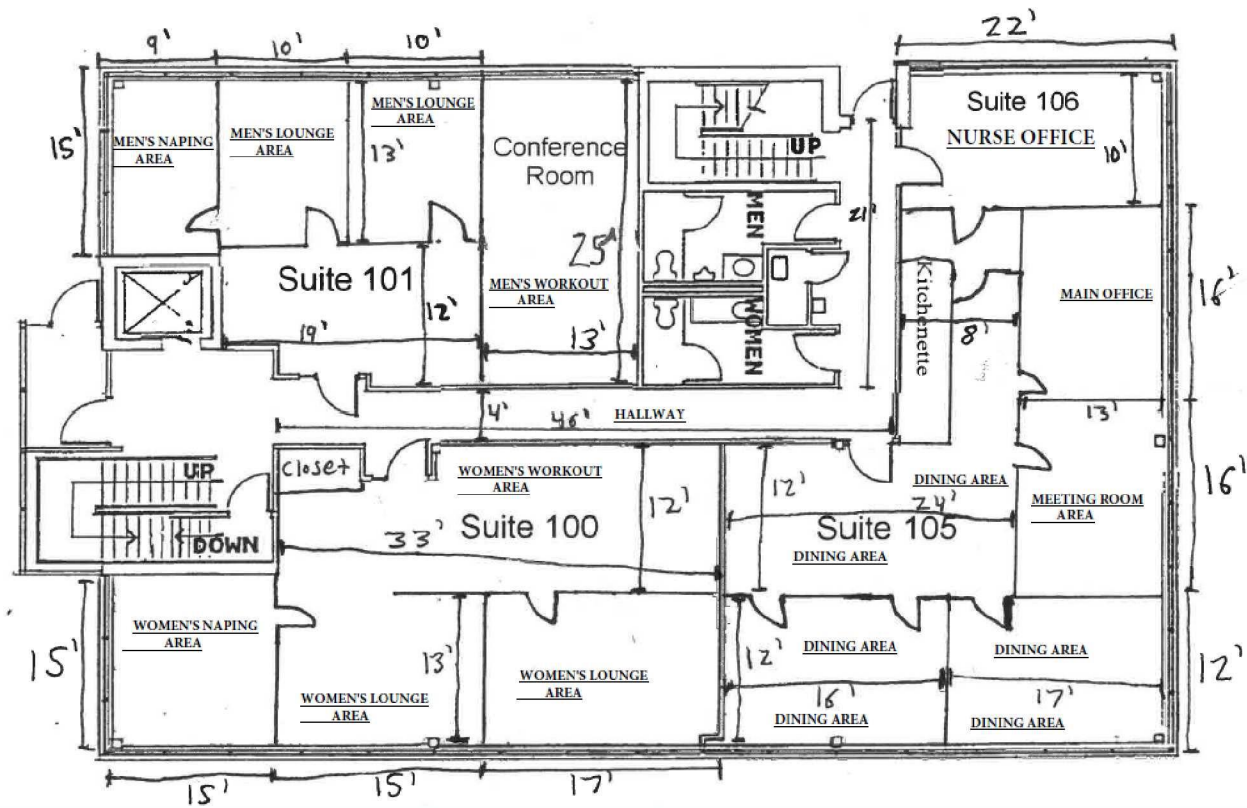
Special Use Permit (Cont.)

Front Door (South Elevation)



Special Use Permit (Cont.)

Front Door (South Elevation)



Special Use Permit (Cont.)

Front Door (South Elevation)



Special Use Permit (Cont.)

City Staff Reviews

Building Official Review

- Provided preliminary plan review to Applicant (dated October 30, 2018)
- The Applicant will need to provide sufficient ingress/egress through the addressing of door swings, door hardware, and exit signage.
- Portable fire extinguishers are to be provided and a fire department lock box, if not already installed, is to be provided.
- Additional approval from the Hennepin County Health Department is required for the proposed kitchenette area as well as any relevant City Building Permits for remodeling.



Special Use Permit (Cont.)

City Staff Reviews

Fire Inspector Review

- Must maintain and have the sprinkler system monitored.
- No records of annual sprinkler testing and the Property Owner did not believe he had any type of monitoring service. Both would need to be in place and obtain UL Certification.
- The Property Owner/Applicant will need to address the storage of combustibles and use of extension cords in the electrical/mechanical/riser room. This is an issue to be addressed not necessarily for the Applicant and use of the tenant space, but for the building as a whole.



Special Use Permit (Cont.)

City Staff Reviews

Assistant City Engineer Review

- Per Assistant City Engineer Andrew Hogg in his memorandum dated November 5, 2018:
 - Sufficient ADA parking is to be provided, the parking lot is to be re-striped per City standards, and a parking study is to be performed to evaluate the parking needs and layout of the parking.
- The Applicant/Property Owner shall also ensure the parking meets the site plan approvals identified for parking under Planning Commission Application No. 85013.



Summary

- The Planning Commission held a public hearing at their meeting on November 15, 2018.
- No comments for or against the proposal were provided by the public prior or during the meeting, and both the Applicant and representatives of the Property Owner were in attendance to answer questions.
- Following a review of the application requests, **the Planning Commission unanimously (4-0) recommended approval** of the Special Use Permit for an adult daycare facility, as identified under Planning Commission Application No. 2018-019.



Recommendation

Based on the aforementioned findings, the Planning Commission recommends **City Council** make a:

Motion to approve a resolution approving Planning Commission Application No. 2018-019 for a Special Use Permit for an adult daycare facility at 5615 Brooklyn Boulevard based on the submitted plans, the findings of fact, and subject to the conditions in the resolution.



COUNCIL ITEM MEMORANDUM

DATE: 11/26/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM:

SUBJECT: Reminder: No Parking on streets with 2.5" of snow

Requested Council Action:

Background:

**Council/EDA Work
Session**

City Hall Council Chambers
November 26, 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

1. Brooklyn Boulevard Development Concept Proposal

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
 - Cities United Membership
 - Livable Wages
 - Affordable Housing Recommendations
 - On-Street Parking Conditions

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/26/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: Brooklyn Boulevard Development Concept Proposal

Recommendation:

It is recommended that the City Council review a development concept for EDA-owned property at 61st Avenue N and Brooklyn Boulevard, and provide feedback and direction to staff and the developer.

Background:

The concept review process is an opportunity for the City Council to review a development concept prior to a formal proposal from an applicant, and provide comments, ask questions, and indicate whether or not the City would be open to the project. Concept reviews are helpful for projects that would involve EDA-owned land or public subsidy, as it provides insight to staff and the developer as to the City Council's level of interest, and any specific concerns, related to a project. A concept review is considered advisory and is nonbinding to the City and the applicant. No formal action can be taken at a work session, and the Council is not being asked to vote on the proposal. If the developer chooses to submit a formal application to the City to proceed, it would be subject to the full review process, as with any other development application.

Project Concept

Thor 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.

Thor Construction is proposing a three-story, 80-unit multi-family development on the site. 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. Thor is developing a similar project in South Minneapolis currently. Renderings of that project are attached for reference.

Financing

The developer has also 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 that the developer is likely to request some form of subsidy from the City 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.

The developer has indicated that they are open to input from the City on the amenities in the building and the parking layout. For example items such as in-unit laundry facilities, fitness rooms, community spaces, and additional underground parking could be explored; however each of these things will have an effect on the overall project cost. Increasing the subsidy needed to make the project feasible. For example, underground parking costs approximately 4-6 times as much as surface parking to construct and so more underground parking will increase the cost of the project dramatically.

Policy Issues:

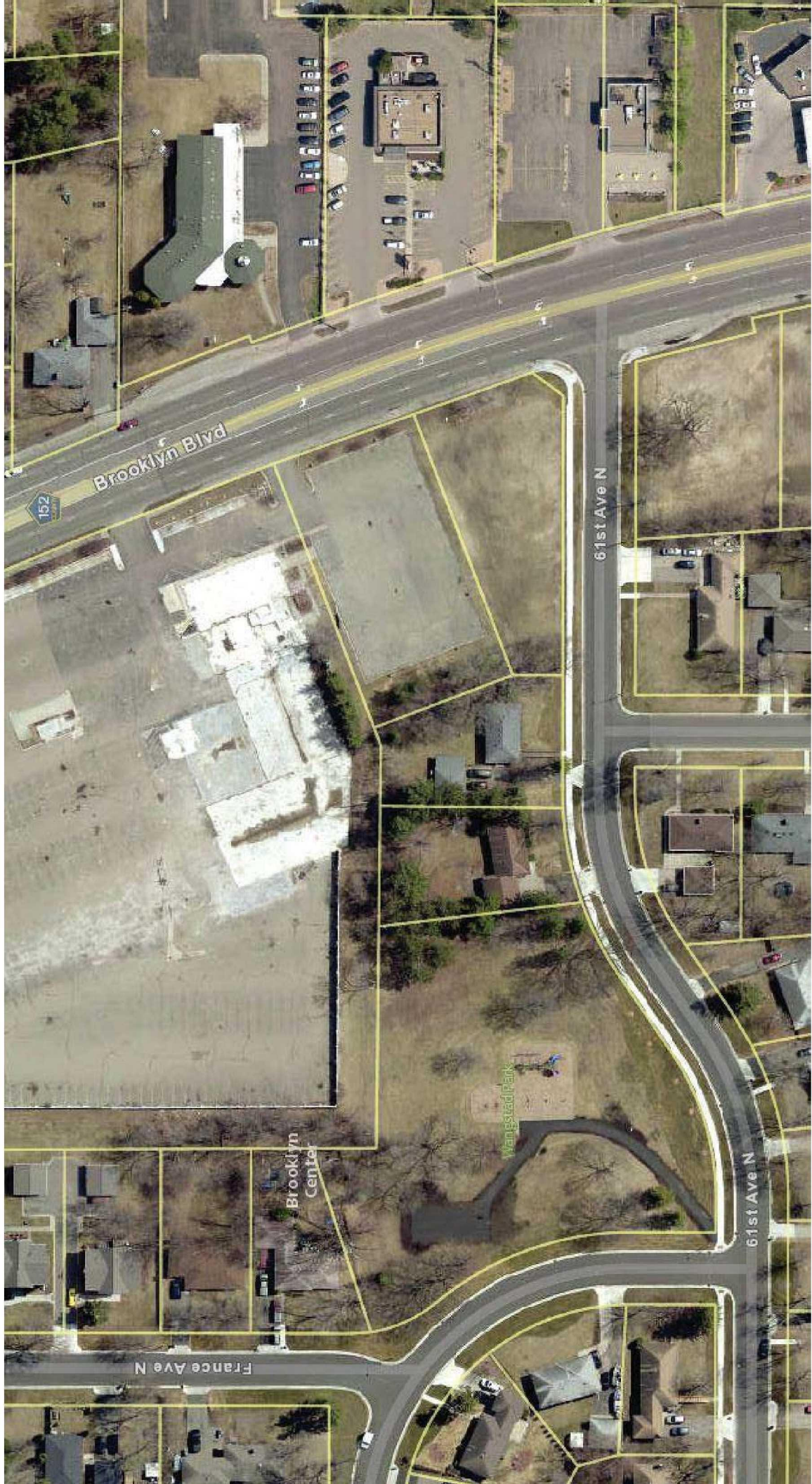
The properties are a mix of zoning which include PUD C2, C1, and R1. The City has had a long standing policy of removing single family property from Brooklyn Boulevard in favor of higher intensity land uses. At the time that the Sanctuary was developed it was contemplated that these parcels would be developed into an adult daycare which would be ancillary to the Sanctuary; however, that project never came to fruition.

The 2040 Draft Comprehensive Plan guides this property as Neighborhood Mixed Use, which allows for both commercial uses and multi-family residential. Given the lack of curb cuts and controlled intersection, these parcels are not likely candidates for higher traffic commercial land uses. In addition, the proximity to Wangstad Park and access from residential streets makes a residential use here more appropriate.

The developer is seeking input from the Council on their proposed concept and layout, as well as indication on the Council's willingness to support an ask for public subsidy on the development. Based on the Council's direction this evening, the developer will make a determination as to whether to proceed with a formal process to secure development rights to the land and to conduct their due diligence. Any request for public subsidy would require a full analysis by the City's public finance consultant and City and EDA review as is stipulated by State Statute.

Strategic Priorities and Values:

Targeted Redevelopment



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.

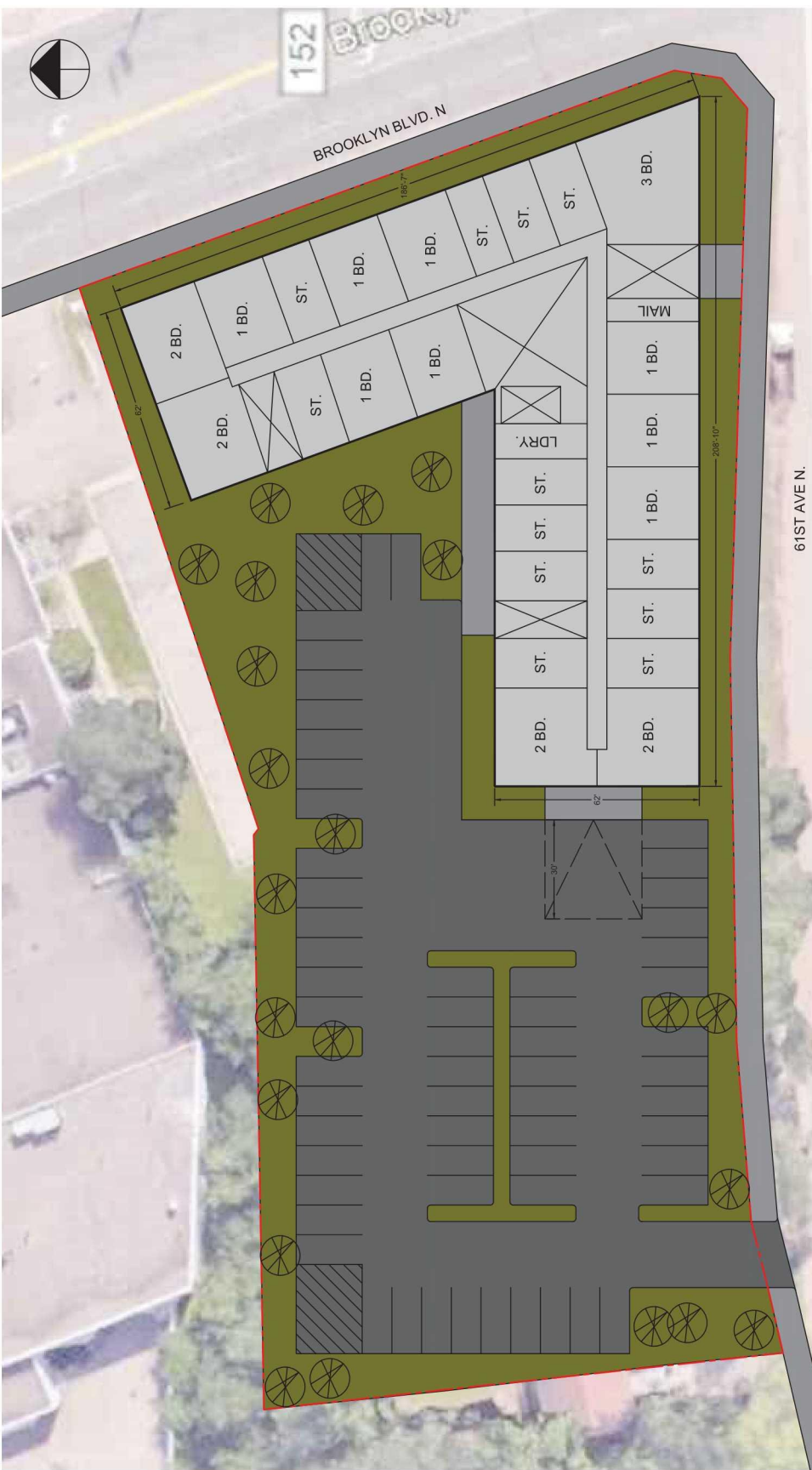
City Benefits

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.

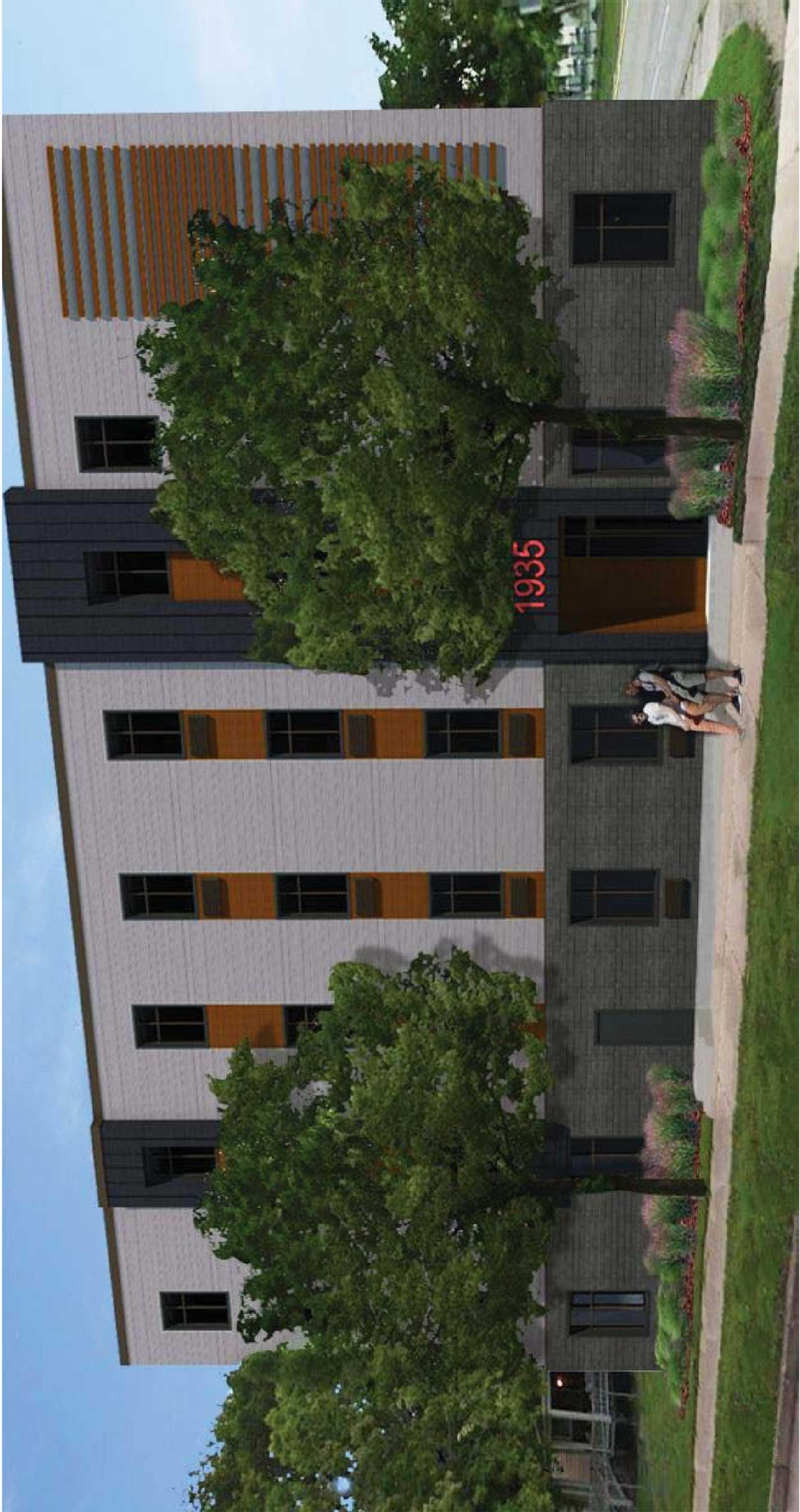


1/32" = 1'

BROOKLYN BLVD APARTMENTS

UNIT COUNT: 80
 SURFACE PARKING: 60
 UNDERGROUND PARKING: 53







MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/26/2018

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

Background: