

**CITY COUNCIL
MEETING**

City Hall Council Chambers
November 25, 2024

AGENDA



1. Call to Order - 7:00 p.m.

Attendees please turn off cell phones and pages during the meeting. A copy of the full meeting packet is available in the binder at the entrance to the Council Chambers.

2. Roll Call

3. Pledge of Allegiance

4. Informal Open Forum

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

The first call will be for those that have notified the Clerk that they would like to speak during the open forum and then ask if anyone connected to this meeting would like to speak. When called upon, please indicate your name and then proceed. Please be sure to state your name before speaking.

a. Meeting Decorum

5. Invocation - Lawrence-Anderson

6. Approval of Agenda and Consent Agenda

These items are considered to be routine by the City Council and will be enacted by one motion. There isn't a separate discussion for these items unless a Councilmember so requests, then it is moved to the end of the Council Consideration Items.

a. Approval of Minutes

- *Motion to approve meeting minutes*

- 10/25/24 Study Session
- 10/28/24 Regular Session

b. Approval of Licenses

- *Motion to approve the licenses as presented.*

c. Resolution Accepting Grant Funding from the Minnesota Department of Public Safety Office of Justice Programs for Intensive Comprehensive Peace Officer Education and Training Positions

- *Motion to approve a resolution accepting grant funding from Minnesota*

Department of Public Safety Office of Justice Programs for Intensive Comprehensive Peace Officer Education and Training positions and authorizing execution of grant agreement.

- d. Resolution Accepting Livable Communities Demonstration Account (LCDA) Funding Grant for New Generations LLC - Veterans Housing
 - *Motion to approve a resolution accepting Livable Communities Demonstration Account (LCDA) funding grant from Metropolitan Council.*
- e. Resolution Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments for Improvement Project No. 2025-02, 67th Avenue and James Avenue Mill & Overlay
 - *Motion to approve a resolution declaring costs to be assessed and calling for a public hearing on proposed special assessments for Improvement Project No. 2025-02, 67th Avenue and James Avenue Mill & Overlay.*
- f. Resolution Establishing Interest Rate for 2025 Special Assessments
 - *Motion to approve a resolution establishing interest rate for 2025 special assessments.*
- g. Resolution Establishing 2025 Street and Storm Drainage Special Assessment Rates
 - *Motion to approve a resolution establishing the 2025 street and storm drainage special assessment rates for street and utility improvement projects.*
- h. Resolution Accepting Bids and Awarding a Contract, Improvement Project No. 2024-06 2024 Pond 48-001 Maintenance Project
 - *Motion to approve the resolution accepting the lowest responsible bid and award a contract to New Look Contracting, Inc. for Improvement Project No. 2024-06 2024 Pond 48-001 Maintenance Project.*
- i. Resolution Amending Special Assessment Levy Roll No. 25001 to Provide for the Deferral of Special Assessments
 - *Motion to approve the resolution amending Special Assessment Levy Roll No. 25001 to provide for the deferral of special assessments.*
- j. Resolution Accepting Livable Communities Demonstration Account Transit Oriented Development (LCDA-TOD) Funding Grant for Opportunity Site Phase 1 Public Infrastructure
 - *Motion to approve a resolution accepting Livable Communities Demonstration Account Transit Oriented Development funding grant from Metropolitan Council.*
- k. Resolution Approving Joint Powers Agreements for the Continued Operation of the Shingle Creek and West Mississippi Watershed Management Commissions
 - *Motion to approve a resolution approving Joint Powers Agreements for the continued operation of the Shingle Creek and West Mississippi Watershed Management Commissions.*
- l. Resolution Accepting Funding Award of the Hennepin County Transit-Oriented Communities Grant Application - Opportunity Site

- Motion to approve a resolution approving Joint Powers Agreements for the continued operation of the Shingle Creek and West Mississippi Watershed Management Commissions.

- m. Resolution Accepting Livable Communities Demonstration Account (LCDA) Funding Grant for CAPI

- Motion to approve a resolution accepting Livable Communities Demonstration Account (LCDA) funding grant from Metropolitan Council.

- n. Resolution Declaring November 30, 2024, as Small Business Saturday

- Motion to approve a resolution declare November 30, 2024, as Small Business Saturday in the City of Brooklyn Center.

- o. Resolution Authorizing Amendment of the 2024 Centerbrook Golf Course Budget

-Motion to approve a resolution authorizing an amendment to the 2024 Centerbrook Golf Course annual operating budget

7. Presentations/Proclamations/Recognitions/Donations

- a. Police Department Update

- Motion to accept presentation.

- b. 2024 Park Capital Investment Plan – Update

- Staff will present an update on the Park Capital Investment Plan and introduce the next phase of community engagement for the plan

8. Public Hearings

9. Planning Commission Items

10. Council Consideration Items

11. Council Report

12. Adjournment



COUNCIL MEETING DECORUM

To ensure meetings are conducted in a professional and courteous manner which enables the orderly conduct of business, all persons in attendance or who participate in such meetings shall conduct themselves in a manner that does not interfere with the ability of others to observe and, when allowed, to participate without disruption or fear of intimidation.

- A. Decorum. Persons who attend meetings must avoid conduct that disrupts, interferes with, or disturbs the orderly conduct of the meeting or the ability of other attendees to observe and participate as appropriate. To that end, persons who attend meetings are subject to the following:
 - (1) Members of the public may only speak during meetings when allowed under Council Rules and only after being recognized by the presiding officer. The presiding officer may establish time limits for the acceptance of public comments or testimony.
 - (2) Public comments or testimony must be addressed to the presiding officer and not to other Council Members, staff, or others in attendance.
 - (3) All elected officials shall be referred to by their proper title and surname.
 - (4) Public comments should avoid personal accusations, profanity, or other improper content for a public meeting.
 - (5) Intimidating behaviors, threats of hostility, or actual violence are disallowed.
 - (6) Audible demonstrations intended to disrupt the meeting should be avoided, including stomping of feet, snapping of fingers, clapping of hands, and other conduct that may be intimidating or threatening to others.
 - (7) Holding, displaying, or placing banners, signs, objects, or other materials in any way that endangers others, prevents the free flow of individuals within the chamber, or obstructs or prevents the viewing of the meeting by others is not allowed.
- B. The presiding officer shall request any person(s) who disrupt, interfere with or disturb the orderly conduct of a meeting to cease the conduct and, as necessary, shall issue an oral warning to the individual(s) found to be in violation. If the individual(s) persists in disrupting, interfering with, or disturbing the meeting, the presiding officer may have the individual(s) removed or, under appropriate circumstances, temporarily clear the gallery. If for any reason the presiding officer fails to take such action, a majority vote may be substituted for action by the presiding officer to maintain order and decorum over the proceedings.
- C. The Council Chambers capacity is 76 persons per fire code.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Dr. Reggie Edwards, City Manager

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve meeting minutes*
 - 10/25/24 Study Session
 - 10/28/24 Regular Session

Background:

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

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
10.28.24 Study Session	11/19/2024	Backup Material
10.28.24 Regular Meeting	11/5/2024	Backup Material

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

STUDY SESSION
OCTOBER 18, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor April Graves at 6:03 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Assistant City Manager/City Clerk Barb Suci, and City Attorney Siobhan Tolar.

COUNCIL MISCELLANEOUS DISCUSSION ITEMS

Mayor Graves asked if any Councilmembers had additional items for discussion. There were no topics added.

CODE OF CONDUCT

Councilmember Lawrence-Anderson noted Charter Commission appointments are not made by the Council, referring to page eight. A judge appoints people to the Charter Commission. Mayor Graves read the section aloud and agreed the paragraph was confusing.

Councilmember Kragness stated on page six there was wording that was supposed to be corrected but was not. Mayor Graves asked if Councilmember Kragness had alternative wording to propose. Councilmember Kragness stated she would think about it.

Councilmember Jerzak reiterated that the edits had not been made. He read through the items in question and explained the changes that needed to be made.

Mayor Graves asked who would make the edits. Dr. Edwards clarified that Staff would make the edits.

Councilmember Jerzak referred to the City Charter as well as Roberts Rules of Order and asked if the previous resolutions adopted by the Council would be repealed.

City Attorney Siobhan Tolar asked if Councilmember Jerzak believes the document in question

and the Charter are in conflict. Councilmember Jerzak confirmed there are some conflicts. He asked if other resolutions would need to be repealed because the proposed policy is in conflict with the Charter.

Ms. Tolar stated the Charter is the controlling document and overrules any other documents. She stated many of the policies in the Code of Conduct would be in addition to the Charter. However, any conflicts would defer to the Charter.

Councilmember Jerzak requested Ms. Tolar review the Charter.

Mayor Graves asked what the conflicts are. Councilmember Jerzak gave an example of the type of meetings allowed by the Charter. Another example is related to Robert's Rules of Order or the order of meeting items.

Ms. Tolar explained the Code of Conduct is intended to fit into existing policies and be supplemental. Some language was modified by the previous City Attorney. Her only edits were reorganizing.

Councilmember Jerzak asked what the Code of Conduct has that the Charter doesn't have

Mayor Graves stated although there are existing policies regarding decorum, some people have still felt disrespected. Also, there are not any standards for accountability as of yet.

Councilmember Jerzak stated that his concern is that respect is subjective, and the Code of Conduct could be weaponized.

Mayor Graves reiterated there is no adopted process to rectify any issues of misconduct. She stated that the Code of Conduct is not to replace any existing policy but to complement what is already in place. Additionally, the proposed Code of Conduct is in line with the Council's goals. She requested Councilmember Jerzak review the Charter and note any misalignment.

Councilmember Jerzak stated he is unclear on the process and punitive steps, as well as censuring, and would like clarification on this. He also noted that he feels the City Attorney should be a part of the process

Mayor Graves stated she doesn't have an issue sharing the responsibility.

Ms. Tolar stated the Council administers the censuring process. However, censuring isn't the first punitive step.

Councilmember Lawrence-Anderson stated that she would also like clarification on the censure, and what constitutes a censure and asked if they would want the Charter Commission to assist with the process.

Mayor Graves stated she would prefer that the Council handle the matter but stated they could look at the Charter assisting and mitigating conflicts if needed.

Councilmember Lawrence-Anderson stated she would like to know what would constitute a censure. Mayor Graves stated the Code of Conduct requires repeated complaints and a Council vote.

Councilmember Lawrence-Anderson asked what censuring looks like. Ms. Tolar stated it is a public admonition. The Councilmember would have received multiple verbal warnings. Then the Council would pass a resolution acknowledging the Councilmember's inappropriate behavior.

Mayor Graves added Commissioners who have faced censuring would have a certain timeline before they can serve on a Commission again. The purpose is to promote accountability.

Councilmember Butler reminded the council that this is also a reflection of staff. She pointed out Staff have been mistreated by both Council and Commissioners in the past and by passing a Code of Conduct, it is intended to show the Council's commitment to caring for and protecting Staff.

Councilmember Kragness noted the document needs to be cleaned up. For example, on page five item two, contact is supposed to be limited to specific Staff. It is unclear what Staff this is referring to and in what context. Mayor Graves suggested removing the first sentence regarding limiting contact with Staff.

Councilmember Kragness added the document is worded in an accusatory manner. On page six for items 12 and 13, it says "do not speak badly" when it could say "refrain from speaking ill of" and the like. For 13, it says "Don't spring surprises on Councilmembers." There was discussion on the item and Council offered to ask more questions in advance of a meeting. She stated she would review her notes for more insight.

Councilmember Lawrence-Anderson stated Councilmembers might have a question during a presentation. She asked if the Council could no longer ask Staff questions during the meeting. Mayor Graves stated the item could be worded to "refrain" from springing questions on Staff.

Councilmember Lawrence-Anderson pointed out that the term "surprises" is a broad word and asked if it would relate to presentations and questions directed at the presentation.

Mayor Graves stated she believes the point is to avoid putting Staff on the spot or pressuring someone to make an immediate decision.

Councilmember Lawrence-Anderson stated the Council's job is to ask questions.

Councilmember Jerzak noted on page six, item D, stated only the Mayor or presiding officer may ask a presenter a question. However, any Councilmember can call for a Point of Order per Robert's Rules of Orders. Mayor Graves stated the Code of Conduct allows for any Councilmember to request the presiding officer to make a Point of Order. Councilmember Jerzak stated the item

doesn't allow for other Councilmembers to ask clarifying questions during a presentation, which is especially important during a longer presentation.

Mayor Graves asked how the item could be amended. Councilmember Jerzak stated the item could allow Councilmembers to ask permission from the presiding officer to ask a question of the presenter, but only if necessary. Mayor Graves pointed out the item is to prohibit disrespectfulness from a Councilmember or unnecessary interruptions. Reasonable questions are absolutely allowed. However, she is open to edits if the Council would prefer it.

Councilmember Kragness stated adding more words is making the document too wordy. It is understood the Council should listen to the whole presentation, and it doesn't need to be written. The item is addressing when an off-topic conversation is occurring.

Councilmember Jerzak referred to page seven item F, he stated that this item is well-intended, but it could be weaponized as attacks are subjective.

Mayor Graves stated egregious actions are obvious to most people. She has been interpreted as stern when it is merely her passion coming through. The intention is not to police personal expression but to promote accountability and set an example to the community.

Mayor Graves added the vote doesn't need to be unanimous. However, it would be important to have everyone on the same page and of the same mind.

Councilmember Kragness asked where the final paragraph on page four originated from. Mayor Graves read through the paragraph aloud regarding personnel administration. She stated that there are a number of examples of how the Council should be interacting with Staff. It was likely pulled from Brooklyn Park's initial draft.

Councilmember Kragness asked if it needs to be in the Code of Conduct. The first two paragraphs have enough information, and the third paragraph seems unnecessary. Mayor Graves stated the third paragraph seems like a transitional paragraph to move along to the list of directives. The third paragraph provides reasoning for the directives.

Councilmember Lawrence-Anderson pointed out it is a good document, and there has been meaningful progress.

City Manager Reggie Edwards explained that Staff will meet with the City Attorney to make edits before they return to the Council. Also, any items from the Code of Conduct that duplicate the Charter Commission will be removed.

Dr. Edwards pointed out there is an audio issue for those viewing the meeting remotely. Staff is working to fix the issue.

Dr. Edwards noted the Council's conversation is great and will thoroughly inform the final Code of Conduct.

Mayor Graves stated the item would be addressed again at a future meeting.

BROOKLYN CENTER 2025 LEGISLATIVE PLATFORM

Dr. Edwards summarized the previous discussions regarding the 2025 Legislative Platform. Both the old and new language are included to reflect edits made. There will be a clean document presented to the Council for approval at the next Council meeting.

Dr. Edwards explained the first group of legislation relates to administration. The City wants to support information access and official notifications in an updated manner. There is an item addressing election judge recruitment and retention by allowing college students to have time off. Brooklyn Center continues to support funding for cultural centers and museums. Dr. Edwards stated the Public Works Garage is an essential service for the City, and they are seeking funding through the legislative process.

Dr. Edwards noted Brooklyn Center supports legislation that protects tenants and lifts up affordable housing. Affordable housing is critical, especially where there are concentrations of poverty. Funding can be spread throughout the Metro to avoid disparities within certain communities. Another legislative item in the Platform is to support group homes and assisted living centers while addressing the disproportionate implementation of such facilities. Brooklyn Center has the highest percentage of group homes compared to any City in Minnesota.

Dr. Edwards the City also wants to support a more even distribution of emergency shelter and transitional housing uses in hotels. Brooklyn Center needs to retain its hotels as income sources while continuing to serve those in need. Lastly for housing, Brooklyn Center supports efforts to train new and diverse building officials.

Dr. Edwards explained there are a number of legislative items related to business and economic development of interest to Brooklyn Center. They want to support small business development through opportunities and resources and protect business tenants. Brooklyn Center supports an internship-to-work tax credit for organizations hosting young workers within the City. They also want to promote workforce readiness by fully funding the Minnesota Job Skills Partnership.

Dr. Edwards stated Brooklyn Center supports flexibility within Tax Increment Financing (TIF) Districts to facilitate redevelopment and housing flexibility. The City is requesting critical legislative funding that will fill gap funding necessary for the build-out of Phase 1 of the Opportunity Site. The request will be done in such a way as to avoid “double-dipping.”

Dr. Edwards stated some financial items include supporting State funding for cities recovering tax losses due to 4D Transition Aid, encouraging continued legislative support for Metro Area Fiscal Disparities, advocating for simplifying the current sales tax exemption for construction materials, increasing property tax relief for property owners, and adding an annual indexing factor to the Local Government Aid (LGA) formula.

Dr. Edwards noted Brooklyn Center supports the State adding “racial trauma” to eligible conditions for psychological treatment. He pointed out the item is new for 2025.

Dr. Edwards added Brooklyn Center supports extension and permanent funding of Public Safety Aid, Deferred Retirement Option Plan (DROP) for law enforcement, extending the presumption of privacy for body-worn camera footage to non-sown staff in alignment with current State law, improving race-related data collection by allowing individuals to self-identify their race on their driver’s licenses, funding for the expansion of the COP Autism Response Education (CARE) training model, clarifying State Statutes that allow juveniles to be help for questioning and booking in City jail for up to six hours, and implementing the principles and strategies outlined in the President’s Task Force on 21st Century Policing.

Dr. Edwards stated other legislative items of note to Brooklyn Center include appropriation of funding to the Fencing Consortium, funding Brooklyn Park’s regional joint emergency operations center and indoor fire training facility, funding for the Dayton Regional live fire training facility, increased and continued funding to MNFIRE and MBFTE, permanent funding for public safety responder mental health and well-being, addressing issues with TH 252, MVLST funding, funding for and improvements to public transportation, and flexibility in city cost participation on State and County roads.

CITY MANAGER MISCELLANEOUS DISCUSSION ITEMS

Dr. Edwards explained there is a correction required for the minutes related to certifying the special assessments rolls because Council didn’t verbally remove appellants from the rolls. A similar change will be made to the administrative citation process. There was no objection from the Council.

Dr. Edwards pointed out that Director of Community Prevention, Health, and Safety LaToya Turk is ill and unable to attend the meeting. Therefore, the item on the Work Session titled Community Safety and Violence Prevention Commission Council Discussion will need to be pushed back to a later date.

Mayor Graves asked where in the agenda the Council should address the error with the special assessments roll. Dr. Edwards stated the only action required of the Council is approving the changes to the previous set of minutes.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

ADJOURNMENT

Mayor Graves adjourned the meeting at 7:06.

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
OCTOBER 28, 2024
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor April Graves at 7:06 p.m.

2. ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Assistant City Engineer Lydia Ener, Community Development Director Jesse Anderson, Zoning Administrator Ginny McIntosh, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. INFORMAL OPEN FORUM

Mayor April Graves opened the meeting for the purpose of Informal Open Forum and reviewed the required decorum.

Gretchen E. reminded community members the City Hall is open for early voting. She noted she attended a Hwy 252 meeting that day and thanked Mayor Graves and Councilmember Jerzak for their attendance and participation in the meeting.

Katie W. introduced herself as the mother of Duante Wright and cofounder of the Duante and Kobe No More Names Initiative. She requested the Council consider the Implementation Committee members to continue their work on the permanent committee. She also requested non-residents be considered for the permanent committee. Brooklyn Center is a pass-through community, and many people live outside of the City but enter the City to worship, work, dine, and shop. There are numerous folks who are not Brooklyn Center residents who would have valuable experience and knowledge to share with the permanent committee.

Katie W. added October 27, 2024, would have been Duante Wright's 24th birthday. Mayor Graves wished Duante a happy birthday.

Devlin W. explained he lives on 50th Avenue, he missed the special assessments meeting, and attended the wrong meeting. He stated he owns one building with one set of utilities. However, he received two bills because the building has two addresses. He tried to call multiple times without any answer. He has been passed around to various Departments, and no one is sure who he is supposed to speak to.

Devlin W. has experienced similar issues with other City processes. He purchased a building about two years ago and obtained a rental license. Since then, he has been on a six-month schedule with regular fees to maintain his license. He just got approved for a three-year rental license, but the length of the process was due to poor communication from Staff.

Devlin W. stated he should be able to speak with Staff with questions or concerns, especially when the lack of response from the City results in a fine for him. Another business owner on 50th Avenue has suggested the creation of a formal group to fight the City. There have been issues with cars parked too long.

Mayor Graves thanked Devlin W. for his comments. She stated his time limit has been reached and noted her hope that Staff would help him to navigate his concerns.

Amity D. requested the Council put as much effort into the permanent committee as the Implementation Committee put into their items. He pointed out law enforcement isn't required to live in Brooklyn Center. Therefore, members of the permanent committee shouldn't be required to live in Brooklyn Center.

Raj S. introduced himself as a representative of the Minneapolis NAACP. In the wake of the apology issued by the President of the United States, local governments are still choosing to do the Pledge of Allegiance without any land acknowledgments. He asked why Brooklyn Center doesn't do a public land acknowledgment.

Raj S. agreed the permanent committee should include residents from outside of Brooklyn Center. Similar to the Minneapolis NAACP, such groups have impacts outside of their base community.

Randy C. pointed out all other Brooklyn Center committees have a requirement that the participants be City residents.

Mayor Graves noted they are past their Informal Open Forum time limit.

Councilmember Jerzak moved and Councilmember Kragness seconded to close the Informal Open Forum at 6:20 p.m.

Motion passed unanimously.

5. INVOCATION

Councilmember Kragness shared a quote about unity, community, strength, love, and justice.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Lawrence-Anderson moved and Mayor Graves seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Regular Session meeting minutes of October 14, 2024, as discussed during the Study Session, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. October 14, 2024 – Study Session
2. October 14, 2024 – Regular Session
3. October 14, 2024 – EDA/Worksession

6b. LICENSES

MECHANICAL

Advanced Climate Solutions LLC	930 Hub Court Crown Point 46307
--------------------------------	------------------------------------

Liberty Comfort Systems	627 East River Road Anoka 55303
-------------------------	------------------------------------

MN Heating and Cooling LLC	410 Pleasant Crest Circle Annandale 55376
----------------------------	--

RENTAL

INITIAL (TYPE IV – six-month license)
6618 Camden Drive

Hussain Khan

INITIAL (TYPE III – one-year license)
5754 Humboldt Avenue N

Chinedu Agbonghai &
Igre Augustine

INITIAL (TYPE II – two-year license)
6100 Summit Drive

LUX PROPERTY SPE LLC

4207 Lakeside Avenue N #338

Julian Tamonkia Awandem

RENEWAL (TYPE IV – six-month license)
5301 France Avenue N

Juniper Land Trust Llc

5406 Sailor Lane

JMW Investments LLC

5849 Colfax Avenue N

Bay Street Homes, LLC

6628 Camden Drive	Wells Bovards
7141 Newton Avenue N	Ih2 Property Illinois Lp
<i>RENEWAL (TYPE III – one-year license)</i>	
3612 Commodore Drive	Ih2 Property Illinois Lp
3701 Woodbine Lane	Rose Blalock
4506 71st Avenue N	Obafemi Oladeji
5500 Knox Avenue N	Mnsf Ii W1 Llc
6000 Bryant Avenue N	RTO Investments LLC
6413 June Avenue N	CEL MONTON LLC
<i>RENEWAL (TYPE II – two-year license)</i>	
1800 57th Avenue N	Zenaldo Alonso Contreras/ Carmela Alonso Morales
5300 Queen Avenue N	FOZIA ABASHAM
5719 Halifax Avenue N	5719 Halifax Ave Llc
6100 Bryant Avenue N	Kurt Templin Mary Templin
<i>RENEWAL (TYPE I – three-year license)</i>	
5347 Brooklyn Boulevard	Randall B Cook
4419 Winchester Lane	Easton Homes Llc
5147 Drew Avenue N	Frank Jin & Emily Zhao
5524 Knox Avenue N	Michael Ude
5807 Drew Avenue N	D Kabanuk & T L Kabanuk
5924 Dupont Avenue N	J Miller & D Miller
5924 Washburn Avenue N	R M Mcluen & L E Mcluen
6107 Emerson Avenue N	Lydia Yeboah
6721 Perry Avenue N	Abebayehu Wordofa

- 6c. RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR THE PEDESTRIAN FACILITIES APPLICATION THROUGH THE METROPOLITAN COUNCIL'S 2024 REGIONAL SOLICITATION GRANT PROCESS AND AUTHORIZING ACCEPTANCE OF GRANT FUNDS**
- 6d. BROOKLYN CENTER CITY COUNCIL'S OFFICIAL REQUESTED INITIAL COMMITMENTS FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION REGARDING THE HIGHWAY 252/I-94 PROJECT**
- 6e. OPTING IN TO HENNEPIN COUNTY'S CDBG CONSOLIDATED POOL**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. COMMUNITY DEVELOPMENT ANNUAL REPORT

Dr. Edwards introduced the item and invited Community Development Director Jesse Anderson to continue the Staff presentation.

Community Development Director Jesse Anderson explained the Community Development Department's mission is to ensure balanced growth, foster economic development, and provide services to both residents and businesses. By guiding the city's development through effective planning, zoning, building oversight, economic development, and code compliance, we strive to maintain Brooklyn Center as a thriving, diverse community. He showed an organizational chart for the Department.

Mr. Anderson stated the Department oversees multiple functions such as building and community standards which include enforcing codes, managing property maintenance, conducting rental licensing inspections, and handling vacant buildings. The Department oversees business and economic development as well including planning and zoning services, long-range strategic planning, economic development programs, business retention and expansion programs, and workforce development.

Mr. Anderson noted Brooklyn Center has a performance-based rental licensing program. The Community Development Department processes, tracks, and performs rental inspections, provides a resource packet to all renters, investigates and resolves property complaints, investigates and enforces unlicensed rental properties, educates folks on Tenant Protection Ordinances, administers rental licensing, offers CPTED inspections, negotiations mitigation plans for Type III and Type IV licenses, and inspects all multi-family units.

Mr. Anderson showed a pie chart depicting active rental licenses. Out of just under 12,000 housing units, about 30 percent of them are rental units. There are 709 active rental licenses, and there are 50 expired licenses. Around half of all licenses get three-year licenses, one-third receive two-year

licenses. He pointed out there are 116 inactive group home properties. Minnesota Department of Health (MDH) and the Department of Human Services show 175 properties in Brooklyn Center.

Mr. Anderson pointed out code enforcement is a complaint-based program. There are proactive code enforcement efforts such as neighborhood sweeps, long grass, corridor sweeps, and commercial properties. Through the Code Enforcement Engagement Program, Staff will knock on doors to talk to residents about code violations found at the property.

Mr. Anderson noted the Community Development Department also administers citations and abatement. In 2023, there were 2,446 code enforcement cases. So far in 2024, there have been 2,634 code enforcement cases. There has been an increase in illegal dumping on commercial properties and vacant lots and an increase in break-ins into vacant commercial properties.

Mr. Anderson showed a chart depicting the annual totals of vacant properties. As of October 18, 2024, there are 64 vacant properties, including both commercial and residential. He pointed out a vacant unit within a larger property is not counted as vacant. There are notices given regarding lawn care.

Mr. Anderson stated that 2024 code enforcement and rental initiatives have included continuing proactive code enforcement activity through door knocking and education, monitoring commercial vacant properties daily, educating folks following No Mow May, and amending Chapters 12 and 19. They have worked on educating new multi-family property owners and management staff on rental license inspection programs and processes, continuing ongoing education of the Tenant Protection Ordinance, and improving and automating the rental license program through iMS.

Mr. Anderson explained the 2024-2025 initiatives for the building division include reviewing the fixed fee permit schedule, continuing cross-training in preparation for the Opportunity Site, updating handouts and brochures, reviewing updated codes for 2026 adoption, hiring a new electrical inspection contractor, updating the iMS permit flow, continuing education with do-it-yourself (DIY) property owners and contractors, applying for a grant to obtain funding for a trainee, and reviewing single-family homes that are being converted to MDH assisted living facilities.

Councilmember Lawrence-Anderson noted the code enforcement sweeps used to be rather regimented. She asked if the code enforcement is solely complaint-based. Mr. Anderson stated Staff decreased sweeps during COVID-19. Now there is more Staff time focused on rental inspections and group homes.

Zoning Administrator Ginny McIntosh stated in 2024, the City has received a number of applications including one Site and Building Plan, five Conditional Use Permits, two Subdivisions, one Planned Unit Development (PUD), three Ordinance Amendments, and one Concept Plan Review. Despite market conditions, there have been some new developments. New construction projects were Wangstad Commons and Pollo Campero. The former Walmart has been converted to Empire Foods, Applebee's to Dos Hermanos, Big O Tires to Minnesota Department of Vehicle Services Inspection Station, Earle Brown Bowl to Los Campeones Gym, and Discount Tire to an

expanded Icon Beauty.

Ms. McIntosh stated 2025 planning and zoning initiatives include continuing to review the Unified Development Ordinance (UDO) for opportunities to strengthen and clarify the document, implementing cannabis regulations prior to 2025, monitoring ongoing “Missing Middle” legislation, reviewing opportunities to be more efficient and streamlined with the development process to promote competitiveness, creating a Housing Policy Plan, considering Local Affordable Housing Act (LAHA) and Housing Trust Fund options, and continuing to seek additional opportunities for funding for the Opportunity Site. Additionally, Staff hopes to strengthen and diversify business development and housing priority areas such as the former Sears, the former Target, former Brown College, 57th and Logan, Opportunity Site, and Shingle Creek Crossing.

Ms. McIntosh showed a graph depicting building permit project valuation annually since 2017 and a list of construction activity within the City since July 2023 including Brothers Taqueria, All Taco, 102 Boba, Micholandia, Harold’s Chicken, Regus, Vista Salon and Suites, San Juditas Tadeo Grocery Store, Dos Hermanos, Empire Foods, Icon Beauty, Los Campeones, Pollo Campero, Wangstad Commons, and the MN DVS Inspection Station. So far in 2024, the building permit project valuation is just over \$27 million.

Ms. McIntosh added many businesses are opening soon or finishing up construction such as Wangstad Commons, Polloi Campero, Los Campeones, Icon Beauty, Value Foods, Medtronic, Carol’s Kitchen, Travel Lodge, and multiple assisted living facilities.

Economic Development Manager Ian Alexander stated he has been meeting one-on-one with each of the Councilmembers, and he has enjoyed getting to know them. The Economic Growth Plan includes the Opportunity Site, Shingle Creek Crossing, a Brooklyn Center Chamber of Commerce, a Fit Plan for small developers, loan grant programs, and partnership cultivation.

Mr. Anderson pointed out Staff has been working on small business technical assistance, a façade improvement fund, Elevate Business through the County, BrookLynk, and the CareerForce Center with HIRED. Most of his time and other economic development Staff time has been focused on grants, marketing strategy, and partnership cultivation.

Mr. Anderson stated financial incentives underway include a loan program offering three percent lending for developers, a housing trust fund, and a grant program Entrepreneurial Equity Fund.

Mr. Anderson pointed out economic development efforts within Shingle Creek, the Opportunity Site, and the Heritage Center campus are underway. Staff is working with Land Trust Twin Cities to daylight the Creek. Staff is also working on PUD updates to provide more opportunities within Shingle Creek and opportunities for the Sears site. At the Opportunity Site, Staff is working with Alatus on a PUD update, is considering Target redevelopment opportunities, has met with Health Partners, and is continuing to collaborate with Resurrecting Faith World Ministries.

Mr. Anderson stated the Community Development Department has worked hard in 2024 addressing the City’s housing, code enforcement, and economic development needs while planning

for future growth. Moving into 2025, the Department remains committed to economic development and ensuring that Brooklyn Center is a community where residents and businesses can thrive.

Mayor Graves pointed out it is the first time the Community Development Department has been fully staffed since November 2021. She added she knows someone interested in retail space for a clothing store, and she will connect them to Staff.

Councilmember Kragness asked if the sports facility would include indoor soccer. Mr. Alexander stated Staff was contacted by a party interested in building a domed soccer facility. The project is supposedly fifty percent funded, and there are two potential sites within Brooklyn Center.

Councilmember Lawrence-Anderson asked which sites are being considered. Mr. Anderson explained he suggested the potential builder connect with the Director of Parks and Recreation. The second site is at the former Target. The goal would be an outdoor space for the summer and a covered spot for the winter. Councilmember Lawrence-Anderson stated the former Target would be a great location.

Mayor Graves noted there has been long-term interest in a sporting facility for the City. She thanked Staff for the presentation.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to accept the Community Development Annual Report presentation.

Motion passed unanimously.

8. PUBLIC HEARINGS

8a. RESOLUTION ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT PROJECT NO. 2025-02, 67TH AVENUE AND JAMES AVENUE MILL & OVERLAY

City Manager Reggie Edwards introduced the item and invited Assistant City Engineer Lydia Ener to continue the Staff presentation.

Mayor Graves called for a brief recess at 7:58 due to technical issues.

Mayor Graves called the meeting back to order at 8:07.

Assistant City Engineer Lydia Ener explained there was one neighbor meeting and the Council has received the feasibility report. She showed a schedule for the rest of the process and pointed out they hope to establish 2025 assessment rates on November 12, 2024, and to have the assessment public hearing and final orders on December 9, 2024.

Ms. Ener explained the proposed project includes roadway and minor utility improvements on 67th Avenue North and James Avenue North. The street and drainage improvements would be pavement mill and overlay, spot curb and gutter replacement, and a casting replacement. As for utility improvements, they are planning for a sanitary casting replacement and a spot hydrant and valve replacement.

Ms. Ener pointed out the existing roads are 44 feet wide. The pavement was last reconstructed in 1998. The existing storm sewer pipes were constructed in the early 1970s and range from 15 inches to 36 inches in diameter. The proposed improvements would be for pavement mill and overlay at existing widths, spot curb and gutter replacement, and a storm sewer casting replacement. The existing light poles are fiberglass, in good condition, and owned by Xcel.

Ms. Ener stated the existing water main was installed in 1970 and is eight inches in diameter. The proposed improvements for the water mains are a spot hydrant and gate valve replacement. As for the sanitary sewer, it was installed in 1970 and has eight-inch diameter PVC. Televising and condition surveys were taken of sewers and manholes. The proposed improvement is a manhole casting adjustment and replacement.

Ms. Ener noted an open house was held for the adjacent properties and property owners on August 29, 2024. Due to the commercial and industrial property uses, the meeting was held midday over the typical lunch hours rather than in the evening, to promote attendance of the commercial properties. Six properties provided responses, with five attending in person, representing five properties of the eleven adjacent to the project. Each attendee was able to discuss how the project would impact their business and access, as well as voice any concerns that could be addressed with the project. The majority of questions asked related to truck parking, access for shipments during construction, and the assessment process. All attendees seemed satisfied with having their questions answered, and many expressed interest in personal follow-up when construction begins.

Ms. Ener showed a table with a breakdown of preliminary project funding. Special assessments are intended to account for about one-half of the \$790,000 project. Based on the City assessment policy, the commercial properties are assessed by square footage. The estimated interest rate is based on the most recent City bonding and rating policy at seven percent.

Ms. Ener pointed out there are three options to pay the special assessment. The assessment may be paid before September 30, 2025, without interest, October 1, 2025, through November 14, 2025, with interest, or installments with property taxes over a ten-year period starting in 2026 with a 5.5 interest rate. The City will accept partial payments. If the project is approved, a letter will be sent to owners regarding another Public Hearing.

Councilmember Kragness thanked Staff for the presentation. She asked how much the life of the roads would be extended with the proposed mill and overlays. Ms. Ener explained mill and overlay are used as a rehabilitation project and have a typical life cycle of 20 years. It has been 26 years since the last reconstruction in the area. The rehabilitation will create a better, smoother street and should last up to 20 years.

Councilmember Kragness asked if rehabilitation is included in the Capital Improvements Plan (CIP). Ms. Ener stated the CIP doesn't reflect a full reconstruction for the area because that would need to be completed beyond the timeline of the existing CIP. The CIP includes the proposed rehabilitation.

Mayor Graves moved and Councilmember Jerzak seconded to open the Public Hearing.

Motion passed unanimously.

No one appeared to address this item.

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

Motion passed unanimously.

Councilmember Jerzak moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2024-108, a Resolution ordering the Improvement Project No. 2025-02, 67th Avenue and James Avenue Mill & Overlay, and Authorizing Preparation of Project Plans and Specifications.

Motion passed unanimously.

Mayor Graves asked when Dupont would be open. City Engineer Omer stated they anticipate the project will be completed in the second week of November.

9. PLANNING COMMISSION ITEMS

9a. OPPORTUNITY SITE MASTER PLAN

Dr. Edwards introduced the item and invited Mike Thompson with Bolton & Menk to continue the presentation.

Mr. Thompson stated he is excited to present on an item that has been underway for several years. He showed the timeline for the Master Plan beginning in 2019. They are finally on the adoption and implementation step. The Plan includes an executive summary, a vision for a new downtown, public realm, access and connectivity, neighborhood and economic development, and an implementation plan. There is also a template for a Community Benefits Agreement and an Equitable Development Framework included as appendices.

Mr. Thompson pointed out that a Master Plan is a big picture, values-driven plan to inform the future downtown and includes a guiding vision for community goals, principles, and benefits development. It does not grant permission for anyone to build on the site. Approval means the community agrees to a shared vision for the Opportunity Site that will guide future development.

Mr. Thompson stated a Development Proposal, on the other hand, is a specific proposal for what a developer wants to build. Details and City forms are required in order to reflect what a developer would build if approved. The Development Proposal only authorizes a developer to build their specific proposal. The City's approval is for an agreed-upon development as allowed and approved by local and State policies.

Mr. Thompson noted the Master Plan process began with a three-phase engagement and outreach effort. The first phase created a foundation for the goals and priorities of the Opportunity Site by identifying community conditions, concerns, opportunities, and desired development benefits. The second phase vetted the Master Plan to ensure it aligned with community desires and sought to proactively mitigate unintended consequences of future development. The third phase pivoted from the Master Plan to reviewing and informing the design of the Phase 1 Development Site.

Mr. Thompson explained the engagement process showed a desire to design a place that reflects and celebrates all people of Brooklyn Center as shepherded by the City. A number of principles and community values guided the process.

Mr. Thompson stated the Opportunity Site is intended to be somewhat dense with a focus on a variety of housing for the initial construction. As the market changes, so could the future plans change. He showed an image of the proposed land use.

Mr. Thompson added the Opportunity Site is intended to be accessible, walkable, bikeable, and the like. They are considering neighborhood streets, parkways, garden streets, and a main street. There is also a network of public spaces throughout the Site which will connect to existing public spaces such as Centennial Park. He pointed out the area for a regional drainage area that will be used as a focal point, which has already been approved already through the proper channels.

Mr. Thompson stated the Master Plan is intended to be used as a comparison for development proposals. It is not a rigid process and is guided by values and goals above all else. He showed a map of the current zoning at the Opportunity Site. The Master Plan creates an opportunity for some flexibility in zoning. Upon approval from the Metropolitan Council, City Staff could formally amend the Comprehensive Plan and Zoning Map. From there, development may proceed.

Mayor Graves asked if the additional step for zoning could be a deterrent for potential developers. Mr. Thompson stated it could be a deterrent. However, it maintains the development goals as determined in the Master Plan. Most established developers have experience going through a similar process, so it isn't a major concern.

Mr. Thompson added any infrastructure added to the City's system will need to be maintained in the future. Future infrastructure plans may come with an accompanying ask for increased operating funds to ensure all new investments are well-maintained. Additionally, it is recognized that additional construction on the Opportunity Site will likely require additional City Staff in future budgets.

Ms. McIntosh reiterated it has been a long but necessary process. The acknowledgment page in the Master Plan shows the various groups and people that have contributed to the process.

Councilmember Kragness pointed out the process has been extremely long. The timing of the Master Plan is somewhat odd because the Council has been open to alternative development interests in order to have some sort of progress on the Opportunity Site. She asked if the parameters limit Brooklyn Center.

Dr. Edwards stated the last master planning process was completed in the 1960s. The process allows for flexibility and doesn't tie down the City to any commitments. The main intention is to provide guidance.

Mayor Graves pointed out there was interest in a sports facility on the Opportunity Site. She asked if the Master Plan would turn off future interest in a sports facility there. Mr. Thompson explained the size of the site isn't a good fit for a giant facility like Allianz. The Master Plan intends to promote a downtown area. Ultimately, the Master Plan wouldn't preclude a sports facility.

Dr. Edwards added the Master Plan is intended to guide future decisions for the site. It shows an interest in a gathering area or other downtown offering and can be used as a comparison for future development considerations.

Councilmember Jerzak asked if a Master Plan is required by the Metropolitan Council. Mr. Thompson stated there isn't a requirement by the Metropolitan Council. However, such a document would be necessary to allow for the unique option of the rezoning process, as previously explained.

Councilmember Jerzak stated between market conditions and the length of time since community engagement efforts. He doesn't want a developer to be deterred by a Master Plan because the ideas aren't of interest to them. Mr. Thompson explained there are a number of unique qualities of the Opportunity Site. Its proximity to the highway and the City's ownership of most of the area are attractive to developers.

Councilmember Lawrence-Anderson requested an update from Staff on Alatus. Mr. Anderson stated they plan to update the Council on the progress of discussions. The City's legislative priorities work hand-in-hand with Alatus' interest in the site.

Dr. Edwards stated the Master Plan is not intended to be a hodgepodge of ideas but to promote the best possible Brooklyn Center. Mayor Graves agreed the vision is meant to be intentional and guiding the site to best serve the City.

Ms. McIntosh pointed out developers have been overwhelmed by the amount of land. The Master Plan is a framework to provide some clarity for interested parties. There are also some limitations with parkway extensions, block sizes, and the like. The Master Plan will help potential developers to see where they could fit into the project. Additionally, developers looking for funding support

from Brooklyn Center can be required to consider the values within the Master Plan prior to receiving any financial assistance.

Mayor Graves moved and Councilmember Butler seconded to adopt the Opportunity Site Master Plan as the guiding policy document for future build-out of the Opportunity Site Plan.

Motion passed unanimously.

Mayor Graves noted she is frustrated about the lack of lighting throughout Brooklyn Center. It is a priority to include lighting as more areas of the City are built up. Ms. McIntosh stated the updated Code and the UDO have enhanced lighting requirements. There is a push and pull with promoting light without overdoing brightness.

Councilmember Lawrence-Anderson agreed Shingle Creek needs more lighting. Better lighting is necessary for a safe, walkable community, and promotes a sense of safety.

Dr. Edwards thanked Staff for their continued work on the Opportunity Site.

10. COUNCIL CONSIDERATION ITEMS

10a. APPEALS FOR PROPOSED SPECIAL ASSESSMENTS FOR ADMINISTRATIVE FINES/CITATION COSTS

City Manager Reggie Edwards introduced the item and invited Community Development Director Jesse Anderson to make the Staff presentation.

Community Development Director Jesse Anderson explained a public hearing was conducted on October 14, 2024. First of all, the appellant from 7184 Unity Avenue North stated she was out of the country and did not know she was receiving citations until she returned. Staff had found the property during proactive code enforcement efforts. An inoperable vehicle was visible from the street. Staff conducted eight inspections over a two-month period. A total of three administrative citations were issued totaling \$700. The vehicle was ultimately removed.

Mr. Anderson stated the appellant from 5811 Shores Drive sent an email explaining she didn't have the funds needed to repair her siding because she had to replace her HVAC unit. City received a complaint about the property conditions of a few townhomes in the association. Staff completed an inspection and cited the property in violation. After a couple of notices and extensions, Staff issued administrative citations for failure to comply. The City didn't receive a mechanical permit for an HVAC unit replacement. Two administrative citations were issued totaling \$200. He showed photos of the home.

Mr. Anderson added the appellant from 6718 Quail Avenue North stated she did not receive paper or email notices to renew her rental license. She claimed she had been caring for her mother, but she has now moved back into the property. The six-month license expired on February 28, 2023. Three administrative citations were issued totaling \$5,000. Four notices were sent prior to the first

citation in May 2023. All notices, both via letter and email, were sent to the email and address on file. In June 2023, the appellant stated the emails were going to her junk folder and she would stop in to renew the license. In May 2024, a rental inspection was completed and passed. However, the appellant was notified she would not receive the license until her outstanding utility bill was paid. In June 2024, the rental license was changed to inactive because the property was listed as an assisted living facility.

Mr. Anderson stated the recommendation for the appeal regarding Unity to be maintained, the appeal for Shores to be reduced by \$100 due to similar citations, and the appeal for Quail to be maintained.

Mayor Graves stated the quickness for the \$2,000 fees is alarming, referring to the Quail appeal. Mr. Anderson stated there was a little over a month between each citation. Monthly citations are regular for renting without a license. Citations are more regular for less complicated issues.

Mayor Graves noted the process was long. Mr. Anderson explained the initial email renewal was sent in January 2023 with three more after that. Once the license is expired, a letter and email are sent out monthly.

Mayor Graves asked why the May 2023 citation was only for \$300. Mr. Anderson stated the citation starts at \$300 and doubles over time. Past citations have been assessed in previous years already.

Councilmember Jerzak stated there were around 4,000 assessments, but only three were appealed. If the City is going to pass ordinances and citations, then they need to support their inspectors. The Staff's effort to communicate with residents and enforce codes should be respected.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2024-110, A Resolution Certifying Special Assessments for Administrative Fines/Citations cost to the Hennepin County Tax Roll.

Motion passed unanimously.

11. COUNCIL REPORT

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

- Thanked the Parks and Recreation Commission and Staff for their work on the Halloween Party.

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

- Participated in the ribbon cutting for the Vehicle Inspection Station.
- Attended a Hwy 252 Task Force meeting.
- Attended the Public Works Maintenance Facility tour.

- Discussed concerns with constituents.

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

- Attended the Public Works Maintenance Facility tour.
- Attended the Halloween Party.
- Attended the ribbon cutting for the Vehicle Inspection Station.
- Attended the swearing-in for new officers.

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

- Participated in the ribbon cutting for the Vehicle Inspection Station.
- Attended a Hwy 252 Task Force meeting.
- Volunteered with some School Board members.
- Met with Staff from the NAACP.
- Met with Brooklyn Park's Mayor.
- Reminded folks she and other City representatives will be attending a conference in Tampa in November. There was a discussion regarding the attendance of Council for the November 12, 2024 meeting.

12. ADJOURNMENT

Councilmember Butler moved and Councilmember Jerzak seconded adjournment of the City Council meeting at 9:10 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Barb Suciu, Assistant City Manager/City Clerk

BY: Shannon Pettit, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- Motion to approve the licenses as presented.

Background:

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

Mechanical

Bruce Nelson Plbg & Htg
7012 6th Street N, Oakdale 55128

Binder Heating & Air Conditioning
222 Hardman Avenue N, South Saint Paul 55075

Genz-Ryan Plbg & Htg Co
2200 Highway 13 W, Burnsville 55337

On-Sale Intoxicating

Captain Crab
1360 Shingle Creek Crossing, Suite 201

Topgolf
6420 Camden Ave N

Jambo Africa
1601 Freeway Blvd

Hip Sing BBQ Restaurant
6201 Brooklyn Blvd

Oga Madam Kitchen
6000 Shingle Creek Pkwy

On-Sale Sunday

Captain Crab
1360 Shingle Creek Crossing, Suite 201

Topgolf
6420 Camden Ave N

Jambo Africa
1601 Freeway Blvd
Hip Sing BBQ Restaurant
6201 Brooklyn Blvd
American Legion
6110 Brooklyn Blvd
Oga Madam Kitchen
6000 Shingle Creek Pkwy

On-Sale 3.2

Davanni's Pizza & Hot Hoagies
5937 Summit Dr.
50's Grill
5524 Brooklyn Blvd

On-Sale Wine

Davanni's Pizza & Hot Hoagies
5937 Summit Dr.
50's Grill
5524 Brooklyn Blvd

Off-Sale 3.2 Malt Liquor

Cub Foods
3245 County Rd 10
Speedway #3192
6950 Brooklyn Blvd
Speedway #4058
1901 57th Ave N
Speedway #4160
6545 West River Rd

Liquor - Club

American Legion
6110 Brooklyn Blvd

Tobacco

Jambo Africa
1601 Freeway Blvd
Holiday Stationstore #3808
5710 Xerxes Ave
Holiday Stationstore #292
420 66th Ave N
Premier Tobacco
6930 Brooklyn Blvd
Speedway #3192
6950 Brooklyn Blvd
Speedway #4058
1901 57th Ave N
Speedway #4160
6545 West River Rd

Casey's Retail Company
2101 Freeway Blvd
Family Dollar
2105 57th Ave N
Cloud Nine Smoke Shop
615 66th Ave N
Cub Foods
3245 County Rd 10
Winner
6501 Humboldt Ave N
Royalty & Sons Tobacco
6044 Brooklyn Blvd

Gasoline Service Station

Holiday Stationstore #3808
5710 Xerxes Ave
Casey's Retail Company
2101 Freeway Blvd
Speedway #3192
6950 Brooklyn Blvd
Speedway #4058
1901 57th Ave N
Speedway #4160
6545 West River Rd
Brooklyn BP
6044 Brooklyn Blvd

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	6/20/2023	Backup Material
Rentals 11-12	11/19/2024	Backup Material
Rentals 11-25	11/19/2024	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 11.12.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
6101 Brooklyn Blvd	Multiple Family 1 Bldg 54 Units	Initial	JO Companies	0	Type I	N/A	Type II	N/A	N/A
5337 Oliver Ave N	Single	Initial	Benyam Sahle	21	Type IV	N/A	Type IV	N/A	0
4204 Lakebreeze Ave N	Multiple Family 1 Bldg 4 Units	Renewal	AZ RENTAL APARTMENTS LLC Did not meet requirements	0	Type I	0	Type IV	Type IV	4
6915 Humboldt Ave N	Multiple Family 2 Bldgs 50 Units	Renewal	Lynwood Pointe Llc Met Requirements	283 = 5.6 per unit	Type IV	11/16/23 Noise 12/1/23 Noise 2/26/24 Public Disturbance 3/6/24 Noise	Type IV	Type IV	3
5330 Queen Ave N	Two Family	Renewal	Fong Xiong	2	Type I	0	Type I	Type II	N/A
4207 Lakeside Ave N, #139	Condo	Renewal	ALEXANDER ANDRZEJEK	0	Type I	4/7/24 Noise	Type I	Type II	N/A
1308 68th La N	Single	Renewal	Roth Wagner Llc1 Did not meet requirements	1	Type I	0	Type III	Type III	N/A
1549 Humboldt Pl N	Single	Renewal	Johnson Organization Inc Met Requirements	1	Type I	0	Type I	Type III	N/A
2606 65th Ave N	Single	Renewal	HPA II Borrower 2020-2	1	Type I	0	Type I	Type IV	N/A
2836 67th La N	Single	Renewal	Jose A Aguilar	2	Type I	0	Type I	Type II	N/A
3712 53rd Pl N	Single	Renewal	SFR BORROWER 2022-A LLC Did not meet requirements	11	Type IV	0	Type IV	Type IV	2
3800 Burquest La	Single	Renewal	HENNEPIN RP FUNDING LLC Did not meet	4	Type II	0	Type III	Type III	N/A
4101 61st Ave N	Single	Renewal	Long Xiong	3	Type II	0	Type II	Type I	N/A
4600 69th Ave N	Single	Renewal	Aisheh Wazwaz & Sami Ameri	20	Type IV	0	Type IV	Type IV	2
5201 Drew Ave N	Single	Renewal	A Omar & E Katabay	2	Type I	0	Type I	Type I	N/A
5300 Knox Ave N	Single	Renewal	ANTONIO VIZCARRA-MORENO	0	Type I	0	Type IV	Type IV	2
5301 Logan Ave N	Single	Renewal	Mnsf li W1 Llc	5	Type II	0	Type II	Type I	N/A

5351 Irving Ave N	Single	Renewal	Cel Monton Llc Met Requirements	6	Type III	0	Type III	Type III	N/A
5510 France Ave N	Single	Renewal	Iasis I Llc Met Requirements	7	Type III	0	Type III	Type IV	N/A
5819 Dupont Ave N	Single	Renewal	T D Nguyen & H Le	1	Type I	0	Type I	Type I	N/A
6001 Admiral Pl	Single	Renewal	IH2 PROPERTY BORROWER LP Met Requirements	3	Type II	0	Type II	Type III	N/A
6013 Brooklyn Blvd	Single	Renewal	Rosa F Chiqui Lema	0	Type I	0	Type I	Type I	N/A
6701 Bryant Ave N	Single	Renewal	Ih2 Property Illinois Lp	3	Type II	0	Type II	Type I	N/A
6807 Scott Ave N	Single	Renewal	Gao Qiang Liu	0	Type I	0	Type III	Type III	N/A
6835 Colfax Ave N	Single	Renewal	HP MINNESOTA I LLC Met Requirement	0	Type I	0	Type I	Type III	N/A

*CFS = Calls for service for renewal licenses only (Initial licenses are not applicable to CFS and will be listed as N/A)

**License type being issued

***Initial licenses will not show a Type I = 3 year, Type II = 2 year, Type III = 1 year, Type IV = 6 months

All properties are current on City utilities and property taxes

Rental Licenses for Council Approval 11.25

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
1107 57th Ave N	Multiple Family 1 Bldg 4 Units	Initial	1107 4X LLLP	8 = 2 per unit	Type III	N/A	Type III	N/A	N/A
6101 Brooklyn Blvd	Multiple Family 1 Bldg 54 Units	Initial	JO Companies	0	Type I	N/A	Type II	N/A	N/A
3519 53rd Pl N	Single	Initial	Jewel Johnson	25	Type IV	N/A	Type IV	N/A	0
6142 Brooklyn Blvd	Single	Initial	Duc Minh Truong	28	Type IV	N/A	Type IV	N/A	0
6812 Camden Ave N	Single	Initial	Kendra Woods & Cory Thibado	1	Type I	N/A	Type II	N/A	N/A
7212 Kyle Ave N	Single	Initial	Sharaz Mohammed	0	Type I	N/A	Type II	N/A	N/A
700 66th Ave N	Multiple Family 24 Bldgs 92 Units	Renewal	Georgetown-bc Company Lllp Met Requirements	447 = 4.86 per unit	Type IV	10/29/23 Disorderly Conduct	Type IV	Type IV	3
1425 55th Ave N	Multiple Family 1 Bldg 4 Units	Renewal	Trung C Duong Met Requirements	5 = 1.25 per unit	Type II	0	Type II	Type IV	N/A
1421 63rd La N	Single	Renewal	Gary Fraser	0	Type I	0	Type I	Type I	N/A
3800 Burquest La	Single	Renewal	HENNEPIN RP FUNDING LLC	4	Type II	0	Type III	Type III	N/A
5121 France Ave N	Single	Renewal	Ih2 Property Illinois Lp Met Requirements	9	Type IV	0	Type IV	Type III	0
5706 Camden Ave N	Single	Renewal	Midwest Challenge Inc	2	Type I	0	Type III	Type III	N/A
6424 Perry Ave N	Single	Renewal	Raphael Bidahor Met Requirements	0	Type I	0	Type I	Type IV	N/A
6725 Bryant Ave N	Single	Renewal	Vong Duong & Ngoc-Keiu Huynh Did not meet requirements	4	Type II	0	Type IV	Type IV	5
6912 Logan Ave N	Single	Renewal	Hpa Borrower 2017 1 Llc Met Requirements	11	Type IV	0	Type IV	Type III	0
6937 Unity Ave N	Single	Renewal	Wells Bovard	1	Type I	0	Type I	Type II	N/A
7243 Riverdale Rd	Single	Renewal	Ih2 Property Illinois Lp Met Requirements	16	Type IV	0	Type IV	Type IV	2

*CFS = Calls for service for renewal licenses only (Initial licenses are not applicable to CFS and will be listed as N/A)

**License type being issued

***Initial licenses will not show a Type I = 3 year, Type II = 2 year, Type III = 1 year, Type IV = 6 months

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Dr. Edwards

BY: Garrett Flesland, Chief of Police

SUBJECT: Resolution Accepting Grant Funding from the Minnesota Department of Public Safety Office of Justice Programs for Intensive Comprehensive Peace Officer Education and Training Positions

Requested Council Action:

- Motion to approve a resolution accepting grant funding from Minnesota Department of Public Safety Office of Justice Programs for Intensive Comprehensive Peace Officer Education and Training positions and authorizing execution of grant agreement.

Background:

The city applied for a grant and was selected for three Intensive Comprehensive Police Officer Education and Training positions. This grant will allow the city to recruit and hire three non-traditional police officer candidates. The grant will provide funds for approximately six months of training required for them to become eligible to be licensed and appointed as Brooklyn Center Police Officers. The grant will also provide funds for their full-time salaries and a portion of their medical and health benefits.

Budget Issues:

Grant provides \$150,000.

Inclusive Community Engagement:

Allows the city to recruit and hire non-traditional police officer applicants.

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Maintain a strong financial position, Improve community and employee safety, Improve employees' experience

ATTACHMENTS:

Description	Upload Date	Type
Resolution regarding ICPOET grant	11/1/2024	Resolution Letter

Member_____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-

RESOLUTION ACCEPTING GRANT FUNDING FROM THE
MINNESOTA DEPARTMENT OF PUBLIC SAFETY OFFICE OF
JUSTICE PROGRAMS FOR INTENSIVE COMPREHENSIVE
PEACE OFFICER EDUCATION & TRAINING (ICPOET)
POSITIONS AND AUTHORIZING EXECUTION OF GRANT
AGREEMENT

WHEREAS, the Minnesota Department of Public Safety Office of Justice Programs has awarded grant funding to the City of Brooklyn Center Police Department through the Intensive Comprehensive Peace Officer Education & Training (ICPOET) program to support the recruitment, training, and development of three new ICPOET cadet positions, thereby enhancing law enforcement capacity within the community; and

WHEREAS, the City of Brooklyn Center acknowledges the importance of this grant in addressing ongoing recruitment challenges, creating opportunities for qualified community members to pursue careers in law enforcement, and fostering a diverse workforce reflective of the community served; and

WHEREAS, the Brooklyn Center Police Department, under the leadership of Chief of Police Garrett Flesland, intends to implement this funding to support personnel wages, academic tuition, and essential training resources for the ICPOET cadet positions; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the grant award amount is \$150,000 with no matching requirement, covering wages, fringe benefits, contracted services, program expenses, and office expenses as detailed in the grant budget.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. Acceptance of Grant Funding: The City Council formally accepts the grant funding awarded by the Minnesota Department of Public Safety Office of Justice Programs for three ICPOET positions in the amount of \$150,000.
2. Authorization to Execute Agreement: The City Council authorizes City Manager Dr. Reggie Edwards and Chief of Police Garrett Flesland to execute any agreements, amendments, or other necessary documents related to the ICPOET grant funding on behalf of the City.

Date

Mayor

ATTEST: _____

Assistant City Manager/City Clerk

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Krystin Eldridge, Associate Planner

SUBJECT: Resolution Accepting Livable Communities Demonstration Account (LCDA) Funding Grant for New Generations LLC - Veterans Housing

Requested Council Action:

- Motion to approve a resolution accepting Livable Communities Demonstration Account (LCDA) funding grant from Metropolitan Council.

Background:

On November 13, 2024, Met Council granted New Generations LLC with \$1,500,000 and is expected to be awarded it 9% LIHTC credits for second application to MHFA in December for the Veterans Housing project on 1500 69th Ave N.

The Metropolitan Council is the regional policy-making body, planning agency, and provider of essential services in the seven-county Twin Cities metro area. Through this work they'll generate economic growth, build stronger communities, enable land use and development. This funding from Metropolitan Council is allocated each year and funding is highly competitive for real estate development. Metropolitan Council's Livable Communities Grants offers grant programs.

- The **Livable Communities Demonstration Account (LCDA)** supports development and redevelopment projects that link housing, jobs and services and use community and regional infrastructure efficiently.
- **LCDA – Transit Oriented Development (LCDA-TOD)** grants are focused on high density projects that contribute to a mix of uses in the TOD-eligible area. TOD-eligible areas can be along light rail, commuter rail, bus rapid transit, and high frequency bus corridors.
- **Pre-development grants** are for teams who are defining or redefining a project that will support Livable Communities and Thrive MSP 2040 goals.
- The **Policy Development program** provides funding to participating cities to support locally adopted policies that influence physical development and further both LCA and Thrive MSP 2040 goals with an emphasis on equitable development.
- The **Tax Base Revitalization Account (TBRA)** helps clean up contaminated land and buildings for subsequent development. These grants are intended to provide the greatest public benefit for the money spent, strengthen the local tax base, and create and preserve jobs and/or affordable housing. TBRA has three different funding opportunities: Contamination Cleanup, Site Investigation, and SEED.
- The **Local Housing Incentives Account (LHIA)** helps expand and preserve lifecycle and affordable housing, both rented and owned.

- The **LHIA Affordable Homeownership Pilot** will provide grants to support affordable homeownership development, including acquisition and rehabilitation.

As previously presented, this is a mixed-use 4 story residential/commercial development will have ground floor commercial space that will serve our veterans. The Community Corner's commercial space will be composed of the following: 5,055 SF of commercial space for a workforce center that provides vocational rehabilitation services and career resources to the community and future residents, 2,140 SF space for youth programming, and 1,060 SF for a youth-lead coffee shop. New Generations is partnering with Intentions a 501c3 nonprofit organization whose mission is to partner with the community to provide quality programs for youth at and their families. The coffee shop & space for youth programming will be run by Intentions, a local nonprofit.

This project is situated near the site of the civil unrest, highlighting a need for restoration. New Generations LLC is in the final capital stacking phase and is working diligently with Hennepin County, State of Minnesota and Metropolitan Council to bring the project into fruition.

New Generations LLC was previously awarded funds for this project for over \$1,000,000 showing continued support for the project. This round they requested \$2,000,000 and were awarded \$1,500,000.

Budget Issues:

No budget issues to consider at this time.

Inclusive Community Engagement:

Project will support BIPOC developers.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Background Material	11/18/2024	Backup Material
Resolution	11/18/2024	Resolution Letter

Member Jerzak introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-079

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES
DEMONSTRATION ACCOUNT FUNDING AND AUTHORIZING AN
APPLICATION FOR GRANT FUNDS FOR NEW GENERATIONS LLC

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act (“LCA”) Local Housing Incentives Program for 2024 as determined by the Metropolitan Council, and is therefore eligible to apply for LCDA Livable Communities Demonstration Account; and

WHEREAS, the City has identified proposed projects within the City that meet LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council’s adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial and financial capability to adequately manage an LCDA grant and;

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for LCDA development or redevelopment elsewhere in the Region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS, the City acknowledges Met Council Livable Communities Demonstration Account grants are intended to fund development projects through the construction phase of a development.

WHEREAS, only a limited amount of grant funding is available through the Metropolitan Council’s Livable Communities LCDA initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of grant funding.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. Finds that it is in the best interests of the City’s development goals and priorities for the following proposed LCDA projects to occur at this particular site at this particular time:

New Generations, LLC – Veteran’s Housing 1500 69th Ave N

2. Finds that that LCDA Project component(s) for which Livable Communities LCDA funding is sought:
 - a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and
 - b. Will occur within the term of the grant award (three years for Development grants,) only if Livable Communities LCDA funding is made available for this project at this time.
3. Authorizes the City Manager to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds a for the project components identified in the application.

July 22, 2024

Date

Kris Lawrence-Anderson

Mayor Pro Tem

ATTEST:

Barbara Stein

Assistant City Manager/City Clerk

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

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

Butler, Jerzak, Kragness and Lawrence-Anderson

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-

RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR LIVABLE COMMUNITIES ACT'S LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT DEVELOPMENT FUNDING AUTHORIZING ACCEPTANCE OF GRANT FUNDS FOR NEW GENERATIONS, LLC

WHEREAS the City of Brooklyn Center, Minnesota was a participant in the Livable Communities Act's ("LCA") Local Housing Incentives Account Program for 2024 as determined by the Metropolitan Council, and was therefore eligible to apply for Livable Communities Demonstration Account ("LCDA") funds; and

WHEREAS the City has identified proposed projects within the City that meets LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS the City has supported grant applications, agreeing to act as legal sponsor for the project, recognized by resolution on July 22nd, 2024; and,

WHEREAS the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for development or redevelopment projects elsewhere in the region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS only a limited amount of grant funding is available through the Metropolitan Council's LCA initiatives during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of LCA grant funding; and

WHEREAS the City's supported project of 'New Generations' development was awarded \$1,500,000 in LCDA grant funds on November 13th, 2024; and

NOW THEREFORE BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City: Finds that it is in the best interests of the City's development goals and priorities for the proposed projects to occur at these particular sites and at this particular time:

1. Finds that the project components for which LCDA funding was awarded:

New Generations, LLC – Veterans Housing 1500 69th Ave N

- a. Will not occur solely through private or other public investment within the reasonably foreseeable future; and
 - b. Will occur within the term of the grant award two years for Development grants) expiring December 31st, 2027.
2. Authorizes its City Manager to accept awarded funds on behalf of the City for the application for the 2024 funding cycle for Metropolitan Council Livable Communities Demonstration Account (LCDA) grant funds, for the project components identified in the applications, and to execute such agreements as may be necessary to implement the project on behalf of the City.

Date

Mayor

ATTEST: _____

City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments for Improvement Project No. 2025-02, 67th Avenue and James Avenue Mill & Overlay

Requested Council Action:

- Motion to approve a resolution declaring costs to be assessed and calling for a public hearing on proposed special assessments for Improvement Project No. 2025-02, 67th Avenue and James Avenue Mill & Overlay.

Background:

The 67th Avenue and James Avenue Mill & Overlay is identified in the Capital Improvement Program (CIP), and is slated for improvements during the 2025 construction season. The attached feasibility report provides a summary of the project evaluation process and preliminary street and utility improvements. On September 23, 2024, the City Council received the project feasibility report and an improvement public hearing was conducted on October 28, 2024, to consider these improvements.

The attached resolution declares certain project costs to be assessed for the 67th Avenue and James Avenue Mill & Overlay and calls for a public hearing on the proposed special assessments on January 13, 2025.

The purpose of holding the special assessment hearing prior to beginning the project is to assure that any objections to or appeals of the assessments are known prior to entering into a construction contract or issuing bonds to finance the assessed portion of the project. The established assessment rate would set the maximum levy amounts, guaranteeing property owners of the final cost they will pay for the project. Special assessments for this project have been calculated in accordance with the City's Special Assessment Policy.

Budget Issues:

The total project cost for the 67th Avenue and James Avenue Mill & Overlay is estimated to be \$790,000. Funding sources for the project are proposed from a variety of sources as described in the feasibility report. The Draft Special Assessment Levy Roll for Improvement Project No. 2025-02 is included in Appendix A of the feasibility report. The project funding sources, as described in the September 23, 2024 Feasibility Report, are currently estimated to be:

Special Assessments	\$ 379,980.46
Sanitary Sewer Utility Fund	\$ 30,000.00
Water Utility Fund	\$ 90,000.00
Storm Drainage Utility Fund	\$ 110,000.00
<u>Street Reconstruction Fund</u>	<u>\$ 180,019.54</u>

_Total \$ 790,000.00

Inclusive Community Engagement:

An open house was held for the adjacent properties and property owners on August 29, 2024. Due to the commercial and industrial property uses, the meeting was held midday over the typical lunch hours rather than in the evening, to promote attendance of the commercial properties. Six properties provided responses, with five attending in person, representing five properties of the eleven adjacent to the project. Each attendee was able to discuss how the project would impact their business and access, as well as voice any concerns that could be addressed with the project. The majority of questions asked related to truck parking, access for shipments during construction, and the assessment process. All attendees seemed satisfied with having their questions answered, and many expressed interest in personal follow-up when construction begins.

An Improvement Public Hearing was held on October 28, 2024 to receive public comments pertaining to the proposed improvements, no comments were received at this hearing.

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/18/2024	Resolution Letter
Assessment Roll	11/18/2024	Exhibit
Assessment Map	11/18/2024	Exhibit

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING COSTS TO BE ASSESSED AND CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NO. 2025-02, 67TH AVENUE AND JAMES AVENUE MILL & OVERLAY

WHEREAS, the Brooklyn Center City Council on September 23, 2024, accepted the feasibility report for street, storm drainage and utility improvements in the area generally described as “67th and James Mill and Overlay”, more specifically described as follows: 67th Avenue N from Shingle Creek Parkway to the east cul-de-sac, and James Avenue N from Freeway Boulevard to 67th Avenue N.; and

WHEREAS, the total cost of the street improvement portion of said project is estimated to be \$560,000.00; and

WHEREAS, the City Clerk and City Engineer have prepared a proposed assessment roll showing the proposed amount to be specifically assessed for such improvement against every assessable lot, piece, or parcel of land within the district affected, without regard to cash valuation, as provided by law.

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

1. That portion of the cost to be assessed against benefited property owners for street improvements included in City Improvement Project No. 2025-02 is declared to be \$379,980.46.
2. Notice is hereby given that a public hearing will be held on the 13th day of January, 2025, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said assessment and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said assessment.
3. The City Clerk is directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement.
4. The City Clerk shall cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

RESOLUTION NO. _____

November 25, 2024

Date

Mayor

ATTEST: _____

City Clerk

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

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

and the following voted against the same:

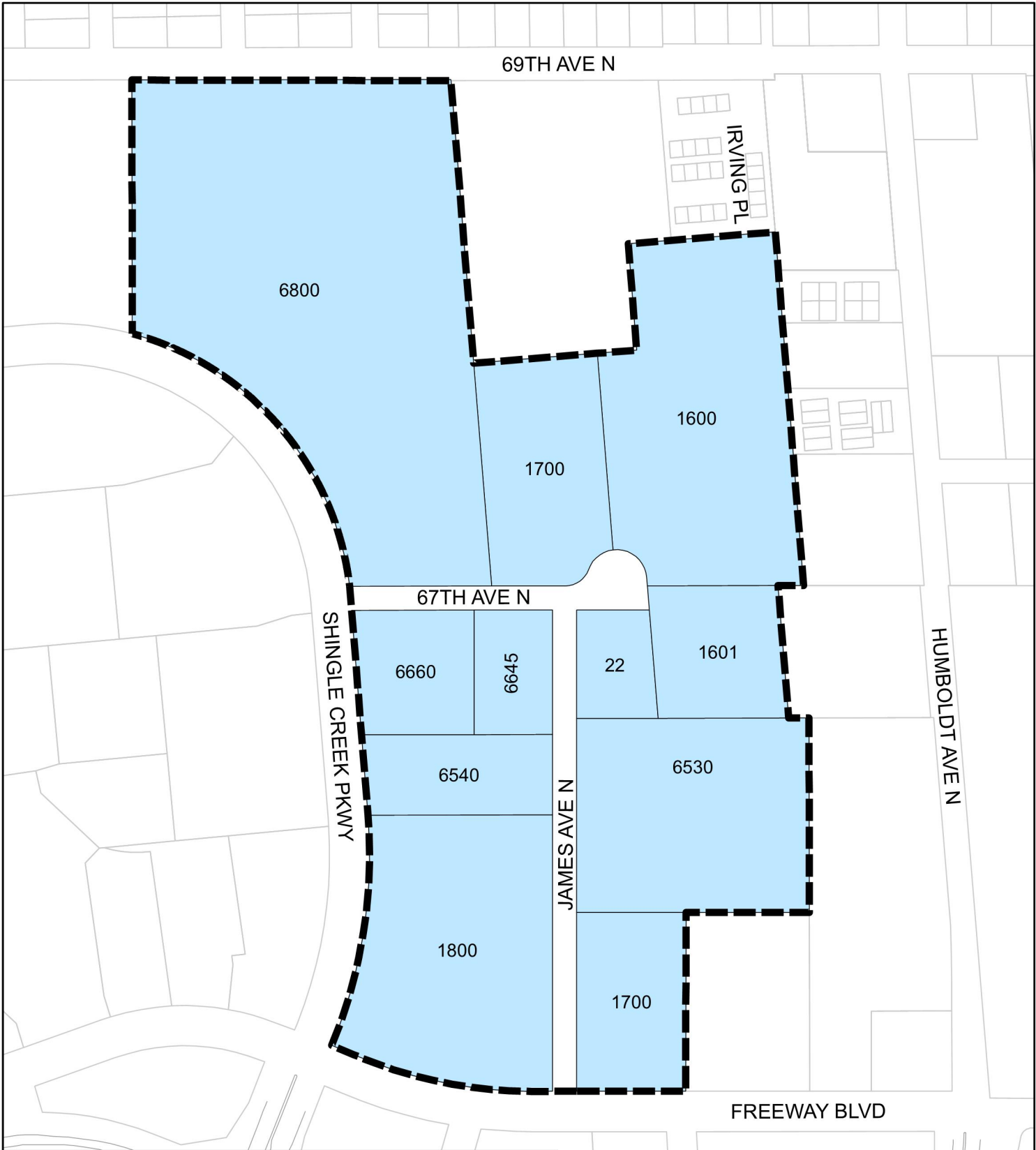
whereupon said resolution was declared duly passed and adopted.

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

September 23, 2024

**2025 67TH AND JAMES MILL AND OVERLAY PROJECT
IMPROVEMENT PROJECT NO. 2025-02**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES				
					ZONING		(SF)	(SF)	
3511921110012	1600	67th Avenue North	26001	\$ 66,888.23	MX-B	(A)	61,450.00	(B)	308,578.00
3511921110013	1700	67th Avenue North	26001	\$ 38,407.76	MX-B	(A)	67,215.00	(B)	102,692.00
3511921140014	1601	67th Avenue North	26001	\$ 18,220.67	MX-B	(A)	12,031.00	(B)	95,043.00
3511921140002	22	Address Unassigned	26001	\$ 17,889.30	MX-B	(A)	51,808.00	(B)	
3511921140008	1800	Freeway Boulevard	26001	\$ 41,698.92	MX-B	(A)	116,264.00	(B)	10,493.00
3511921140016	1700	Freeway Boulevard	26001	\$ 25,128.72	MX-B	(A)	69,002.00	(B)	8,799.50
3511921140003	6530	James Avenue North	26001	\$ 60,469.43	MX-B	(A)	96,612.00	(B)	183,171.00
3511921140005	6645	James Avenue North	26001	\$ 20,873.39	MX-B	(A)	60,450.00	(B)	
3511921140006	6660	Shingle Creek Parkway	26001	\$ 14,254.99	MX-B	(A)	39,307.00	(B)	4,610.00
3511921120015	6800	Shingle Creek Parkway	26001	\$ 61,355.75	MX-B	(A)	53,038.00	(B)	290,822.50
3511921140007	6540	Shingle Creek Parkway	26001	\$ 14,793.31	MX-B	(A)	40,000.00	(B)	6,630.50
Total Assessments				\$ 379,980.46					



Legend

 Proposed Business Mixed Use Assessment (Acreage Based)



Assessment Map

67th Avenue and James Avenue Improvement Project



9/10/2024

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Establishing Interest Rate for 2025 Special Assessments

Requested Council Action:

- Motion to approve a resolution establishing interest rate for 2025 special assessments.

Background:

Each year the City Council sets an interest rate for special assessments levied against properties based on the City's Special Assessment and Internal Loan Interest Rate Policy. The objective of this policy is to establish an equitable interest rate that will not unfairly burden the property owner yet recover the cost of borrowing from outside sources, recover the cost of administering the special assessments, and protect the City from the possibility that special assessment prepayments might impair the City's ability to service the bonds.

City Council policy has been to establish the special assessment interest rate by calculating the sum of the interest rate for the most recent general obligation bond, adding two percent to cover the overhead costs described above and rounding to the nearest one-half percent in accordance with the policy. The most recent improvement bond sale by the City of Brooklyn Center was a General Obligation Improvement Bond at 5.0 percent which results in a special assessment interest rate of 7.0 percent for 2025.

Budget Issues:

NA

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/18/2024	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING INTEREST RATE FOR 2025 SPECIAL ASSESSMENTS

WHEREAS, the City Council levies special assessments for certain street and utility projects, delinquent utility bills, and other services provided to property owners that go unpaid; and

WHEREAS, amounts outstanding are certified to Hennepin County for collection with property taxes; and

WHEREAS, by City Council policy, interest is to be charged on outstanding amounts certified to Hennepin County for collection with property taxes; and

WHEREAS, the interest rate to be charged is two percent over the net interest rate for the most recent City General Obligation bond sale rounded up to the next one-half percent; and

WHEREAS, the most recent General Obligation Improvement Bond sale resulted in a net interest rate of 5.0 percent.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the interest rate charged on outstanding special assessments for the year 2025 is hereby established at 7.0 percent.

November 25, 2024
Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof: _____ and the following voted against the same: _____ whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Establishing 2025 Street and Storm Drainage Special Assessment Rates

Requested Council Action:

- Motion to approve a resolution establishing the 2025 street and storm drainage special assessment rates for street and utility improvement projects.

Background:

Each year the City Council establishes assessment rates for R1, R2, and R3 residential zoned properties based on the City's Special Assessment Policy. Within these zoning districts, the assessment rate for street and storm drainage improvements is based on a unit amount that applies to all single-family residential properties. The unit amount represents a specific portion of the average cost for reconstructing a typical residential street and storm drainage system. Street assessments for non-residential and R4 to R7 residential properties are computed separately for each project.

Special assessment rates are typically adjusted each year to reflect normal inflationary increases in construction costs. The City's Special Assessment Policy indicates that "the unit assessment shall be adjusted annually to reflect cost of living increases as measured by the Construction Index" (City Council Code of Policies Section II – 2.10.2.B.1.a.2). The Engineering News Record (ENR) Construction Cost Index has experienced an average annual percent change for 2024 of 3.9 percent, as shown in the table below.

Year	2017	2018	2019	2020	2021	2022	2023	2024*
12-mo avg. annual % change	3.5	5.3	0.9	1.0	4.6	3.1	1.2	3.9

Source: ENR website,

Note: * 12-month average November 2023 – October 2024

Based on the 2024 information above, staff recommends adjusting the special assessment rates by an increase of 3.9 percent for 2025, which will be an increase of \$260 from the 2024 total assessment amount for full street and storm reconstruction projects. This rate should continue to maintain the portion of street and storm drainage costs that are assessed at approximately 33 percent of the total cost for street and storm drainage improvements. The City Council has historically targeted 33 percent as the portion of street and storm drainage improvements that are assessed to adjoining R1, R2, and R3 residential properties.

Budget Issues:

The table below shows the proposed 2025 special assessment rates for R1 single-family residential lots. The attached resolution provides the corresponding adjustments for R2 and R3 zoned properties based on the proposed unit assessment rates.

Project Type	2025 Street Improvements R1 Assessment Rates	2025 Storm Drainage Improvements R1 Assessment Rates
Full Street Reconstruction	\$5,338.00	\$1,601.00
Partial Street Reconstruction (full pavement replacement)	\$4,002.00	NA
Pavement Rehabilitation (mill and overlay)	\$1,764.00	NA

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/18/2024	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING 2025 STREET AND STORM DRAINAGE SPECIAL ASSESSMENT RATES

WHEREAS, the residential assessment rates for street and storm drainage improvements are annually reviewed and approved by the City Council; and

WHEREAS, the residential assessment rates should be adjusted annually to be effective January 1; and

WHEREAS, the 2025 street and storm drainage assessment rates for R1, R2 and R3 zoned districts are based on a specific proportion of approximately 33 percent of the average cost for street and storm drainage improvements; and

WHEREAS, the R4, R5, R6 and R7 zoned districts will continue to be assessed based on an evaluation of project cost and project benefit.

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

1. The residential street and storm drainage special assessment rates for street reconstruction and pavement rehabilitation shall apply to properties in R1, R2 or R3 zoned districts. These rates shall also be applied to parcels of property in other land use zones when such parcels (a) are being used as one-family or two-family residential sites at the time the assessment roll is levied; and (b) could not be subdivided under the then-existing Subdivision Ordinance.
2. The residential assessment rates for street and storm drainage reconstruction effective January 1, 2025, shall be as follows:

<u>Land Use</u>	<u>2025 Assessment Rates</u>
R1 zoned, used as one-family site that cannot be subdivided	\$5,338.00 per lot (street) \$1,601.00 per lot (storm drainage)
R2 zoned, or used as a two-family site that cannot be subdivided	\$71.1733 per front foot with a \$5,338.00 per lot minimum (street) \$21.3467 per front foot with a \$1,601.00 per lot minimum (storm drainage)

RESOLUTION NO. _____

<u>Land Use</u>	<u>2025 Assessment Rates</u>
R3 zoned (per unit)	$\frac{\text{Assessable frontage} \times \$71.1733 \text{ (street)}}{\text{Number of residential units}}$ $\frac{\text{Assessable frontage} \times \$21.3467 \text{ (storm)}}{\text{Number of residential units}}$

3. The residential assessment rates for partial street reconstruction effective January 1, 2025, shall be as follows:

<u>Land Use</u>	<u>2025 Assessment Rates</u>
R1 zoned, used as one-family site that cannot be subdivided	\$4,002.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	\$53.3600 per front foot with a \$4,002.00 per lot minimum (street)
R3 zoned (per unit)	$\frac{\text{Assessable frontage} \times \$53.3600 \text{ (street)}}{\text{Number of residential units}}$

4. The residential assessment rates for pavement rehabilitation effective January 1, 2025, shall be as follows:

<u>Land Use</u>	<u>2025 Assessment Rates</u>
R1 zoned, used as one-family site that cannot be subdivided	\$1,764.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	\$23.5200 per front foot with a \$1,764.00 per lot minimum (street)
R3 zoned (per unit)	$\frac{\text{Assessable frontage} \times \$23.5200 \text{ (street)}}{\text{Number of residential units}}$

5. The residential assessment rates for street and storm drainage reconstruction and pavement rehabilitation shall not apply to R4, R5, R6 or R7 zoned districts. The assessment rates for street reconstruction and pavement rehabilitation for R4, R5, R6 or R7 zoned property shall be based on an evaluation of the project cost and project benefit for each project.

RESOLUTION NO. _____

November 25, 2024

Date

Mayor

ATTEST: _____
City Clerk

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

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

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Accepting Bids and Awarding a Contract, Improvement Project No. 2024-06
2024 Pond 48-001 Maintenance Project

Requested Council Action:

- Motion to approve the resolution accepting the lowest responsible bid and award a contract to New Look Contracting, Inc. for Improvement Project No. 2024-06 2024 Pond 48-001 Maintenance Project.

Background:

Bids for the Improvement Project No. 2024-06 2024 Pond 48-001 Maintenance Project were received and opened on October 30, 2024. The bidding results are tabulated below:

<u>Bidder</u>	<u>Total Base Bid</u>
New Look Contracting, Inc.	\$122,286.00
Peterson Companies	\$157,916.57
Veit & Company, Inc.	\$174,970.25
Kurilla Contracting	\$195,439.40
Rachel Contracting, LLC	\$229,843.00
Meyer Contracting, Inc.	\$265,430.45
Park Construction Company	\$305,375.43

Of the seven (7) bids received, the lowest bid of \$122,286.00 was submitted by New Look Contracting, Inc. of Rogers, Minnesota. New Look Contracting, Inc. has the experience, equipment, and capacity to qualify as the lowest responsible bidder for the project.

Budget Issues:

The bid amount of \$122,286.00, for the Base Bid, is within the budgeted amount. The total estimated budget including construction, contingencies, administration, engineering, and legal is \$325,567. (see attached Resolution – Costs and Revenues tables).

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/18/2024	Resolution Letter
Bid Summary	11/18/2024	Exhibit
Letter of Recommendation	11/18/2024	Exhibit

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT,
IMPROVEMENT PROJECT NO. 2024-06 2024 POND 48-001 MAINTENANCE
PROJECT

WHEREAS, pursuant to an advertisement for bids for Improvement Project No. 2024-06 2024 Pond 48-001 Maintenance Project, bids were received, opened and tabulated on the 30th day of October, 2024. Said bids were as follows:

<u>Bidder</u>	<u>Total Base Bid</u>
New Look Contracting, Inc.	\$122,286.00
Peterson Companies	\$157,916.57
Veit & Company, Inc.	\$174,970.25
Kurilla Contracting	\$195,439.40
Rachel Contracting, LLC	\$229,843.00
Meyer Contracting, Inc.	\$265,430.45
Park Construction Company	\$305,375.43

WHEREAS, it appears that New Look Contracting, Inc. of Rogers, Minnesota is the lowest responsible bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with New Look Contracting, Inc. of Rogers, Minnesota in the name of the City of Brooklyn Center, for Improvement Project No. 2024-06 2024 Pond 48-001 Maintenance Project, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

RESOLUTION NO. _____

2. The estimated project costs and revenues are as follows:

<u>COSTS</u>	<u>Amended Estimate</u>	<u>Amended per Low Bid</u>
Contract	\$ 156,625.60	\$ 122,286.00
Contingency	\$ 15,662.56	\$ 50,002.16
Subtotal Construction Cost	\$ 172,288.16	\$ 172,288.16
 Admin/Legal/Engr.	 \$ 153,278.84	 \$ 153,278.84
Total Estimated Project Cost	\$ 325,567.00	\$ 325,567.00

<u>REVENUES</u>	<u>Amended Estimate</u>	<u>Amended per Low Bid</u>
Street Assessment	---	---
Sanitary Sewer Utility	---	---
Water Utility Fund	---	---
Storm Drainage Utility Fund	\$ 325,567.00	\$ 325,567.00
Street Reconstruction Fund	---	---
Total Estimated Revenue	\$ 325,567.00	\$ 325,567.00

November 25, 2024

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.

BID TABULATION SUMMARY

PROJECT:

2024 Pond 48-001 Maintenance Project

OWNER:

City of Brooklyn Center, MN
City Project No. 2024-06

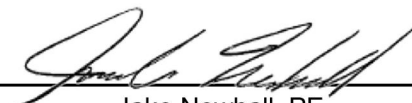
WSB PROJECT NO.:

025432-000

Bids Opened: Wednesday, October 30, 2024 @ 10:00 am

Contractor		Bid Security (5%)	Total Bid
1	New Look Contracting, Inc.	X	\$122,286.00
2	Peterson Companies	X	\$157,916.57
3	Veit & Company, Inc.	X	\$174,970.25
4	Kurilla Contracting	X	\$195,439.40
5	Rachel Contracting, LLC	X	\$229,843.00
6	Meyer Contracting, Inc.	X	\$265,430.45
7	Park Construction Company	X	\$305,375.43
Engineer's Opinion of Cost			\$156,625.60

I hereby certify that this is a true and correct tabulation of the bids as received on October 30, 2024.



Jake Newhall, PE

 Denotes corrected figure



October 30, 2024

Honorable Mayor and City Council
City of Brooklyn Center
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430-2199

Re: 2024 Pond 48-001 Maintenance Project
City of Brooklyn Center Project No. 2024-06
WSB Project No. 025432-000

Dear Mayor and Council Members:

Bids were received for the above-referenced project on Wednesday, October 30, 2024, and were opened and read aloud. Seven bids were received. The bids were checked for mathematical accuracy. Please find enclosed the bid summary indicating the low bid as submitted by New Look Contracting, Inc., Rogers, Minnesota in the amount of \$122,286.00. The Engineer's Estimate was \$156,625.60.

We recommend that the City Council consider these bids and award a contract in the amount of \$122,286.00 to New Look Contracting, Inc. based on the results of the bids received.

Sincerely,

WSB

A handwritten signature in black ink, appearing to read "Jake Newhall", is written over a light blue horizontal line.

Jake Newhall, PE
Director, Water Resources

Attachments

kkp

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Amending Special Assessment Levy Roll No. 25001 to Provide for the Deferral of Special Assessments

Requested Council Action:

- Motion to approve the resolution amending Special Assessment Levy Roll No. 25001 to provide for the deferral of special assessments.

Background:

On December 11, 2023, the City Council by Resolution 2023-119, approved Special Assessment Levy Roll No. 25001 for the Orchard Lane East Area Improvement Project, Project No. 2024-01. The attached resolution amends the respective levy rolls to provide for the deferral of special assessments on a property where the qualifying person is eligible because they are at least 65 years of age or older, or permanently disabled and whose household meets certain financial limitations.

The City of Brooklyn Center calculates and levies special assessments in accordance with Section 2.10 of the City Council Code of Policies. This document outlines the process and procedures within the City's Special Assessment Policy for funding of public improvement projects. Subsection 4 of the Special Assessment Policy provides for a program to defer a portion of the special assessments for qualifying persons under the provisions of Minnesota Statutes 435.193 through 435.195.

The City received two applications for deferral of special assessments that met the required standards to qualify under the City Special Assessment Policy standards. Those properties are:

4606 64th Ave N, Brooklyn Center (PID 34-119-21-32-0025)
6431 Orchard Ave N, Brooklyn Center (PID 33-119-21-41-0033)

The applicants provided income tax documentation meeting "very low income" limits established by HUD.

Budget Issues:

The proposed special assessment deferrals for said properties totals \$7,704.00 (\$3,852 per property). The amount to be certified for said properties totals \$3,723.73. The total amount of special assessments previously levied was \$1,438,753.37. The net reduction in short-term project revenue of less than one percent due to the proposed deferment does not create a substantial funding concern based on an analysis of the project costs to date.

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/18/2024	Resolution Letter

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION AMENDING SPECIAL ASSESSMENT LEVY ROLL NOS. 21001
AND 21002 TO PROVIDE FOR THE DEFERRAL OF SPECIAL ASSESSMENTS

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed Special Assessment Levy Roll No. 25001 for the Orchard Lane East Area Improvement Project, Project No. 2024-01;

WHEREAS, Special Assessment Levy Roll No. 25001 were approved by the City Council on December 11, 2023; and

WHEREAS, the City Council has established a program to defer a portion of the special assessments of qualifying persons who are at least 65 years of age or older or who are retired due to permanent and total disability whose households meet certain financial limitations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that the following property is eligible to defer a portion of their special assessment for Improvement Project No. 2024-01, therefore amending Special Assessment Levy Roll No. 25001 as noted below.

Special Assessment Levy Roll No. 25001 is hereby amended to reduce the previous amount of \$3,852.00 from the following assessments to the new amount as noted:

<u>PID No.</u>	<u>Address</u>	<u>Levy Amount</u>	<u>Deferred Amount</u>	<u>Interest Rate (%)</u>
34-119-21-32-0025	4606 64 th Ave N	\$1,733.33	\$2,118.67	5.5
33-119-21-41-0033	6431 Orchard Ave N	\$1,990.40	\$1,861.60	5.5

November 25, 2024
Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Krystin Eldridge, Associate Planner

SUBJECT: Resolution Accepting Livable Communities Demonstration Account Transit Oriented Development (LCDA-TOD) Funding Grant for Opportunity Site Phase 1 Public Infrastructure

Requested Council Action:

- Motion to approve a resolution accepting Livable Communities Demonstration Account Transit Oriented Development funding grant from Metropolitan Council.

Background:

Since 2019, City staff have been working with Alatus LLC and their development partners on build out of Phase 1 of the Opportunity Site. The proposed 15-acre mixed use development is to include mixed income housing, a small business incubator, and a conference center with associated service retail.

Phase 1 will also include the delivery of public infrastructure critical to the immediate, and long-term buildout of the broader 80-acre Opportunity Site. Phase 1 public infrastructure encompasses a new approximately 1800' multimodal roadway segment with quality streetscaping, connecting Shingle Creek Crossing to John Martin Drive, and a regional stormwater pond system to provide the required stormwater management for approximately 60% of the Opportunity Site, and the entirety of the Phase 1 development site.

Without these public infrastructure elements, the community-derived vision of both Phase 1 and the Opportunity Site becomes effectively infeasible.

Anticipated funding for Phase 1 includes a mix of private financing, TIF financing, a collection of grants from Hennepin County and the Metropolitan Council, and other external sources. In effort to secure project funding while reducing the fiscal burden to the City of Brooklyn Center, City staff and the Alatus development team regularly seek out eligible grant programs to support the Phase 1 development project and its public infrastructure.

The Transit Oriented Development (TOD) program was created to fund construction of moderate- to higher-density projects in walkable and transit-supported environments, in an effort to support more equitable, livable communities in the region. The program is run out of the Metropolitan Council's Livable Communities Grant Program.

The TOD grant program appropriates funds to local governments for construction of development, and supportive infrastructure, that promotes diverse mix of uses within dense walkable environments, within

areas that are serviced by transit. economic development, increase employment, and improve transportation systems to facilitate private investment and job creation.

Awarded projects must be located within the Twin Cities Metro, and meet TOD program goals of:

- Support dense, diverse developments that emphasize pedestrian activity, multimodal transportation, and increased transit ridership
- Create more housing choices through introducing new housing types or preserving affordable housing;
- Contribute to an economically prosperous and equitable region by creating living wage jobs and economic opportunity
- Mitigating climate change through sustainable site design and building practices
- Maximize connections between housing, jobs, services, transit and regional amenities like parks, trails, and cultural centers
- Advance racial equity by increasing access and opportunity for under-represented communities and historically marginalized populations

The 2024 program cycle had up to \$5.5 million funding available, with a maximum award limit of \$2 million per city. Applicant projects must be located within the Twin Cities Metro, and project construction must begin within the 36-month grant period.

The Opportunity Site project team identified the new Phase 1 public multimodal roadway as being a very competitive application for the 2024 TOD grant program. City staff submitted a \$2 million funding application request for construction related costs of the roadway in August 2024.

The purpose of this action is to accept \$2 million awarded by Metropolitan Council and enter into a grant agreement expiring December 31, 2027.

Budget Issues:

Inclusive Community Engagement:

This item will support the community-driven development vision of the Opportunity Site, allowing for ongoing alignment with intended development goals.

Antiracist/Equity Policy Effect:

The Metropolitan Council has developed new scoring criteria, which heavily focuses on equity and anti-racist outcomes for projects which are to receive funding. Criteria includes demonstrated outreach to impacted and underrepresented communities, identification of specific residential and/or workforce development community needs addressed by the project, project teams which reflect and are responsive to those most impacted by the project. These projects are likely to score well in these criteria relative to others they will compete against.

Strategic Priorities and Values:

Maintain and enhance public places, Strengthen and diversify business development and housing

ATTACHMENTS:

Description

Upload Date

Type

Background Material
Resolution

11/18/2024
11/18/2024

Backup Material
Resolution Letter

Member Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-69

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES
DEMONSTRATION ACCOUNT ("LCDA") FUNDING AND AUTHORIZING
AN APPLICATION FOR GRANT FUNDS

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act ("LCA") Local Housing Incentives Program for 2024 as determined by the Metropolitan Council, and is therefore eligible to apply for LCA Livable Communities Demonstration Account and Tax Base Revitalization Account Transit Oriented Development (Collectively, "TOD") funds; and

WHEREAS, the City has identified a proposed project within the City that meets LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial and financial capability to adequately manage an LCDA grant; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for LCDA development or redevelopment elsewhere in the Region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities LCDA initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of LCDA grant funding.

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

1. Finds that it is in the best interests of the City's development goals and priorities for the following proposed LCDA project to occur at this particular site at this particular time:

Brooklyn Center's Opportunity Site Phase 1 Infrastructure

RESOLUTION NO. 2024-69

2. Finds that that LCDA Project component(s) for which Livable Communities LCDA funding is sought:

- a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and
- b. Will occur within the term of the grant only if Livable Communities LCDA funding is made available for this project at this time.

3. Authorizes the City Manager to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds for the LCDA project components identified in the application, and to execute such agreements as may be necessary to implement the LCDA Project on behalf of the City.

June 24, 2024

Date

April Graves

Mayor

ATTEST:

Brian Sullivan

Assistant City Manager/City Clerk

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

Lawrence-Anderson

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

Graves, Jerzak, Kragness, Lawrence-Anderson

and the following voted against the same: none

whereupon said resolution was declared duly passed and adopted.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-

RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR LIVABLE COMMUNITIES ACT'S LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT DEVELOPMENT TRANSIT ORIENTED DEVELOPMNET FUNDING AUTHORIZING ACCEPTANCE OF GRANT FUNDS

WHEREAS the City of Brooklyn Center, Minnesota was a participant in the Livable Communities Act's ("LCA") Local Housing Incentives Account Program for 2024 as determined by the Metropolitan Council, and was therefore eligible to apply for Livable Communities Demonstration Account ("LCDA") Transit Oriented Development (TOD) funds; and

WHEREAS the City has identified proposed projects within the City that meets LCDA-TOD purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS the City has supported grant applications, agreeing to act as legal sponsor for the project, recognized by resolution on June 24, 2024; and,

WHEREAS the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS the City acknowledges LCDA-TOD grants are intended to fund projects or project components that can serve as models, examples or prototypes for development or redevelopment projects elsewhere in the region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS only a limited amount of grant funding is available through the Metropolitan Council's LCA initiatives during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of LCA grant funding; and

WHEREAS the City's supported project of 'Opportunity Site Phase 1 Public Infrastructure' development was awarded \$2,000,000 in LCDA-TOD grant funds on November 13th, 2024; and

NOW THEREFORE BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City: Finds that it is in the best interests of the City's development goals and priorities for the proposed projects to occur at these particular sites and at this particular time:

1. Finds that the project components for which LCDA funding was awarded:
Opportunity Site Phase 1 Public Infrastructure
 - a. Will not occur solely through private or other public investment within the reasonably foreseeable future; and
 - b. Will occur within the term of the grant award two years for Development grants) expiring December 31st, 2027.
2. Authorizes its City Manager to accept awarded funds on behalf of the City for the application for the 2024 funding cycle for Metropolitan Council Livable Communities Demonstration Account (LCDA-TOD) grant funds, for the project components identified in the applications, and to execute such agreements as may be necessary to implement the project on behalf of the City.

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Ahmed Omer, P.E., City Engineer

SUBJECT: Resolution Approving Joint Powers Agreements for the Continued Operation of the Shingle Creek and West Mississippi Watershed Management Commissions

Requested Council Action:

- Motion to approve a resolution approving Joint Powers Agreements for the continued operation of the Shingle Creek and West Mississippi Watershed Management Commissions.

Background:

The enclosed Shingle Creek and West Mississippi Watershed Management Commission Joint Powers Agreements are presented for consideration and action by the City Council to continue the City's participation in these watershed management organizations along with the other cities with land in the two watersheds.

Since the early 1980's, cities in the metropolitan area have been required to manage surface water in accordance with the Metropolitan Water Management Program set out in Minnesota Statutes, sections 103B.201 through 103B.253 ("Act"). To address that requirement, the City, together with the other cities in the watershed, adopted a joint powers agreement in 1984 to form the Watershed Management Commission. The Watershed Management Commission constitutes a joint powers watershed management organization under Minnesota Statutes, section 103B.211 and is authorized to carry out the duties under the Act.

The Watershed Management Commissions have developed and adopted watershed management plans and assisted with funding water quality and flood control projects throughout the watersheds. Additional information on the Watershed Management Commissions and their work is provided in the enclosed background sheet.

The joint powers agreements have been amended and renewed since their original adoption, with the current agreements expiring on December 31, 2024. The text of the joint powers agreements has not been substantially updated since the original adoption in 1984, when the parties could only speculate about how these newly created watershed management organizations would operate. A lot has been learned since then.

The Watershed Management Commissions now have decades of operational experience and a long history of successful water projects. The updated joint powers agreements better reflect how the Watershed Management Commissions actually operate, removes some of the historic language that is no longer needed, and addresses the current requirements in the statutes and rules.

While the wording was substantially updated to create the current agreement, there were relatively few substantive changes. The primary changes from the previous agreements are:

- The Commission may pay the registration fee (only) for Commissioners to attend in-state educational conferences. The Commission does not pay Commissioners and does not otherwise reimburse their expenses.
- The list of Commission powers was revised to remove one that authorized the Commission to order cities to perform certain water related maintenance activities and another that allowed the Commission to order cities to construct certain drainage projects or improvements. The Commission's authority to undertake projects on its own was also clarified in the agreement, along with a better explanation of non-CIP and CIP projects specifying which types of projects may only be undertaken by a member city and which types may be approved and contracted by the Commission.
- The term of the agreement is 20 years. The original agreement had a 20-year term, which was then extended by 10 years when other amendments were adopted. The agreement was then extended for an additional 10 years. The Commission considered recommending a 30-year term for this renewal, but settled on a 20-year term as the appropriate balance between wanting to limit the costs and effort to update and obtain renewed approvals and providing a reasonable opportunity for all members to review and make updates as needed.
- The dispute resolution process was changed from arbitration to mediation.

The financial protections and contribution caps the member cities amended into the agreement in 2004 remain in the agreement. There were no changes to the appointment of Commissioners, alternates, or their voting authority.

As with any joint powers agreement, all member cities need to adopt the same agreement language. The Commission, and its Technical Advisory Commission made up of city staff, spent several meetings and a work session discussing the updates to the agreement and, on July 11, 2024, the Commission voted to forward the enclosed joint powers agreement to the member cities with a recommendation that it be adopted. The joint powers agreement is now before the City Council for consideration and approval.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/18/2024	Resolution Letter
Shingle Creek Joint Powers Agreement	11/18/2024	Exhibit

West Mississippi Joint Powers Agreement
Watershed Background One Pager

11/18/2024
11/18/2024

Exhibit
Backup Material

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING JOINT POWERS AGREEMENTS FOR THE
CONTINUED OPERATION OF THE SHINGLE CREEK AND WEST
MISSISSIPPI WATERSHED MANAGEMENT COMMISSIONS

WHEREAS, the City has been a member of the Shingle Creek and West Mississippi Watershed Management Commissions (“Watershed Management Commission”) since their establishment in 1984; and

WHEREAS, the City is a member of two Watershed Management Commissions to address its obligation under Minnesota Statutes, sections 103B.201 through 103B.253 to manage surface water within the watershed; and

WHEREAS, the current joint powers agreements, which are cooperative efforts among the nine cities within the Shingle Creek watershed and six cities within the West Mississippi watershed, expire on December 31, 2024; and

WHEREAS, the attached joint powers agreements incorporated herein by reference, have been amended to update the language in each agreement to remove historic language that is no longer needed, to more accurately reflect how the Watershed Management Commissions actually operate, and provide for their continued operation through January 1, 2045; and

WHEREAS, the Watershed Management Commissions have funded many projects throughout the City, which have contributed to improved surface water quality and ecological integrity within the City; and

WHEREAS, the City Council determines it is in the best interests of the City to continue its participation in the Watershed Management Commissions to further its goals and obligations to improve water quality and properly manage surface water in accordance with the Metropolitan Surface Water Management Program.

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

1. The attached Shingle Creek and West Mississippi Watershed Management Commission Joint Powers Agreements are hereby approved and entered into by the City.
2. The Mayor and Clerk are hereby authorized and directed to execute the attached joint powers agreements on behalf of the City.

RESOLUTION NO. _____

November 25, 2024

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.

**SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION
JOINT POWERS AGREEMENT**

THIS JOINT POWERS AGREEMENT is made and entered into by and among the cities of Brooklyn Center, Brooklyn Park, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The cities that are parties to this Agreement may hereafter be referred to individually as a “Member” or collectively as the “Members.”

RECITALS

- A. Local government units in the metropolitan area are required by the Metropolitan Water Management Program (Minn. Stat. § 103B.201 to 103B.255) to plan for and manage surface water.
- B. Under the Act, one of the options available to local government units to satisfy the requirements of the Act is to adopt a joint powers agreement pursuant to Minn. Stat. § 471.59 to establish a watershed management organization to jointly plan for and manage surface water within a watershed.
- C. The Members preferred to manage surface waters through a joint board rather than the traditional watershed model and acted pursuant to the new authority to adopt a joint powers agreement in 1984 establishing the Shingle Creek Watershed Management Commission to cooperatively manage and plan for the management of surface water within the Watershed.
- D. The original joint powers agreement has been updated and amended several times, and the term of the current joint powers agreement expires on December 31, 2024.
- E. The Members previously acted pursuant to their authority to establish the “Shingle Creek Watershed Board of Commissioners” and said Board is hereby reaffirmed as the entity charged with the authority and responsibility to manage the Commission.
- F. The Board has previously acted to adopt a Watershed Management Plan for the watershed and has regularly updated the Watershed Management Plan in accordance with law.
- G. The Commission works cooperatively with Hennepin County, Three Rivers Park District, and several other stakeholders to achieve the goals of the Watershed Management Plan.
- H. The Members desire to enter into this Agreement to reaffirm the Commission and the Board in furtherance of its efforts to continue working cooperatively to prepare and administer a surface water management plan to manage surface water within the watershed in accordance with the Act and Minn. R., chapter 8410.

AGREEMENT

In consideration of the mutual promises and agreements contained herein, the parties mutually agree as follows:

SECTION I ESTABLISHMENT, GENERAL PURPOSE, AND DEFINITIONS

- 1.1 Reaffirming the Establishment. The Members hereby reaffirm and ratify the establishment and continued operation of the “Shingle Creek Watershed Management Commission” pursuant to the Act and such other laws and rules as may apply.
- 1.2 General Purpose. The general purpose of this Agreement is to continue the Commission and its work on behalf of the Members to cooperatively adopt, administer, and update as needed the Watershed Management Plan, and to carry out the purposes identified in Minn. Stat. § 103B.201 and the other provisions of the Act. The plan and programs shall operate within the boundaries of the Shingle Creek Watershed as identified in the official map filed with the Minnesota Board of Soil and Water Resources. The most current version of the official map defining the boundaries of the Watershed is incorporated herein by reference. The boundaries of the Watershed are subject to change utilizing the procedure set out in Minn. Stat. § 103B.225 as may be needed to better reflect the hydrological boundaries of the Area.
- 1.3 Definitions. The definitions contained in Minn. Stat. § 103B.205 and Minn. R., part 8410.0020 are hereby adopted by reference, except that the following terms shall have the meanings given them in this section.
 - (a) Act. “Act” means the Metropolitan Surface Water Management Program set out in Minn. Stat. §§ 103B.201 to 103B.255.
 - (b) Alternate Commissioner. “Alternate Commissioner” means the person appointed by a Member to serve as its alternate to represent the Member on the Board in the absence or disability of its appointed Commissioner.
 - (c) Board. “Board” means the board of commissioners established by this Agreement to manage and make decisions on behalf of the Shingle Creek Watershed Management Commission.
 - (d) Capital Improvement. “Capital Improvement” has the meaning given it in Minn. R., part 8410.0020, subp. 3 and includes the purchase of capital equipment that satisfies the eligibility criteria established by the Board for funding as a CIP Project.
 - (e) Capital Improvement Program. “Capital Improvement Program” has the meaning given the term in Minn. Stat. § 103B.205, subd. 3.

- (f) CIP Project. “CIP Project” means a planned Capital Improvement that is part of the Commission’s Capital Improvement Program, is set out in its Water Management Plan, and is eligible for funding by the Commission.
- (g) City Council. “City Council” means the city council of a Member to this Agreement.
- (h) Commission. “Commission” means the watershed management organization established by this Agreement in accordance with the Act, the full name of which is the “Shingle Creek Watershed Management Commission.”
- (i) Commissioner. “Commissioner” means the person appointed by a Member as its primary representative on the Board.
- (j) County. “County” means Hennepin County, Minnesota.
- (k) Local Water Plan. “Local Water Plan” means the local water management plan each Member is required to develop and have reviewed as provided in Minn. Stat. § 103B.235 and Minn. R., part 8410.0160.
- (l) Member. “Member” means a city that is a signatory to this Agreement and is identified in section 2.1 of this Agreement.
- (m) Non-CIP Project. “Non-CIP Project” means a project undertaken by a Member or the Commission pursuant to this Agreement that does not qualify as a CIP Project and is not part of the projects included in the amount certified to the County to be included in the County’s levy. Examples of Non-CIP Projects include, but are not limited to, research projects, feasibility studies, water quality projects, maintenance projects.
- (n) TAC. “TAC” means the Technical Advisory Committee established by the Board and that is made up of a representative each Member, as appointed by the Member.
- (o) Watershed. “Watershed” means the Shingle Creek Watershed, which includes the area contained within a line drawn around the extremities of all terrain whose surface drainage is tributary to Shingle Creek and within the mapped areas delineated on the map filed with the Minnesota Board of Water and Soil Resources pursuant to the Act.
- (p) Watershed Management Plan. “Watershed Management Plan” means the plan developed and adopted in accordance with the Act, including all amendments and updates.

SECTION II MEMBERSHIP

- 2.1 Members. The following local government units are Members of the Commission: City of Brooklyn Center, City of Brooklyn Park, City of Crystal, City of Maple Grove, City of Minneapolis, City of New Hope, City of Osseo, City of Plymouth, and City of Robbinsdale.
- 2.2 Effect of Changes. No change in governmental boundaries, structure, or organizational status shall affect the eligibility of any local government unit listed above to be represented on the Commission, so long as such local government unit continues to exist as a separate political subdivision.

SECTION III BOARD OF COMMISSIONERS

- 3.1 Establishment. The Members hereby reaffirm the establishment and continued operation of the “Shingle Creek Watershed Board of Commissioners” in accordance with the Act. The Board shall carry out the purposes and have the powers as provided herein.
- 3.2 Board Appointments. The Commission is governed by the Board, which is comprised of nine Commissioners appointed by the Members. Each party to this Agreement is a Member of the Board and shall determine the eligibility and qualifications of its representative on the Board.
- (a) Commissioner. Each Member is responsible for appointing one person to serve as its representative (“**Commissioner**”) on the Board. Each Member is responsible for publishing a notice of a vacancy, whether resulting from expiration of its Commissioner position or otherwise, as required in Minn. Stat. § 103B.227, subd. 2. Each Commissioner shall have one vote on the Board and must be present to vote. The authority of a Commissioner to vote shall be suspended if the appointing Member is delinquent in making any payments due to the Commission. The voting authority of the Commissioner shall be restored once the Member pays all past due amounts.
- (b) Alternate Commissioner. Each Member may also appoint one Alternate Commissioner (“**Alternate Commissioner**”) to the Board in the same manner required to appoint a Commissioner. The Alternate Commissioner may attend all meetings and speak during the public input portion of the meeting, but is only authorized to vote at a Board meeting in the absence or disability of the appointing Member’s Commissioner. If the absent Commissioner is also an officer of the Board, the Alternate Commissioner shall not be entitled to serve as such officer. If necessary, the Board may select a current Commissioner to temporarily undertake the duties of the absent officer.

- (c) Term. The term of each Commissioner and Alternate Commissioner shall be three years commencing on February 1st. The terms are staggered so that no more than three Commissioners are up for appointment in a single year. The Commissioners from the Cities of Brooklyn Center, Brooklyn Park, and Crystal are appointed in the same year; the Commissioners from the Cities of Maple Grove, Minneapolis, and New Hope are appointed in the same year; and the Commissioners from the Cities of Osseo, Plymouth, and Robbinsdale are appointed in the same year. A Commissioner and an Alternate Commissioner shall serve until their successors are selected and qualify, unless they resign or are removed earlier as provided herein.
- (d) Notices. A Member shall provide the Commission written notice of its appointments, including the resolution making the appointments or a copy of the minutes of the meeting at which the appointments were made. The Commission shall notify BWSR of appointments and vacancies within 30 days after receiving notice from the Member. Members shall fill all vacancies within 90 days after the vacancy occurs.
- (e) Vacancy. A Member shall notify the Commission in writing within 10 days of the occurrence of a vacancy in its Commissioner or Alternate Commissioner positions. The Commission will notify BWSR of the vacancy within 30 days of receiving the notice of a vacancy as required by Minn. Stat. § 103B.227, subd. 1. The Member shall publish notice of the vacancy at least once in its official newspaper as required by Minn. Stat. § 103B.227, subd. 2. The notices must state that those interested in being appointed to serve on the Commission may submit their names to the Member for consideration. The notice must be published at least 15 days before the Member's City Council acts to fill the vacancy. The City Council must make the appointment within 90 days from the occurrence of the vacancy. The Member shall promptly notify the Commission of the appointment in writing. The appointed person shall serve the unexpired term of the position.
- (f) Removal. The City Council of a Member may remove its Commissioner for just cause as provided in Minn. Stat. § 103B.227, subd. 3 and in accordance with Minn. R., part 84100.0040. If a Commissioner is an elected official, or is an appointed official serving an indefinite term at the pleasure of the City Council, the City Council may remove the person at will, including if the person is not reelected. A Member may remove its Alternate Commissioner without cause. The Member shall notify the Board of the removal in writing within 10 days of acting to remove the Commissioner. The Commission shall notify BWSR of the vacancy within 30 days of receiving notice of the removal. The City Council shall act to fill the vacancy created by the removal within 90 days as provided in this Agreement.

3.3 Compensation and Expenses. Commissioners and Alternate Commissioners shall serve without compensation from the Commission. Commission funds may, but are not required to, be used to pay or reimburse the attendance fee for Commissioners and

Alternate Commissioners to attend an in-state educational conference related to the Commission's business if authorized by the Board in advance of the conference. Other expenses associated with attending a conference are not eligible for reimbursement by the Commission. Nothing herein prohibits a Member from choosing, in its sole discretion and cost, to compensate or reimburse the expenses of its Commissioner or Alternate Commissioner.

- 3.4 Board Officers. Each year at its February meeting the Board shall elect from among its Commissioners a Chair, Vice Chair, Secretary, and Treasurer. All such officers shall hold office for a term of one year until their successors have been duly elected by the Board. An officer may serve only while they remain a Member of the Board. A vacancy in an officer position shall be filled by Board election for the remainder of the unexpired term of such office.
- 3.5 Duties of Board Officers. The Chair shall serve as the presiding officer at Board meetings, execute documents on behalf of the Board, sign checks, and perform other duties and functions as may be determined by the Board. The Vice-Chair shall undertake the duties of the Chair in the absence or disability of the Chair. The Secretary shall maintain the records of the Commission, Board meeting minutes, ensure meetings are properly noticed, countersign documents with the Chair, and perform such other duties as assigned by the Board. The Secretary may delegate one or more specific duties of the position. The Treasurer shall oversee the Commission's budget and finances, sign checks, and perform such other duties as assigned by the Board.
- 3.6 Quorum. A majority of the Commissioners shall constitute a quorum. Less than a quorum may adjourn a scheduled meeting. A simple majority of a quorum is required for the Board to act unless a higher number of votes is required by law or this Agreement. A Board vacancy or the suspension of voting rights as provided herein shall temporarily reduce the number of Commissioners required for a quorum.
- 3.7 Meetings. The Board shall conduct meetings in accordance with the Minnesota Open Meeting Law (Minn. Stat., chap. 13D) and this section.
- (a) Regular Meetings. The Board shall develop a schedule of its regular meetings. The Board shall post the schedule on the Commission's website and provide a copy to each Member. The Secretary shall maintain a copy of the schedule of regular meetings. The Chair and Vice-Chair may cancel a meeting due to a lack of business items. The Secretary shall make a good faith effort to notify Commissioners of a meeting cancellation.
- (b) Special Meetings. The Board may hold such special meetings as it may determine are needed to conduct the business of the Commission. A special meeting may be called by the Chair or by any two Commissioners. The Secretary shall post and provide notice of special meetings to the Commissioners. Emailing notices to Commissioners shall constitute sufficient notice under this Agreement.

- (c) Annual Meeting. The February Board meeting shall constitute the annual meeting of the Commission.
- (d) Rules of Procedure. The Board shall conduct its meetings generally in accordance with the procedures set out in the most current version of Robert's Rules of Procedure without requiring strict conformance to its requirements. The Board may modify such rules as it determines is appropriate to facilitate the conducting of its business or adopt a different set of rules for its meetings. The Board may amend its rules from time to time as it determines is appropriate upon a majority vote of all Commissioners. The Board may also waive one or more specific rules as it determines are necessary to facilitate the conducting of its business. Voting and statutory requirements are not waivable.

SECTION IV POWERS AND DUTIES OF THE BOARD

- 4.1 Powers. The Board is authorized to exercise the powers in this section to carry out the purposes of the Commission.
 - (a) Powers Granted. The Board shall have the following powers.
 - (1) It may contract with or employ such persons or entities as it deems necessary to accomplish its duties and powers. Any employee may be on a full-time or part-time basis as the Board determines. Such employees and contracted consultants shall be considered Commission staff.
 - (2) It may contract for space, materials, supplies, and services to carry on its activities.
 - (3) It may acquire necessary personal property to carry out its powers and its duties.
 - (4) It shall prepare, adopt, implement in accordance with this Agreement, and update a Watershed Management Plan that satisfies the requirements of Minn. Stat. § 103B.231. The Watershed Management Plan shall address all items required by applicable laws and rules. In preparing said plan, the Board may consult with the engineering and planning staff of each Member and the Metropolitan Council and other public and private bodies to obtain and consider projections of land use, population growth, and other factors which are relevant to the improvement and development of the Watershed.
 - (5) It shall develop and adopt a capital improvement program as part of the Watershed Management Plan. The Board shall determine which projects to include in the capital improvement program.

- (6) It may undertake projects, including those provided in its capital improvement program, in accordance with the Watershed Management Plan and this Agreement. It may acquire a temporary interest in real property if required to facilitate a project.
- (7) It shall make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the Commission is organized.
- (8) It may cooperate or contract with the State of Minnesota, any political subdivision thereof, federal agency, or private or public organization to accomplish the purposes for which it is organized.
- (9) It shall regulate, conserve, and control the use of storm and surface water and groundwater within the Watershed.
- (10) It may contract for or purchase such insurance as the Board deems necessary for the protection of the Commission.
- (11) It may acquire, establish, and maintain devices acquiring and recording hydrological and water quality data within the Watershed. Devices acquired by the Board are owned by the Commission and shall be made available for use by Members as the Board determines is reasonable.
- (12) It may enter upon lands within or without the watershed to make surveys and investigations to accomplish the purposes of the Commission. The Commission shall be liable for actual damages resulting therefrom but every person who claims damages shall serve the Chair or Secretary of the Board with a Notice of Claim as required by Minn. Stat. § 466.05.
- (13) It shall provide any Member with technical data or any other information of which the Commission has knowledge which will assist the Member in preparing land use classifications or local water management plans within the Watershed.
- (14) It may provide legal and technical assistance in connection with litigation or other proceedings between one or more of its Members and any other political subdivision, commission, board, or agency relating to the planning or construction of facilities to drain or pond storm waters or relating to water quality within the Watershed. The use of Commission funds for litigation shall be only upon a favorable vote of a majority of the eligible votes of the then existing Members of the Commission. Such a vote is not required for the Board to expend Commission funds in the defense of a suit brought against the Commission or its Commissioners, in

accordance with applicable laws, to the extent such costs are not paid by the Commission's insurer.

- (15) It may accumulate reserve funds for the purposes herein mentioned and may invest funds of the Commission not currently needed for its operations, in the manner and subject to the laws of Minnesota applicable to statutory cities.
- (16) It may collect monies, subject to the provisions of this Agreement, from its Members, the County, and from any other source approved by a majority of its Board. The Board may accept gifts and seek and accept grants.
- (17) It may make contracts, incur expenses, and make expenditures necessary and incidental to the effectuation of these purposes and powers and may disburse therefor in the manner hereinafter provided.
- (18) It shall cause to be made an annual audit of the books and accounts of the Commission by a certified public accountant or the State Auditor, and shall transmit a copy of the annual audit to each Member, all in compliance with the requirements of M.R., part 8410.0150.
- (19) Its books, reports, and records shall be available for and open to inspection by the Members at all reasonable times.
- (20) It may recommend changes in this Agreement to the Members.
- (21) It may exercise all other powers necessary and incidental to the implementation of the purposes and powers set forth herein and as outlined and authorized by the Act and such other law as may apply.
- (22) It shall cooperate with the applicable state agencies in complying with the requirements of Minn. Stat., chap. 103G.
- (23) Each Member reserves the right to conduct separate or concurrent studies on any matter under study by the Commission.
- (24) It may define and designate subtrunk and subdistricts within the watershed, and shall have authority to separate the watershed into different subtrunks and subdistricts, and to allocate capital improvement costs to a subtrunk or subdistrict area if that district is the only area that benefits from the capital improvement.
- (25) It shall establish a procedure for establishing citizen or technical advisory committees and to provide other means for public participation.

- (b) Powers Reserved. The Board shall not have any of the powers identified in this paragraph. Expressly identifying specific powers reserved to the Members is not intended to expand, by negative implication, the powers granted above to the Board.
- (1) Eminent Domain. The Commission does not have the power of eminent domain. Any easements or other interests in land necessary to be acquired for an Improvement Project shall be acquired as provided below.
 - (2) Real Property. The Commission shall not own any interest in real property. All interests in lands shall be held in the name of the Member wherein said lands are located. This provision does not prohibit the Commission from acquiring a temporary interest in real estate as needed to conduct studies, undertake a project, or to otherwise carry out its duties.
 - (3) Bonding. The Commission does not have the power to issue certificates, warrants, or bonds.
 - (4) Special Assessments. The Commission shall not have the power to levy a special assessment upon any privately or publicly owned land. All such assessments shall be levied by the Member wherein said lands are located. It shall have the power to require any Member to contribute the costs allocated or assessed according to the other provisions of this Agreement.
 - (5) Land Use Regulations. The Commission shall not have the authority to regulate the use and development of land under Minn. Stat. § 103B.211, subd. 1(a)(3).

4.2 Collection or Diversion of Waters. Each Member agrees that it will not directly or indirectly collect or divert any additional surface water to Shingle Creek or its tributaries without a project review by the Commission in accordance with the Water Management Plan. A Member may proceed with the construction or reconstruction of improvements within the individual Members' boundaries, and at its sole cost, upon the Board finding:

- (a) That there is an adequate outlet;
- (b) The construction is in conformance with the overall plan; and
- (c) The construction will not adversely affect other Members of this Agreement.

4.3 Local Water Plans.

- (a) Development. Each Member agrees to develop and maintain a Local Water Plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the Watershed Management Plan. The development and implementation of Local Water Plans shall conform with all

requirements of the Act, including Minn. Stat. § 103B.235 and Minn. R., part 8410.0160. In accordance with the Act, the Board shall approve or disapprove each local plan or any parts of each plan. The Members understand that the Watershed Management Plan, including the Commission's capital improvement program, must consist of local parts and therefore every effort shall be made by the Commission and all Members to coordinate local plans with the Watershed's overall plan, including planning for local plans at the same time the Watershed's overall plan is being developed.

- (b) Review. Each Member shall submit its proposed Local Water Plan to the Metropolitan Council and the Board for review as required by Minn. Stat. § 103B.235. The Board shall consider any comments on the Local Water Plan received from the Metropolitan Council and shall act on said plans in accordance with the Act.

- 4.4 Pollution Control and Water Quality. The Commission shall have the authority and responsibility to protect and improve water quality in the Watershed as this is one of the main purposes set forth in the Act. All Members agree that they will refuse to allow the drainage of sanitary sewage or industrial pollutants onto any land or into any watercourse or storm sewer draining into the Watershed. The Board may investigate on its own initiative, or request a Member to investigate, a complaint relating to pollution of surface water or groundwater draining into or affecting the Watershed. If the Board determines the Watershed is being polluted by an identifiable source, the Board may order the Member to abate this nuisance and each Member agrees that it will take all reasonable action available to it under the law to alleviate the pollution and to assist in protecting and improving the water quality of surface water and groundwater in the Watershed.
- 4.5 Boundary Changes. Any changes to the boundaries of the watershed shall be undertaken in accordance with Minn. Stat. § 103B.215.

SECTION V PROJECTS

- 5.1 Capital Projects and Non-Capital Projects. The Board may undertake, in conformity with this Agreement, Non-CIP Projects and CIP Projects. CIP Projects typically involve entering into a cooperative agreement with a Member, which has the Member assuming responsibility for letting the contract and overseeing construction of the project.
- 5.2 Process for Non-CIP Projects. The Board may initiate and undertake a Non-CIP Project upon a majority vote of all eligible Commissioners. If a Non-CIP Project is for a research project, feasibility study, or the like, the Board may proceed on its own. In such instances, the Commission may, with the approval of the Board, contract in its own name to complete such projects. If the Non-CIP Project is for implementation of a research project or study, a water quality project, maintenance, or the like, then the Board may only proceed in cooperation with the Member(s) where such projects will take place. In such instances, The Commission may contract in its own name to complete such projects

or enter into a cooperative agreement with a Member to have the Member undertake the project on its own or in cooperation with the Commission.

5.3 Process for CIP Projects. The process for undertaking a CIP Project is as follows.

- (a) Initiation. A CIP Project may be proposed by a Member or by the Board based on subwatershed assessments, lake/stream resource assessments, inspections, or a particular need or issue identified by a Member or the Board. A proposed project shall be submitted to the TAC and the Board to determine if there is sufficient support to proceed to a feasibility study.
- (b) Feasibility Study. If requested by the Board, the Commission Engineer, or other engineering firm, shall study the feasibility of a proposed CIP Project and report its findings to the TAC and the Board. The report shall include an opinion of probable cost and how the project would be funded. The Board shall consider the feasibility study and decide whether to proceed with the proposed project.
- (c) Plan Amendments. Proposed CIP Projects are amended into and made part of the Watershed Management Plan. The process the Commission must undertake to amend a CIP Project into the Watershed Management Plan depends on whether it constitutes a minor plan amendment or a major plan amendment as described below.
 - (1) Minor Plan Amendment. The addition of a proposed CIP Project to the Watershed Management Plan typically constitutes a minor plan amendment that can be accomplished following the process set out in the Watershed Management Plan and Minn. R., part 8410.0140, subpart 2. A public hearing is not required for a minor plan amendment.
 - (2) Major Plan Amendment. If a proposed amendment does not qualify as a minor amendment, the Commission must undertake the major plan amendment process to add the CIP project to the Watershed Management Plan. The major plan amendment process is set out in the amendment section of the Watershed Management Plan, Minn. Stat. § 103B.231, subd. 11, and Minn. R., part 8410.0140. The public hearing required under Minn. Stat. § 103B.231, subds. 11 & 7(c) for a major plan amendment may be held in conjunction with the public hearing required to request the County to levy funds for the project under Minn. Stat. § 103B.251, subds. 3 & 4, provided the requirements of both procedures can be satisfied at the single hearing.
- (d) Public Hearing. If the Board proposes to pay any portion of a CIP Project with funds to be raised through a County levy under Minn. Stat. § 103B.251, the Board must call and conduct a public hearing as provided in the statute and this paragraph. A public hearing is not required if the CIP Project is funded entirely from funds on hand, grants, or a combination thereof, and does not require the Board to certify any project costs to the County to be levied under Minn. Stat. §

103B.251. When a public hearing is required, it shall be conducted in accordance with the following.

- (1) Calling. The Board must act by motion or resolution to call a public hearing on the proposed CIP Project. The Board shall set the date, time, and place for the public hearing.
- (2) Notice. The Board shall provide notice of the public hearing in accordance with Minn. Stat. § 103B.251, subd. 3.
- (3) Conducting. The Board shall conduct the public hearing at the scheduled date, time, and place to hear from the public and to consider the proposed CIP Project. Prior to taking public comment, the Commission Engineer shall provide a brief overview of the proposed CIP Project, an estimate of project cost, and a description of how the project will be funded.
- (4) Board Decision. Once the public input portion of the public hearing is closed, the Board shall discuss and decide whether to approve the proposed CIP Project. The Board shall act by resolution to approve a CIP Project, which shall require a favorable vote by two-thirds of all eligible votes of the then existing Commissioners. The resolution shall, at minimum, order the project, identify the responsible engineer, identify the Member responsible for letting the contract and overseeing construction, set out the estimated cost and funding sources, authorize the Commission to enter into a cooperative agreement with the responsible Member, and certify a levy to the Hennepin County Auditor for the amount to be levied by the County for the project.

5.4 Responsible Member.

- (a) Member Projects. The Board shall work with Members to facilitate the completion of specific Non-CIP Projects and CIP Projects within their jurisdictional boundaries in accordance with the Watershed Management Plan. For any project that will be constructed by one or more Members and reimbursed by the Commission, to the extent authorized by the Board, the Member(s) responsible for implementing the project and the Board shall negotiate a cooperative agreement, in good faith, providing for terms and conditions related to the project and any such reimbursement. If any portion of the project is funded by a grant obtained by the Commission, the cooperative agreement shall include a subgrant agreement requiring the responsible Member to be responsible for complying with the applicable terms and conditions of the grant agreement. The terms of this paragraph shall also apply to any Commission project that may be constructed by any other entity, public or private, if construction by such entities is deemed appropriate by the Commission.

- (b) Commission Projects. The Commission, if approved by the Board, is authorized to undertake and contract for a CIP Project that is not required to be let by sealed bid under Minn. Stat. § 471.345. Such contracts shall be let in the Commission's name and must be in accordance with the Watershed Management Plan and all applicable laws and regulations related to public procurement and contracting. Approval of Commission contracts for CIP Projects shall require a favorable vote by two-thirds of all eligible votes of then existing Commissioners.

5.5 Contracts for Improvements.

- (a) Letting Contracts. All contracts for projects ordered by the Commission shall comply with the requirements of laws applicable to contracts let by the respective Member making such contract. The Commission shall not have the authority to contract in its own name for any work for which a special assessment will be levied against any private or public property under the provisions of Minn. Stat., chap. 429 or any city charter, and such contracts shall be awarded by action of the City Council of a Member and shall be in the name of said Member. This subsection shall not preclude the Commission from proceeding under Minn. Stat. § 103B.251 or from otherwise proceeding under this Agreement for projects that will not be specially assessed under Minn. Stat., chap. 429.
- (b) Contract Administration. All improvement contracts will be duly supervised by the Member awarding the contract, provided, however, that the Commission shall be authorized to observe and review the work in progress and the Members agree to cooperate with the Commission staff in accomplishing the purposes of this Commission. Representatives of the Commission shall also have the right to enter upon the place or places where any improvement work is in progress for the purpose of making reasonable tests and inspections. Commission staff shall report, advise, and recommend to the Board on the progress of said work.

5.6 Land Acquisition. Because the Commission does not have the power to acquire real property, the Members agree that any and all permanent easements or interests in land which are necessary for any project will be negotiated or condemned in accordance with all applicable laws by the Member wherein said lands are located, and each Member agrees to attempt to acquire the necessary easements or interests in such land upon order of the Commission to accomplish the purposes of this Agreement. All reasonable costs of said acquisition shall be considered as a cost of the respective improvement. If a Member determines it is in the best interests of that Member to acquire additional lands in conjunction with the taking of lands for the Commission-ordered improvement, or for some other purpose, the costs of said acquisition will not be included in the improvement costs of the ordered project. The Board in determining the allocation of the improvement costs may take into consideration the land use for which said additional lands are being acquired and may credit the acquiring Member for said land acquisition to the extent that it benefits the other Members of this Agreement. Any credits may be applied to the cost allocation of the improvement project under construction or the Board, if feasible and necessary, may defer said credits to a future project.

5.7 CIP Project Funding.

- (a) Member Contributions. The Member responsible for constructing a CIP Project, together with any other identified benefiting Members, shall contribute toward the project such amounts as identified in the Board's resolution ordering the project and in accordance with the terms of the cooperative agreement entered into for the project.
- (b) Commission Contributions. The Commission shall contribute toward the project such amounts as identified in the Board's resolution ordering the project and in accordance with the terms of the cooperative agreement entered into for the project. The contribution from the Commission may include grant funds it has received for the project. In such cases, the Board and the responsible Members enter into a subgrant agreement, which may be part of the cooperative agreement, setting out the obligations of the Member to ensure compliance with the grant requirements. The Commission's contribution is in addition to any amounts contributed by Members or other private or public entities. If the Commission's contribution is dependent on an amount to be levied by the County, the contribution is contingent on the Commission receiving such amount from the County.
- (c) Maintenance Levy. The Commission may establish a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by Hennepin County. As provided in Minn. Stat. § 103B.251, subd. 9, the Board may impose, with the County's consent, an ad valorem levy on all property located within the territory of the Watershed or a subwatershed unit. The levy shall be certified, levied, collected, and distributed as provided in Minn. Stat. §§ 103D.915 and 103D.921, as amended, and shall be in addition to any other money levied and distributed by the County to the Commission. Mailed notice of any hearing required under the aforementioned statutes shall be sent to the clerk of each Member municipality at least 30 days prior to the hearing. The proceeds of said maintenance levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

5.8 Cost Allocation for CIP Projects. All capital costs incurred by the Commission shall be apportioned to the respective Members on any of the following bases.

- (a) County Levy. If the project is constructed and financed pursuant to Minn. Stat. § 103B.251, the Members understand and agree that said costs will be levied on all taxable property in the Watershed as set forth in said statute.
- (b) Negotiated Amount. A negotiated amount to be arrived at by the Members who have lands in the subdistrict responsible for the capital improvement.
- (c) Tax Capacity and/or Total Area.

- (1) Fifty percent of all capital costs or the financing thereof shall be apportioned to each Member on the basis of the net tax capacity of each Member within the boundaries of the Watershed each year to the total net tax capacity in the Watershed.
- (2) Fifty percent of all capital costs or the financing thereof shall be apportioned to each Member on the basis of the total area of each Member within the boundaries of the Watershed each year to the total area in the Watershed.
- (3) Capital costs allocated under the 50% area/50% net tax capacity formula set forth above may be varied by a two-thirds vote of the Commission if:
 - (i) any Member community receives a direct benefit from the capital improvement which benefit can be defined as a lateral as well as a trunk benefit, or
 - (ii) the capital improvement provides a direct benefit to one or more Members which benefit is so disproportionate as to require in a sense of fairness a modification in the 50/50 formula.
- (4) Any credits to due a Member for lands acquired by said Member to pond or store storm and surface water as provided herein shall be allowed against costs due under this section.

5.9 Emergency Projects. The Commission may perform emergency projects in accordance with Minn. Stat. § 103B.252.

SECTION VI FINANCES

6.1 Generally.

- (a) Authority. The Commission funds may be expended by the Board in accordance with this Agreement and in accordance with the procedures as established by law and in the manner as may be determined by the Board.
- (b) Funds. The Commission shall have a general fund and may establish such other funds and accounts as it may determine are needed. The Commission has established a Capital Improvement Program Closed Project Account into which any levied funds remaining after the completion of a CIP Project are placed. Funds in the CIP Closed Project Account shall only be expended in accordance with a policy adopted by the Board for an authorized purpose.

- (c) Disbursements. In no event shall there be a disbursement of Commission funds without the signature of at least two Board officers, one of whom shall be the Treasurer or the Treasurer's authorized deputy.
- (d) Treasurer Bond. The Treasurer shall be required to file with the Secretary of the Board a bond in the sum of at least \$10,000 or such higher amount as shall be determined by the Board. The Commission shall pay the premium on said bond.
- (e) Depository. The Board shall designate one or more national or state bank or trust companies, authorized by Minn. Stat., chaps. 118A and 427, or such other law as may apply, to receive deposits of public moneys and to act as depositories for the Commission funds.

6.2 Commission's General Fund. The Commission's general fund is funded by an annual contribution from each Member and is used to pay for general administration purposes including, but not limited to, salaries, rent, supplies, development of the Watershed Management Plan, engineering and legal expenses, insurance, and bonds, and to purchase and maintain any personal property deemed necessary by the Commission in furtherance of its purposes and powers as articulated in this Agreement. Said funds may also be used for normal maintenance of any facilities, but any extraordinary maintenance or repair expense shall be treated as an improvement cost and processed in accordance with the provisions for CIP Project funding under this Agreement. The annual contribution by each Member shall be based fifty percent (50%) on the net tax capacity of all property within the Watershed and fifty percent (50%) on the basis of the total area of each Member within the boundaries of the Watershed each year to the total area in the Watershed.

6.3 Operating Budget. The Board shall annually prepare, adopt, and submit an annual operating budget as provided in this section.

- (a) Adoption. On or before July 1 of each year, the Board shall adopt a detailed budget for the ensuing year and decide upon the total amount necessary for the Commission's general fund. Budget approval shall require a favorable vote by a majority of all eligible votes of the then existing Commissioners.
- (b) Budget Cap. The total operating budget amount, excluding any grants, in a year shall not exceed the budget cap established as part of the prior joint powers agreement and that has been adjusted each year based on the consumer price index. The original budget cap was established in 2004 at \$262,750 and has been modified each year since based, pro rata, on the annual change in the consumer price index (U.S. City Average, All Items, All Urban Consumer) to the end of the second quarter of the preceding year. In 2024, the budget cap was \$446,740. The budget cap shall continue to be calculated each year by the Administrator and the operating budget prepared by the Commission for a year shall not exceed the budget cap calculated for that year. The only way the Commission's operating budget may exceed the budget cap is if a majority of all the Members expressly

consent to the proposed operating budget exceeding the cap. If a proposed operating budget that exceeds the budget cap is not consented to by a majority of Members, the Commission must adjust its final operating budget so it does not exceed the budget cap.

- (c) Funding. The Commission's annual operating budget is funded by an annual assessment placed on the Members, subject to certain caps, as provided herein.
- (d) Caps on Member Assessments. The amount annually assessed each Member to fund the operating budget shall not exceed the following caps, unless authorized as provided herein.
 - (1) Percentage Cap. The amount to be assessed Members under the proposed budget shall not exceed 120% of the amount assessed Members under the previous year's budget, unless the City Council of each Member adopts a resolution approving the increase.
 - (2) Tax Capacity Cap. The amount of a Member's annual contribution to the operating budget shall not exceed one-half of one percent of the net tax capacity of the Member's total area located within the Watershed.
- (e) Budget Certified to Members. On or before July 1st, the Secretary or the Commission Administrator shall certify the operating budget to the clerk of each Member, together with a statement of the proportion of the budget to be assessed and paid by each Member. If the proposed operating budget results in any of the caps established herein being exceeded, the budget sent to the Members for review must be accompanied by a letter clearly notifying the Members of the cap being exceeded, the reasons for the proposed exceedance, and the Member approval required to approve the proposed budget. If the approvals required herein to exceed the cap are not obtained, the total budget or assessment amount shall not exceed the capped amount.
- (f) Member Review. The City Council of each Member agrees to review the proposed budget provided by the Commission. If any Member has any objections, they must submit them in writing to the Board prior to August 1. Upon the receipt of any such written objections, the Board shall set a date to hear the Member's objections and shall provide all Members notice of the hearing and a copy of the written objections. After hearing the objections, the Board may modify, amend, or affirm the proposed budget by majority of all eligible votes of the then existing Commissioners.
- (g) Finalized. The proposed operating budget shall be considered final if no Member files an objection by August 1st. If a timely objection is received, the Board shall act to finalize the operating budget after conducting a hearing on the objections. The Board shall provide a copy of the final operating budget to each Member. If

there are objections, the Board shall include its findings and decision regarding such objections with the final operating budget.

6.4 Supplemental Budget.

- (a) Insufficient Funds. If the Board determines it will not have sufficient funds in the Commission's general fund to pay its obligations or to otherwise fund Commission operations in the present year, the Board may adopt a supplemental budget to raise additional funds as provided herein.
- (b) Public Hearing. The Board shall call a public hearing on the proposed supplemental budget and provide at least 10 days' written notice of the hearing, together with a copy of the proposed supplemental budget, to each Member.
- (c) Adoption. After conducting the public hearing, the Board may adopt the supplemental budget by a favorable vote of a majority of all eligible votes of the then existing Commissioners. The Board shall notify each Member of the adopted supplemental budget and the amount of additional assessment to be paid by each Member.
- (d) Cap. In no case may a supplemental budget cause the total operating budget to exceed either cap established in the "Caps on Member Assessments" paragraph above. The total operating budget shall not exceed the budget cap identified above unless it is approved by a majority of all the Members.
- (e) Additional Assessment. Members agree to pay their additional assessment to the Commission within 60 days of adoption of the supplemental budget.

6.5 Default. Any Member who is more than 60 days in default in contributing its share to the operating budget or to a CIP Project shall have the vote of its Commissioner suspended pending the payment of its proportionate share. Any Commissioner whose vote is under suspension shall not be considered for the purposes of determining a quorum or for determining the sufficiency of a vote.

SECTION VII TERMINATION AND DISSOLUTION

- 7.1 Termination. This Agreement may be terminated prior to January 1, 2045 by the unanimous consent of the Members. If the Agreement is to be terminated, a notice of the intent to dissolve the Commission shall be sent to the Board of Water and Soil Resources and to Hennepin County at least 90 days prior to the date of dissolution.
- 7.2 Dissolution. In addition to the manner provided herein for terminating this Agreement, any Member may petition the Board to dissolve the Agreement. Upon 90 days notice in writing to the clerk of each Member governmental unit and to the Board of Water and Soil Resources and to Hennepin County, the Board shall hold a hearing and upon a

favorable vote by a majority of all eligible votes of then existing Commissioners, the Board may by Resolution recommend that the Commission be dissolved. Said Resolution shall be submitted to each Member governmental unit and if ratified by three-fourths of the City Councils of all eligible Members within 60 days, said Board shall dissolve the Commission allowing a reasonable time to complete work in progress and to dispose of personal property owned by the Commission.

- 7.3 Distribution of Assets. If this Agreement is terminated and not replaced with a new agreement providing for the continued operation of the Commission, or if the Commission is dissolved, all property of the Commission shall be sold and the proceeds thereof, together with monies on hand, shall be distributed to the eligible Members of the Commission. Such distribution of Commission assets shall be made in proportion to the total contribution to the Commission as required by the last annual budget.

SECTION VIII MISCELLANEOUS PROVISIONS

- 8.1 Term. This Agreement shall be effective as of January 1, 2025 and shall remain in effect until January 1, 2045, unless terminated earlier as provided herein. The Members may agree to continue this Agreement as the preferred method for addressing their obligation to address surface water issues under law.
- 8.2 Mediation. The Members agree that any controversy that cannot be resolved between Members shall be submitted to mediation. Mediation shall be conducted by a mutually agreeable process by all Members. If the Members are not able to mutually agree on a mediator, the party and the Board shall each select a mediator and the two mediators shall select a third. Each party to the mediation shall be responsible for the cost of the mediator it selected and shall share equally in the costs of the mediation and of the third mediator.
- 8.3 Data Practices. The Commission shall comply with the requirements of Minnesota Statutes, chapter 13, the Minnesota Government Data Practices Act (“Act”). Any entity with which the Commission contracts is required to comply with the Act as provided in Minn. Stat. § 13.05. The contractor shall be required to notify the Board if it receives a data request and to work with the Commission to respond to it.
- 8.4 Amendments. The Board may recommend changes and amendments to this Agreement to the governing bodies of the Members. Amendments shall be adopted by all governing bodies of the Members. Adopted amendments shall be evidenced by appropriate resolutions or certified copies of meeting minutes of the governing bodies of each party filed with the Board and shall, if no effective date is contained in the amendment, become effective as of the date all such filings have been completed.
- 8.5 Waiver. The delay or failure of any party of this Agreement at any time to require performance or compliance by any other party of any of its obligations under this

Agreement shall in no way be deemed a waiver of those rights to require such performance or compliance.

- 8.6 Headings and Captions. The headings and captions of these paragraphs and sections of this Agreement are included for convenience or reference only and shall not constitute a part hereof.
- 8.7 Entire Agreement. This Agreement, including the recitals and the official boundary map (which are incorporated in and made part of this Agreement), contains the entire understanding among the Members concerning the subject matter hereof. This Agreement supersedes and replaces the prior joint powers agreement among the Members regarding the Commission and such prior agreement is hereby terminated. Any outstanding obligations of the Members under the prior agreement are not affected by the termination and shall be continued under this Agreement.
- 8.8 Examination of Books. Pursuant to Minn. Stat. § 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices of the Board are subject to examination by the State.
- 8.9 Governing Law. The respective rights, obligations, and remedies of the Members under this Agreement and the interpretation thereof shall be governed by the laws of the State of Minnesota which pertain to agreements made and to be performed in the State of Minnesota.
- 8.10 Counterparts. This Agreement shall be executed in several counterparts and all so executed shall constitute one Agreement, binding on all of the Members hereto. Each party to the agreement shall receive a fully executed copy of the entire document following adoption by all Members.
- 8.11 Enforcement. Members agree to be bound by the determination of the Commission and to agree to use their best efforts to carry out directives from the Commission; failure to respond may result in a legal action by the Commission to require the Member to act under a court order.
- 8.12 Notice. To the extent this Agreement requires a notice to be mailed to a Member, the notice requirement may be satisfied by the Commission emailing the notice to its primary contact for the Member.
- 8.13 Statutory References. All references to statutes in this Agreement include any amendments made thereto and any successor provisions.

IN WITNESS WHEREOF, the Members have entered into this Agreement by action of their respective governing bodies effective as of January 1, 2025.

CITY OF BROOKLYN CENTER

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF BROOKLYN PARK

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF CRYSTAL

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF MAPLE GROVE

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF MINNEAPOLIS

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF NEW HOPE

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF OSSEO

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF PLYMOUTH

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF ROBBINSDALE

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION JOINT POWERS AGREEMENT

THIS JOINT POWERS AGREEMENT is made and entered into by and among the cities of Brooklyn Center, Brooklyn Park, Champlin, Maple Grove, Minneapolis, and Osseo. The cities that are parties to this Agreement may hereafter be referred to individually as a “Member” or collectively as the “Members.”

RECITALS

- A. Local government units in the metropolitan area are required by the Metropolitan Water Management Program (Minn. Stat. § 103B.201 to 103B.255) to plan for and manage surface water.
- B. Under the Act, one of the options available to local government units to satisfy the requirements of the Act is to adopt a joint powers agreement pursuant to Minn. Stat. § 471.59 to establish a watershed management organization to jointly plan for and manage surface water within a watershed.
- C. The Members preferred to manage surface waters through a joint board rather than the traditional watershed model and acted pursuant to the new authority to adopt a joint powers agreement in 1984 establishing the West Mississippi Watershed Management Commission to cooperatively manage and plan for the management of surface water within the Watershed.
- D. The original joint powers agreement has been updated and amended several times, and the term of the current joint powers agreement expires on December 31, 2024.
- E. The Members previously acted pursuant to their authority to establish the “West Mississippi Watershed Board of Commissioners” and said Board is hereby reaffirmed as the entity charged with the authority and responsibility to manage the Commission.
- F. The Board has previously acted to adopt a Watershed Management Plan for the watershed and has regularly updated the Watershed Management Plan in accordance with law.
- G. The Commission works cooperatively with Hennepin County, Three Rivers Park District, and several other stakeholders to achieve the goals of the Watershed Management Plan.
- H. The Members desire to enter into this Agreement to reaffirm the Commission and the Board in furtherance of its efforts to continue working cooperatively to prepare and administer a surface water management plan to manage surface water within the watershed in accordance with the Act and Minn. R., chapter 8410.

AGREEMENT

In consideration of the mutual promises and agreements contained herein, the parties mutually agree as follows:

SECTION I ESTABLISHMENT, GENERAL PURPOSE, AND DEFINITIONS

- 1.1 Reaffirming the Establishment. The Members hereby reaffirm and ratify the establishment and continued operation of the “West Mississippi Watershed Management Commission” pursuant to the Act and such other laws and rules as may apply.
- 1.2 General Purpose. The general purpose of this Agreement is to continue the Commission and its work on behalf of the Members to cooperatively adopt, administer, and update as needed the Watershed Management Plan, and to carry out the purposes identified in Minn. Stat. § 103B.201 and the other provisions of the Act. The plan and programs shall operate within the boundaries of the West Mississippi Watershed as identified in the official map filed with the Minnesota Board of Soil and Water Resources. The most current version of the official map defining the boundaries of the Watershed is incorporated herein by reference. The boundaries of the Watershed are subject to change utilizing the procedure set out in Minn. Stat. § 103B.225 as may be needed to better reflect the hydrological boundaries of the Area.
- 1.3 Definitions. The definitions contained in Minn. Stat. § 103B.205 and Minn. R., part 8410.0020 are hereby adopted by reference, except that the following terms shall have the meanings given them in this section.
 - (a) Act. “Act” means the Metropolitan Surface Water Management Program set out in Minn. Stat. §§ 103B.201 to 103B.255.
 - (b) Alternate Commissioner. “Alternate Commissioner” means the person appointed by a Member to serve as its alternate to represent the Member on the Board in the absence or disability of its appointed Commissioner.
 - (c) Board. “Board” means the board of commissioners established by this Agreement to manage and make decisions on behalf of the West Mississippi Watershed Management Commission.
 - (d) Capital Improvement. “Capital Improvement” has the meaning given it in Minn. R., part 8410.0020, subp. 3 and includes the purchase of capital equipment that satisfies the eligibility criteria established by the Board for funding as a CIP Project.
 - (e) Capital Improvement Program. “Capital Improvement Program” has the meaning given the term in Minn. Stat. § 103B.205, subd. 3.

- (f) CIP Project. “CIP Project” means a planned Capital Improvement that is part of the Commission’s Capital Improvement Program, is set out in its Water Management Plan, and is eligible for funding by the Commission.
- (g) City Council. “City Council” means the city council of a Member to this Agreement.
- (h) Commission. “Commission” means the watershed management organization established by this Agreement in accordance with the Act, the full name of which is the “West Mississippi Watershed Management Commission.”
- (i) Commissioner. “Commissioner” means the person appointed by a Member as its primary representative on the Board.
- (j) County. “County” means Hennepin County, Minnesota.
- (k) Local Water Plan. “Local Water Plan” means the local water management plan each Member is required to develop and have reviewed as provided in Minn. Stat. § 103B.235 and Minn. R., part 8410.0160.
- (l) Member. “Member” means a city that is a signatory to this Agreement and is identified in section 2.1 of this Agreement.
- (m) Non-CIP Project. “Non-CIP Project” means a project undertaken by a Member or the Commission pursuant to this Agreement that does not qualify as a CIP Project and is not part of the projects included in the amount certified to the County to be included in the County’s levy. Examples of Non-CIP Projects include, but are not limited to, research projects, feasibility studies, water quality projects, maintenance projects.
- (n) TAC. “TAC” means the Technical Advisory Committee established by the Board and that is made up of a representative each Member, as appointed by the Member.
- (o) Watershed. “Watershed” means the West Mississippi Watershed, which includes the area contained within a line drawn around the extremities of all terrain whose surface drainage is tributary to West Mississippi and within the mapped areas delineated on the map filed with the Minnesota Board of Water and Soil Resources pursuant to the Act.
- (p) Watershed Management Plan. “Watershed Management Plan” means the plan developed and adopted in accordance with the Act, including all amendments and updates.

SECTION II MEMBERSHIP

- 2.1 Members. The following local government units are Members of the Commission: City of Brooklyn Center, City of Brooklyn Park, City of Champlin, City of Maple Grove, and the City of Osseo.
- 2.2 Effect of Changes. No change in governmental boundaries, structure, or organizational status shall affect the eligibility of any local government unit listed above to be represented on the Commission, so long as such local government unit continues to exist as a separate political subdivision.

SECTION III BOARD OF COMMISSIONERS

- 3.1 Establishment. The Members hereby reaffirm the establishment and continued operation of the “West Mississippi Watershed Board of Commissioners” in accordance with the Act. The Board shall carry out the purposes and have the powers as provided herein.
- 3.2 Board Appointments. The Commission is governed by the Board, which is comprised of nine Commissioners appointed by the Members. Each party to this Agreement is a Member of the Board and shall determine the eligibility and qualifications of its representative on the Board.
- (a) Commissioner. Each Member is responsible for appointing one person to serve as its representative (“**Commissioner**”) on the Board. Each Member is responsible for publishing a notice of a vacancy, whether resulting from expiration of its Commissioner position or otherwise, as required in Minn. Stat. § 103B.227, subd. 2. Each Commissioner shall have one vote on the Board and must be present to vote. The authority of a Commissioner to vote shall be suspended if the appointing Member is delinquent in making any payments due to the Commission. The voting authority of the Commissioner shall be restored once the Member pays all past due amounts.
- (b) Alternate Commissioner. Each Member may also appoint one Alternate Commissioner (“**Alternate Commissioner**”) to the Board in the same manner required to appoint a Commissioner. The Alternate Commissioner may attend all meetings and speak during the public input portion of the meeting, but is only authorized to vote at a Board meeting in the absence or disability of the appointing Member’s Commissioner. If the absent Commissioner is also an officer of the Board, the Alternate Commissioner shall not be entitled to serve as such officer. If necessary, the Board may select a current Commissioner to temporarily undertake the duties of the absent officer.
- (c) Term. The term of each Commissioner and Alternate Commissioner shall be three years commencing on February 1st. The terms are staggered so that no more

than three Commissioners are up for appointment in a single year. The Commissioners from the Cities of Brooklyn Center and Brooklyn Park are appointed in the same year; the Commissioners from the Cities of Champlin and Maple Grove are appointed in the same year; and the Commissioners from the Cities of Minneapolis and Osseo are appointed in the same year. A Commissioner and an Alternate Commissioner shall serve until their successors are selected and qualify, unless they resign or are removed earlier as provided herein.

- (d) Notices. A Member shall provide the Commission written notice of its appointments, including the resolution making the appointments or a copy of the minutes of the meeting at which the appointments were made. The Commission shall notify BWSR of appointments and vacancies within 30 days after receiving notice from the Member. Members shall fill all vacancies within 90 days after the vacancy occurs.
- (e) Vacancy. A Member shall notify the Commission in writing within 10 days of the occurrence of a vacancy in its Commissioner or Alternate Commissioner positions. The Commission will notify BWSR of the vacancy within 30 days of receiving the notice of a vacancy as required by Minn. Stat. § 103B.227, subd. 1. The Member shall publish notice of the vacancy at least once in its official newspaper as required by Minn. Stat. § 103B.227, subd. 2. The notices must state that those interested in being appointed to serve on the Commission may submit their names to the Member for consideration. The notice must be published at least 15 days before the Member's City Council acts to fill the vacancy. The City Council must make the appointment within 90 days from the occurrence of the vacancy. The Member shall promptly notify the Commission of the appointment in writing. The appointed person shall serve the unexpired term of the position.
- (f) Removal. The City Council of a Member may remove its Commissioner for just cause as provided in Minn. Stat. § 103B.227, subd. 3 and in accordance with Minn. R., part 84100.0040. If a Commissioner is an elected official, or is an appointed official serving an indefinite term at the pleasure of the City Council, the City Council may remove the person at will, including if the person is not reelected. A Member may remove its Alternate Commissioner without cause. The Member shall notify the Board of the removal in writing within 10 days of acting to remove the Commissioner. The Commission shall notify BWSR of the vacancy within 30 days of receiving notice of the removal. The City Council shall act to fill the vacancy created by the removal within 90 days as provided in this Agreement.

- 3.3 Compensation and Expenses. Commissioners and Alternate Commissioners shall serve without compensation from the Commission. Commission funds may, but are not required to, be used to pay or reimburse the attendance fee for Commissioners and Alternate Commissioners to attend an in-state educational conference related to the Commission's business if authorized by the Board in advance of the conference. Other

expenses associated with attending a conference are not eligible for reimbursement by the Commission. Nothing herein prohibits a Member from choosing, in its sole discretion and cost, to compensate or reimburse the expenses of its Commissioner or Alternate Commissioner.

- 3.4 Board Officers. Each year at its February meeting the Board shall elect from among its Commissioners a Chair, Vice Chair, Secretary, and Treasurer. All such officers shall hold office for a term of one year until their successors have been duly elected by the Board. An officer may serve only while they remain a Member of the Board. A vacancy in an officer position shall be filled by Board election for the remainder of the unexpired term of such office.
- 3.5 Duties of Board Officers. The Chair shall serve as the presiding officer at Board meetings, execute documents on behalf of the Board, sign checks, and perform other duties and functions as may be determined by the Board. The Vice-Chair shall undertake the duties of the Chair in the absence or disability of the Chair. The Secretary shall maintain the records of the Commission, Board meeting minutes, ensure meetings are properly noticed, countersign documents with the Chair, and perform such other duties as assigned by the Board. The Secretary may delegate one or more specific duties of the position. The Treasurer shall oversee the Commission's budget and finances, sign checks, and perform such other duties as assigned by the Board.
- 3.6 Quorum. A majority of the Commissioners shall constitute a quorum. Less than a quorum may adjourn a scheduled meeting. A simple majority of a quorum is required for the Board to act unless a higher number of votes is required by law or this Agreement. A Board vacancy or the suspension of voting rights as provided herein shall temporarily reduce the number of Commissioners required for a quorum.
- 3.7 Meetings. The Board shall conduct meetings in accordance with the Minnesota Open Meeting Law (Minn. Stat., chap. 13D) and this section.
- (a) Regular Meetings. The Board shall develop a schedule of its regular meetings. The Board shall post the schedule on the Commission's website and provide a copy to each Member. The Secretary shall maintain a copy of the schedule of regular meetings. The Chair and Vice-Chair may cancel a meeting due to a lack of business items. The Secretary shall make a good faith effort to notify Commissioners of a meeting cancellation.
- (b) Special Meetings. The Board may hold such special meetings as it may determine are needed to conduct the business of the Commission. A special meeting may be called by the Chair or by any two Commissioners. The Secretary shall post and provide notice of special meetings to the Commissioners. Emailing notices to Commissioners shall constitute sufficient notice under this Agreement.
- (c) Annual Meeting. The February Board meeting shall constitute the annual meeting of the Commission.

- (d) Rules of Procedure. The Board shall conduct its meetings generally in accordance with the procedures set out in the most current version of Robert's Rules of Procedure without requiring strict conformance to its requirements. The Board may modify such rules as it determines is appropriate to facilitate the conducting of its business or adopt a different set of rules for its meetings. The Board may amend its rules from time to time as it determines is appropriate upon a majority vote of all Commissioners. The Board may also waive one or more specific rules as it determines are necessary to facilitate the conducting of its business. Voting and statutory requirements are not waivable.

SECTION IV POWERS AND DUTIES OF THE BOARD

- 4.1 Powers. The Board is authorized to exercise the powers in this section to carry out the purposes of the Commission.

- (a) Powers Granted. The Board shall have the following powers.
- (1) It may contract with or employ such persons or entities as it deems necessary to accomplish its duties and powers. Any employee may be on a full-time or part-time basis as the Board determines. Such employees and contracted consultants shall be considered Commission staff.
 - (2) It may contract for space, materials, supplies, and services to carry on its activities.
 - (3) It may acquire necessary personal property to carry out its powers and its duties.
 - (4) It shall prepare, adopt, implement in accordance with this Agreement, and update a Watershed Management Plan that satisfies the requirements of Minn. Stat. § 103B.231. The Watershed Management Plan shall address all items required by applicable laws and rules. In preparing said plan, the Board may consult with the engineering and planning staff of each Member and the Metropolitan Council and other public and private bodies to obtain and consider projections of land use, population growth, and other factors which are relevant to the improvement and development of the Watershed.
 - (5) It shall develop and adopt a capital improvement program as part of the Watershed Management Plan. The Board shall determine which projects to include in the capital improvement program.

- (6) It may undertake projects, including those provided in its capital improvement program, in accordance with the Watershed Management Plan and this Agreement. It may acquire a temporary interest in real property if required to facilitate a project.
- (7) It shall make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the Commission is organized.
- (8) It may cooperate or contract with the State of Minnesota, any political subdivision thereof, federal agency, or private or public organization to accomplish the purposes for which it is organized.
- (9) It shall regulate, conserve, and control the use of storm and surface water and groundwater within the Watershed.
- (10) It may contract for or purchase such insurance as the Board deems necessary for the protection of the Commission.
- (11) It may acquire, establish, and maintain devices acquiring and recording hydrological and water quality data within the Watershed. Devices acquired by the Board are owned by the Commission and shall be made available for use by Members as the Board determines is reasonable.
- (12) It may enter upon lands within or without the watershed to make surveys and investigations to accomplish the purposes of the Commission. The Commission shall be liable for actual damages resulting therefrom but every person who claims damages shall serve the Chair or Secretary of the Board with a Notice of Claim as required by Minn. Stat. § 466.05.
- (13) It shall provide any Member with technical data or any other information of which the Commission has knowledge which will assist the Member in preparing land use classifications or local water management plans within the Watershed.
- (14) It may provide legal and technical assistance in connection with litigation or other proceedings between one or more of its Members and any other political subdivision, commission, board, or agency relating to the planning or construction of facilities to drain or pond storm waters or relating to water quality within the Watershed. The use of Commission funds for litigation shall be only upon a favorable vote of a majority of the eligible votes of the then existing Members of the Commission. Such a vote is not required for the Board to expend Commission funds in the defense of a suit brought against the Commission or its Commissioners, in accordance with applicable laws, to the extent such costs are not paid by the Commission's insurer.

- (15) It may accumulate reserve funds for the purposes herein mentioned and may invest funds of the Commission not currently needed for its operations, in the manner and subject to the laws of Minnesota applicable to statutory cities.
 - (16) It may collect monies, subject to the provisions of this Agreement, from its Members, the County, and from any other source approved by a majority of its Board. The Board may accept gifts and seek and accept grants.
 - (17) It may make contracts, incur expenses, and make expenditures necessary and incidental to the effectuation of these purposes and powers and may disburse therefor in the manner hereinafter provided.
 - (18) It shall cause to be made an annual audit of the books and accounts of the Commission by a certified public accountant or the State Auditor, and shall transmit a copy of the annual audit to each Member, all in compliance with the requirements of M.R., part 8410.0150.
 - (19) Its books, reports, and records shall be available for and open to inspection by the Members at all reasonable times.
 - (20) It may recommend changes in this Agreement to the Members.
 - (21) It may exercise all other powers necessary and incidental to the implementation of the purposes and powers set forth herein and as outlined and authorized by the Act and such other law as may apply.
 - (22) It shall cooperate with the applicable state agencies in complying with the requirements of Minn. Stat., chap. 103G.
 - (23) Each Member reserves the right to conduct separate or concurrent studies on any matter under study by the Commission.
 - (24) It may define and designate subtrunk and subdistricts within the watershed, and shall have authority to separate the watershed into different subtrunks and subdistricts, and to allocate capital improvement costs to a subtrunk or subdistrict area if that district is the only area that benefits from the capital improvement.
 - (25) It shall establish a procedure for establishing citizen or technical advisory committees and to provide other means for public participation.
- (b) Powers Reserved. The Board shall not have any of the powers identified in this paragraph. Expressly identifying specific powers reserved to the Members is not

intended to expand, by negative implication, the powers granted above to the Board.

- (1) Eminent Domain. The Commission does not have the power of eminent domain. Any easements or other interests in land necessary to be acquired for an Improvement Project shall be acquired as provided below.
- (2) Real Property. The Commission shall not own any interest in real property. All interests in lands shall be held in the name of the Member wherein said lands are located. This provision does not prohibit the Commission from acquiring a temporary interest in real estate as needed to conduct studies, undertake a project, or to otherwise carry out its duties.
- (3) Bonding. The Commission does not have the power to issue certificates, warrants, or bonds.
- (4) Special Assessments. The Commission shall not have the power to levy a special assessment upon any privately or publicly owned land. All such assessments shall be levied by the Member wherein said lands are located. It shall have the power to require any Member to contribute the costs allocated or assessed according to the other provisions of this Agreement.
- (5) Land Use Regulations. The Commission shall not have the authority to regulate the use and development of land under Minn. Stat. § 103B.211, subd. 1(a)(3).

4.2 Collection or Diversion of Waters. Each Member agrees that it will not directly or indirectly collect or divert any additional surface water to West Mississippi or its tributaries without a project review by the Commission in accordance with the Water Management Plan. A Member may proceed with the construction or reconstruction of improvements within the individual Members' boundaries, and at its sole cost, upon the Board finding:

- (a) That there is an adequate outlet;
- (b) The construction is in conformance with the overall plan; and
- (c) The construction will not adversely affect other Members of this Agreement.

4.3 Local Water Plans.

- (a) Development. Each Member agrees to develop and maintain a Local Water Plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the Watershed Management Plan. The development and implementation of Local Water Plans shall conform with all requirements of the Act, including Minn. Stat. § 103B.235 and Minn. R., part

8410.0160. In accordance with the Act, the Board shall approve or disapprove each local plan or any parts of each plan. The Members understand that the Watershed Management Plan, including the Commission's capital improvement program, must consist of local parts and therefore every effort shall be made by the Commission and all Members to coordinate local plans with the Watershed's overall plan, including planning for local plans at the same time the Watershed's overall plan is being developed.

- (b) Review. Each Member shall submit its proposed Local Water Plan to the Metropolitan Council and the Board for review as required by Minn. Stat. § 103B.235. The Board shall consider any comments on the Local Water Plan received from the Metropolitan Council and shall act on said plans in accordance with the Act.

- 4.4 Pollution Control and Water Quality. The Commission shall have the authority and responsibility to protect and improve water quality in the Watershed as this is one of the main purposes set forth in the Act. All Members agree that they will refuse to allow the drainage of sanitary sewage or industrial pollutants onto any land or into any watercourse or storm sewer draining into the Watershed. The Board may investigate on its own initiative, or request a Member to investigate, a complaint relating to pollution of surface water or groundwater draining into or affecting the Watershed. If the Board determines the Watershed is being polluted by an identifiable source, the Board may order the Member to abate this nuisance and each Member agrees that it will take all reasonable action available to it under the law to alleviate the pollution and to assist in protecting and improving the water quality of surface water and groundwater in the Watershed.
- 4.5 Boundary Changes. Any changes to the boundaries of the watershed shall be undertaken in accordance with Minn. Stat. § 103B.215.

SECTION V PROJECTS

- 5.1 Capital Projects and Non-Capital Projects. The Board may undertake, in conformity with this Agreement, Non-CIP Projects and CIP Projects. CIP Projects typically involve entering into a cooperative agreement with a Member, which has the Member assuming responsibility for letting the contract and overseeing construction of the project.
- 5.2 Process for Non-CIP Projects. The Board may initiate and undertake a Non-CIP Project upon a majority vote of all eligible Commissioners. If a Non-CIP Project is for a research project, feasibility study, or the like, the Board may proceed on its own. In such instances, the Commission may, with the approval of the Board, contract in its own name to complete such projects. If the Non-CIP Project is for implementation of a research project or study, a water quality project, maintenance, or the like, then the Board may only proceed in cooperation with the Member(s) where such projects will take place. In such instances, The Commission may contract in its own name to complete such projects

or enter into a cooperative agreement with a Member to have the Member undertake the project on its own or in cooperation with the Commission.

5.3 Process for CIP Projects. The process for undertaking a CIP Project is as follows.

- (a) Initiation. A CIP Project may be proposed by a Member or by the Board based on subwatershed assessments, lake/stream resource assessments, inspections, or a particular need or issue identified by a Member or the Board. A proposed project shall be submitted to the TAC and the Board to determine if there is sufficient support to proceed to a feasibility study.
- (b) Feasibility Study. If requested by the Board, the Commission Engineer, or other engineering firm, shall study the feasibility of a proposed CIP Project and report its findings to the TAC and the Board. The report shall include an opinion of probable cost and how the project would be funded. The Board shall consider the feasibility study and decide whether to proceed with the proposed project.
- (c) Plan Amendments. Proposed CIP Projects are amended into and made part of the Watershed Management Plan. The process the Commission must undertake to amend a CIP Project into the Watershed Management Plan depends on whether it constitutes a minor plan amendment or a major plan amendment as described below.
 - (1) Minor Plan Amendment. The addition of a proposed CIP Project to the Watershed Management Plan typically constitutes a minor plan amendment that can be accomplished following the process set out in the Watershed Management Plan and Minn. R., part 8410.0140, subpart 2. A public hearing is not required for a minor plan amendment.
 - (2) Major Plan Amendment. If a proposed amendment does not qualify as a minor amendment, the Commission must undertake the major plan amendment process to add the CIP project to the Watershed Management Plan. The major plan amendment process is set out in the amendment section of the Watershed Management Plan, Minn. Stat. § 103B.231, subd. 11, and Minn. R., part 8410.0140. The public hearing required under Minn. Stat. § 103B.231, subds. 11 & 7(c) for a major plan amendment may be held in conjunction with the public hearing required to request the County to levy funds for the project under Minn. Stat. § 103B.251, subds. 3 & 4, provided the requirements of both procedures can be satisfied at the single hearing.
- (d) Public Hearing. If the Board proposes to pay any portion of a CIP Project with funds to be raised through a County levy under Minn. Stat. § 103B.251, the Board must call and conduct a public hearing as provided in the statute and this paragraph. A public hearing is not required if the CIP Project is funded entirely from funds on hand, grants, or a combination thereof, and does not require the Board to certify any project costs to the County to be levied under Minn. Stat. §

103B.251. When a public hearing is required, it shall be conducted in accordance with the following.

- (1) Calling. The Board must act by motion or resolution to call a public hearing on the proposed CIP Project. The Board shall set the date, time, and place for the public hearing.
- (2) Notice. The Board shall provide notice of the public hearing in accordance with Minn. Stat. § 103B.251, subd. 3.
- (3) Conducting. The Board shall conduct the public hearing at the scheduled date, time, and place to hear from the public and to consider the proposed CIP Project. Prior to taking public comment, the Commission Engineer shall provide a brief overview of the proposed CIP Project, an estimate of project cost, and a description of how the project will be funded.
- (4) Board Decision. Once the public input portion of the public hearing is closed, the Board shall discuss and decide whether to approve the proposed CIP Project. The Board shall act by resolution to approve a CIP Project, which shall require a favorable vote by two-thirds of all eligible votes of the then existing Commissioners. The resolution shall, at minimum, order the project, identify the responsible engineer, identify the Member responsible for letting the contract and overseeing construction, set out the estimated cost and funding sources, authorize the Commission to enter into a cooperative agreement with the responsible Member, and certify a levy to the Hennepin County Auditor for the amount to be levied by the County for the project.

5.4 Responsible Member.

- (a) Member Projects. The Board shall work with Members to facilitate the completion of specific Non-CIP Projects and CIP Projects within their jurisdictional boundaries in accordance with the Watershed Management Plan. For any project that will be constructed by one or more Members and reimbursed by the Commission, to the extent authorized by the Board, the Member(s) responsible for implementing the project and the Board shall negotiate a cooperative agreement, in good faith, providing for terms and conditions related to the project and any such reimbursement. If any portion of the project is funded by a grant obtained by the Commission, the cooperative agreement shall include a subgrant agreement requiring the responsible Member to be responsible for complying with the applicable terms and conditions of the grant agreement. The terms of this paragraph shall also apply to any Commission project that may be constructed by any other entity, public or private, if construction by such entities is deemed appropriate by the Commission.

- (b) Commission Projects. The Commission, if approved by the Board, is authorized to undertake and contract for a CIP Project that is not required to be let by sealed bid under Minn. Stat. § 471.345. Such contracts shall be let in the Commission's name and must be in accordance with the Watershed Management Plan and all applicable laws and regulations related to public procurement and contracting. Approval of Commission contracts for CIP Projects shall require a favorable vote by two-thirds of all eligible votes of then existing Commissioners.

5.5 Contracts for Improvements.

- (a) Letting Contracts. All contracts for projects ordered by the Commission shall comply with the requirements of laws applicable to contracts let by the respective Member making such contract. The Commission shall not have the authority to contract in its own name for any work for which a special assessment will be levied against any private or public property under the provisions of Minn. Stat., chap. 429 or any city charter, and such contracts shall be awarded by action of the City Council of a Member and shall be in the name of said Member. This subsection shall not preclude the Commission from proceeding under Minn. Stat. § 103B.251 or from otherwise proceeding under this Agreement for projects that will not be specially assessed under Minn. Stat., chap. 429.
- (b) Contract Administration. All improvement contracts will be duly supervised by the Member awarding the contract, provided, however, that the Commission shall be authorized to observe and review the work in progress and the Members agree to cooperate with the Commission staff in accomplishing the purposes of this Commission. Representatives of the Commission shall also have the right to enter upon the place or places where any improvement work is in progress for the purpose of making reasonable tests and inspections. Commission staff shall report, advise, and recommend to the Board on the progress of said work.

5.6 Land Acquisition. Because the Commission does not have the power to acquire real property, the Members agree that any and all permanent easements or interests in land which are necessary for any project will be negotiated or condemned in accordance with all applicable laws by the Member wherein said lands are located, and each Member agrees to attempt to acquire the necessary easements or interests in such land upon order of the Commission to accomplish the purposes of this Agreement. All reasonable costs of said acquisition shall be considered as a cost of the respective improvement. If a Member determines it is in the best interests of that Member to acquire additional lands in conjunction with the taking of lands for the Commission-ordered improvement, or for some other purpose, the costs of said acquisition will not be included in the improvement costs of the ordered project. The Board in determining the allocation of the improvement costs may take into consideration the land use for which said additional lands are being acquired and may credit the acquiring Member for said land acquisition to the extent that it benefits the other Members of this Agreement. Any credits may be applied to the cost allocation of the improvement project under construction or the Board, if feasible and necessary, may defer said credits to a future project.

5.7 CIP Project Funding.

- (a) Member Contributions. The Member responsible for constructing a CIP Project, together with any other identified benefiting Members, shall contribute toward the project such amounts as identified in the Board's resolution ordering the project and in accordance with the terms of the cooperative agreement entered into for the project.
- (b) Commission Contributions. The Commission shall contribute toward the project such amounts as identified in the Board's resolution ordering the project and in accordance with the terms of the cooperative agreement entered into for the project. The contribution from the Commission may include grant funds it has received for the project. In such cases, the Board and the responsible Members enter into a subgrant agreement, which may be part of the cooperative agreement, setting out the obligations of the Member to ensure compliance with the grant requirements. The Commission's contribution is in addition to any amounts contributed by Members or other private or public entities. If the Commission's contribution is dependent on an amount to be levied by the County, the contribution is contingent on the Commission receiving such amount from the County.
- (c) Maintenance Levy. The Commission may establish a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by Hennepin County. As provided in Minn. Stat. § 103B.251, subd. 9, the Board may impose, with the County's consent, an ad valorem levy on all property located within the territory of the Watershed or a subwatershed unit. The levy shall be certified, levied, collected, and distributed as provided in Minn. Stat. §§ 103D.915 and 103D.921, as amended, and shall be in addition to any other money levied and distributed by the County to the Commission. Mailed notice of any hearing required under the aforementioned statutes shall be sent to the clerk of each Member municipality at least 30 days prior to the hearing. The proceeds of said maintenance levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

5.8 Cost Allocation for CIP Projects. All capital costs incurred by the Commission shall be apportioned to the respective Members on any of the following bases.

- (a) County Levy. If the project is constructed and financed pursuant to Minn. Stat. § 103B.251, the Members understand and agree that said costs will be levied on all taxable property in the Watershed as set forth in said statute.
- (b) Negotiated Amount. A negotiated amount to be arrived at by the Members who have lands in the subdistrict responsible for the capital improvement.
- (c) Tax Capacity and/or Total Area.

- (1) Fifty percent of all capital costs or the financing thereof shall be apportioned to each Member on the basis of the net tax capacity of each Member within the boundaries of the Watershed each year to the total net tax capacity in the Watershed.
- (2) Fifty percent of all capital costs or the financing thereof shall be apportioned to each Member on the basis of the total area of each Member within the boundaries of the Watershed each year to the total area in the Watershed.
- (3) Capital costs allocated under the 50% area/50% net tax capacity formula set forth above may be varied by a two-thirds vote of the Commission if:
 - (i) any Member community receives a direct benefit from the capital improvement which benefit can be defined as a lateral as well as a trunk benefit, or
 - (ii) the capital improvement provides a direct benefit to one or more Members which benefit is so disproportionate as to require in a sense of fairness a modification in the 50/50 formula.
- (4) Any credits to due a Member for lands acquired by said Member to pond or store storm and surface water as provided herein shall be allowed against costs due under this section.

5.9 Emergency Projects. The Commission may perform emergency projects in accordance with Minn. Stat. § 103B.252.

SECTION VI FINANCES

6.1 Generally.

- (a) Authority. The Commission funds may be expended by the Board in accordance with this Agreement and in accordance with the procedures as established by law and in the manner as may be determined by the Board.
- (b) Funds. The Commission shall have a general fund and may establish such other funds and accounts as it may determine are needed. The Commission has established a Capital Improvement Program Closed Project Account into which any levied funds remaining after the completion of a CIP Project are placed. Funds in the CIP Closed Project Account shall only be expended in accordance with a policy adopted by the Board for an authorized purpose.

- (c) Disbursements. In no event shall there be a disbursement of Commission funds without the signature of at least two Board officers, one of whom shall be the Treasurer or the Treasurer's authorized deputy.
- (d) Treasurer Bond. The Treasurer shall be required to file with the Secretary of the Board a bond in the sum of at least \$10,000 or such higher amount as shall be determined by the Board. The Commission shall pay the premium on said bond.
- (e) Depository. The Board shall designate one or more national or state bank or trust companies, authorized by Minn. Stat., chaps. 118A and 427, or such other law as may apply, to receive deposits of public moneys and to act as depositories for the Commission funds.

6.2 Commission's General Fund. The Commission's general fund is funded by an annual contribution from each Member and is used to pay for general administration purposes including, but not limited to, salaries, rent, supplies, development of the Watershed Management Plan, engineering and legal expenses, insurance, and bonds, and to purchase and maintain any personal property deemed necessary by the Commission in furtherance of its purposes and powers as articulated in this Agreement. Said funds may also be used for normal maintenance of any facilities, but any extraordinary maintenance or repair expense shall be treated as an improvement cost and processed in accordance with the provisions for CIP Project funding under this Agreement. The annual contribution by each Member shall be based fifty percent (50%) on the net tax capacity of all property within the Watershed and fifty percent (50%) on the basis of the total area of each Member within the boundaries of the Watershed each year to the total area in the Watershed.

6.3 Operating Budget. The Board shall annually prepare, adopt, and submit an annual operating budget as provided in this section.

- (a) Adoption. On or before July 1 of each year, the Board shall adopt a detailed budget for the ensuing year and decide upon the total amount necessary for the Commission's general fund. Budget approval shall require a favorable vote by a majority of all eligible votes of the then existing Commissioners.
- (b) Budget Cap. The total operating budget amount, excluding any grants, in a year shall not exceed the budget cap established as part of the prior joint powers agreement and that has been adjusted each year based on the consumer price index. The original budget cap was established in 2004 at \$262,750 and has been modified each year since based, pro rata, on the annual change in the consumer price index (U.S. City Average, All Items, All Urban Consumer) to the end of the second quarter of the preceding year. In 2024, the budget cap was \$446,740. The budget cap shall continue to be calculated each year by the Administrator and the operating budget prepared by the Commission for a year shall not exceed the budget cap calculated for that year. The only way the Commission's operating budget may exceed the budget cap is if a majority of all the Members expressly

consent to the proposed operating budget exceeding the cap. If a proposed operating budget that exceeds the budget cap is not consented to by a majority of Members, the Commission must adjust its final operating budget so it does not exceed the budget cap.

- (c) Funding. The Commission's annual operating budget is funded by an annual assessment placed on the Members, subject to certain caps, as provided herein.
- (d) Caps on Member Assessments. The amount annually assessed each Member to fund the operating budget shall not exceed the following caps, unless authorized as provided herein.
 - (1) Percentage Cap. The amount to be assessed Members under the proposed budget shall not exceed 120% of the amount assessed Members under the previous year's budget, unless the City Council of each Member adopts a resolution approving the increase.
 - (2) Tax Capacity Cap. The amount of a Member's annual contribution to the operating budget shall not exceed one-half of one percent of the net tax capacity of the Member's total area located within the Watershed.
- (e) Budget Certified to Members. On or before July 1st, the Secretary or the Commission Administrator shall certify the operating budget to the clerk of each Member, together with a statement of the proportion of the budget to be assessed and paid by each Member. If the proposed operating budget results in any of the caps established herein being exceeded, the budget sent to the Members for review must be accompanied by a letter clearly notifying the Members of the cap being exceeded, the reasons for the proposed exceedance, and the Member approval required to approve the proposed budget. If the approvals required herein to exceed the cap are not obtained, the total budget or assessment amount shall not exceed the capped amount.
- (f) Member Review. The City Council of each Member agrees to review the proposed budget provided by the Commission. If any Member has any objections, they must submit them in writing to the Board prior to August 1. Upon the receipt of any such written objections, the Board shall set a date to hear the Member's objections and shall provide all Members notice of the hearing and a copy of the written objections. After hearing the objections, the Board may modify, amend, or affirm the proposed budget by majority of all eligible votes of the then existing Commissioners.
- (g) Finalized. The proposed operating budget shall be considered final if no Member files an objection by August 1st. If a timely objection is received, the Board shall act to finalize the operating budget after conducting a hearing on the objections. The Board shall provide a copy of the final operating budget to each Member. If

there are objections, the Board shall include its findings and decision regarding such objections with the final operating budget.

6.4 Supplemental Budget.

- (a) Insufficient Funds. If the Board determines it will not have sufficient funds in the Commission's general fund to pay its obligations or to otherwise fund Commission operations in the present year, the Board may adopt a supplemental budget to raise additional funds as provided herein.
- (b) Public Hearing. The Board shall call a public hearing on the proposed supplemental budget and provide at least 10 days' written notice of the hearing, together with a copy of the proposed supplemental budget, to each Member.
- (c) Adoption. After conducting the public hearing, the Board may adopt the supplemental budget by a favorable vote of a majority of all eligible votes of the then existing Commissioners. The Board shall notify each Member of the adopted supplemental budget and the amount of additional assessment to be paid by each Member.
- (d) Cap. In no case may a supplemental budget cause the total operating budget to exceed either cap established in the "Caps on Member Assessments" paragraph above. The total operating budget shall not exceed the budget cap identified above unless it is approved by a majority of all the Members.
- (e) Additional Assessment. Members agree to pay their additional assessment to the Commission within 60 days of adoption of the supplemental budget.

6.5 Default. Any Member who is more than 60 days in default in contributing its share to the operating budget or to a CIP Project shall have the vote of its Commissioner suspended pending the payment of its proportionate share. Any Commissioner whose vote is under suspension shall not be considered for the purposes of determining a quorum or for determining the sufficiency of a vote.

SECTION VII TERMINATION AND DISSOLUTION

- 7.1 Termination. This Agreement may be terminated prior to January 1, 2045 by the unanimous consent of the Members. If the Agreement is to be terminated, a notice of the intent to dissolve the Commission shall be sent to the Board of Water and Soil Resources and to Hennepin County at least 90 days prior to the date of dissolution.
- 7.2 Dissolution. In addition to the manner provided herein for terminating this Agreement, any Member may petition the Board to dissolve the Agreement. Upon 90 days notice in writing to the clerk of each Member governmental unit and to the Board of Water and Soil Resources and to Hennepin County, the Board shall hold a hearing and upon a

favorable vote by a majority of all eligible votes of then existing Commissioners, the Board may by Resolution recommend that the Commission be dissolved. Said Resolution shall be submitted to each Member governmental unit and if ratified by three-fourths of the City Councils of all eligible Members within 60 days, said Board shall dissolve the Commission allowing a reasonable time to complete work in progress and to dispose of personal property owned by the Commission.

- 7.3 Distribution of Assets. If this Agreement is terminated and not replaced with a new agreement providing for the continued operation of the Commission, or if the Commission is dissolved, all property of the Commission shall be sold and the proceeds thereof, together with monies on hand, shall be distributed to the eligible Members of the Commission. Such distribution of Commission assets shall be made in proportion to the total contribution to the Commission as required by the last annual budget.

SECTION VIII MISCELLANEOUS PROVISIONS

- 8.1 Term. This Agreement shall be effective as of January 1, 2025 and shall remain in effect until January 1, 2045, unless terminated earlier as provided herein. The Members may agree to continue this Agreement as the preferred method for addressing their obligation to address surface water issues under law.
- 8.2 Mediation. The Members agree that any controversy that cannot be resolved between Members shall be submitted to mediation. Mediation shall be conducted by a mutually agreeable process by all Members. If the Members are not able to mutually agree on a mediator, the party and the Board shall each select a mediator and the two mediators shall select a third. Each party to the mediation shall be responsible for the cost of the mediator it selected and shall share equally in the costs of the mediation and of the third mediator.
- 8.3 Data Practices. The Commission shall comply with the requirements of Minnesota Statutes, chapter 13, the Minnesota Government Data Practices Act (“Act”). Any entity with which the Commission contracts is required to comply with the Act as provided in Minn. Stat. § 13.05. The contractor shall be required to notify the Board if it receives a data request and to work with the Commission to respond to it.
- 8.4 Amendments. The Board may recommend changes and amendments to this Agreement to the governing bodies of the Members. Amendments shall be adopted by all governing bodies of the Members. Adopted amendments shall be evidenced by appropriate resolutions or certified copies of meeting minutes of the governing bodies of each party filed with the Board and shall, if no effective date is contained in the amendment, become effective as of the date all such filings have been completed.
- 8.5 Waiver. The delay or failure of any party of this Agreement at any time to require performance or compliance by any other party of any of its obligations under this

Agreement shall in no way be deemed a waiver of those rights to require such performance or compliance.

- 8.6 Headings and Captions. The headings and captions of these paragraphs and sections of this Agreement are included for convenience or reference only and shall not constitute a part hereof.
- 8.7 Entire Agreement. This Agreement, including the recitals and the official boundary map (which are incorporated in and made part of this Agreement), contains the entire understanding among the Members concerning the subject matter hereof. This Agreement supersedes and replaces the prior joint powers agreement among the Members regarding the Commission and such prior agreement is hereby terminated. Any outstanding obligations of the Members under the prior agreement are not affected by the termination and shall be continued under this Agreement.
- 8.8 Examination of Books. Pursuant to Minn. Stat. § 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices of the Board are subject to examination by the State.
- 8.9 Governing Law. The respective rights, obligations, and remedies of the Members under this Agreement and the interpretation thereof shall be governed by the laws of the State of Minnesota which pertain to agreements made and to be performed in the State of Minnesota.
- 8.10 Counterparts. This Agreement shall be executed in several counterparts and all so executed shall constitute one Agreement, binding on all of the Members hereto. Each party to the agreement shall receive a fully executed copy of the entire document following adoption by all Members.
- 8.11 Enforcement. Members agree to be bound by the determination of the Commission and to agree to use their best efforts to carry out directives from the Commission; failure to respond may result in a legal action by the Commission to require the Member to act under a court order.
- 8.12 Notice. To the extent this Agreement requires a notice to be mailed to a Member, the notice requirement may be satisfied by the Commission emailing the notice to its primary contact for the Member.
- 8.13 Statutory References. All references to statutes in this Agreement include any amendments made thereto and any successor provisions.

IN WITNESS WHEREOF, the Members have entered into this Agreement by action of their respective governing bodies effective as of January 1, 2025.

CITY OF BROOKLYN CENTER

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

Shingle Creek and West Mississippi Watershed Commissions



www.shinglecreek.org

What do the Watershed Commissions do?

We partner with cities, property owners, and others to protect and improve lakes, streams, and wetlands. The Watershed Commissions:

- Monitor water quality in lakes and streams
- Set policy and standards
- Support cities with their NPDES permits
- Provide education and outreach programming
- Complete feasibility studies for potential projects
- Collaboratively implement water quality and flood mitigation projects
- Leverage grant funding and partnerships to move projects forward

We are governed by citizen boards and advised by a technical advisory committee of key city staff.

What is the history of the Commissions?

The Commissions' roots go back to the early 1970s, when seven cities jointly funded the Shingle Creek Basin Management Study. The cities saw an opportunity in jointly managing the watersheds through common standards, water quality monitoring, and evaluations of flooding potential. The Shingle Creek and West Mississippi Watershed Management Commissions (SCWM) were officially established in 1984 after the 1982 Surface Water Management Act required the Metro area be divided into drainage areas. These areas are under the planning and oversight of watershed management organizations (WMOs) based on drainage boundaries rather than county or municipal boundaries.

Shingle Creek and West Mississippi Watershed Member Cities

Brooklyn Center (SC and WM)
Brooklyn Park (SC and WM)
Crystal (SC only)
Champlin (WM only)
Maple Grove (SC and WM)
Minneapolis (SC only)
New Hope (SC only)
Osseo (SC and WM)
Plymouth (SC only)
Robbinsdale (SC only)

Minnesota Statutes allowed cities to form either a watershed district or a joint powers commission. The cities did not wish to create "another layer of government," or more importantly, another taxing body. The joint powers type of organization was selected because cities believed it provided the best balance of watershed wide policies and strategies while retaining flexibility and local input at the lowest cost.

Why are Shingle Creek and West Mississippi separate WMOs?

At the time the WMOs were established, the landscape in the two watersheds was very different. There are 16 lakes and several streams in Shingle Creek, and the land was more developed. The water resources in West Mississippi were primarily wetlands, and there were still agricultural lands. The cities decided to establish separate watershed entities, but over time with development they have become more alike. Currently they operate as "sister" organizations, planning and operating jointly but maintaining their distinct identities.

Read more about our accomplishments! →

Water quality in the lakes has improved!

When evaluated in the early 2000s, 13 of the 16 lakes in the watershed did not meet state water quality standards for nutrients and were listed as “Impaired Waters,” with poor water clarity, excessive algae blooms, and degraded aquatic ecosystems. The Commission and cities implemented plans of action and five of those lakes now meet standards and have been “delisted.” Several other lakes are currently under active management and improving.

Water quality in the streams has gotten better...to a point.

Long-term monitoring shows nutrients and sediment are improving in Shingle and Bass Creeks, from a combination of stream stabilization and other projects, better erosion control and enhanced street sweeping. Unfortunately, chloride concentrations from road salt remain stubbornly high.

We’re partnering with other WMOs to expand our reach and resources.

The West Metro Water Alliance (WMWA) is a partnership between SCWM and Elm Creek and Bassett Creek WMOs. WMWA pools resources to offer education and outreach throughout the four watersheds. A notable program is Watershed PREP that provides classroom instruction to fourth graders. *Over 22,000 students have participated.*

This education partnership was recently expanded to include Hennepin County and the Richfield-Bloomington WMO, who help fund a shared education coordinator dedicated to developing and delivering common messaging and coordination.

More information can be found on the Commissions’ website
www.shinglecreek.org.

STATUS OF LAKES

Meet Standards:

- Schmidt
- Lower Twin
- Ryan
- Bass
- Pomerleau

Current Projects:

- Meadow
- Crystal
- Eagle
- Pike

What are some of these projects?

Over the last 10 years, the Commission was awarded over \$3.5 million in grants for water quality improvement projects. The Commission provided over \$5 million in cost-share funds to help cities undertake nearly 30 projects, including the award-winning Becker Park Infiltration Project in Crystal; channel stabilization projects on Shingle Creek and Bass Creek; alum treatments on Bass, Pomerleau, Crystal and Meadow Lakes; carp management on Crystal and Twin Lakes; and a drawdown of Meadow Lake.

What’s coming up?

Some exciting city/watershed actions planned or underway are:

- Phosphorus load reductions in Eagle and Pike Lakes in Maple Grove/Plymouth
- Continued invasive carp management in Crystal and Twin Lakes
- Additional Shingle Creek stream restoration projects in Brooklyn Park and Minneapolis
- Collaborative work toward Mississippi Riverbank restorations in Brooklyn Park
- Increased emphasis on reducing chloride and bacteria pollution in our waters
- An ongoing assessment of climate vulnerabilities and resiliency actions
- Enhanced outreach and engagement with our increasingly more diverse population

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Krystin Eldridge, Associate Planner

SUBJECT: Resolution Accepting Funding Award of the Hennepin County Transit-Oriented Communities Grant Application - Opportunity Site

Requested Council Action:

- Motion to approve a resolution approving Joint Powers Agreements for the continued operation of the Shingle Creek and West Mississippi Watershed Management Commissions.

Background:

This year, Hennepin County awarded \$2.2 million available for Transit-Oriented Communities (TOC). The City was awarded \$500,000 in June 2024.

The County's TOC program aims to create walkable, mixed-use, human-centered communities around high-quality transit service. TOC projects have specific design features to enhance the public realm, reduce parking, support pedestrian and bicycle connections, increase density, and preserve open space.

In 2023, the City received \$400,000 for the Opportunity Site (Phase 1) project through this program and has been awarded \$2 million from Metropolitan Council in November 2024. These funds support the development of public infrastructure on the site. Eligible uses include clearing and preparation of property for site improvements and infrastructure, public realm improvements, public amenities on private property, public plazas, and public infrastructure improvements (such as streets, sidewalks, lighting, landscaping, etc.).

Since 2019, City staff have been working with Alatus LLC on build out of Phase 1 of the Opportunity Site. The proposed 15-acre mixed use development is to include mixed income housing, and a conference center with associated service retail.

Phase 1 will also include the delivery of public infrastructure critical to the immediate, and long-term buildout of the broader 80-acre Opportunity Site. Phase 1 public infrastructure encompasses a new approximately 1800' multimodal roadway segment with quality streetscaping, connecting Shingle Creek Crossing to John Martin Drive, and a regional stormwater pond system to provide the required stormwater management for approximately 60% of the Opportunity Site, and the entirety of the Phase 1 development site.

Without these public infrastructure elements, the community-derived vision of both Phase 1 and the Opportunity Site becomes effectively infeasible.

Anticipated funding for Phase 1 includes a mix of private financing, TIF financing, a collection of grants from Hennepin County and the Metropolitan Council and pending request for a legislative bonding bill. In effort to secure project funding while reducing the fiscal burden to the City of Brooklyn Center, City staff and the Alatus development team regularly seek out eligible grant programs to support the Phase 1 development project and its public infrastructure.

The purpose of this action is to accept the \$500,000 awarded by the Hennepin County Transit-Oriented Communities Program and enter into a grant agreement expiring December 31, 2026.

Budget Issues:

No budget items to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain and enhance public places, Be an effective partner with other public entities

ATTACHMENTS:

Description	Upload Date	Type
Term Sheet	11/18/2024	Backup Material
Resolution	11/18/2024	Resolution Letter
Background Material	11/18/2024	Backup Material

HENNEPIN COUNTY
HOUSING AND REDEVELOPMENT AUTHORITY

August 19, 2024

Jesse Anderson
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Dear Mr. Anderson,

On June 11, 2024, Hennepin County Housing and Redevelopment Authority ("HCHRA") Resolution No. 24-HCHRA-0022 authorized Transit Oriented Communities (TOC) agreement PR00006318 with The City of Brooklyn Center, or affiliated entity, for the Opportunity Site Phase 1 Public Infrastructure project. The TOC funding will be provided in the form of a grant with the below terms and conditions.

The purpose of this letter is to affirm a commitment of funds contingent upon full compliance with the terms and conditions described below as determined by the HCHRA:

Purpose:	To catalyze transit-oriented development in Brooklyn Center through a grant that serves as much-needed gap financing while protecting the HCHRA from unduly enriching the project.
Grantee:	The City of Brooklyn Center, or affiliated entity
Project:	The Opportunity Site Phase 1 Public Infrastructure Project in Brooklyn Center, consisting of the development of a multimodal roadway and a semi-regional stormwater system that will support the 80-acre Brooklyn Center Opportunity Site. The fully built out Opportunity Site will include 770 housing units and 19,100 square feet of commercial space, with the expected creation of 114 jobs.
Use of Funds ("Eligible Activities"):	Hard costs related to the construction of the above-referenced project. Funds may only be used for eligible



HENNEPIN COUNTY

HOUSING AND REDEVELOPMENT AUTHORITY

activities that occur after June 11, 2024 and are available on a cost-incurred basis.

Soft costs (e.g., legal fees, project management fees, taxes, and holding costs) and impermanent items and improvements to the building are not eligible for reimbursement.

Grant Amount:	Not to Exceed (NTE) \$500,000
Term:	Eligible activities must be completed by December 31, 2026.
Availability of Funds:	Funds will be placed with the project title company at time of financial closing, only after a grant agreement has been fully executed. Funds are released on a cost-incurred reimbursement basis in accordance with a master disbursement agreement, and after receiving proper documentation.
Milestones:	The project must meet certain milestones to demonstrate progress and ensure full utilization of TOC funds within the grant term. If milestones are not met, the HCHRA may cease negotiations toward a grant agreement and withdraw this conditional commitment of funds. 1. Secure funding for Phase I public infrastructure by June 1, 2025, unless otherwise extended in writing by the HCHRA. 2. Begin construction on Phase I public infrastructure by October 1, 2025, unless otherwise extended in writing by the HCHRA.



HENNEPIN COUNTY

HOUSING AND REDEVELOPMENT AUTHORITY

Conditions prior
to Fund Disbursement:

Grantee shall:

- Provide final, city approved entitlement plans, specifications, and renderings once such plans have been approved by City. Project must be substantially similar to project described in application dated February 29, 2024, unless written approval for such change(s) are approved by HCHRA in writing.
- Final construction drawings, showing city approval.
- Execute a grant agreement for TOC funding and any other documents as required by HCHRA.
- Provide certificate of Liability Insurance with HCHRA as additional insured.
- Provide evidence of Builders Risk, Property, or Construction Insurance.
- Provide satisfactory evidence that the project complies with all applicable requirements with respect to zoning, building code, licensing/permitting, or other requirements necessary for the development.
- Submit all environmental reports related to the project, including but not limited to Phase I and Phase II environmental site assessments, response action plan (RAP), and pre-demolition inspections. Grantee shall provide HCHRA a No Association Determination (NAD) whenever any type of contamination is found.
- Furnish any additional due diligence items required by HCHRA.



HENNEPIN COUNTY
HOUSING AND REDEVELOPMENT AUTHORITY

Conditions during
Agreement Term:

Grantee shall:

- Beginning in August 2024, provide written quarterly reports (or sooner as requested by HCHRA) to HCHRA on the status of the project. These reports should include items such as timeline and other key documents that demonstrate the progress of the project and any material changes to the project prior to project commencement and during construction.
- Provide Affirmative Action and Non-Discrimination policies as applicable.
- Maintain all insurance coverages acceptable to the HCHRA.

Upon review of the terms, please provide written acknowledgement that the grantee accepts the terms, and we will proceed to provide you a list of due diligence items and a draft agreement.

Thank you for your efforts to create transit-oriented communities in Hennepin County. We look forward to partnering with you on the completion of this project!

Simran Aryal
Contract Administrator
612-348-4926
simran.aryal@hennepin.us

City of Brooklyn Center



Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-

RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR HENNEPIN COUNTY TRANSIT ORIENTED COMMUNITIES (TOC) GRANT PROGRAM AND AUTHORIZING ACCEPTANCE OF GRANT FUNDS

WHEREAS, the Hennepin County Transit Oriented Communities (TOC) program was created to finance walkable, mixed-use, human-centered neighborhoods around high-quality transit service; and

WHEREAS, the City of Brooklyn Center will submit an application to the TOC program to fund infrastructure improvements to Phase 1 of the 80 Opportunity Site, which is the most significant development opportunity within the City of Brooklyn Center; and

WHEREAS, Phase 1 will establish the preliminary, foundational transportation and stormwater infrastructure, and include an approximately 1800ft new multimodal roadway, referred to as the “Parkway”, which includes sidewalks, shared use trail, and boulevard; and

WHEREAS, Phase I public infrastructure is critical to anchor and support both immediate and future development. Due to a lack of and/or insufficient existing infrastructure, without Phase 1 infrastructure elements, the community-driven vision for the Opportunity Site becomes effectively infeasible.

WHEREAS, that, the City of Brooklyn Center, has established a TIF district to support Phase 1 redevelopment, and that the City has committed to being a fiscal partner and supporter of the Phase 1 redevelopment project.

WHEREAS, that the City of Brooklyn Center has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance, and replacement of the proposed project for its design life.

WHEREAS, that the City of Brooklyn Center has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest, or other unlawful or corrupt practice.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. Authorizes its City Manager to accept awarded funds on behalf of the City for the Hennepin County’s Transit Oriented Communities (TOC) program and to execute such agreements as may be necessary to implement the project on behalf of the City.

RESOLUTION NO. 2024-

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

Member Jerzak introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-32

RESOLUTION AUTHORIZING A HENNEPIN COUNTY TRANSIT ORIENTED COMMUNITIES (TOC) GRANT PROGRAM APPLICATION

WHEREAS, the Hennepin County Transit Oriented Communities (TOC) program was created to finance walkable, mixed-use, human-centered neighborhoods around high-quality transit service; and

WHEREAS, the City of Brooklyn Center will submit an application to the TOC program to fund infrastructure improvements to Phase 1 of the 80 Opportunity Site, which is the most significant development opportunity within the City of Brooklyn Center; and

WHEREAS, Phase 1 will establish the preliminary, foundational transportation and stormwater infrastructure, and include an approximately 1800ft new multimodal roadway, referred to as the "Parkway", which includes sidewalks, shared use trail, and boulevard; and

WHEREAS, Phase I public infrastructure is critical to anchor and support both immediate and future development. Due to a lack of and/or insufficient existing infrastructure, without Phase 1 infrastructure elements, the community-driven vision for the Opportunity Site becomes effectively infeasible.

WHEREAS, that, the City of Brooklyn Center, has established a TIF district to support Phase 1 redevelopment, and that the City has committed to being a fiscal partner and supporter of the Phase 1 redevelopment project.

WHEREAS, that the City of Brooklyn Center has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance, and replacement of the proposed project for its design life.

WHEREAS, that the City of Brooklyn Center has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest, or other unlawful or corrupt practice.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. That upon approval of its application by the County, the City of Brooklyn Center may enter into an agreement with Hennepin County for the above-referenced project, and that it will comply with all applicable laws and regulations as stated in all contract agreements, that the City of Brooklyn Center will repay the grant if milestones are not realized by the completion date identified in the Application.
2. Authorizes the City Manager to act as the legal sponsor for the project contained in the TOC Program Application to be submitted on February 29th, 2024, and that the City Manager is hereby authorized to apply to Hennepin County Economic Development for funding of this project on behalf of the City of Brooklyn Center, and is hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

RESOLUTION NO. 2024-32

February 26, 2024

Date

April Graves
Mayor

ATTEST:

Bauman Stein

City Clerk

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

Lawrence-Anderson

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

Butler, Jerzak, Kragness, Lawrence-Anderson, Graves

and the following voted against the same:

None

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Krystin Eldridge, Associate Planner

SUBJECT: Resolution Accepting Livable Communities Demonstration Account (LCDA) Funding Grant for CAPI

Requested Council Action:

- Motion to approve a resolution accepting Livable Communities Demonstration Account (LCDA) funding grant from Metropolitan Council.

Background:

On November 13, 2024, Met Council granted CAPI with \$1,750,000 and is expected for a Capital Campaign to expand their building to provide better services to their existing clientele.

The Metropolitan Council is the regional policy-making body, planning agency, and provider of essential services in the seven-county Twin Cities metro area. Through this work they'll generate economic growth, build stronger communities, enable land use and development. This funding from Metropolitan Council is allocated each year and funding is highly competitive for real estate development. Metropolitan Council's Livable Communities Grants offers grant programs.

- The **Livable Communities Demonstration Account (LCDA)** supports development and redevelopment projects that link housing, jobs and services and use community and regional infrastructure efficiently.
- **LCDA – Transit Oriented Development (LCDA-TOD)** grants are focused on high density projects that contribute to a mix of uses in the TOD-eligible area. TOD-eligible areas can be along light rail, commuter rail, bus rapid transit, and high frequency bus corridors.
- **Pre-development grants** are for teams who are defining or redefining a project that will support Livable Communities and Thrive MSP 2040 goals.
- The **Policy Development program** provides funding to participating cities to support locally adopted policies that influence physical development and further both LCA and Thrive MSP 2040 goals with an emphasis on equitable development.
- The **Tax Base Revitalization Account (TBRA)** helps clean up contaminated land and buildings for subsequent development. These grants are intended to provide the greatest public benefit for the money spent, strengthen the local tax base, and create and preserve jobs and/or affordable housing. TBRA has three different funding opportunities: Contamination Cleanup, Site Investigation, and SEED.
- The **Local Housing Incentives Account (LHIA)** helps expand and preserve lifecycle and affordable housing, both rented and owned.
- The **LHIA Affordable Homeownership Pilot** will provide grants to support affordable

homeownership development, including acquisition and rehabilitation.

CAP I's seeks to expand the Immigrant Opportunity Center (IOC) to build wealth in BIPOC communities residing in Northwest Hennepin County. Key design features of CAP I's expansion include spaces for (1) technology and resource center; (2) new entrepreneur training, technical assistance, and financial services to develop and expand BIPOC-led small businesses in childcare, urban farming, and other sectors; (3) expanded public benefits eligibility screening, tax assistance, financial coaching, and homebuyer services; (4) outdoor play area, expanded parking, and unattached greenhouse surrounded by community garden plots, (5) community and training rooms, (6) work stations for 30+diverse staff including potential tenant/ training partners, (7) park-like setting with greater connections to the neighborhood and commercial corridor.

Met Council approved CAP I for a pre-development grant in the amount of \$296,000 on June 14, 2024. CAP I applied for \$2 million this round and was awarded \$1,750,000. They are expected to submit to Planning Commission early 2025.

Budget Issues:

No budget issues to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment, Be an effective partner with other public entities, Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Background Material	11/18/2024	Backup Material
Resolution	11/18/2024	Resolution Letter

Member Jerzak introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-078

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES
DEMONSTRATION ACCOUNT AND AUTHORIZING AN APPLICATION
FOR GRANT FUNDS FOR CAPI, LLC

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act (“LCA”) Local Housing Incentives Program for 2024 as determined by the Metropolitan Council, and is therefore eligible to apply for LCDA Livable Communities Demonstration Account; and

WHEREAS, the City has identified proposed projects within the City that meet LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council’s adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial and financial capability to adequately manage an LCDA grant and;

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for LCDA development or redevelopment elsewhere in the Region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS, the City acknowledges Met Council Livable Communities Demonstration Account grants are intended to fund development projects through the construction phase of a development.

WHEREAS, only a limited amount of grant funding is available through the Metropolitan Council’s Livable Communities Demonstration Account LCDA initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of grant funding.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. Finds that it is in the best interests of the City’s development goals and priorities for the following proposed LCDA projects to occur at this particular site at this particular time:

Immigrant Opportunity Center (IOC)- CAPI 5930 Brooklyn Boulevard

2. Finds that that LCDA Project component(s) for which Livable Communities LCDA is sought:
 - a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and
 - b. Will occur within the term of the grant award (three years for Development grants,) only if Livable Communities LCDA funding is made available for this project at this time.
3. Authorizes the City Manager to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds a for the project components identified in the application.

July 22, 2024

Date

Kris Lawrence-Anderson

Mayor Pro Tem

ATTEST:

Barbara Seiler

Assistant City Manager/City Clerk

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

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

Butler, Jerzak, Kragness and Lawrence-Anderson

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-

RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR LIVABLE COMMUNITIES ACT'S LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT DEVELOPMENT FUNDING AUTHORIZING ACCEPTANCE OF GRANT FUNDS FOR CAPI'S IMMIGRANT OPPORTUNITY CENTER

WHEREAS the City of Brooklyn Center, Minnesota was a participant in the Livable Communities Act's ("LCA") Local Housing Incentives Account Program for 2024 as determined by the Metropolitan Council, and was therefore eligible to apply for Livable Communities Demonstration Account ("LCDA") funds; and

WHEREAS the City has identified proposed projects within the City that meets LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS the City has supported grant applications, agreeing to act as legal sponsor for the project, recognized by resolution on July 22nd, 2024; and,

WHEREAS the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for development or redevelopment projects elsewhere in the region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS only a limited amount of grant funding is available through the Metropolitan Council's LCA initiatives during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of LCA grant funding; and

WHEREAS the City's supported project of CAPI'S Immigrant Opportunity Center development was awarded \$1,7500,000 in LCDA grant funds on November 13th, 2024; and

NOW THEREFORE BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City: Finds that it is in the best interests of the City's development goals and priorities for the proposed projects to occur at these particular sites and at this particular time:

1. Finds that the project components for which LCDA funding was awarded:

- a. Will not occur solely through private or other public investment within the reasonably foreseeable future; and
 - b. Will occur within the term of the grant award two years for Development grants) expiring December 31st, 2027.
2. Authorizes its City Manager to accept awarded funds on behalf of the City for the application for the 2024 funding cycle for Metropolitan Council Livable Communities Demonstration Account (LCDA) grant funds, for the project components identified in the applications, and to execute such agreements as may be necessary to implement the project on behalf of the City.

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Amy Loegering, Economic Development Coordinator

SUBJECT: Resolution Declaring November 30, 2024, as Small Business Saturday

Requested Council Action:

- Motion to approve a resolution declare November 30, 2024, as Small Business Saturday in the City of Brooklyn Center.

Background:

Hennepin County, with its partner cities, promote Small Business Saturday each year to raise awareness of the valuable role small businesses make to the economic vibrancy of our community. Brooklyn Center has participated in this initiative in 2023 for its first year.

Budget Issues:

None

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/14/2024	Cover Memo
Hennepin County Proclamation 2024	11/14/2024	Cover Memo
Background	11/14/2024	Cover Memo

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____
RESOLUTION DECLARING NOVEMBER 30, 2024
AS SMALL BUSINESS SATURDAY IN THE CITY OF BROOKLYN CENTER

WHEREAS, Hennepin County and Brooklyn Center celebrate our local small businesses and the contributions they make to the local economy and community; according to the United States Census, there are more than 39,200 small businesses with fewer than 100 employees in Hennepin County, representing over 96 percent of businesses in the county; and

WHEREAS, the Small Business Administration as well as advocacy groups and other public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

WHEREAS, Hennepin County has partnered with Brooklyn Center, several cities in the county and the Hennepin County Housing and Redevelopment Authority to support Small Business Saturday with the multijurisdictional Love Local campaign which encourages residents to support local, independently owned businesses that create jobs, boost the local economy, and make our communities vibrant and livable; and

WHEREAS, the quality and effectiveness of these facilities including their planning, design, construction, operation and maintenance are vitally dependent upon the efforts and skill of Public Works personnel.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, does hereby proclaim November 30, 2024, Small Business Saturday and urges those who live and work in our communities to support small businesses and merchants on Small Business Saturday and throughout the year.

Dated: _____

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

2024 Small Business Saturday Proclamation

Item description:

Recognition of local small businesses – offered by Commissioners

WHEREAS, Hennepin County celebrates our local small businesses and the contributions they make to the local economy and community; according to the United States Census, of the 40,630 businesses in the county, 39,200 are small businesses with fewer than 100 employees. That is more than 96 percent of businesses in the county; and

WHEREAS, the Small Business Administration as well as advocacy groups and other public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

WHEREAS, Hennepin County has partnered with several cities in the county and the Hennepin County Housing and Redevelopment Authority to support Small Business Saturday with the multijurisdictional Love Local campaign which encourages residents to support local, independently owned businesses and the business districts that create jobs, boost the local economy, and make our communities vibrant and livable; and

Resolution:

BE IT RESOLVED, the Hennepin County Board of Commissioners does hereby proclaim November 30, 2024, Small Business Saturday and urges those who live and work in our communities to support small businesses and merchants on Small Business Saturday and throughout the year.

Sources:

US Census [Hennepin County, Minnesota - Census Bureau Profile](#)

[Small Business Saturday \(sba.gov\)](https://www.sba.gov)

HENNEPIN COUNTY

MINNESOTA



Love Local communications toolkit

This toolkit is for cities in Hennepin County and other promotional partners to encourage businesses to participate in Love Local. Please copy, use, or repurpose this evergreen content in this document as needed in your efforts. Thank you for helping us spread the word about this campaign to highlight the vibrant small business community that makes our county so great.

For any questions about how to use this document, please contact Nick.Upton@Hennepin.us.

To reach program staff, please email Economic.Development@Hennepin.us.

Contents

Love Local communications toolkit.....	1
Key messaging	2
Ready-to-use collateral.....	3
Newsletter or website content.....	3



Social media messages	4
Sharing Opportunities.....	6

Key messaging

The Love Local campaign is all about celebrating and supporting local businesses by encouraging residents to shop locally and invest in their community. Small local businesses are the backbone of our economy and the heart of our communities. Showing them love, especially during the holiday shopping season, helps keep Hennepin County communities vibrant places for everyone to live, visit, shop, and do business.

Essential messages to convey:

- Shopping local retains economic power, jobs, and unique businesses in Hennepin County.
- Local businesses return a greater share of revenue earned back to their communities.
- Small Business Saturday is an ideal time to get acquainted or reacquainted with their neighborhood economy.
- Business districts are an essential hub for economic activity.
- The cities and counties invest in businesses and business districts alongside cities to maintain and elevate these economic hubs.
- Investments in local business districts include wayfinding for residents to navigate, people-centered infrastructure to promote walking and cycling, and connect these essential nodes to the wider public transportation network.
- This work dovetails with other programming that supports small businesses and commercial development projects.

Ready-to-use collateral

Use these graphics for ads, social media posts, on your websites, or in your newsletters!.

Everything for Love Local can be, [found on Dropbox here](#).

Newsletter or website copy

The following content can be used throughout November. Content may be modified at will. You may use the **logo or images** provided to augment text.

We 'Love Local' business

Here in [your city] we love our local businesses. So, when we have a chance to celebrate the incredible businesses and owners that make our community vibrant and interesting, we take it!

Small Business Saturday is November 30 this year, and it's the perfect time to visit your favorite local businesses and explore your local business districts.

This year, we're spreading the word with Hennepin County and our fellow cities to show our appreciation for all the local businesses through the Love Local initiative. Love Local highlights all the work we do to support our business community but also serves as a reminder of how much business owners do.

The entrepreneurs behind these businesses don't just provide unique products and services, but keep our economy growing, provide great jobs for our neighbors, and provide for our community.

Thank your neighborhood restaurant, your local boutique, or your favorite service provider this season by shopping, stopping, or just saying thank you!

As you do, don't forget to inspire your neighbors to do the same, tell them about your favorites or tag your visits with #LoveLocalHC.



Outreach to business community:

Pre-order your Love Local decal today!

Small Business Saturday is November 30. As the community celebrates local business, remind them you're a part of the community! Show your customers that you are a local business with a Love Local window cling, a visual symbol that indicates you are part of the community and invested in your neighborhood.

Reach out to [\[insert contact here\]](#) to get yours today!

Show your Local Pride!

This holiday shopping season, remind your community that you are locally owned and operated. Love Local, an initiative from [\[your city\]](#) and Hennepin County, has eye-catching window decals to show off your local pride. Connect with us today or fill out this form to get your own!

Social media messages

Below are messages tailored for your pages and a general resident/business partner audience. Feel free to use these posts verbatim or tailor to your specific audience and voice.

Accompanying imagery can be found here: [HERE](#)

Please also tag Hennepin County and Elevate Hennepin on the following social media channels. This makes it easier for Hennepin County to promote your posts and reshare your content.

Hennepin County:

- [Hennepin County | Facebook](#)
- [Hennepin County | Instagram](#)
- [Hennepin County | LinkedIn](#)

Elevate Hennepin Profiles:

- [Elevate Hennepin | Facebook](#)



- [Elevate Hennepin | Instagram](#)
- [Elevate Hennepin | LinkedIn](#)

Post 1

We love local! Get out and visit your favorite local businesses today. And don't be afraid to explore a new business or business district, you may just find some new favorites! 🛍️
#ShopSmall #LoveLocalHC

Post 2

November 30 is #SmallBusinessSaturday. Remember to shop small this Saturday and year-round. 🛍️

Small businesses are essential for creating vibrant, unique, inclusive places to live. Hennepin County small businesses: Thank you for your many contributions to our economy and communities!

#LoveLocalHC

Post 3

Celebrate #SmallBusinessSaturday by supporting your local business district today!

Shop, eat and enjoy your local small businesses that make [your city] so exceptional.
#LoveLocalHC #ShopSmall

Post 4

Small businesses are the backbone of our economy. They help create two out of every three new jobs and keep our dollars local! 🛍️ #LoveLocalHC



Sharing Opportunities

Please like and share messages posted on Elevate Hennepin and Hennepin County channels with your audience. Check back for more posts through the month of November month and be sure to follow our channels.

Hennepin County:

- [Hennepin County | Facebook](#)
- [Hennepin County | Twitter](#)
- [Hennepin County | Instagram](#)
- [Hennepin County | LinkedIn](#)

Elevate Hennepin Profiles:

- [Elevate Hennepin | Facebook](#)
- [Elevate Hennepin | Instagram](#)
- [Elevate Hennepin | LinkedIn](#)



Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Angela Holm

SUBJECT: Resolution Authorizing Amendment of the 2024 Centerbrook Golf Course Budget

Requested Council Action:

-Motion to approve a resolution authorizing an amendment to the 2024 Centerbrook Golf Course annual operating budget

Background:

City staff recommend approval of a resolution authorizing a budget amendment to the 2024 Centerbrook Golf Course annual operating budget for the purchase of two golf simulators.

Based on feedback from existing patrons of Centerbrook, affordable indoor golf services are highly desired. The addition of golf simulators to the existing facility will fulfill this desire by providing golf opportunities during the months of October - March, which are traditionally considered non-playable or reduced-playable days due to fluctuations in weather and reduced daylight hours. The simulators would not be in operation during the months of April - September.

Staff are requesting this budget revision and authorization to purchase the simulators now to take advantage of a 30% discount on the monitors. Normally the monitors cost \$8,000 each but would be discounted if purchased by November 29, 2024. A summary of the total cost difference is as follows:

	Current Cost	Discounted Cost
Monitor	\$ 8,000.00	\$ 5,600.00
Monitor	8,000.00	5,600.00
Projector	20,000.00	20,000.00
Projector	20,000.00	20,000.00
Installation	Included	Included
	<u>\$ 56,000.00</u>	<u>\$ 51,200.00</u>
	Cost Savings	\$ 4,800.00

Investment in the golf simulators aligns with staff's goal of making Centerbrook Golf Course profitable and returning to an Enterprise Fund status. Based on industry communications, similar set-ups with two simulators generate approximately \$68,000 in revenue each year. Staff also expect food and beverages will be available for purchase generating approximately \$20,000 in additional revenue. The combined revenue, along with other initiatives to bring in more golfers during summer hours, will further the goal of fiscal sustainability within the golf

operation.

Budget Issues:

Approval of this resolution would increase the expense budget for Centerbrook Golf Course by \$51,200. This will result in a revised budgeted net loss of \$147,126 increasing from a budgeted net loss of \$95,926. The actual net loss is projected to be less than budgeted at approximately \$24,000. This is an estimate based on current revenue and expense data. Final net income/(loss) amounts will not be known until after all year end calculations are completed sometime in March 2025. Increased revenues related to the use of the golf simulators is included in the proposed 2025 operating budget for Centerbrook Golf. Staff are not proposing a revision to budgeted revenues for 2024 at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain a strong financial position, Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
RESOLUTION - 2024 GOLF BUDGET REVISION	11/21/2024	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AN AMENDMENT TO THE
CENTERBROOK GOLF COURSE 2024 ANNUAL OPERATING BUDGET

WHEREAS, the City of Brooklyn Center owns and operates Centerbrook Golf Course, a public golf course; and

WHEREAS, the City Council passed the 2024 annual operating budget for Centerbrook Golf Course on Monday, December 18, 2023; and

WHEREAS, City staff have requested the proposed budget revision in the amount of \$51,200 for the purchase of equipment related to the installation and operation of golf simulators; and

WHEREAS, the City Council has determined that the proposed budget revision supports the continued operation of the golf course and aligns with the strategic initiative of achieving financial sustainability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the proposed budget revision to the 2024 operating budget of the City's public golf course, Centerbrook Golf Course, is approved.

November 25, 2024

Date

Mayor

ATTEST: _____

City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Garrett Flesland, Chief of Police

BY: Dr. Reggie Edwards, City Manager

SUBJECT: Police Department Update

Requested Council Action:

- *Motion to accept presentation.*

Background:

All city departments are providing regular updates to the City Council.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Improve community and employee safety, Provide quality services with fair and equitable treatment, Be an effective partner with other public entities, Improve employees' experience

Council Regular Meeting

DATE: 11/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Kory Andersen Wagner, Public Works Planner

SUBJECT: 2024 Park Capital Investment Plan – Update

Requested Council Action:

- Staff will present an update on the Park Capital Investment Plan and introduce the next phase of community engagement for the plan

Background:

The Park Capital Investment Plan process started in Spring 2024 and is anticipated to be completed in March 2025. The plan identifies park needs and community expectations for Brooklyn Center Parks. The city is working with SRF Consulting Group on the project.

As part of the process, we will share concepts online that are informed by community feedback. These concepts are exploratory in nature and not recommendations for full build-out, ensuring flexibility in addressing the community's evolving needs.

Next steps include posting the concepts online for public feedback, revising them based on input, developing cost estimates, prioritizing improvements, and preparing the final document. A final draft will be presented for review prior to adoption in March 2025.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain and enhance public places, Strengthen community and employee engagement in key decisions