Council Special Meeting
City Hall Council Chambers
November 13, 2018

AGENDA

1. Call to Order - 5:45 p.m.

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

2. Roll Call

3. Miscellaneous

4. 2018 Municipal General Election Results

- Motion to approve resolution regarding the canvass of the November 6, 2018 Municipal General Election

5. Adjourn

MEMORANDUM – COUNCIL SPECIAL MEETING

DATE: November 13, 2018

TO: Curt Boganey, City Manager

FROM: Barb Suciu, City Clerk

THROUGH: Dr. Reggie Edwards, Deputy City Manager

SUBJECT: Canvas of the Municipal General Election held on November 6, 2018

Recommendation:

- *Motion to approve the resolution regarding the canvass of the Municipal General Election held on November 6, 2018*

Background:

On November 6, 2018, the City of Brooklyn Center held their Municipal General Election for Mayor and two City Council seats. For the election, there were 6,916 voter that participated on Election Day and 2,652 voters that participated in the absentee voting process for a total of 9,568 voters. This is a 57 percent voter turnout.

A listing of the results are attached.

Budget Issues:

There are no budget issues to consider.

ATTACHMENTS:
Resolution
Results

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION REGARDING CANVASS OF NOVEMBER 6, 2018, MUNICIPAL GENERAL ELECTION

WHEREAS, the City Council has met for the purpose of canvassing the election returns of the Municipal General Election for the office of Mayor and Council Member.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that it is hereby determined by official canvass that Mike Elliott received the highest number of votes in the November 6, 2018, General Election and is declared to be the successful candidate for the office of Mayor of the City of Brooklyn Center.

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center that it is hereby determined by official canvass that Dan Ryan and April Graves received the highest number of votes in the November 6, 2018, General Election and are declared to be the successful candidates for the office of Council Member of the City of Brooklyn Center.

November 13, 2018 _____
Date Mayor

ATTEST: _____
City Clerk

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

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

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

State General Election November 6, 2018 Results	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precinct 7	Total
U.S. Senator								
REP Jim Newberger	320	205	371	390	433	300	208	**2227**
DFL Amy Klobuchar	1058	967	1214	1348	1391	906	758	**7642**
LMN Dennis Schuller	81	59	69	94	92	76	47	**518**
MNG Paula M Overby	27	18	16	24	29	16	12	**142**
write-in, if any	0	0	2	0	0	2	0	**4**
U.S. Senator - Special Election								
REP Karin Housley	364	248	445	450	520	323	226	**2576**
DFL Tina Smith	990	897	1115	1238	1277	847	728	**7092**
LMN Sarah Wellington	109	82	82	136	114	102	66	**691**
UNA Jerry Trooien	15	17	15	26	24	14	4	**115**
write-in, if any	1	1		1	1	2	1	**7**
U.S. Representative District 5								
REP Jennifer Zielinski	428	301	505	542	624	395	283	**3078**
DFL Ilhan Omar	1035	930	1125	1288	1279	883	726	**7266**
write-in, if any	3	4	3	5	2	2	44	**63**
State Representative District 40B								
REP Robert Marvin	369	265	462	483	522	353	244	**2698**
DFL Samantha Vang	1114	974	1197	1356	1408	935	773	**7757**
write-in, if any	5	6	2	4	1	3	3	**24**
Governor and Lieutenant Governor Minnesota								
REP Jeff Johnson and Donna Bergstrom	371	249	433	467	520	345	235	**2620**
DFL Tim Walz and Peggy Flanagan	1015	914	1129	1258	1289	845	729	**7179**
GLC Chris Wright and Judith Schwartzbacker	71	58	69	78	85	84	41	**486**
LIB Josh Welter and Mary O'Connor	20	18	21	41	32	20	11	**163**
write-in, if any	1	3	1	0	1	2	0	**8**
Secretary of State Minnesota								
REP John Howe	375	245	447	455	528	341	237	**2628**
DFL Steve Simon	1022	919	1108	1262	1269	865	716	**7161**
IND William Denney	61	52	78	9	101	67	55	**423**
write-in, if any	1	4	0	0	1	1	1	**8**
State Auditor Minnesota								
REP Pam Myhra	353	253	446	438	512	341	234	**2577**
DFL Julie Blaha	955	840	1048	1174	1168	785	678	**6648**
LMN Michael Ford	115	95	113	175	169	124	76	**867**
LBP Chris Dock	41	27	29	34	50	29	13	**223**
write-in, if any	1	1	1	2	2	0	1	**8**
Attorney General Minnesota								
REP Doug Wardlow	390	277	475	504	559	363	253	**2821**
DFL Keith Ellison	982	893	1075	211	123	812	706	**4802**
GLC Noah M. Johnson	97	69	101	125	140	117	52	**701**
write-in, if any	4	1	4	4	8	2	1	**24**
County Sheriff Hennepin								
Dave Hutch	662	496	721	803	782	535	435	**4434**
Rich Stanek	656	583	734	826	879	581	476	**4735**

State General Election November 6, 2018 Results	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precinct 7	Total
write-in, if any	12	14	8	12	12	7	6	**71**
County Attorney Hennepin								
Mark Haase	601	417	600	661	686	428	352	**3745**
Michael Freeman	692	655	811	994	918	648	537	**5255**
write-in, if any	11	6	7	6	11	7	5	**53**
Mayor City of Brooklyn Center								
Mike Elliott	733	630	925	908	881	688	488	**5253**
Tim Willson	623	516	624	773	837	461	463	**4297**
write-in, if any	11	6	1	13	9	10	3	**53**
Council Member City of Brooklyn Center								
April Graves	765	643	747	848	862	616	508	**4989**
Don Bumgarner	327	286	399	577	550	340	225	**2704**
Dan Ryan	738	561	804	897	980	520	539	**5039**
Alois Bilek	211	175	276	256	225	221	162	**1526**
write-in, if any	25	12	18	11	15	9	10	**100**
write-in, if any								
School Board Member ISD No. 281 (Robbinsdale)								
David Boone					93	402	205	**700**
Samir (Sam) Sant					77	366	167	**610**
Michael J. Herring					103	386	164	**653**
Pamela (Pam) Lindberg					164	650	279	**1093**
Michael Irving Greene					103	354	182	**639**
write-in, if any					0	10	9	**19**
write-in, if any								
write-in, if any								
write-in, if any								
School Board Member ISD No. 279 (Osseo Area Schools)								
David Dostal				322	259		66	**647**
Sizi G. Goyah				363	252		102	**717**
Kelsey Dawson Walton				370	281		127	**778**
Cindy Shevlin-Woodcock				324	388		119	**831**
Miamon Queeglay				252	211		63	**526**
Dan Hobot				244	286		88	**618**
Tanya Simons				422	383		112	**917**
Jessica Craig				407	382		122	**911**
Heidi R. Clayman				236	217		66	**519**
Brigitte Alexander				374	222		57	**653**
write-in, if any				13	15		3	**31**
write-in, if any								
Special ElectionSchool Board Member ISD No. 279 (Osseo Area Schools)								
Jackie Mosqueda-Jones				839	666		222	**1727**
James E. Bugett				470	495		144	**1109**
write-in, if any				9	11		2	**22**

State General Election November 6, 2018 Results	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precinct 7	Total
SCHOOL DISTRICT QUESTION 1 (ISD #281)								
YES					134	652	270	**1056**
NO					135	555	230	**920**
School Board Member ISD No. 286 (Brooklyn Center)								
Benjamin Wokonsommers	494	385	2	25				**906**
John W. Solomon	628	523	1	33				**1185**
Cheryl Jechorek	778	681	3	44				**1506**
write-in, if any	44	18	0	1				**63**
write-in, if any								
write-in, if any								
Chief Justice Supreme Court								
Lorie Skjerven Gildea	849	695	903	1058	938	682	598	**5723**
write-in, if any	25	29	28	31	26	9	19	**167**
Associate Justice 1 Supreme Court								
Barry Anderson	821	659	868	1009	881	634	574	**5446**
write-in, if any	24	27	24	30	23	13	17	**158**
Associate Justice 2								
Michelle MacDonald	488	418	548	681	616	411	385	**3547**
Margaret Chutich	550	420	575	642	607	429	328	**3551**
write-in, if any	11	11	14	11	8	3	9	**67**
Associate Justice 5 Supreme Court								
Anne McKeig	814	668	858	1001	887	632	573	**5433**
write-in, if any	21	28	27	30	21	10	11	**148**
Judge 2 Court of Appeals								
Anthony L. Brown	412	360	456	610	526	338	319	**3021**
Lucinda Ellen Jesson	628	465	643	685	662	471	379	**3933**
write-in, if any	**9**	9	9	8	10	3	6	**54**
Judge 4 Court of Appeals								
Tracy Smith	827	667	867	1005	887	628	583	**5464**
write-in, if any	**17**	19	25	31	21	9	13	**135**
Judge 6 Court of Appeals								
Renee L. Worke	815	648	849	987	870	621	565	**5355**
write-in, if any	**23**	24	30	29	20	12	15	**153**
Judge 7 Court of Appeals								
Jill Flaskamp Halbrooks	807	642	837	986	857	612	551	**5292**
write-in, if any	**19**	23	33	26	22	15	18	**156**
Judge 12 Court of Appeals								
Diane Bratvold	814	648	835	995	858	617	555	**5322**
write-in, if any	**18**	22	31	27	23	12	16	**149**
Judge 14 Court of Appeals								
James B. Florey	800	629	833	987	843	607	549	**5248**
write-in, if any	**23**	22	28	27	23	11	17	**151**

State General Election November 6, 2018 Results	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precinct 7	Total
Judge 2 4th District Court								
Francis Magill	793	629	837	971	845	606	548	**5229**
write-in, if any	**23**	30	26	31	23	10	16	**159**
Judge 3 4th District Court								
Thomas J. Conley	793	620	827	973	831	599	541	**5184**
write-in, if any	**26**	34	26	27	22	10	17	**162**
Judge 6 4th District Court								
David Piper	788	624	822	980	825	599	543	**5181**
write-in, if any	**26**	31	31	29	24	11	22	**174**
Judge 11 4th District Court								
Lisa K. Janzen	792	639	834	980	835	604	556	**5240**
write-in, if any	**19**	26	26	30	25	10	15	**151**
Judge 12 4th District Court								
Michael Burns	793	632	813	971	825	599	547	**5180**
write-in, if any	**22**	24	26	24	19	11	15	**141**
Judge 15 4th District Court								
Philip Carruthers	806	633	825	983	845	597	541	**5230**
write-in, if any	**21**	26	32	29	21	10	18	**157**
Judge 17 4th District Court								
Shereen Askalani	791	638	827	975	829	606	546	**5212**
write-in, if any	**24**	22	31	27	11	12	14	**141**
Judge 22 4th District Court								
Elizabeth V. Cutter	804	633	827	971	837	607	548	**5227**
write-in, if any	**19**	26	32	33	21	10	17	**158**
Judge 33 4th District Court								
M. Jacqueline Regis	799	640	817	967	830	599	548	**5200**
write-in, if any	**21**	24	35	29	20	11	14	**154**
Judge 40 4th District Court								
Jamie L. Anderson	799	640	814	969	828	600	543	**5193**
write-in, if any	**23**	22	29	27	19	12	14	**146**
Judge 44 4th District Court								
Lois R Conroy	791	636	831	972	836	604	542	**5212**
write-in, if any	**23**	28	27	28	22	12	15	**155**
Judge 46 4th District Court								
Mary R. Vasaly	800	632	826	980	841	604	553	**5236**
write-in, if any	19	27	30	26	20	11	13	**146**
Judge 48 4th District Court								
Mark Kappelhoff	792	622	825	973	820	598	547	**5177**
write-in, if any	21	28	26	27	23	11	18	**154**

State General Election November 6, 2018 Results	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precinct 7	Total
Judge 49 4th District Court								
Nelson L. Peralta	788	621	815	967	817	593	542	**5143**
write-in, if any	19	33	28	26	21	10	17	**154**
Judge 50 4th District Court								
Bruce A. Peterson	787	614	817	966	810	597	541	**5132**
write-in, if any	27	31	27	27	21	13	17	**163**
Judge 56 4th District Court								
Charlene Hatcher	787	633	821	961	831	606	543	**5182**
write-in, if any	21	23	24	32	20	10	17	**147**
Judge 58 4th District Court								
Christian Sande	789	631	822	972	824	601	538	**5177**
write-in, if any	20	24	26	25	19	10	18	**142**
Judge 59 4th District Court								
Patrick Robben	787	614	816	963	817	595	538	**5130**
write-in, if any	23	31	29	29	24	12	19	**167**

2018 General Election Turnout Results	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precinct 7	TOTAL
# of Persons Registered @ 7 a.m.	2202	1953	2440	2806	2886	1777	1504	**15,568**
# of New Registrations in Polling Place	154	164	160	149	200	164	108	**1,099**
# of Absentee New Registrations	10	22	14	20	13	14	6	**99**
# of Voter Receipts/Signatures	978	788	1131	1156	1244	941	678	**6,916**
# of Accepted Absentee Ballots including UOCAVA, FWAB, and SAH	371	314	401	580	524	210	252	**2,652**
Total # of Persons Voting in Precinct	1349	1102	1532	1736	1768	1151	930	**9,568**
% Registered Voters Voting	42%	37%	44%	39%	40%	48%	42%	**41%**
% Absentee of Total Voters Voting	16%	15%	15%	20%	17%	11%	16%	**16%**

CITY COUNCIL MEETING
City Hall Council Chambers
November 13, 2018

AGENDA

1. Informal Open Forum with City Council - 6:45 p.m.

Provides an opportunity for the public to address the Council on items which are not on the agenda. Open Forum will be limited to 15 minutes, it is not televised, and it may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Open Forum will not be used as a time for problem solving or reacting to the comments made but, rather, for hearing the citizen for informational purposes only.

2. Invocation - 7 p.m.

3. Call to Order Regular Business Meeting

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

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

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

- *October 15, 2018 - Joint Work Session with Financial Commission*
- *October 22, 2018 - Study Session*
- *October 22, 2018 - Regular Session*
- *October 29, 2018- Joint Work Session with Financial Commission*

b. Approval of Licenses

- Motion to approve the licenses as presented

c. Setting a Public Hearing on Proposed Utility Rates for 2019

-Motion to set public hearing for Monday, December 10, 2018 on proposed utility rates for 2019

d. Resolution Certifying Special Assessments for Emergency Private Utility Service Repairs to the Hennepin County Property Tax Rolls

- Motion to approve resolution assessing the attached list of properties for emergency private utility service repair costs

e. Resolution Setting 2019 Employer Benefits Contribution for Full-Time Non-Union Employees

- Motion to approve the resolution setting the 2019 employer benefits contribution for full-time non-union employees

f. Resolution Establishing Interest Rate for 2019 Special Assessments

- Motion to approve the resolution establishing interest rate for 2019 special assessments at 5.0 percent

g. Resolution Establishing 2019 Street and Storm Drainage Special Assessment Rates

- Motion to approve the resolution establishing the 2019 street and storm drainage special assessment rates for street and utility improvement projects

h. Resolution Accepting Feasibility Report, Declaring Costs to be Assessed and Calling for Improvement and Assessment Public Hearings for Improvement Project Nos. 2019-01, 02, 03 and 04, Interstate Area Street and Utility Improvements

- Motion to approve the resolution accepting a feasibility report, declaring costs to be assessed and calling for improvement and assessment public hearings for Improvement Project Nos. 2019-01, 02, 03 and 04, Interstate Area Street and Utility Improvements. If approved by the City Council, legal notice would be published and all property owners who could potentially be assessed for improvements would receive a Notice of Public Hearings via mail

i. Resolution Establishing Parking Restrictions for Segments on Camden Avenue from 66th Avenue to 1,330' South of 66th Avenue

- Motion to approve the resolution establishing no-parking restrictions along the west side of Camden Avenue from 66th Avenue to 1,330' south of 66th Avenue and the east side of Camden Avenue from 66th Avenue to 650' south of 66th Avenue

j. Resolution Approving Surface Water Management Plans Updates

- Motion to approve the resolution approving the Surface Water Management Plan updates

k. Resolution Approving the Labor Agreement for Law Enforcement Labor Services (LELS) Local 86 (Police Commanders and Sergeants) and the City of Brooklyn Center for the Calendar Years 2019 - 2021

- It is recommended that the City Council adopt the resolution approving the labor agreement between the City of Brooklyn Center and Law Enforcement Labor Services (LELS) Local 86 for the period January 1, 2019 – December 31, 2021.

l. Resolution Approving the Contract for International Union of Operating Engineers (IUOE) Local 49 (Public Works Maintenance) and the City of Brooklyn Center for the Calendar Years 2019-2021

- Motion to approve the resolution approving the contract between the City of Brooklyn Center and International Union of Operating Engineers Local

m. Resolution Relating to a Multifamily Rental Housing Facility and the Issuance of Conduit Housing Revenue Bonds under Minnesota Statutes, Chapter 462C, as Amended; Granting Preliminary Approval Thereto; Calling for a Public Hearing; Establishing Compliance with Certain Reimbursement Regulations Under the Internal Revenue Code of 1986, as Amended; and Taking Certain Other Actions with Respect Thereto (Unity Place Project)

- Motion to approve the resolution for a multifamily rental housing facility and the issuance of Conduit Housing Revenue Bonds under MN Statutes 462C, as Amended; Granting preliminary approval thereto; Calling for a public hearing; Establishing compliance with certain reimbursement regulations under the internal revenue code of 1986, as amended; and taking certain other actions with respect thereto (Unity Place Project)

n. Resolution Authorizing the Submission of an Livable Communities Act Transient-Oriented Development Zoning Implementation Grant Application to the Metropolitan Council

- Motion to approve a resolution authorizing the submission of a Livable Communities Act (LCA) Transit-Oriented Development (TOD) Zoning Implementation grant application to the Metropolitan Council

o. Resolution Declaring a Public Nuisance and Ordering the Abatement of Nuisance at 5603 James Ave N

- Motion to approve a resolution declaring a public nuisance and ordering the abatement of nuisance at 5603 James Avenue N

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

- Motion to approve the first reading of an ordinance authorizing amendments to Chapter 35 of the City Code of Ordinances regarding elementary and secondary school interim use in the City's Commercial and Central Commerce Overlay Districts, and call for a second reading and public hearing be set for the December 10, 2018, City Council meeting

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

a. An Amendment to City Ordinance 2018-14, Chapter 23, Tobacco and Tobacco Related Products

- Motion to open a public hearing and take public comment
- Motion to close the public hearing
- Motion to approve the second reading and adopt an ordinance amending City Ordinance 2018-14, Chapter 23, Tobacco and Tobacco Related Products

b. An Ordinance Amending Chapters 19 and 27 of the City Code Regarding Parking

- Motion to open a public hearing and take public comment
- Motion to close the public hearing
- Motion to approve the second reading and adopt an ordinance amending

Chapters 19 and 27 of the City Code regarding parking

9. Planning Commission Items

a. Resolution Approving Planning Commission Application No. 2018-018 for an Interim Use Permit for the Temporary Relocation of the Brooklyn Center STEAM High School (to be located at 5951 Earle Brown Drive)

- Motion to approve a resolution approving Planning Case 2018-018 for an Interim Use Permit to Brooklyn Center Community Schools at 5951 Earle Brown Drive, based on the submitted plans, the findings of fact, subject to the conditions in the resolution, and subject to the approval of certain Zoning Code amendments relating to temporary school uses.

b. A Resolution Approving Planning Commission Application No. 2018-017, for a Special Use Permit for Jambo Africa (Located at 1601 Freeway Boulevard)

- Motion to approve a resolution approving Planning Case 2018-017 for a Special Use Permit at 1601 Freeway Boulevard based on the submitting plans, findings of fact, and subject to the conditions in resolution.

10. Council Consideration Items

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

- Motion to approve the mitigation plan for a Type IV - 6 Month Rental License
for 6712 Beard Ave N

11. Council Report

12. Adjournment

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

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

- *October 15, 2018 - Joint Work Session with Financial Commission*
- *October 22, 2018 - Study Session*
- *October 22, 2018 - Regular Session*
- *October 29, 2018 - Joint Work Session with Financial Commission*

Background:

Strategic Priorities and Values:

Operational Excellence

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

JOINT WORK SESSION WITH FINANCIAL COMMISSION
OCTOBER 15, 2018
CITY HALL - COUNCIL CHAMBERS

I. CALL TO ORDER

The Brooklyn Center City Council met in Joint Work Session with the Financial Commission and the session was called to order by Mayor Tim Willson at 6:33 p.m.

Mayor Tim Willson and Councilmembers Marquita Butler (arrived at 6:35 p.m.), April Graves, and Dan Ryan. Councilmember Kris Lawrence Anderson was absent. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Community Development Director Meg Beekman, and Financial Commissioner Abate Terefe. Financial Commission Chair Teneshia Kragness and Commissioners Tia Hedenland and Dean Van Der Werf were absent.

II. APPROVAL OF AGENDA

Councilmember Ryan moved and Councilmember Graves seconded to approve the agenda.

Motion passed unanimously.

III. SPECIAL REVENUE FUNDS

City Manager Curt Boganey introduced Finance Director Nate Reinhardt to present this item.

a. HRA/EDA

Finance Director Nate Reinhardt provided a PowerPoint presentation summarizing the Special Revenue Funds, Internal Service Funds, and Debt Service Funds. He explained how the Special Revenue Funds HRA/EDA are funded, initiate programs, and facilitates redevelopment opportunities to promote public and private investment. Mr. Reinhart presented the EDA strategic priority of Targeted Redevelopment and five targeted areas (Opportunity Site Development, 57th and Logan Redevelopment, Brooklyn Boulevard corridor, former Jerry's Food site, and former Sear's site) within the Master Development Plan.

Mayor Willson stated yesterday, the news reported that Sear's is going to Chapter 11 Bankruptcy.

Mr. Reinhardt presented the EDA strategic priority of Resident Economic Stability through resident empowerment collaborative, entrepreneur support, job retention and expansion, and resident wealth creation and financial literacy.

b. Tax Increment Funds

Mr. Reinhardt explained that Tax Increments Financing (TIF) funds have the authority to collect tax increments for various redevelopment projects and for debt service payments of bonds issued for the same purpose. He then described TIF District #2 (Earle Brown) and TIF District #3 along with projected cash balances, budgeted revenues, budgeted expenses, and decertification dates for each.

Councilmember Ryan stated his interest in TIF District #3 with 15% funds being eligible for housing activities including the Move and Rebuild Program. He asked whether funds from other Districts are eligible for those purposes.

Community Development Director Meg Beekman explained that TIF District #6 was recently created and is eligible for those programs; however, 98.5% of that increment currently goes back to The Sanctuary so it will be several years before significant funds are available. She described other opportunities for creation and use of pooled funds for any number of eligible housing programs, including Move and Rebuild.

Mr. Boganey noted the Move and Rebuild Program purchased a significant number of houses along Brooklyn Boulevard and the future use of those properties may not be housing. Once sold, those dollars will replenish the TIF fund. He stated TIF District #3 is unique as it is the only Fund where a specific amount of the repayment must be committed to affordable housing. He asked whether TIF increments from other Districts can also be used for eligible affordable housing. Ms. Beekman answered in the affirmative and described funds that are restricted and unrestricted for housing projects, noting the need far exceeds available funds.

The City Council and staff discussed potential housing redevelopment sites, characteristics of Opportunity Zones, potential investor offers, and funding. It was noted that Hennepin County determines use of CDBG for public services and the allocation received by the City funds Code enforcement and the low-income housing grant program.

In response to Finance Commissioner Terefe, Ms. Beekman explained the Opportunity Zone designation is part of the federal tax bill, a federal program, and while it offers a menu of what it could be it does not yet provide details on implementation. The concept indicates no timeline at this point. Mr. Boganey described the Promise Zone program that was created several years ago.

Mr. Reinhardt continued presentation of TIF District #3; TIF District #4 (France Avenue Business Park); TIF District #5 (Shingle Creek Crossing); and, TIF District #6 (The Sanctuary) along with projected cash balances, budgeted revenues, budgeted expenses, and decertification dates for each.

c. CDBG Grant

Mr. Reinhardt stated Community Development Block Grant (CDBG) supports housing rehab, public service agency activities, City neighborhood stabilization, and Code enforcement initiatives. The City anticipates receiving CDBG grants funds of which $150,000 will be used to reimburse the City for Code enforcement related expenses.

The City Council and staff discussed use of CDBG funds for Code enforcement, noting that use started at the height of the recession to address distressed properties.

Councilmember Graves asked if there will be a point when the City's CDBG funds can be used for things other than Code enforcement. Mr. Boganey stated he supports housing rehabilitations, but the disadvantage of using CDBG funds for that purpose is it takes a lot of money and impacts fewer residents. Mayor Willson stated if $150,000 of CDBG funds are not used for Code enforcement, then the City Council will need to find another funding source for that activity, which totals about 1% of the taxes received. Mr. Boganey explained that unlike an entitlement community, the City only has the level of flexibility that Hennepin County allows.

Councilmember Graves stated her support to consider use of CDBG funds for preventative housing initiatives, especially considering the City Council's strategic goals. Mayor Willson stated then cuts may need to occur to staffing, and while he is not opposed to shifting dollars, it will take a lot of analysis. He stated he looks forward to hearing Councilmember Grave's suggestions that are tied to a funding stream. Councilmember Graves suggested City staff present their ideas for consideration by the City Council.

Councilmember Ryan stated early in his service, the City funded a study in cooperation with Brooklyn Park and it was determined maintenance of neighborhoods has positive impact on public safety, which is strong justification for the Code enforcement program however it is funded. He observed when a practice is not traditionally part of the small city's portfolio, Brooklyn Center should look at what Hennepin County is or isn't doing so there is not duplication of services. He stated he supports resident economic stability but his sense is to look for resources beyond Brooklyn Center and to serve as a conduit to connect residents to that outside resource.

Mayor Willson noted one of the Opportunity Site proposals was for townhomes with about $500,000 cash back. He asked whether those funds could be put into a revolving fund or fund initiatives mentioned by Councilmember Graves. Ms. Beekman stated those funds would be unrestricted and under purvue of the EDA. She described the City's program to provide low-interest loans; however, noted the City has expended this year's funds for that program.

Mr. Boganey agreed there would be more creative options available for those funds through the EDA. But with CDBG funds, the scope of use is limited (i.e., Code enforcement, 'bricks and mortar' projects) in application.

Finance Commissioner Terefe encouraged the City Council to consider new ideas and keep an open mind in how funds and resources can be re-allocated at a time in the future when those funds become available.

Mayor Willson commended Ms. Beekman for her understanding in how TIF funds operate.

d. Police Forfeitures

Mr. Reinhardt stated the Police Forfeitures account relates to alcohol or drug crimes. He advised of available fund balances and how the Police Department has budgeted to use those funds.

Councilmember Graves asked if they are civil forfeitures from convicted cases. Mayor Willson stated he was unsure but understands it has been affirmed the item forfeited was purchased with funds derived from drug sales. Councilmember Graves asked if the person is found not guilty, would those forfeitures be returned. She thought in most cases, the forfeitures were under $1,000 and she would be interested in seeing those details. Mr. Boganey stated he will look into this question and return with a response based on available data so the City Council knows what goes into the Forfeiture Fund.

Councilmember Graves asked if the City participates in the Equitable Sharing Fund with the federal government. Mr. Boganey stated he will find out. Councilmember Graves stated in the interest of transparency she would also like to know the racial demographics and if comparable to the City's population. She stated she supports using the forfeiture funds for body cameras but it is her preference to not use these funds to purchase a SWAT vehicle, noting some cities put those funds back into the General Fund. Mr. Reinhardt explained if an alcohol related forfeiture, then use is restricted to alcohol related crime expenses. If a drug related forfeiture, then use is restricted for law enforcement expenses.

e. City Grants

i. NW Cable Communications Grant

Mr. Reinhardt stated as of September 30, 2018, the Northwest Cable Communications Fund had a balance of $36,319 and the City receives approximately $40,000 per year in grant funding.

ii. Recreation Grants

Mr. Reinhardt stated the Recreational Grant Fund accounts for a combination of donations, registration fees, and designated reimbursements for specific activities of the Community Activities, Recreation & Services Department.

iii. Police Grants

Mr. Reinhardt stated the Police Grant Fund accounts for local, state or federal grants for police activities. He advised of anticipated 2019 activities and funding.

Councilmember Graves asked if the Police Department has a grant writer and why they receive so many more grants than the Community Activities, Recreation & Services Department. Mr. Boganey answered the Police Department does not have a grant writer, noting police grants may be more formula driven. He described the types of grants received by the Community Activities, Recreation & Services Department.

Councilmember Ryan stated in his National League of Cities meetings and other discussions he has learned there are a lot of grant programs for law enforcement. He agreed more could be invested in prevention; however, the assets are still needed.

Councilmember Graves stated she wished there was an opportunity to share some of the wealth with the Community Activities, Recreation & Services Department to write more compelling grants. Mayor Willson stated if the City Council wants someone more adept in grant writing,

perhaps that is a new staff position. Councilmember Graves stated she thinks there is probably a lot of grant potential based on the City's demographics.

Mr. Boganey explained that many times grants create a pilot program with one-time funding and cautioned about relying on grants for on-going services.

Councilmember Ryan stated with the blooming federal debt, there may not be as many grant programs offered so the City Council has to be judicious when thinking about increasing staff for the purpose of writing grants. He relayed comments from residents who are concerned with the City raising taxes.

Councilmember Graves agreed the City Council needs to be smart in its decision making but also needs to determine how to address what is going on in their own community.

IV. INTERNAL SERVICE FUNDS

Mr. Reinhardt stated the Internal Service Fund accounts for services provided to other departments of the City on a cost reimbursement basis.

a. Central Garage Fund

Mr. Reinhardt stated the Central Garage Fund provides centralized management of fuel, preventative maintenance, repairs and replacement of City vehicles and equipment. Funding is provided through charges to individual departments. He reviewed the 2019 funding allocation, operating revenues, and expenses.

V. DEBT SERVICE FUNDS

Mr. Reinhardt stated the Debt Service Fund is used to account for and report financial resources that are restricted, committed, or assigned to expenditures for principal, interest, and other charges related to long-term debt.

a. Improvement Bonds

Mr. Reinhardt stated General Obligation Improvement Bonds are established to accumulate the collection of special assessments levied on properties that benefited from improvements constructed with proceeds of this bond.

b. Tax Increment Bonds

Mr. Reinhardt stated General Obligation Tax Increment Bonds were established to account for the collection of tax increment generated revenues that are annually transferred from TIF funds.

Mr. Reinhart stated the City proposes a bond issue for infrastructure improvements identified in the Capital Improvement Program (CIP) for the Interstate Area (neighborhood reconstruction project) and Southeast Area mill and overlay. He presented revenue sources, estimated annual payments beginning in 2020, and estimated new Debt Service Levy of approximately $279,000

required for 2020.

c. Utility Revenue Bonds

Mr. Reinhardt stated Utility Revenue Bonds are repaid from utility user fees directly from their respective utility funds, not included as debt service funds.

Mayor Willson raised the need to improve the private road that serves the area of McDonalds. Mr. Boganey explained the City Attorney has been working with those property owners to determine if there is a mechanism whereby they can voluntarily agree to have their properties assessed for the cost of private road repairs. A majority of property owners would have to file a petition and the City would have to establish a district to facilitate a special assessment process. Since the project is too small for a bond issue, the City could fund the project with repayment through special assessments. Mr. Boganey stated the private street has to be constructed to Code regardless and the property owners can probably get the project done at a lower cost by hiring their own private contractor.

Ms. Beekman explained this process would also require application for a Land Alteration Permit. She stated the City has written correction orders to fill the potholes. Staff approached the property owners this past spring about the need for a final solution and the property owners agreed and recognize the minor fixes are not solving the problem. In addition, there is no drainage or connection to storm sewers so the road elevation also needs to be corrected.

A discussion was held regarding parcel ownership in that general area and condition of the private road owned by Cub Foods.

Mr. Reinhardt continued presentation of the Street Reconstruction Fund with anticipated debt issues from 2019 through 2030.

VI. FUTURE BUDGET DISCUSSIONS / CITY COUNCIL MEETINGS

Work Sessions

1) **Enterprise / Utilities Fund** **October 29, 2018**

City Council Meetings

1) **Public Hearing & Budget Adoption** **December 3, 2018**

Mayor Willson invited staff and Councilmembers to tour the newest Charter School on October 25, 2018, at 9 a.m. He also announced the Crime Prevention fund raiser.

With regard to drug forfeitures, Councilmember Graves stated even with restrictions, there may be ways those funds can be used outside of purchasing a SWAT vehicle, such as the DARE Program, safe treatment for substance abuse, or to track or improve the Juvenile Diversion Program to intervene with those at-risk youth.

Mr. Boganey agreed there are options for other use of those funds but they are currently used as recommended by the Police Department. He stated staff will provide a report on the North Star Program.

Mayor Willson recognized Communication Coordinator Angel Smith for scheduling the meeting with the Liberian journalist.

VII. ADJOURNMENT

Mr. Boganey stated following adjournment, Deputy City Manager Reggie Edwards will provide a City banner presentation.

Councilmember Graves moved and Councilmember Ryan seconded to adjourn the Work Session at 8:32 p.m.

Motion passed unanimously.

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

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

CALL TO ORDER

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

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler (arrived at 6:08 p.m.), April Graves (arrived at 6:03 p.m.), and Dan Ryan. Kris Lawrence-Anderson was absent. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, City Clerk Barb Suciu, Deputy Director of Building and Community Standards Jesse Anderson, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Hennepin County All-Hazard Mitigation Plan

Councilmember Ryan requested discussion on Consent Agenda Item 6d, Resolution Adopting the Hennepin County All-Hazard Mitigation Plan, in particular the spreadsheet of various costs associated with the mitigation and notation there was no budgetary implications. He asked whether those costs anticipated for the planning process for hazards and emergency planning would be undertaken with the anticipation that grant funding would cover those costs.

City Manager Curt Boganey stated the amendment on tonight's agenda does not commit the City to implementation or any costs. He explained the federal government requires those items to be identified in the plan to qualify for federal grants. If included in the plan, then the City is in a position to apply for grants, if appropriate.

Councilmember Graves arrived at 6:03 p.m.

Councilmember Ryan recalled that in the past, the Brooklyn Center Police Chief was responsible for emergency planning for the City and then subsequently, that responsibility was transferred to the Fire Chief. Mr. Boganey confirmed the Brooklyn Center Fire Chief is now the Emergency Manager for the City.

Ordinance Regarding Chickens

Mayor Willson requested discussion on Item 8a, An Ordinance Amending Chapters 1 and 19 of the City Code of Ordinances Regarding Chickens, in particular the backyard setbacks, noting

Section g3 details setbacks for the side and rear lots and principal building but then requires 30 feet from all adjacent properties.

Mr. Boganey noted with short lots, some residents could not raise chickens due to the 30-foot limitation.

Deputy Director of Building and Community Standards Jesse Anderson explained how the setbacks were measured, noting if the living space is 10 feet away from the property line, it would allow enough room.

The City Council and staff discussed setback scenarios.

Mayor Willson stated if people are raising chickens on either side, then a 50-foot lot owner in the middle would have no space to raise chickens themselves. Mr. Anderson explained how they could move it ten feet farther back where there would be space.

Mayor Willson stated he does not support that limitation considering the small lots some residents have in Brooklyn Center.

Councilmember Butler arrived at 6:08 p.m.

Mr. Boganey asked how staff arrived at the 30-foot setback requirement. Mr. Anderson explained it was taken from other city's ordinances. The Housing Commission did not specifically ask to include it so there is not strong support.

Correction to October 8, 2018, Regular Session Minutes
Councilmember Graves requested the following correction to the Regular Session minutes of October 8, 2018:

> Page 8, 5th Paragraph, first sentence
> "Councilmember Graves asked the reason why staff recommends the number…"
>
> Page 8, 6th Paragraph, second sentence, replace with
> "She found mitigation plans to be helpful at times."

Councilmember Graves referenced the first sentence of the sixth paragraph, noting it does not correctly reflect the intent of her comment. Mayor Willson stated the meeting minutes are not intended to be a verbatim transcript; however, the meetings are recorded so the comment can be checked and verified by staff.

Mr. Boganey recalled the intent was to capture Councilmember Grave's comment that she would not support an additional fee for the consultation with staff.

Councilmember Graves indicated she is not sure that is what she was talking about or responding to and does not remember the comment as reflected in the meeting minutes. She stated she is all right leaving that sentence as is and does not need to ask staff to review the meeting recording.

It was the majority consensus of the City Council to accept the correction to the October 8, 2018 Regular Session minutes.

Opportunity Site Proposals

Mr. Boganey apologized for not including the discussion of Eastbrook Estates development proposals on the Work Session agenda as had been requested. He stated there is not a lot of new information but it can still be added to tonight's Work Session agenda.

Mayor Willson stated he will take his prerogative as Mayor to add that topic to tonight's Work Session agenda.

MISCELLANEOUS

Mayor Willson stated he has no e-mails or text messages from Councilmember Lawrence-Anderson regarding her attendance at tonight's meetings. Mr. Boganey stated he did not notice anything earlier today but has not recently checked his e-mail messages.

Mr. Boganey announced the former Vice President of Liberia, who was instrumental in establishing Sister City relationships with the Cities of Brooklyn Park and Brooklyn Center, is currently in town. He invited the City Council to the former Vice President of Liberia's reception that will be held next Friday at the Earle Brown Center, starting at 5:30 p.m. with a program at 7 p.m. He asked the City Council to inform him if they are able to attend.

Mayor Willson confirmed his attendance. Councilmember Graves stated there is a strong possibility she can attend.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

CONSIDER AMENDING CHAPTER 12 OF THE CITY CODE ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE

City Manager Curt Boganey introduced Deputy Director of Building and Community Standards Jesse Anderson to present this item.

Deputy Director of Building and Community Standards Jesse Anderson presented the staff report, noting the City of Brooklyn Center has maintenance standards for all properties within the City, which are adopted as part of Chapter 12 of the City Code, Building Maintenance and occupancy Ordinance. The purpose of the ordinance is to regulate the maintenance of properties in the City in order to protect the public health, safety, and general welfare of the City's residents. He explained the International Property Maintenance Code (IPMC) is an international code that other cities have adopted for their maintenance standards.

Mr. Anderson reviewed the positive aspects of adopting the IPMC as it has been nationally recognized as a uniform standard, been court tested, is written to address most property types, there are ongoing updates as housing standards change, and the maintenance codes tie in with the

building and residential codes. He explained cities that have adopted the IPMC may adopt the regulations in their entirety or make amendments in order to address specific needs of the community.

Mr. Anderson stated after an in-depth review to determine how the IPMC compares with the City's current regulations and identify whether it would benefit Brooklyn Center, staff has determined the IPMC is a more thorough and detailed maintenance standard than existing regulations as it has specific maintenance standards addressed in each category.

Mr. Anderson reviewed proposed amendments to Chapter 12 of the City Code to remove duplicative definitions. He noted Chapters 12-301 through 12-805 would be replaced by the adoption of the IPMC with the exception of Chapters 12-314 Snow Removal; 12-709 Facilities to Function; 12-711 Yard Cover; and, 12-713 Waste Container Screening. He asked whether the City Council wanted to adopt the IPMC, sees benefit in having a uniform maintenance code, or would like to refer it to the Housing Commission for review and recommendation.

Councilmember Ryan asked whether the IPMC would require sprinkling (fire suppression) systems. Mr. Anderson explained it does not address new construction or require sprinklers but if the property already has sprinklers, it would require them to be maintained.

Councilmember Butler asked if the City Council will see all of the proposed changes prior to adoption. Mr. Anderson answered in the affirmative and stated the City Council will see the full ordinance that reflects the changes, specifically adopts every section, and includes all of the amendments. Councilmember Butler stated her support to refer this ordinance amendment to the Housing Commission so they can be part of it.

Councilmember Graves stated she noticed that Section 1 addressed enforcement and asked how it will affect current enforcement, whether it will it be accelerated or decreased, and how is it changing specifically. Mr. Anderson answered it will not affect enforcement as the language is similar to the current administrative process.

Mr. Boganey confirmed it was Mr. Anderson's opinion that the difference between the current ordinance and new ordinance is that the new language is more thorough. He asked for an example when comparing the language and who it benefits to have more thorough wording.

Mr. Anderson provided an example of the current Code language and how the IPMC language would be more descriptive and thorough, which makes enforcement more consistent with other cities, is a stronger ordinance in court, and benefits tenants as it is easier for Code Enforcement Officers to enforce.

Mr. Boganey asked if a more thorough and detailed definition and explanation will be beneficial to the property owner as well as inspectors because, as an example, there will be less argument about what 'good condition' means as inspectors may have different perspectives. Also, when an enforcement order is given to a property owner, it will be more specifically laid out and clear to the property owner what they have to do to gain compliance.

Mr. Anderson agreed and stated for management companies with properties in multiple cities, it will make the process more similar.

Mayor Willson stated in the past, the City Council had adopted something similar as an update to the City's Code and this appears to be another update that is prudent to consider as there are changes from time to time. He stated he firmly believes it should be studied by the Housing Commission.

The consensus of the City Council was reached to refer this matter to the Housing Commission for study and recommendation.

EASTBROOK ESTATES DEVELOPMENT PROPOSALS

Community Development Director Meg Beekman reviewed at the last Work Session, the City Council/EDA looked at Opportunity Site proposals from three developers. Since then, the City Council toured one of the facilities and Pulte Homes submitted a brief letter and photographs of their townhomes in an attempt to address questions raised by the City Council at the Work Session. She distributed photocopies for the City Council's review.

Ms. Beekman explained a representative from Pulte Homes was present at the last Work Session and the information provided tonight addresses questions raised by the City Council. She asked the City Council if they would like additional information or are they ready to make a decision.

Councilmember Graves stated she had asked about Centra and whether basements are constructed with some houses. Mr. Boganey stated Centra addressed that question and said they do have developments where some homes have basements and others do not. The determination of whether there is or is not a basement is a function of land elevations. There are some areas where basements are not appropriate or too expensive but other locations in the same development may have an elevation that allows basements.

Mayor Willson stated developers are trying to hit a certain market value and basements would raise the price of the product so they may not include basements for marketing reasons.

Mr. Boganey stated Centra also indicated that while leaning towards not providing basements, they are still open to considering it after further analysis of the property.

Councilmember Butler stated at first, she did not favor townhouses but in thinking about the City's aging population and that there are not many locations for housing after single-family, there may be a need. However, she does not know if these townhomes would be conducive for that aging population. Councilmember Butler stated she sees value of new single-family homes to allow residents to upgrade from an older home to a new home within Brooklyn Center, but she also sees need for townhomes for the City's demographics.

Mr. Boganey recalled a comment by Councilmember Ryan that whatever decision is made on this acreage, it is hopefully not last time the City has an opportunity for new home development. He noted that whatever is decided for the Opportunity Site does not mean that in the next

iteration of new housing development, the City Council will not be in a position to consider another option. Mr. Boganey commented the City Council does not need to consider all housing needs in this first development but does need to determine which need they want to address first.

Mayor Willson asked for a staff summary of the detached versus attached housing proposals.

Ms. Beekman stated Centra proposed 35 single-family homes on 50-foot-wide lots, with multi-level and two-story homes. The layouts are not yet finalized and they have different models with three and four bedrooms. Centra is open to a conversation about basements but it would result in a significant increase to the cost. Ms. Beekman stated Pulte Homes proposed 56 attached single-family, two-story and three-story, townhomes on a private road system. They are constructing a similar townhome product in Plymouth and have submitted exterior and interior photographs.

Councilmember Graves stated the Pulte Homes townhomes look nice and she is not opposed to them specifically but she did not like the street layout as it only had two entrances/exits. She felt the proposed street layout looked sort of like a trap, for lack of a better word. In addition, it seemed disconnected from the community around it. Councilmember Graves stated she likes the Centra street layout. She stated she is more interested in the townhome development if a different street layout was proposed that was more inclusive of the neighborhood around it. Councilmember Graves stated she would like to tour that as well as it would add clarity for her.

Mayor Willson asked Councilmember Graves whether she was supportive of the detached or attached proposal, noting Centra had submitted two proposals, one with 40-foot lot widths and another with 50-foot lot widths. Councilmember Graves stated she is considering between the townhomes and the Centra proposal. Mayor Willson noted there were originally four proposals, but the City Council eliminated the Alatus proposal.

Councilmember Graves stated she likes either of the Centra options, but remembers there was something the City had to do to get the extra homes. She is not talking about that proposal but the one that did not include that requirement of the City. She also supports the townhome proposal so she is comparing Centra to the townhomes and the street configurations.

Mayor Willson explained he was trying to determine which Centra option Councilmember Graves supports so he can determine whether there is a consensus for staff to pursue.

Councilmember Ryan stated of the four proposals, he feels the best is the Centra option for more narrow 40-foot wide lots and, as discussed previously, there is need to increase the range of housing types in Brooklyn Center. He stated the Centra proposal would afford that opportunity. Also, he thinks the Centra designs would be a nice blend with the existing newer homes on Aldrich Avenue. Councilmember Ryan noted this does not rule out other locations in the City to have townhomes, including life-cycle townhomes for seniors. He restated he supports the Centra option with 40-foot lots and detached homes.

RECESS STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

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

RECONVENE STUDY SESSION

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

Motion passed unanimously.

EASTBROOK ESTATES DEVELOPMENT PROPOSALS (continued)

Councilmember Graves asked if there is a deadline to make this decision.

Ms. Beekman stated there is not a deadline from the perspective of the City. All three developers proposing are very interested in starting as soon as possible, complete platting this winter, grading in the spring, and sales in early fall. She estimated the City Council has one month before the developer needs to start in earnest with the platting process.

Councilmember Graves stated she was impressed with the Centra proposal but would be interested in seeing if there is a better street layout for townhomes and tour them too. She stated she can make a more educated decision with more information.

Councilmember Butler stated after thinking about it, she supports single-family homes because there is more need for a step-up option in housing. She supports Centra Option A with 40-foot wide lots and detached homes.

Mayor Willson stated he agrees with Councilmember Graves about seeing more information before making a decision. He thinks the City Council should consider densities and what it does to the tax base. However, at least three members would rather see single-family detached homes rather than the Pulte Homes proposal. Mayor Willson stated the Centra proposal has consensus but several members would like more information.

Mr. Boganey stated if there is consensus by a majority of the City Council to more forward the Centra development, then perhaps the City should not ask Pulte Homes to invest additional time and effort.

Councilmember Graves asked about the price difference.

Ms. Beekman stated the average price for the townhomes is $300,000 and the average price for the single-family homes is $332,000.

Councilmember Graves asked if there is a difference in bedroom spaces. Ms. Beekman answered the number of bedrooms and square footage are comparable. She displayed a chart showing a comparison of the Eastbrook Estates proposals.

Councilmember Graves stated she would like to get more information because she likes the idea of upgraded detached homes but likes the Centra proposal the best. She stated if the street layout with the townhomes was different, it may be a better investment, more accessible, more units, and comparable as far as the number of people living in the actual space. Councilmember Graves stated if the City is not in a hurry, she would like to spend another week or two to go on another tour. She noted the Opportunity Site is one of the last undeveloped pieces of land in the City.

Mayor Willson stated the City Council has not yet reached consensus and asked staff to schedule this item for discussion at the next Work Session.

Ms. Beekman stated Pulte Homes has offered to provide a tour of their townhomes in Plymouth if the City Council would like to see those units before the next meeting.

Mayor Willson and Councilmember Graves expressed interest in seeing those townhome units.

Councilmember Graves stated she would also like to know if Pulte Homes has other ideas about the street layout.

Mr. Boganey stated he thinks this street layout is probably essential to their ability to get the narrow private roads they need and maximum density at a cost that they estimated.

Mayor Willson asked staff to invite Pulte Homes to the next Work Session so they can answer that question.

ADJOURNMENT

Mayor Willson adjourned the Study/Work Session at 6:54 p.m.

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

REGULAR SESSION
OCTOBER 22, 2018
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

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

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, Deputy Director of Building and Community Standards Jesse Anderson, City Clerk Barb Suciu, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

Mayor Tim Willson opened the meeting for the purpose of Informal Open Forum. He noted one resident has requested to speak regarding the proposed chicken ordinance; however, that topic is on tonight's agenda, so those comments will be heard during that public hearing.

No one wished to address the City Council.

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

Motion passed unanimously.

2. INVOCATION

Mayor Tim Willson read the following text for the Invocation: "We gather to make decisions for our community. May we use only our best skills and judgement, keeping ourselves impartial and neutral as we consider the merits and pitfalls of each matter that is placed before us and always act in accordance with what is best for our community and our fellow citizens."

3. CALL TO ORDER REGULAR BUSINESS MEETING

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

4. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Clerk Barb Suciu, Community Development Director Meg Beekman, City Attorney Troy Gilchrist, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Regular Session minutes of October 8, 2018, and the following consent items were approved:

6a. APPROVAL OF MINUTES

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

6b. LICENSES

MECHANICAL

Northern Heating & A/C Inc.	9431 Alpine Drive NW
DBA Northern One Hour	Ramsey, MN 55303
Spriggs Plumbing & Heating	3260 Fanum Road
	St. Paul, MN 55101
Topline Advertising	11775 Justen Circle #A
	Maple Grove, MN 55369

RENTAL

INITIAL (TYPE II – two-year license)

4200 Lakebreeze Avenue	Todd Bertleson
6765 Humboldt Avenue N.	Loan Nguyen

RENEWAL (TYPE III – one-year license)

3513 47th Avenue N.	Todd Burmeister/Housing Plus
6305 Camden Avenue N.	Soderberg Apartment Specialist
Melrose Gates Apartments	
4100 Lakebreeze Avenue	PBK Properties, LLC/Keia Isaacson (missing ARM and cpted)
The Lilacs – 5800 Logan Avenue N.	Farnaz Toussi
4101 61st Avenue N.	Long Xiong (missing 1 ARM meeting)
2824 67th Lane N.	Molly Collins

6107 Emerson	Lydia Yeboah (missing 1 ARM meeting)
5843 Fremont Avenue N.	D & J Properties

RENEWAL (TYPE II – two-year license)

5418 70th Circle	Douglas Allen Wahl
3819 Burquest Lane	Amir Chaboki
6400 Noble Avenue N.	Zam Zam Gesaade

RENEWAL (TYPE I – three-year license)

5328-30 Queen Avenue N.	Chad & Amy Bucher
4100 61st Avenue N.	Emmanuel Coker
5834 Fremont Avenue N.	Robert Goldsmith

6c. RESOLUTION NO. 2018-180 AUTHORIZING HABITAT FOR HUMANITY TO PARTICIPATE IN THE HENNEPIN COUNTY HOUSING AND REDEVELOPMENT AUTHORITY'S AFFORDABLE HOUSING INCENTIVE FUND LOAN

6d. RESOLUTION NO. 2018-181 ADOPTING THE HENNEPIN COUNTY ALL-HAZARD MITIGATION PLAN

6e. RESOLUTION NO. 2018-182 ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, PROJECT 2016-09, 69TH AVENUE GREENWAY AND CAHLANDER PARK FENCE REPLACEMENT IMPROVEMENTS

6f. RESOLUTION NO. 2018-183 ACCEPTING WORK PERFORMED AND AUTHORIZING THE RELEASE OF FUNDS FOR CERTAIN FINANCIAL GUARANTEES BEING HELD BY THE CITY (LUTHER BROOKDALE VOLKSWAGEN DEALERSHIP)

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. PROCLAMATION DECLARING OCTOBER 22, 2018, TO BE DESIGNATED AS RANDOM ACTS OF KINDNESS DAY

Mayor Willson read in full a Proclamation declaring October 22, 2018, to be designated as Random Acts of Kindness Day.

Councilmember Butler moved and Councilmember Ryan seconded to adopt PROCLAMATION Declaring October 22, 2018, to be designated as Random Acts of Kindness Day.

Motion passed unanimously.

7b. RANDOM ACTS OF KINDNESS RECOGNITION AND CERTIFICATE CEREMONY

Mayor Willson presented certificates to citizens who were nominated for the Random Acts of Kindness Award.

Mayor Willson presented certificates to Heidi Pendroy, Bau Cha and Stephanie Short, second grade teachers at New Millennium Academy, nominated by Khou Vang. Councilmember Graves stated the teachers coordinated a penny fundraiser to raise money for Charity Water Foundation, providing clean drinking water for families in India.

Mayor Willson presented a certificate to Dr. John Goeppinger, nominated by Kazim Mehdi. Councilmember Ryan stated Dr. Goeppinger volunteers at the Hadi Medical Clinic, providing medical care and support for uninsured residents of Brooklyn Center.

Mayor Willson presented a certificate to Dr. Anoshirvan Mazhari, nominated by Kazim Mehdi. Councilmember Lawrence-Anderson stated Dr. Mazhari volunteers at the Hadi Medical Clinic, exhibiting kindness, empathy and compassion for others, as well as a willingness to exchange shifts with other Clinic staff.

Mayor Willson presented a certificate to Dr. Amir Monzavi, nominated by Kazim Mehdi. Councilmember Butler stated Dr. Monzavi helped start the Optometry Services at the Hadi Medical Clinic, providing free eye check-ups and eye glasses and procuring equipment. Dr. Goeppinger accepted the certificate on Dr. Monzavi's behalf.

Mayor Willson presented a certificate to the Hadi Medical Clinic, nominated by Kasim Mehdi. Councilmember Graves stated the Hadi Medical Clinic provides free medical care to uninsured residents of Brooklyn Center, and partners with Hennepin Community College to provide training hours for nursing students.

Councilmember Graves stated, on a personal note, the Hadi Clinic is her next-door neighbor, and the Clinic is a conscientious and thoughtful member of the community. She added the Clinic hosts many community events that are open to all residents.

Mayor Willson and Councilmembers thanked citizens for their random acts of kindness and contribution to the community and other citizens. Mayor Willson added this is one of the community events that he is proud to be a part of, as it represents the kindness and support that Brooklyn Center residents show to one another.

8. PUBLIC HEARINGS

8a. ORDINANCE NO. 2018-13 AMENDING CHAPTERS 1 AND 19 OF THE CODE OF ORDINANCES REGARDING CHICKENS

City Manager Curt Boganey introduced Community Development Director Meg Beekman and invited her to present this item.

Community Development Director Beekman discussed the history, and stated this issue was presented to the Housing Commission at their May, June and July 2018 meetings. She added City Staff have put together an ordinance for review by the City Council at tonight's meeting, following the public hearing.

Ms. Beekman stated the ordinance addresses regulations for the keeping of backyard chickens on residential property within the City of Brooklyn Center. She added up to 6 hens, but no roosters, would be allowed at either single-family or two-family dwelling units in the R1 and R2 zones. She noted the Housing Commission reviewed various types of chicken coups and runs and came up with provisions that are in line with the Accessory Structure Ordinance, related to side yard setbacks, size limitations, and 30-foot setback from residences, as well as maintenance and construction of coups.

Ms. Beekman stated the proposed ordinance regulates chicken coup structures, which must be fully enclosed, and addresses materials, maintenance, sanitation and storage. She added the proposed ordinance prohibits the slaughter of chickens or commercial raising of chickens. She noted the Housing Commission reviewed potential code enforcement issues.

Councilmember Ryan moved and Councilmember Graves seconded to open the Public Hearing at 7:22 p.m.

Motion passed unanimously.

Roger Kloster, 7223 Lee Avenue North, stated he is a long-time resident of Brooklyn Center. He asked why residents would want to have chickens. He stated some people would take care of their chickens, but others would not. He asked how the City would pay for regulation of the chickens, and whether they would affect home values and potential home sales. Mr. Kloster stated he believes allowing chickens is a step backwards for the City, and this issue requires more study.

Todd Henning, 1906 Brookview Drive, stated he is a 26-year resident of Brooklyn Center and he supports the keeping of backyard chickens. He added citizens need to be educated about backyard chickens, which are easy to raise. He noted allowing backyard chickens in Brooklyn Center would be a progressive move, as there is increased interest in sustainability and knowing where food comes from.

Doreen Cederberg, no address given, stated she has been a resident of Brooklyn Center since it became a City. She added, when Earle Browne Farm had sheep, there were residents who raised chickens that were often attacked by neighborhood dogs. She asked whether chickens would bring bird flu to Brooklyn Center, which would be disastrous with so many families and children living close together.

Anna Cooper, 3206 - 61st Avenue North, stated she supports the raising of backyard chickens. She added this has been a long process, and all concerns have been addressed at the Housing

Commission level, including misinformation about raising chickens. She noted bird flu is a contagious disease that spreads among large flocks of birds, not by backyard chickens.

Sara Capers, 5218 70th Avenue North, stated she supports the raising of backyard chickens. She added valid concerns that have been raised at tonight's meeting were reviewed and discussed at three recent Housing Commission meetings. She added the issue of chickens being killed by people's dogs would be addressed by the City under public nuisance and animal control ordinances. She noted the push for urban sustainability will continue to increase, as people see the benefits of knowing where their food comes from. She expressed her conviction that this sustainability effort will bring the community's residents together.

The daughter of Sara Capers stated that she supports raising chickens because she loves chickens and wants a pet chicken.

Councilmember Lawrence-Anderson moved and Councilmember Graves seconded to close the Public Hearing at 7:40 p.m.

Motion passed unanimously.

Councilmember Butler stated City Staff and the Housing Commission, as well as involved residents, have been very thorough in researching and reviewing all the issues related to raising backyard chickens. She thanked the Housing Commission and City Staff as well as members of the community that have come together to work on this initiative.

Councilmember Lawrence-Anderson stated she has waivered on this issue. She added she would be more inclined to support the raising of backyard chickens if there were a City-wide registration process, with a fee-based structure to support City Staff hours necessary to administer it.

Councilmember Ryan stated he appreciates the presentation from City Staff, clarifying the structure of the proposed ordinance. He expressed agreement with Councilmember Lawrence-Anderson that there should be a licensure process to mitigate nuisances and expenses. He added the community is divided on this issue, as many residents believe this is an agricultural use. He noted many residents would do an excellent job raising chickens, but there are many obstacles to enforcing the ordinance if there is no licensure or registration process. He expressed his opposition to the ordinance as written but added he will support the majority decision.

Councilmember Graves stated City Staff researched this issue in other metropolitan cities that allow backyard chickens, and they concurred that implementation of a licensing process did not reduce the number of nuisance complaints or violations. She added a licensing process would require a small additional cost. She noted, in her opinion, a licensing process would not produce significant benefit.

Councilmember Graves stated many residents may not be interested in raising backyard chickens. She added, however, residents who do want to raise chickens should be given that opportunity, as they might have an interest in increased sustainability and getting closer to the

source of their food. She expressed her support of the proposed ordinance and noted that a licensing process can be added if the need arises.

Mayor Willson stated he supports the proposed ordinance as there are other mechanisms in the City Code for dealing with complaints and other issues that may arise. He added he agrees the chicken advocates will be conscientious and responsible chicken owners. He noted he has done his own research to consider whether he wants to raise chickens in his backyard.

Mayor Willson moved and Councilmember Butler seconded to adopt ORDINANCE NO. 2018-13 Amending Chapters 1 and 19 of the Code of Ordinances Regarding Chickens. Councilmembers Lawrence-Anderson and Ryan voted against the same. Motion passed.

9. PLANNING COMMISSION ITEMS

- None.

10. COUNCIL CONSIDERATION ITEMS

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

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

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

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2018-184 Approving a Type IV Rental License for 6919 France Avenue North, with the requirement that the mitigation plans and all applicable ordinances must be strictly adhered to before renewal licenses would be considered.

Motion passed unanimously.

10b. AN ORDINANCE AMENDING CHAPTERS 19 AND 27 OF THE CITY CODE REGARDING PARKING

Mr. Boganey invited Ms. Beekman to present this item.

Ms. Beekman stated City Staff have received several complaints regarding overnight parking of semi-trucks and commercial vehicles in commercial parking lots. City Ordinance prohibits the storage of vehicles on residential property, but regulations related to commercial property are not clearly stated. City Staff have been proactively checking parking lots on a regular basis. However, the City Attorney has recommended that more clearly defined language should be included in the Ordinance that would allow the City to clearly and effectively enforce parking restrictions.

Ms. Beekman reviewed two amendments to the Parking Ordinance, Chapters 19 and 27, that clarify parking restrictions for commercial vehicles only. An additional amendment allows the City Manager to set and enforce parking restrictions for specific lots owned by the City, including the Economic Development Authority (EDA) lot adjacent to Top Golf.

Ms. Beekman stated City Staff recommends a motion to approve the first reading of the proposed ordinance and call for a public hearing on November 13, 2018.

Mayor Willson stated he supports the ordinance amendment. He added the language clarification will address and enforce the notion that large commercial vehicles are prohibited from overnight parking in commercial parking lots.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to approve first reading of an ordinance amending Chapters 19 and 27 of the City Code regarding parking and call for a second reading and public hearing for November 13, 2018.

Councilmember Graves stated a review of street parking conditions is planned for an upcoming City Council Work Session. She added she hopes the issue will be reviewed holistically. She noted she supports restrictions as needed with exceptions for legitimate business use.

City Attorney Gilchrist requested clarification that the motion includes the additional language proposed by City Staff, specifying that the ordinance amendment pertains to commercial property only. Mayor Willson agreed.

Motion passed unanimously.

10c. RESOLUTION NO. 2018-185 ADOPTING INTERIM REGULATIONS RELATED TO ELEMENTARY AND SECONDARY SCHOOLS AS AN INTERIM USE

Mr. Boganey invited Ms. Beekman to present this item.

Ms. Beekman stated the City Council is asked to consider a Resolution to adopt interim use regulations for elementary and secondary schools. A request was made by Brooklyn Center community schools to relocate students to the former Brown College location for 20 months while significant renovations are completed. The School District hopes to move forward with their plans to sign a lease and complete improvements by January 2019. Interim regulations would go into effect immediately for 120 days, conditional upon final adoption of Zoning Code requirements.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2018-185 adopting interim regulations for elementary and secondary school use in the City's commercial district on the issuance of an Interim Use Permit.

Councilmember Ryan stated approval of this request is necessary and appropriate. He added the City has been given the opportunity to support the efforts of the School District in providing increased safety and better structural operations.

Motion passed unanimously.

11. COUNCIL REPORT

11a. REMINDER OF SNOW EVENT PARKING ORDINANCE EFFECTIVE NOVEMBER 4

Mayor Willson reminded residents that beginning November 4, 2018, there is no on-street parking at any hour during a snow event of 2.5 inches or more until the roads are plowed curb to curb. Enforcement of the ordinance will include issuance of a citation as well as towing the vehicle to allow for snow plowing. The ordinance will be in effect whenever snowfall meets or surpasses 2.5 inches.

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

- October 15, 2018: City Council Budget Work Session with Financial Commission
- October 17, 2018: Toured Centra Townhomes in Maple Grove
- November 11, 2018: Lions Waffle Breakfast - additional information will be posted on the City website

Councilmember Lawrence-Anderson reported on her attendance at the following and provided information on the following upcoming events:

- October 17, 2018: Crime Prevention Committee Meeting
- October 23, 2018: MAC Meeting
- October 24, 2018: Fundraiser at Davanni's, 4-7 p.m. - 20% of total order before sales tax will be donated to Crime Prevention Committee

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

- October 12, 2018: Youth Intervention Programs Association (YIPA) Meeting- supporting youth workers and providing professional development programs
- October 15, 2018: City Council Budget Work Session with Financial Commission
- October 16, 2018: Park and Recreation Commission Meeting
- October 17, 2018: Toured Centra Townhomes in Maple Grove
- October 18, 2018: Attended event at Jambo Africa Restaurant
- October 18-19, 2018: Keeping the Faith event at Earle Browne Center – Kent Circle supporting growth through recognition, providing quality professional therapy services while embracing diversity and providing unique learning opportunities. She added she was proud to be hosting the event in Brooklyn Center

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

- October 13, 2018: Facilitated workshop at Robbinsdale Parent and Student University
- October 15, 2018: City Council Budget Work Session with Financial Commission
- October 17, 2018: Toured Centra Townhomes in Maple Grove
- October 22, 2018: Meeting regarding the recent African Immigrant Professional Development Conference (AIPDC) and upcoming workshops. AIPDC will present "Let's Connect: Networking Event for African Immigrant Professionals" at 5:30 p.m. on November 8, 2018, in Room C at the Brookdale Library.
- Meeting at Pathways with DEED Director Adult Programs Nancy Omandi

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

- October 9, 2018: Rotary Lunch
- October 11, 2018: Blue Line Corridor Management Meeting – Cancelled
- October 12, 2018: Meeting with City Manager Curt Boganey
- October 15, 2018: Budget and Financial Meeting with City Council
- October 16, 2018: Rotary Lunch
- October 17, 2018: Interview with Hannah Covington, Minneapolis Star/Tribune
- October 17, 2018: Toured Centra Townhomes in Maple Grove
- October 19, 2018: Celebration for Hmong activist Dr. Yang Dao's 75th birthday at Edinburgh, attended by Mayor Lundy as well as Senators and Representatives

12. ADJOURNMENT

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded adjournment of the City Council meeting at 8:17 p.m.

Motion passed unanimously.

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

JOINT WORK SESSION WITH FINANCIAL COMMISSION
OCTOBER 29, 2018
CITY HALL - COUNCIL CHAMBERS

I. CALL TO ORDER

The Brooklyn Center City Council met in Joint Work Session with the Financial Commission and the session was called to order by Mayor Tim Willson at 6:30 p.m.

Mayor Tim Willson and Councilmembers Dan Ryan and April Graves were present. Councilmembers Marquita Butler and Kris Lawrence-Anderson were absent.

Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Director of Community Activities, Recreation and Services (CARS) Jim Glasoe, Liquor Operations Manager Tom Agnes, Golf Course Superintendent Steve Makowske, Earle Brown Heritage Center (EBHC) Manager Bruce Ballanger, Public Works Director Doran Cote, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

Others present were Financial Commissioners Tia Hedenland, Abate Terefe and Dean Van Der Werf. Financial Commission Chair Teneshia Kragness was absent.

II. APPROVAL OF AGENDA

Councilmember Ryan moved and Councilmember Graves seconded to approve the agenda.

Motion passed unanimously.

III. ENTERPRISE FUNDS

a. BC Liquor

Operations Manager Tom Agnes provided an update on Brooklyn Center Liquor Enterprise Fund. There are three operation, two stores and the third being the one-day event of Surly Brewing Company's Darkness Days. This event, previously hosted at the Surly Brewing Company headquarters, was moved to Somerset, Wisconsin. This year's event was smaller, but the company operated the event and kept bottle sales revenues.

Mr. Agnes stated Liquor Operations are legally allowed to sell spirits, wine, beer and cigarettes at two locations in Brooklyn Center: Store #1 is located at 5625 Xerxes Avenue, and Store #2 is located at 6930 Brooklyn Boulevard. The wine and beer clubs were eliminated, and a loyalty rewards program called "BC Buck$" was implemented in 2018. Customers who sign up for the

program will receive 1 point for every dollar spent on a majority of the items sold by Liquor Operations.

Mr. Agnes stated Liquor Operations wage increases are possibly due to the "livable wage" initiative and will be reviewed in January 2019.

Mayor Willson requested clarification regarding the "livable wage", which has been identified by Hennepin County at $16.16 per hour.

Finance Director Reinhardt stated the City is reviewing this issue to determine which departments would be affected and what the total budget would be, and how it could be implemented. He added a total lump sum of $24,000 is required for Liquor Store employees based on the number of hours, but that could change.

Mayor Willson referred to a recent article in the Minneapolis Star/Tribune about the recent financial success of municipal liquor stores. Mr. Agnes agreed, adding it is nice to get positive press.

Mr. Agnes stated rent has continued to increase at Store #1. Staff continues to assess customer needs and explore building ownership in anticipation of the building lease expiration in June 2020. An emphasis will be placed on enhanced customer service and fiscal responsibility.

Mr. Agnes stated two new potential locations are being considered: a 9,375 square foot space at the other end of the store's current building, and a 13,600 square foot location at Shingle Creek Crossing, across from Applebee's. The second location would have the potential for a 10,000 square foot store plus additional square footage for future expansion or another use. The Shingle Creek location has a back-loading dock which would provide efficiency, safety and security, and there would be a cost savings as the building would be finished on three sides.

Mr. Agnes stated recommendations will be brought to the City Council before the end of 2018 but nothing has been signed. He added he assumes the build-out would be included in the overall price. He noted Store #1 is currently 7,100 square feet, and a recent study recommended that the City should own its facility and increase its size up to 10,000 square feet.

Mr. Agnes reviewed the Liquor Operations' 2019 performance objectives, including inventory variance; successful compliance checks; increase in awards members; and an increase in social media presence. He stated "BottleLox", a theft prevention measure, was implemented in Store #1 in 2016. This initiative has been very successful in terms of savings as well as reduced stress for employees. He added the use of "BottleLox" will gradually expand into Store #2 as well.

Councilmember Graves asked Mr. Agnes to remind staff to ask customers if they belong to the rewards program. Mr. Agnes agreed.

Mayor Willson asked whether there is any data available related to tobacco sales. Mr. Agnes stated tobacco sales have increased in 2018. He agreed to provide that data to the City Council.

Commissioner Terefe requested clarification regarding sales of cigarettes and alcohol by Brooklyn Center Liquor Operations. Mayor Willson stated it is a source of revenue for the City.

Mr. Boganey stated the City's objective in operating liquor stores is to regulate and limit the amount of alcohol sold in Brooklyn Center, and reduce access to alcohol by residents who are under 21 years of age. Rather than allow operation of private liquor stores, the City can limit the sales and use of alcohol. Another objective is profitability to offset City costs.

Commissioner Van Der Werf asked if there is any concern whether current customers will come to the new location of Store #1. Mr. Agnes stated there will be informational signage as well as a notice on every receipt, so customers know about the location change. He added the new location is very close to the old location

Mr. Reinhardt stated a recent market study showed that the new location is close enough to the old location that it will remain within the same high traffic area.

Councilmember Ryan stated parking at the new potential location would be a vast improvement. He added he has had multiple incidents in the current parking lot. Mr. Agnes agreed, adding improved parking was a crucial component in the decision to change locations.

Councilmember Graves stated the end of the building has a more distinguished corner entrance. Mr. Agnes agreed, although the entrance would have to be altered to accommodate both an entrance and exit in compliance with Fire Code regulations.

b. Centerbrook Golf Course

Golf Course Superintendent Steve Makowske gave a presentation on the Centerbrook Golf Course facility. He stated the mission at the Golf Course is to provide a high value golf course that is challenging and well-kept, with consistently exceptional customer service. He added it is a 9-hole, par 3 course, built in 1988 with a Capital Improvements Fund loan. He noted the Golf Course is open to the public, and there is a user-based charge.

Mr. Makowske reviewed the key initiatives at the Golf Course: customer-based development, focused on beginning golfers and "ending" golfers. He stated this is a unique niche in the golfing community, and a round of golf can be completed in 90 minutes. A program sponsored by the Minnesota Golf Association called Youth On Course has been adopted at Centerbrook. Families pay an initial enrollment fee of $15 per child, which gives kids the opportunity to golf at Centerbrook and approximately 25 other local golf courses for only $5. Centerbrook applied a $5,000 grant from Luther Auto toward the Youth On Course program, so kids who are enrolled can golf for free.

Mr. Makowske stated about 50 junior golfers signed up for the Youth On Course program. He added families are already calling to register for summer 2019.

Mr. Makowske stated the new Top Golf facility in Brooklyn Center presents some potential opportunities for collaboration. Top Golf, a $26 million investment, opened in September 2018,

and Golf course staff hope to connect with them soon to establish a relationship and some potential collaborations. He added Top Golf is community-minded, and they are ready and willing to work with us toward common goals.

Mr. Makowske stated there are 6 women's leagues and 1 men's league at Centerbrook. He added 25 new league members were recently added. Women's league members can bring a friend to play for $5, in an attempt to expand the women's leagues.

Mr. Makowske stated Golf Course staff provide excellent customer service and get to know league members and their preferences. Golf Course staff love the golf course and the unique opportunity it presents to play golf in a beautiful setting in the heart of the City.

Mr. Makowske stated profitability is based on "playable days", which can be disrupted by weather and other circumstances. Revenues increased, both per player and per round, as well as operating expenses and maintenance costs.

Mr. Makowske stated the 6th Annual Skeleton Scramble was held at the golf course on October 20, 2018, with a graveyard on the putting green, as well as candy at each hole and skeletons throughout the course. He added it was a cold day, and not a "playable" day, but the event was sold out at $45 per person, and the golf course made a profit on a cold October day.

Mr. Makowske stated the golf course hosted a Golf Festival and lunch on June 22, 2018, during Earle Brown Days Festival. He added he hopes to continue such collaborations in 2019.

Mr. Reinhardt stated the golf course was started with an initial advance from the Capital Advancements Fund, and payments were made to forgive that advance. He added golf course operations are currently an Enterprise Fund, to be viewed as a Special Revenue fund, with transfers from the General Fund.

Mayor Willson asked whether tobacco is sold at the golf course. Mr. Makowske stated tobacco is not sold at the Golf Course, but they hold a full liquor license.

Councilmember Graves asked whether a caddie program has ever been considered. She added Brooklyn Bridge Alliance for Youth might be a good partner. Mr. Makowske stated there is no caddy program, and he is aware of the Alliance's excellent programs.

Councilmember Graves asked whether the City has any Special Revenue funds. Mr. Reinhardt confirmed this, adding the Golf course, which is recognized as a Special Revenue fund, provides significant funding.

Mr. Boganey confirmed this, adding the City Auditor recommended moving the golf operations from the Enterprise Fund to a Special Revenue fund. He added the City wants to report the golf course in a manner that is more reflective of its function in the City budget. He noted utility funds are enterprise operations andcover costs, maintenance and depreciation with the goal of breaking even.

Councilmember Graves asked how the golf course was initially set up. Mr. Glasoe stated there was an advance for a golf course and a land swap with the Little League in 1999. He added this was completed at the direction of the City Council at the time.

Commissioner Terefe stated caddy programs are beneficial and highly competitive. He added the Evans Scholarship program for caddies is well-regarded and can provide opportunities for urban youth that changes their lives. He noted the Centerbrook Golf Course is a good place for events due to its proximity to Minneapolis.

Mr. Makowske stated the Golf Course Clubhouse can seat 48 people at tables. He added they have hosted graduation parties in the past.

Mr. Boganey stated the Evans Caddy Scholarship is a great program. He asked if the golf course were to implement a caddy program, whether the participants would qualify for the Scholarship.

Mr. Makowske confirmed this. He added the Evans Scholarship is highly competitive and difficult to secure, as there are a limited number of scholarships available.

Mr. Makowske stated he has looked into the possibility of a caddy program, but golf course members have indicated they would not use a caddy. He added he supports the idea and will continue to review possible programs that might be appropriate for the golf course.

c. Earle Brown Heritage Center

Earle Brown Heritage Center (EBHC) Manager Bruce Ballanger gave a presentation on the mission and function of EBHC. He added the mission of EBHC is to provide quality customer service and extraordinary dining in an uncommon setting. He noted there are four divisions within EBHC: the convention center, Administration, Catering Services, and commercial office rentals, including tenants Brooklyn Bridge Alliance for Youth and Innovative Presentations.

Mr. Ballanger stated the catering contract will be up for renewal soon, so he will bring that to the City Council for review at an upcoming meeting. He added EBHC currently has 23 employees. He noted he anticipates hiring an additional Sales Manager in 2019.

Mr. Ballanger stated EBHC's high percentage repeat business is a testament to their staff and excellent customer service.

Mr. Ballanger stated he hopes to be able to set up some events collaboration with Top Golf.

Mayor Willson asked if there is any data on whether exposure provided by the Visitor's Bureau has had a positive effect on EBHC's business. Mr. Ballanger stated EBHC has used the Grant program, and the Visitor's Bureau has brought 5 tours to EBHC in the last 5 months, which is more than the last 10 years combined. He added they have also booked one conference at EBHC, and he hopes the Bureau will continue to draw new business. He noted he does not have any conclusive data.

Mr. Ballanger stated chefs at EBHC have been using Trim Trax, a program designed to minimize food waste.

Mr. Boganey asked whether the proposed additional Sales Manager will affect targeted revenue. Mr. Ballanger stated there will be no noticeable change for the first year, but by the third full year, he expects close to $1 million additional revenue.

Mr. Ballanger stated projects completed in 2018 included replacement of dining chairs and de-watering of the well header. He added additional projects have not been completed: implementation of new booking and reservation software and a new phone system. He added these projects, and a few others, should be completed by the end of 2018.

Mr. Ballanger reviewed other capital project expenses: new carpet, electric switches, new entrance doors and a new roof for the Carriage Hall. He added the new phone system is being installed by Logis, and a temporary power source is currently being used. He noted the Carriage Hall entrance doors are included as a capital project as the door frames need to be re-built.

Mr. Ballanger stressed the importance of the "livable wage" initiative in finding and keeping good qualified employees. He added many former staff members have gone to other hotels where they earn a higher wage.

Mayor Willson agreed there will be a severe shortage of employable staff, especially in the Hospitality sector.

Mr. Ballanger reviewed building and facilities maintenance projects: an upgrade of the EMS heating and cooling system; crushed ice machines; three new computers and increased corporate advertisements in print as well as on social media.

Mayor Willson asked about Wi-Fi access points. Mr. Ballanger stated the system was upgraded in 2017 due to high user volumes. He added Wi-Fi is complimentary, which is a big selling point for potential customers, and regular customers expect it.

Councilmember Graves stated she has become more aware of the many different types of events happening at EBHC. She added she attended the Kente Circle Training Institute Fall Conference which was held at EBHC on October 18, 2018. She noted she is interested in attending more events at EBHC in the future.

Mr. Ballanger stated the EBHC has won many State government conference bids.

Mr. Boganey stated staff had discussed the possibility of the EDA underwriting and hosting a community-wide event at EBHC that would be open to the general public. He added sponsors would be sought for this event, which would be give community members an opportunity to visit EBHC.

Mayor Willson stated that is a great idea. He added he would support making it affordable, so more residents would attend.

Mr. Ballanger stated local residents who host their wedding at EBHC will receive a 10% discount. He added a public event, Slice of Twin Cities, was held at EBHC on October 21, 2018, and EBHC did a trade-out with them for advertising. He noted 500 people attended that event.

Mr. Boganey stated a public event could be planned during a time of year when the demand for events and activities at the Community Center would be low.

IV. UTILITY FUNDS

Public Works Director Doran Cote stated the Public Works Department provides services and infrastructure maintenance in a quality, cost-effective manner. He added the City has 121 miles of water main, 7,000 metered single-family homes and 16,000 metered multi-family homes, and a total of 9,000 sewers. He noted safe drinking water standards are a priority goal, as well as management of the stormwater run-off maximum daily load plan.

Mr. Cote stated a maintenance schedule manual for new treatment plant will be developed in 2019, as well as streamlining of management strategies. He added the Public Works Department is currently addressing the City's abandoned wells and plans to seal 20 wells per year. He noted a sanitary sewer videotaping program has been introduced, and 31.9 miles of sewer were televised in 2018.

Mr. Cote reviewed the Public Works Department's key initiatives for 2019: completion of Water Tower 2; and rehabilitation of Wells 2 and 3 as well as the 70th Avenue trunk storm sewer. He added anticipates adding1 full-time sewer maintenance employee.

Mr. Cote stated new streetscape elements have been added throughout the City since 2009, including 24 rain gardens. Stormwater regulations continue to expand, with additional regulations and requirements for maintenance, inspection and reporting. The Public Works Department provides twice-weekly trash pick-up and weekly bus-stop maintenance. He noted an additional F/T maintenance employee is required.

Mr. Reinhardt reviewed the Public Works Department's $2.6 million proposed bond issue for infrastructure improvements that have been identified in the Capital Improvement Plan. He added annual payments will begin in 2020 and the rate increase will level over a period of time.

Mr. Reinhardt stated the City's storm sewer utility rate is a flat fee, and not a volume-based charge. He added the fee is the third lowest among comparable metropolitan cities. He noted the street light utility rate should remain steady from 2018 to 2019.

Mr. Reinhardt stated no increase is projected in 2019 for the recycling utility rate. He added the City's biennial curb-side recycling pick-up will take place the first week in April 2019. He noted City Staff have already received phone calls looking for information.

Councilmember Ryan asked whether the City's biennial curbside recycling pickup is covered under the residential recycling charge. Mr. Reinhardt confirmed this. Councilmember Ryan stated

residents would like to have the curbside recycling pickup every year. He added perhaps the City Council could review this issue.

Mayor Willson stated recycling rates will increase when organic recycling is introduced in 2022. Mr. Boganey agreed.

Councilmember Graves stated the only budgetary issue that concerns her is the purchase of a SWAT vehicle.

Councilmember Graves asked whether Public Works full-time Maintenance II employees have a division of labor. Mr. Cote confirmed this, adding there is some cross-functioning, but each group has specific duties.

Mayor Willson asked whether there is a plan in place for the "living wage" initiative for the City's part-time employees. Mr. Reinhardt stated implementation is planned by the City depending upon how much funding is allocated.

Mayor Willson stated part-time staff should be made aware so the City can maintain its employees over the long term.

Councilmember Ryan stated qualified workers are in high demand, as referenced by Mr. Ballanger, which will drive wages up. He added, however, the City must consider how this will affect the budget in the coming years, and what is reasonable and feasible.

Mr. Boganey stated funding has been allocated for this initiative, but it will happen in stages. He added a solution might be to consider $15/hour instead of $16.16/hour. Mayor Willson stated he does not support that. He stressed the importance of taking the lead on implementing the new minimum wage among City staff, to encourage other entities to do the same.

Mr. Boganey stated City Staff is reviewing all options to determine what is economically feasible.

Mr. Boganey reminded the meeting attendees that absentee voting starts tomorrow, October 29, 2018. Balloting will take place at the Community Activity Center.

Councilmember Graves requested that this information be made public. Mr. Boganey stated it is posted on the City website.

V. FUTURE BUDGET DISCUSSIONS

Mr. Reinhardt stated this meeting is the final budget work session. He added a public hearing is scheduled for December 3, 2018, to include the final budget presentation.

VI. ADJOURNMENT

Councilmember Graves moved and Councilmember Ryan seconded to adjourn the Work Session at 8:47 p.m.

Motion passed unanimously.

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented*

Background:

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

GASOLINE SERVICE STATION LICENSES

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

MECHANICAL CONTRACTOR

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

SIGN CONTRACTOR

Scenic Sign Corporation	PO Box 881 St. Cloud 56302

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

COUNCIL ITEM MEMORANDUM

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

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

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

Rental Licenses for Council Approval on November 13, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
5553 Aldrich Dr N	Single Family	Initial	Geri Williams	0	II	N/A	II	
5636 Fremont Ave N	Single Family	Initial	Alice Mansaray	2	II	N/A	II	
5250 Great View Ave	Single Family	Initial	Chen Zhou/Cosco Properties LLC	3	II	N/A	II	
6430 Indiana Ave N	Single Family	Initial	Michael Holmes	0	II	N/A	II	
1510 69th Ave N 1510 69th Ave N	1 Bldg 4 Units	Renewal	Marsha Ann Darnell *met mitigation plan*	8 2.00/Unit	III	0	III	IV
4819 Azelia Ave N 4819 Azelia Ave N	1 Bldg 12 Units	Renewal	Penelope Brown *met mitigation plan*	4 .33/Unit	I	0	I	II
6825-27 Noble Ave N	1 Bldg 2 Units	Renewal	Robert Gardner Met action plan	2 1/Unit	I	0	I	III
5347-53 Brooklyn Blvd	Two Family (2)	Renewal	Randall Cook	4 2/Unit	I	0	I	II
5406 70th Cir	Single Family	Renewal	Mohammed Aaser	2	I	0	I	I
6013 Brooklyn Blvd	Single Family	Renewal	Rosa Chiqui	1	I	0	I	II
5706 Camden Ave N	Single Family	Renewal	Gary Charles Parker	4	II	0	II	II
6610 Colfax Ave N	Single Family	Renewal	RHA 3, LLC *met mitigation plan*	7	III	0	III	III
5147 Drew Ave N	Single Family	Renewal	Frank Jin and Emily Zhao	1	I	0	I	I
5225 Howe Ave N	Single Family	Renewal	Michael Williamson	9	III	0	III	I
6761 Humboldt Ave N	Single Family	Renewal	Li-Chwen Su *met mitigation plan*	3	II	0	II	IV
5307 Knox Ave N	Single Family	Renewal	Abraham Montemayor	4	II	0	II	II
4207 Lakeside Ave #222	Single Family	Renewal	Don Stenberg	0	I	0	I	I
4207 Lakeside Ave #238	Single Family	Renewal	Hussein Seman	1	I	0	I	II
5820 Logan Ave N	Single Family	Renewal	Farnaz Toussi *met mitigation plan*	1	I	0	I	IV

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

** License Type Being Issued Type 1 = 3 Year Type II = 2 Year Type III = 1 Year

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

All properties are current on City utilities and property taxes

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH:

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Setting a Public Hearing on Proposed Utility Rates for 2019

Requested Council Action:

-Motion to set public hearing for Monday, December 10, 2018 on proposed utility rates for 2019

Background:

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

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

Fund	Description	2018 Rate	2019 Rate	Change
Water	Base Charge - Residential (quarterly)	$14.64	$15.52	$0.88 / quarter
Consumption Charge - Residential Meters	Tier I (0 - 30 gallons) Tier II (31 - 60 gallons) Tier III (61 and greater)	$2.44 3.04 4.54	$2.59 3.22 4.81	$0.15 / 1,000 gallons $0.18 / 1,000 gallons $0.27 / 1,000 gallons
Consumption Charge - Non-residential	(Per 1,000 gallons)	$3.04	$3.42	$0.38 / 1,000 gallons
Sanitary Sewer	Base Charge (quarterly)	$82.42	$84.89	$2.47 / quarter
Consumption Charge - Non-residential	(Per 1,000 gallons)	$3.32	$3.58	$0.26 / 1,000 gallons
Storm Sewer	Base Charge (quarterly)	$14.77	$15.07	$0.30 /quarter
Street Light	Base Charge (quarterly)	$6.55	$6.55	No change
Recycling	Base Charge (quarterly)	$11.98	$11.98	No change

The utility bill for a household using 18,000 gallons of water (considered the typical residential user) is shown

in comparison to 2018 rates as follows:

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

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

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

City Code sections 11.02 and 11.06 require a notice and hearing prior to the City Council setting new utility rates. The Public Hearing Notice will be published in the Brooklyn Center Post. A copy of the notice has been attached.

Strategic Priorities and Values:

Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING ON PROPOSED UTILITY RATES

Notice is hereby given that the City Council of the City of Brooklyn Center, Minnesota, will meet in the Council Chambers of Brooklyn Center City Hall at 6301 Shingle Creek Parkway, on Monday, December 10, 2018 at 7 p.m. regarding proposed utility rate increases.

These proposed rates are now on file at City Hall and open to public inspection. Written or oral comments to the proposed rates will be considered at this meeting.

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

_____
Barb Suciu, City Clerk
By order of the City Council

Published in the Brooklyn Center Post on November 23, 2018.

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH:

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Resolution Certifying Special Assessments for Emergency Private Utility Service Repairs to the Hennepin County Property Tax Rolls

Requested Council Action:

- Motion to approve resolution assessing the attached list of properties for emergency private utility service repair costs

Background:

At the March 26, 2018 City Council Meeting, City Council adopted an emergency private utility service repair policy to provide assistance to Brooklyn Center residents who are facing unexpected financial burden of a needed exterior utility repair (sewer or water line repair from the main, including curb stop, to the principle structure on the property). The program provides a minimum of $500 and a maximum of $10,000 for a homeowner to complete the eligible private exterior repair, which would then be assessed to the homeowner's property taxes.

As required by the policy, the homeowners have entered into a special assessment agreement, where the City is to pay the contractor's invoice, and the costs of the repair are to be assessed to the homeowner's property over a period of five years at the interest rate determined by the City's special assessment interest rate policy (currently four percent). As part of the assessment agreement the homeowner has agreed to waive any and all procedural and substantive objections to the improvement and special assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the property.

The City has entered into two special assessment agreements totaling $6,102.

Budget Issues:

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

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR EMERGENCY PRIVATE UTILITY SERVICE REPAIRS TO THE HENNEPIN COUNTY PROPERTY TAX ROLLS

WHEREAS, pursuant to the City's Emergency Private Utility Service Repair Assessment Policy provides assistance to Brooklyn Center residents who are facing unexpected financial burden of a needed exterior private utility repair; and

WHEREAS, the City has provided funds to the homeowner to complete a private exterior repair; and

WHEREAS, the homeowner has agreed, as part of the assessment agreement, to the assessment and to waive any and all procedural and substantive objections to the improvement and assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the property; and

WHEREAS, a special assessment roll, a copy of which is attached hereto and made part hereof by reference, has been prepared by the City Clerk, tabulating those properties where a private utility repair cost is to be assessed with the amount, including interest and service charges, to be assessed,

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

1. The special assessment roll of emergency private utility repairs is hereby adopted and certified as Assessment Roll No. 20003.

2. The special assessments as adopted and confirmed shall be payable with ad valorem taxes levied in 2018, in five installments with interest thereon at four (4.0) percent per annum.

3. The owner of any property so assessed may at any time prior to the certification of the assessments to the Hennepin County Auditor pay the entire assessment to the City, without interest. Such payments must be made by the close of business on November 21, 2018 or interest will be charged through December 31 of the succeeding year.

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

RESOLUTION NO. _____

November 12, 2018 _____ _____
Date Mayor

ATTEST: _____
City Clerk

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

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

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

City of Brooklyn Center
Special Assessment Master Report
S/A Number: 20003

S/A Number: 20003
Description: Utility Repair 2018 (Aggreement)
Assessment Total: $0.00
Category:
Calc Daily Interest: No
Interest Rate: 4.0000
Opened Date: 09/01/2018
Amortization Type: S
Payment Number: 0 **Of:** 5
1st Hearing:
County Admin Fee: $0.00
1st Yr. Int. Months: 12 **1st Yr. Payable:** 2019
2nd Hearing:
Status: Levied
Resolution Number:
Levied: 11/01/2018
Sub Status:
Project Nbr:
Fund:
Contract Nbr:
Fin Acct Nbr: 419141-4601
Continue Calculating Deferred: No
Int Acct Nbr: 419141-4607
Grace Period End Date:

St	Property ID	House	Street Name	Unit	Orig Assessment	Total Assessment	Payoff Amt	Closed Desc
A	02-118-21-14-0086	5700	Knox Ave N		$2,551.00	$2,551.00	$2,551.00	
A	34-119-21-31-0023	6306	Grimes Ave N		$3,551.00	$3,551.00	$3,551.00	
A Count:	**2**			**A Total:**	**$6,102.00**	**$6,102.00**	**$6,102.00**	
Total Count:	**2**			**Grand Total:**	**$6,102.00**	**$6,102.00**	**$6,102.00**	

Emergency Private Utility Service Repair Assessment Policy

The purpose of this Emergency Private Utility Service Repair Assessment Policy ("Policy") is to provide assistance to Brooklyn Center residents who are facing unexpected financial burden of a needed exterior private utility repair (i.e., sewer or water line repair from the main, including the curb stop to the principle structure on the property). The program to assist eligible homeowners with the costs of these repairs will be funded through the City Sanitary Sewer and Water Utility Funds. The program will provide a minimum of $500 and a maximum of $10,000 for an eligible homeowner to complete the eligible private exterior repair. The City then recovers the amount it pays for the repair through a special assessment imposed on the homeowner's property.

The City shall be responsible for corrective work needed on prior utility service line repairs performed by a contractor hired by the City for a period of ten years from completion of the repair work. The City's responsibility shall be limited to repairs related to the workmanship of the original repair work as determined by the City and does not include any other repair work that may be needed. This responsibility does not apply to work performed by a contractor hired by a homeowner pursuant to this Policy.

Eligibility Requirements

Eligible Homeowner – The homeowner must be current on all property taxes and utility payments to be eligible to participate in program offered pursuant to this Policy. If any of these payments are delinquent, they must be made current before the homeowner can be approved for funding.

Eligible Dwelling – Only owner-occupied homes in the City of Brooklyn Center are eligible.

Eligible Repairs – Emergency exterior private utility repairs between $500 and $10,000 in situations where a condition requiring immediate and urgent attention, which threatens or imperils the health and/or safety of the homeowner's dwelling, such as a repair or replacement of a failed sewer or water line.

Repair

The homeowner shall enter into a contract with a private contractor to perform the repair work. The contract must be approved in advance by the City. When the work has been completed, the homeowner shall receive an invoice from the contractor. The homeowner must submit the contractor's invoice to the City together with a signed and notarized special assessment agreement in the form provided by the City.

Special Assessment

The City will pay the contractor's invoice and assess, pursuant to the assessment agreement, the costs of the repair on the homeowner's property over a period of five years at the interest rate determined by City's special assessment interest policy. The City shall add a certification fee and any other applicable administrative costs to the amount assessed. The homeowner must agree, as part of the assessment agreement, to the assessment and to waive any and all procedural and substantive objections to the improvement and special assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the property. The property owner also waives any appeal rights otherwise available pursuant to Minnesota Statutes, section 429.081.

This space reserved for recording purposes

IMPROVEMENT AND
SPECIAL ASSESSMENT AGREEMENT

This Special Assessment Agreement ("Agreement") is made this 30 day of August, 2018, by and between the City of Brooklyn Center, a Minnesota municipal corporation ("City") and PHILIP WOOD, (collectively, the "Property Owner").

RECITALS

A. The Property Owner is the owner of property in the City of Brooklyn Center, County of Hennepin, State of Minnesota, located at 5700 KNOX AVE. and legally described in the attached Exhibit A ("Subject Property").

B. The Property Owner has requested the repair of a WATER service line on the Subject Property ("Improvement").

C. The City has an Emergency Private Utility Service Repair Assessment Policy ("Policy") that sets out the terms and conditions under which the City will assist owners to pay for the costs of utility repairs such as the Improvement and to recover its costs through a special assessment imposed on the affected property.

D. The Property Owner has requested that the City pay the costs of the Improvement and specially assess those costs against the Subject Property in accordance with the Policy and the terms and conditions of this Agreement.

AGREEMENT

In consideration of the mutual covenants and conditions set forth in this Agreement, the City and the Property Owner hereby agree as follows:

1. RECITALS. The recitals are true and correct and are, together with the exhibit and the Policy, incorporated into and made part of this Agreement.

2. IMPROVEMENT. The Property Owner is responsible for selecting a private contractor to construct the Improvement. The Property Owner shall not enter into a contract with a private contractor for the Improvement until it is first reviewed and approved by the City. The City is not a party to that contract, is not directly responsible to the private contractor under the contract, and is not responsible to the Property Owner for the quality of the work or performance of the private contractor. When work on the Improvement is completed, the Property Owner is responsible for obtaining an invoice for the work from the private contractor and for immediately forwarding it to the City.

3. SPECIAL ASSESSMENT. The total estimated cost of the Improvement is $ 2,557.00 . The City will review the invoice upon receipt and, if it appears to be in order, the City will pay the actual amount of the invoice ("Improvement Cost") in accordance with the Policy. The Property Owner requests and consents to the City specially assessing the Improvement Cost, plus the City's administrative fees, (collectively, the "Special Assessment") against the Subject Property. The City shall provide the Property Owner written notice of the total amount of the Special Assessment. The Special Assessment imposed on the Subject Property shall be spread over five (5) years at an interest rate of 4 % per year on the unpaid balance. The first installment shall be due and payable with taxes payable in 2019 . The Property Owner waives any and all procedural and substantive objections to the Improvement and the Special Assessment including, but not limited to, any requirements of Minnesota Statutes, Chapter 429 with respect to the adoption or levying of the Special Assessment to the extent those requirements are not met and any claim that the Special Assessment exceeds the benefit to Subject Property. The Property Owner waives any appeal rights otherwise available pursuant to Minnesota Statute, section 429.081.

4. BINDING EFFECT; RECORDING. The covenants, waivers, and agreements contained in this Agreement shall run with the Subject Property shall be binding upon the Property Owner and the Property Owner's successors, heirs, and assigns. This Agreement may be recorded against the title to the Subject Property.

5. ENFORCEMENT. In the event that the Property Owner violates any of the covenants or agreements contained in this Agreement required to be performed by Owner, the City shall have the option to commence an action for specific performance requiring the Property Owner's full and faithful performance hereunder, and the Property Owner agrees that the City shall be entitled to its administrative costs, court costs, and reasonable attorneys' fees in connection with said action provided the City is successful.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date and year first written above.

PROPERTY OWNER

By: Philip E. Wood

By: _____

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 8th day of August, 2018, by Cynthia Majo,

CYNTHIA A MAJORS
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2022

NOTARY PUBLIC

Joe's Sewer Service Inc.

4717 Hampshire Ave. N.
Crystal, MN 55428

Invoice

Date	Invoice #
8/13/2018	6242

Bill To
City of Brooklyn Center 6301 Shingle Creek Pkwy Brooklyn Center, MN 55430

Due Date
8/13/2018

Description	Serviced	Amount
Dig and repair water service in street. Supplies, labor and permit. 5700 Knox Ave. N.	8/10/2018	2,551.00

Total	$2,551.00
Payments/Credits	$0.00
Balance Due	$2,551.00

Please send payment including invoice number to above address. Any payments by phone, inquiries on balance or invoices, please call (763) 535-3803 or (763) 425-4334. Mon. - Fri. 8 am to 3 pm.

EXHIBIT A

Legal Description of the Subject Property

LOT 004, BLOCK 003

SUNSET VIEW

CITY OF BROOKLYN CENTER

By: _____
Tim Willson, Mayor

By: _____
Curt Boganey, City Manager

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 6th day of September, 2018, by Tim Willson and by Curt Boganey, respectively the Mayor and City Manager of the City of Brooklyn Center, a Minnesota corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

BARBARA JEAN SUCIU
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/20

_____
NOTARY PUBLIC

This document drafted by:
Kennedy & Graven, Chartered (TJG)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
612-337-9300

Emergency Private Utility Service Repair Assessment Policy

The purpose of this Emergency Private Utility Service Repair Assessment Policy ("Policy") is to provide assistance to Brooklyn Center residents who are facing unexpected financial burden of a needed exterior private utility repair (i.e., sewer or water line repair from the main, including the curb stop to the principle structure on the property). The program to assist eligible homeowners with the costs of these repairs will be funded through the City Sanitary Sewer and Water Utility Funds. The program will provide a minimum of $500 and a maximum of $10,000 for an eligible homeowner to complete the eligible private exterior repair. The City then recovers the amount it pays for the repair through a special assessment imposed on the homeowner's property.

The City shall be responsible for corrective work needed on prior utility service line repairs performed by a contractor hired by the City for a period of ten years from completion of the repair work. The City's responsibility shall be limited to repairs related to the workmanship of the original repair work as determined by the City and does not include any other repair work that may be needed. This responsibility does not apply to work performed by a contractor hired by a homeowner pursuant to this Policy.

Eligibility Requirements

Eligible Homeowner – The homeowner must be current on all property taxes and utility payments to be eligible to participate in program offered pursuant to this Policy. If any of these payments are delinquent, they must be made current before the homeowner can be approved for funding.

Eligible Dwelling – Only owner-occupied homes in the City of Brooklyn Center are eligible.

Eligible Repairs – Emergency exterior private utility repairs between $500 and $10,000 in situations where a condition requiring immediate and urgent attention, which threatens or imperils the health and/or safety of the homeowner's dwelling, such as a repair or replacement of a failed sewer or water line.

Repair

The homeowner shall enter into a contract with a private contractor to perform the repair work. The contract must be approved in advance by the City. When the work has been completed, the homeowner shall receive an invoice from the contractor. The homeowner must submit the contractor's invoice to the City together with a signed and notarized special assessment agreement in the form provided by the City.

Special Assessment

The City will pay the contractor's invoice and assess, pursuant to the assessment agreement, the costs of the repair on the homeowner's property over a period of five years at the interest rate determined by City's special assessment interest policy. The City shall add a certification fee and any other applicable administrative costs to the amount assessed. The homeowner must agree, as part of the assessment agreement, to the assessment and to waive any and all procedural and substantive objections to the improvement and special assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the property. The property owner also waives any appeal rights otherwise available pursuant to Minnesota Statutes, section 429.081.

This space reserved for recording purposes

IMPROVEMENT AND
SPECIAL ASSESSMENT AGREEMENT

This Special Assessment Agreement ("Agreement") is made this 12 day of JUNE, 2018, by and between the City of Brooklyn Center, a Minnesota municipal corporation ("City") and Nalee Xiong + Kong Moua (collectively, the "Property Owner").

RECITALS

A. The Property Owner is the owner of property in the City of Brooklyn Center, County of Hennepin, State of Minnesota, located at 6306 GRIMES and legally described in the attached Exhibit A ("Subject Property").

B. The Property Owner has requested the repair of a WATER service line on the Subject Property ("Improvement").

C. The City has an Emergency Private Utility Service Repair Assessment Policy ("Policy") that sets out the terms and conditions under which the City will assist owners to pay for the costs of utility repairs such as the Improvement and to recover its costs through a special assessment imposed on the affected property.

D. The Property Owner has requested that the City pay the costs of the Improvement and specially assess those costs against the Subject Property in accordance with the Policy and the terms and conditions of this Agreement.

AGREEMENT

In consideration of the mutual covenants and conditions set forth in this Agreement, the City and the Property Owner hereby agree as follows:

1. RECITALS. The recitals are true and correct and are, together with the exhibit and the Policy, incorporated into and made part of this Agreement.

2. IMPROVEMENT. The Property Owner is responsible for selecting a private contractor to construct the Improvement. The Property Owner shall not enter into a contract with a private contractor for the Improvement until it is first reviewed and approved by the City. The City is not a party to that contract, is not directly responsible to the private contractor under the contract, and is not responsible to the Property Owner for the quality of the work or performance of the private contractor. When work on the Improvement is completed, the Property Owner is responsible for obtaining an invoice for the work from the private contractor and for immediately forwarding it to the City.

3. SPECIAL ASSESSMENT. The total estimated cost of the Improvement is $ 3,551.00. The City will review the invoice upon receipt and, if it appears to be in order, the City will pay the actual amount of the invoice ("Improvement Cost") in accordance with the Policy. The Property Owner requests and consents to the City specially assessing the Improvement Cost, plus the City's administrative fees, (collectively, the "Special Assessment") against the Subject Property. The City shall provide the Property Owner written notice of the total amount of the Special Assessment. The Special Assessment imposed on the Subject Property shall be spread over five (5) years at an interest rate of 4 % per year on the unpaid balance. The first installment shall be due and payable with taxes payable in 2019. The Property Owner waives any and all procedural and substantive objections to the Improvement and the Special Assessment including, but not limited to, any requirements of Minnesota Statutes, Chapter 429 with respect to the adoption or levying of the Special Assessment to the extent those requirements are not met and any claim that the Special Assessment exceeds the benefit to Subject Property. The Property Owner waives any appeal rights otherwise available pursuant to Minnesota Statute, section 429.081.

4. BINDING EFFECT; RECORDING. The covenants, waivers, and agreements contained in this Agreement shall run with the Subject Property shall be binding upon the Property Owner and the Property Owner's successors, heirs, and assigns. This Agreement may be recorded against the title to the Subject Property.

5. ENFORCEMENT. In the event that the Property Owner violates any of the covenants or agreements contained in this Agreement required to be performed by Owner, the City shall have the option to commence an action for specific performance requiring the Property Owner's full and faithful performance hereunder, and the Property Owner agrees that the City shall be entitled to its administrative costs, court costs, and reasonable attorneys' fees in connection with said action provided the City is successful.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date and year first written above.

PROPERTY OWNER

By: _____

By: _____

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 12th day of June, 2018, by Nalee Xiong and Kong Moua

_____
NOTARY PUBLIC

CHIA VANG
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/20

CITY OF BROOKLYN CENTER

By: _____
Tim Willson, Mayor

By: _____
Curt Boganey, City Manager

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 13 day of July, 2018, by Tim Willson and by Curt Boganey, respectively the Mayor and City Manager of the City of Brooklyn Center, a Minnesota corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

_____
NOTARY PUBLIC

BARBARA JEAN SUCIU
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/20

This document drafted by:
Kennedy & Graven, Chartered (TJG)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
612-337-9300

EXHIBIT A

Legal Description of the Subject Property

BLOCK 003, FAIR MEADOWS

Joe's Sewer Service Inc.

4717 Hampshire Ave. N.
Crystal, MN 55428

Invoice

Date	Invoice #
6/13/2018	6224

Bill To
City of Brooklyn Center 6301 Shingle Creek Pkwy Brooklyn Center, MN 55430

Due Date
6/27/2018

Description	Serviced	Amount
Dig and repair water service at curb stop. Supplies, labor and permit. Na Xiong 6306 Grimes Ave. N.	6/13/2018	3,551.00

Total	$3,551.00
Payments/Credits	$0.00
Balance Due	$3,551.00

Please send payment including invoice number to above address. Any payments by phone, inquiries on balance or invoices, please call (763) 535-3803 or (763) 425-4334. Mon. - Fri. 8 am to 3 pm.

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Kelli Wick, HR Director

SUBJECT: Resolution Setting 2019 Employer Benefits Contribution for Full-Time Non-Union Employees

Requested Council Action:

- Motion to approve the resolution setting the 2019 employer benefits contribution for full-time non-union employees

Background:

The City provides a cafeteria benefit plan which allows employees to purchase not only their medical insurance but other insurances provided by the City including dental, supplemental and dependent life, and long and short term disability.

The City participates in the LOGIS health care consortium. The consortium allows member cities to pool together their purchasing power for health and life insurance. Our current health insurance provider is Health Partners.

Annually the City receives the premium increase for health insurance coverage from the LOGIS group. For 2019 the group received an 2.2%. For 2019 the single health insurance premiums range from $595 to $694. Family premiums range from $1,547 to $1,804.

Employees who participate in high deductible health plans tend to be better health care consumers as they are responsible for out of pocket expenses (preventative visits are always covered at 100%.) The total recommended employer benefits contribution for 2019 is $1,198 per month. Employees who elect to opt out will receive 75% of the cafeteria contribution, which is $898 for 2019.

It is recommended that the City Council consider adoption of the attached resolution setting the 2019 employer benefits contribution for full-time non-union employees.

Budget Issues:

Sufficient funds are available in the general fund of the proposed 2019 budget.

Strategic Priorities and Values:

Operational Excellence

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION SETTING 2019 EMPLOYER BENEFITS CONTRIBUTION FOR FULL-TIME NON-UNION EMPLOYEES

WHEREAS, the City Council annually reviews the benefit contribution that is used to provide insurance benefit assistance to City employees; and

WHEREAS, the City has reviewed its contribution to assist in the payment of health insurance premiums and determined that the City's contribution for 2019 should increase by $13; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the City's contribution for regular, full-time non-union City employees for the calendar year 2019 shall be set at $1,198.00 per month including the cost of $10,000 in life insurance coverage. Employees who elect to opt out will receive 75% of the cafeteria contribution which is $898 per month for 2019.

_____ _____

Date Mayor

ATTEST: _____

City Clerk

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

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

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

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: MIke Albers, City Engineer

SUBJECT: Resolution Establishing Interest Rate for 2019 Special Assessments

Requested Council Action:

- Motion to approve the resolution establishing interest rate for 2019 special assessments at 5.0 percent

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 2018 General Obligation Improvement Bonds at 2.66 percent which results in a special assessment interest rate of 5.0 percent for 2019. This interest rate is 1.0 percent higher than the 2018 rate.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Key Transportation Investments

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ESTABLISHING INTEREST RATE FOR 2019 SPECIAL ASSESSMENTS

WHEREAS, the City Council levies special assessments for certain neighborhood 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 2.66 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 2019 is hereby established at 5.0 percent.

November 13, 2018 _____
Date Mayor

ATTEST: _____
City Clerk

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

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

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

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Mike Albers, City Engineer

SUBJECT: Resolution Establishing 2019 Street and Storm Drainage Special Assessment Rates

Requested Council Action:

- Motion to approve the resolution establishing the 2019 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 2018 of 6.2 percent (see Table 1).

Table 1. ENR Construction Cost Index - 12-Month Average Annual Percent Change

Year	2011	2012	2013	2014	2015	2016	2017	2018*
12-mo avg. annual % change	1.3	3.7	2.7	6.3	3.0	1.4	3.5	6.2

Source: ENR website, October 8, 2018, edition

Note: * 10 month average

Based on the 2018 information above, staff recommends adjusting the special assessment rates by an increase of 6.2 percent for 2019, which will be an increase of $351 from the 2018 total assessment amount for street 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:

Increasing the 2018 special assessment rates for 2019 would result in an assessment amount of $4,623 for

street improvements and $1,387 for storm drainage improvements. The total assessment amount would be $6,010 per R1 single-family residential lots in 2019 compared to $5,659 in 2018. The assessment amount for street improvements on partial street reconstruction projects (full pavement replacement) will be $3,467 per R1 single-family residential lots in 2019. The assessment amount for street improvements on pavement rehabilitation projects (mill and overlay) will be $1,529 per R1 single-family residential lots in 2019. The attached resolution provides the corresponding adjustments for R2 and R3 zoned properties based on the proposed unit assessment rates.

Strategic Priorities and Values:

Key Transportation Investments

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ESTABLISHING 2019 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 2019 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, 2019, shall be as follows:

Land Use	2019 Assessment Rates
R1 zoned, used as one-family site that cannot be subdivided	$4623.00 per lot (street) $1387.00 per lot (storm drainage)
R2 zoned, or used as a two-family site that cannot be subdivided	$61.6400 per front foot with a $4623.00 per lot minimum (street) $18.4933 per front foot with a $1387.00 per lot minimum (storm drainage)

RESOLUTION NO. _____

Land Use	2019 Assessment Rates
R3 zoned (per unit)	Assessable frontage x $61.6400 (street) Number of residential units
	Assessable frontage x $18.4933 (storm) Number of residential units

3. The residential assessment rates for partial street reconstruction effective January 1, 2019, shall be as follows:

Land Use	2019 Assessment Rates
R1 zoned, used as one-family site that cannot be subdivided	$3467.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	$46.2267 per front foot with a $3467.00 per lot minimum (street)
R3 zoned (per unit)	Assessable frontage x $46.2267 (street) Number of residential units

4. The residential assessment rates for pavement rehabilitation effective January 1, 2019, shall be as follows:

Land Use	2019 Assessment Rates
R1 zoned, used as one-family site that cannot be subdivided	$1529.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	$20.3867 per front foot with a $1529.00 per lot minimum (street)
R3 zoned (per unit)	Assessable frontage x $20.3867 (street) 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 13, 2018 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Mike Albers, City Engineer

SUBJECT: Resolution Accepting Feasibility Report, Declaring Costs to be Assessed and Calling for Improvement and Assessment Public Hearings for Improvement Project Nos. 2019-01, 02, 03 and 04, Interstate Area Street and Utility Improvements

Requested Council Action:

- Motion to approve the resolution accepting a feasibility report, declaring costs to be assessed and calling for improvement and assessment public hearings for Improvement Project Nos. 2019-01, 02, 03 and 04, Interstate Area Street and Utility Improvements. If approved by the City Council, legal notice would be published and all property owners who could potentially be assessed for improvements would receive a Notice of Public Hearings via mail

Background:

The project was established by the City Council on May 29, 2018, by Resolution 2018-116, for the area commonly referred to as Interstate Area Improvements. This action was taken in accordance with the Capital Improvement Program (CIP), which identifies Interstate Area for improvements during the 2019 construction season.

The attached feasibility report provides a summary of the project evaluation process and preliminary layout of street and utility improvements. The report also includes the results of a resident questionnaire that was mailed to all property owners within the project areas. A public informational meeting was conducted on October 24, 2018, to provide project information to property owners and tenants within the project area and gain additional input from the public.

The informational meeting was generally positive in nature with the majority of questions and concerns relating to design details, access during constriction, impacts to landscaping/boulevards, special assessments and project schedule. A formal presentation of the feasibility for the project is planned at the public hearing.

The attached resolution declares certain project costs to be assessed for the Interstate Area Street and Utility Improvements and calls for a public hearing on the proposed special assessments on December 10, 2018, immediately following the improvement public hearing. Staff recommends that the City Council consider holding the special assessment public hearing immediately following the project improvement public hearing.

The purpose of holding the special assessment public 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 Interstate Area Street and Utility Improvements is estimated to be $10,490,000. The total special assessments for this project are estimated to be $1,123,389.00 for street improvements and $337,041.00 for storm drainage improvements.

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 Nos. 2019-01 and 2019-02 are included in Appendix D of the feasibility report.

Strategic Priorities and Values:

Key Transportation Investments

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ACCEPTING FEASIBILITY REPORT, DECLARING COSTS TO BE ASSESSED AND CALLING FOR IMPROVEMENT AND ASSESSMENT PUBLIC HEARINGS FOR IMPROVEMENT PROJECT NOS. 2019-01, 02, 03 AND 04, INTERSTATE AREA STREET AND UTILITY IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2018-116, directed the preparation of a feasibility report regarding proposed improvements to the streets, storm drainage system and public utilities in the Interstate Area neighborhood; and

WHEREAS, the City Engineer has prepared said report and recommends that the proposed improvements be considered; and

WHEREAS, a portion of the cost of street and storm drainage improvements for said project is proposed to be assessed against properties within the project area; and

WHEREAS, the total project cost for the Interstate Area Street and Utility Improvements is estimated to be $10,490,000; the total cost of the street and storm drainage improvement portion of said project is estimated to be $6,550,000 and the project funding sources are currently estimated to be:

Special Assessments	$ 1,460,430.00
Sanitary Sewer Utility Fund	$ 1,750,000.00
Water Utility Fund	$ 2,100,000.00
Storm Drainage Utility Fund	$ 1,662,959.00
Street Light Utility Fund	$ 90,000.00
Street Reconstruction Fund	$ 3,426,611.00
Total	$10,490,000.00

WHEREAS, the City Clerk and City Engineer have prepared proposed assessment rolls 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. The Engineer's Feasibility Report for Interstate Area Street and Utility Improvements is received and accepted.

2. An improvement public hearing shall be held on the 10th day of December,

RESOLUTION NO. _____

2018, in the City Hall Council Chambers at 7:00 p.m. or as soon thereafter as the matter may be heard to pass upon said improvement project and at such time and place all persons owning property affected by said improvements will be given an opportunity to be heard with reference to said improvements.

3. The City Clerk is directed to cause a notice of the improvement public hearing to be published in the official newspaper at least two weeks prior to the public hearing and shall state in the notice the total cost of the improvement.

4. That portion of the cost to be assessed against benefited property owners for street improvements included in City Improvement Project No. 2019-01 is declared to be $1,123,389.00. That portion of the cost to be assessed against benefited property owners for storm drainage improvements included in City Improvement Project No. 2019-02 is declared to be $337,041.00.

5. An assessment public hearing shall be held on the 10th day of December, 2018, in the City Hall Council Chambers at 7:00 p.m. or as soon thereafter as the matter may be heard to pass upon such assessment and at such time and place all persons owning property affected by such improvements will be given an opportunity to be heard with reference to such assessment.

6. The City Clerk is directed to cause a notice of the assessment public hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the public hearing and shall state in the notice the total cost of the improvement.

7. 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 public hearing.

November 13, 2018 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Public Works Dept
Engineering Division
Phone: 763-569-3340
FAX: 763-569-3440

FEASIBILITY REPORT

FOR

INTERSTATE AREA STREET AND UTILITY IMPROVEMENTS

IMPROVEMENT PROJECT NOS. 2019-01, 02, 03 and 04

CITY OF BROOKLYN CENTER, MINNESOTA

November 5, 2018

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Michael Albers

Michael J Albers, P.E.
Reg. No. 47074
November 5, 2018

I. BACKGROUND

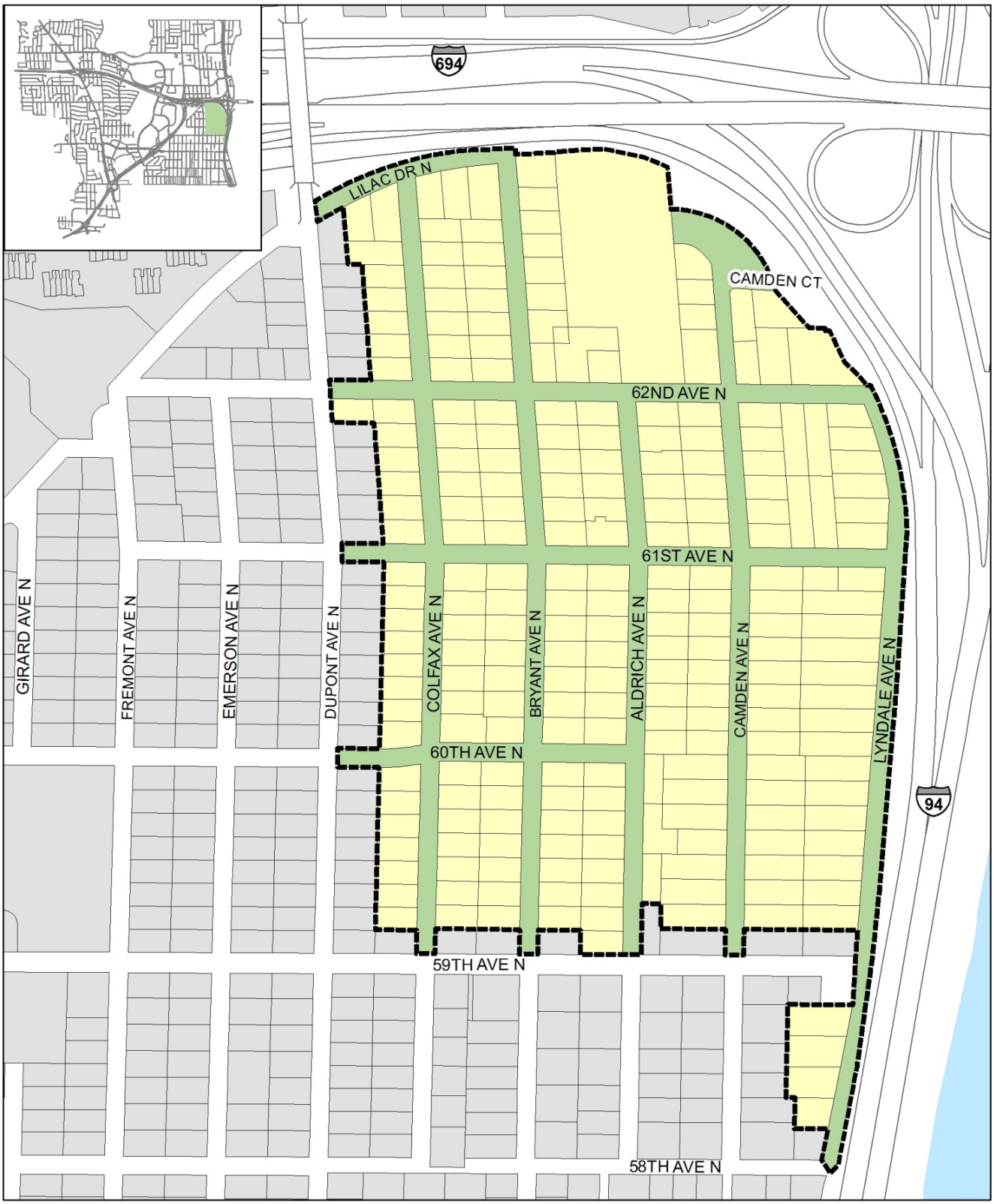
In 2019, the City of Brooklyn Center will be entering the 26th year of its long-range infrastructure rehabilitation program often referred to as the Neighborhood Street and Utility Improvement Program. This program has consisted of a systematic rehabilitation and/or replacement of the City's aging streets, water main, sanitary sewer, storm sewers, sidewalks, trails and street lights.

The City's Capital Improvement Program identifies the Interstate Area Neighborhood for reconstruction in 2019. The proposed project includes roadway, utility and sidewalk improvements within the project limits shown on Figure 1. The Interstate project area extends from 59th Avenue to Interstate 694 and from Dupont Avenue to Interstate 94. The project also includes Lyndale Avenue from 58th Avenue to 59th Avenue.

This report was prepared in response to City Council Resolution No. 2018-116 dated May 29, 2018, directing staff to prepare a feasibility report and collect public input for the proposed project. Staff conducted a public informational meeting with residents and property owners located within the project area on October 24, 2018. A resident questionnaire and letter were also distributed as part of the project evaluation process. A summary of resident comments is provided in Appendix B.

The 2019 project area consists of approximately 3.3 miles of streets and utilities. The neighborhood consists of approximately 234 residential properties that are zoned "R1", 2 sub-dividable residential properties that are zoned "R1" and 1 church property that is zoned "R1".

Figure 1: Project Area



Project Area
Interstate Area Street and Utility Improvements

Figure 1

II. STREET IMPROVEMENTS

A. EXISTING CONDITIONS

The majority of the local streets within the proposed project area were most recently improved between 1964 and 1970 resulting in the existing street pavement being in service for approximately 50 years. The existing streets are generally 30 feet wide, which is typical for most low volume residential streets in Brooklyn Center. The majority of the streets have concrete curb & gutters.

The roadways within the project area are very flat and have concrete curb and gutter, except for Colfax Avenue and portions of 60th Avenue, 61st Avenue, 62nd Avenue, Camden Avenue and Lilac Drive. The roadways' bituminous asphalt pavement has aged and is showing significant fatigue and distress. The typical service life for bituminous pavement is approximately 30 years. Generally, it is no longer cost-effective to routinely maintain these streets with seal coating or thin overlay procedures. Complete reconstruction is warranted.

There are no existing concrete sidewalks within the project area. Adjacent to the project area, concrete sidewalk exists along both sides of Dupont Avenue and on the north side of 59th Avenue. See Figure 2 for existing sidewalk and trail locations.

A geotechnical investigation was performed within the project area to obtain and analyze soil samples below the street pavement. The geotechnical evaluation report contains information regarding the subsurface soil and groundwater conditions and includes appropriate design and construction recommendations. Soil borings primarily indicate fair to good soils. Most borings showed various layers of sand, silty-sand and clayey-sand material. Groundwater was noted at depths of 6.5 to 9.0 feet below the pavement surface in several areas.

Traffic within the project area is generally limited to local traffic access to residential properties within the neighborhood. The roadways generally do not provide connection to other neighborhoods and, therefore, do not experience significant cut-through or collector-type traffic. Traffic volumes on other streets within the project area are generally low volume and typical for local roadways in Brooklyn Center, expected to be much less than 1,000 in most instances.

B. PROPOSED STREET IMPROVEMENTS

Based on the age and condition of the existing bituminous asphalt pavement surfaces and the proposed replacement of underlying utilities in certain locations, complete replacement of the street surface is warranted. Proposed street improvements include full depth reconstruction for the existing streets to a width of 30 feet for the streets within the project area (see Appendix C, Street and Storm Sewer Improvements Figure).

The existing soil material will provide a stable foundation to support the proposed street and utility improvements. The roadway subgrade consists of good soils and is planned to be reclaimed (recycled) in place to be reused as the new aggregate base for the proposed street section. Removal of poor soils in isolated areas throughout the project for utility and or roadway construction will be performed as recommended in the geotechnical report and as determined in the field during construction.

The installation of concrete curb and gutter is proposed with the reconstruction of the streets within the project area. Concrete curb and gutter will assist in conveying storm water runoff to storm sewer catch basins. The improved drainage benefits derived from the installation of curb and gutter will significantly extend the service life of the new pavement. The street grades will also be designed to provide improved

drainage to the storm sewer system. The proposed street reconstruction does not include substantial changes to the roadway width, alignment or elevation.

In accordance with the Complete Streets Policy adopted by the City in 2013, all streets and trail projects, including design, planning, reconstruction, rehabilitation, maintenance or operations by the City of Brooklyn Center shall be designed and executed in a responsible, equitable and financially reasonable way to accommodate and encourage travel by bicyclists, pedestrians, public transportation, emergency and commercial vehicles in a balanced manner. Implementation of the City's Complete Streets Policy ensures that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are taken into account in the design and operation of roads. Accordingly, a worksheet was completed to assist in the complete streets evaluation (see Appendix A, Complete Streets Worksheet).

Additionally, the Safe Routes to School Planning (SRTS) Assistance Memorandum prepared by MnDOT in June 2013 and the Pedestrian & Bicycle Plan adopted in March 2014 are used to plan additional sidewalk and trail routes. The Pedestrian & Bicycle Plan identifies a sidewalk on 62nd Avenue from Lilac Drive to Lyndale Avenue as a gap in the sidewalk system. In response to the residential survey we received two (2) responses supporting additional sidewalks and five (5) responses not wanting any additional sidewalks from residents with frontage on 62nd Avenue.

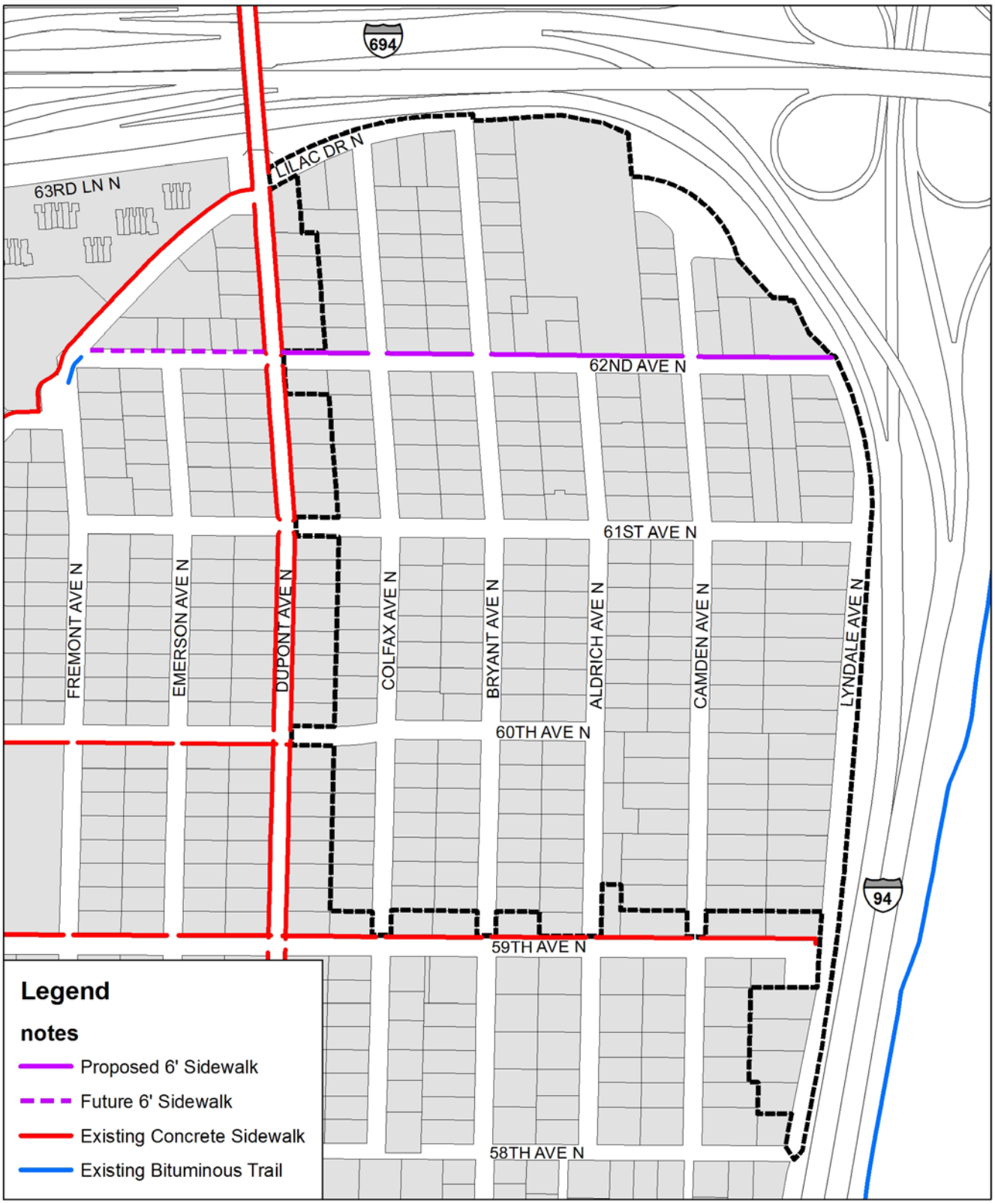
The following strategies and improvements are recommended:

- Ensure that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are taken into account in the design and operation of roads.
- A new 6 feet sidewalk located along the north side of 62nd Avenue from Lyndale Avenue to Dupont Avenue is proposed per the Pedestrian & Bicycle Plan but will be further reviewed during the final project design to study of the need for this sidewalk.
- Pedestrian curb ramps will be constructed throughout the project at each crosswalk location with truncated dome detectable warning systems in compliance with the Americans with Disabilities Act (ADA).

It should also be noted that in-depth property surveys are not performed and when constructing the new driveway aprons, the determined location generally matches existing driveway locations and widths. It is not the intent under this project to verify and fix driveway-property line issues, which sometimes exist. Rather, the construction under this project generally occurs within City right-of-way.

Other improvements include the installation of concrete driveway aprons, the replacement of trees that are impacted, replacement of landscaping elements and irrigation systems that are impacted and deficient segments of sidewalk are proposed to be repaired as warranted or impacted. Disturbed boulevard areas will be restored with topsoil and sod.

Figure 2: Sidewalk and Trail Improvements



Sidewalks and Trails
Interstate Area Street and Utility Improvements

Figure 2

III. STREET LIGHTING SYSTEM

A. EXISTING CONDITIONS

The neighborhood improvement program has historically included the replacement of free-standing street lights located within the neighborhood. Free-standing street lights are defined as lights mounted on poles, which do not contain any other overhead utilities attached to them. There are currently eleven (11) free-standing street lights within the project area. These lights consist of older style wood utility poles that have been in service for many years, most likely dating back to the original construction of the neighborhood. The existing free-standing street lights have overhead power services with cobra-head type light fixtures. Other street lights in the neighborhood exist on multiuse-type poles, which are unable to be removed and therefore are not planned to be replaced. There are currently 11 street lights on multiuse poles within the project area.

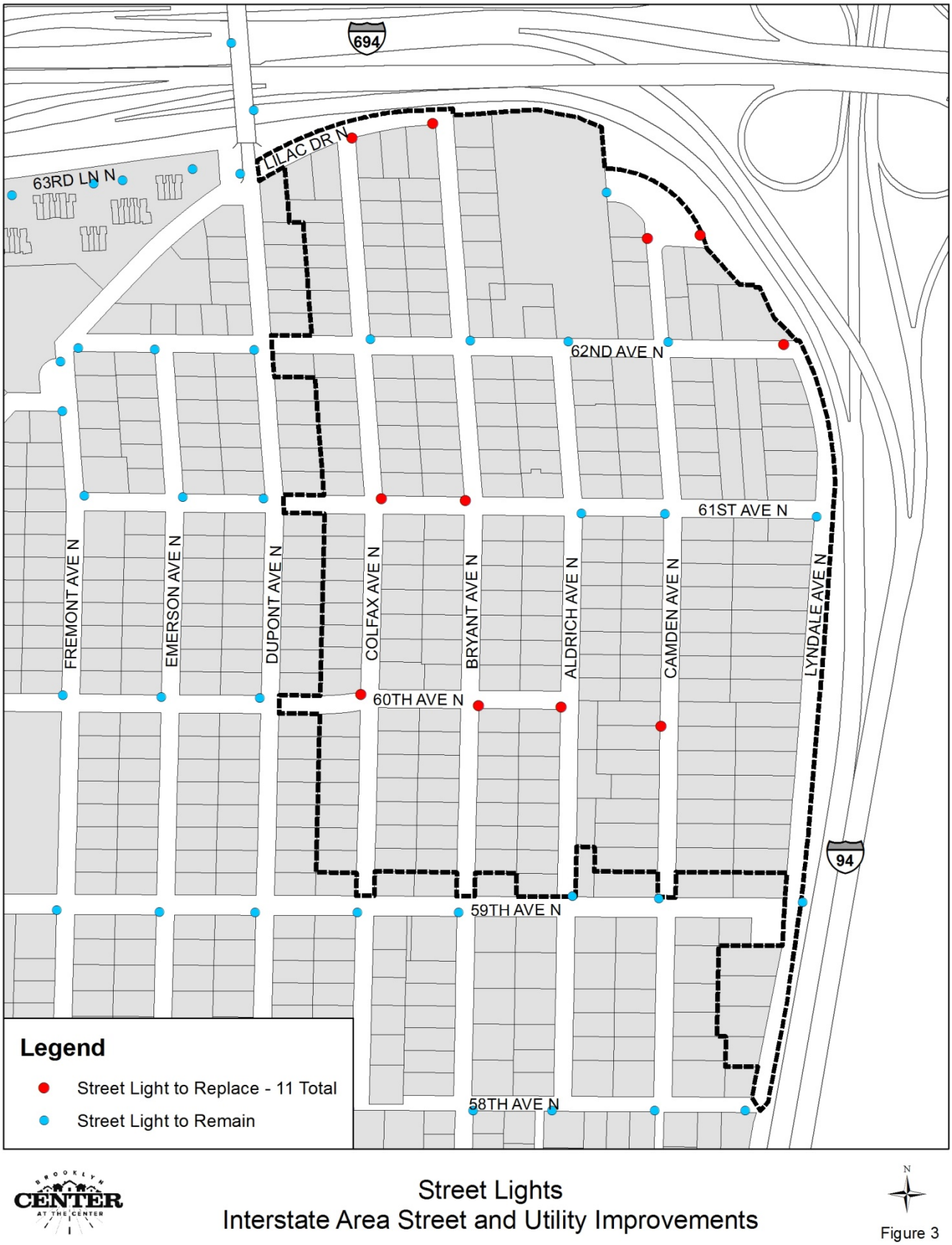
The City's Street Light Policy states that street lights may be provided at street intersections and at mid-block locations where the distance between intersections exceeds 700 feet. Street lights are currently located at all intersections and at most of the longer blocks that exceed 700 feet with minor exceptions.

B. PROPOSED STREET LIGHTING IMPROVEMENTS

The recommended street light improvements include replacement of the eleven (11) existing free-standing street lights with fiberglass poles, cut-off type LED light fixtures and underground power services. Other street lights that are mounted on multiuse transmission/distribution poles within the neighborhood are not proposed to be modified with this project (see Figure 3); however, Xcel Energy has indicated that all Xcel Energy-owned cobra head-style streetlights on multiuse poles in the project area currently have LED fixtures.

In accordance with City policy, mid-block street lights may be installed where the block exceeds 700 feet in length upon receipt of a petition signed by a majority of the residents on the block, including signatures of the residents adjacent to the specific location where such mid-block light is requested. Staff received a few inquiries about street lights through the public outreach efforts of the project but staff has not received any formal requests/petitions for additional street lights. Adding new street lights will be coordinated and evaluated during the final design stages of the project with the property owners that would be directly affected by adding new street lights. Should the appropriate petitions be received, additional lighting will be included in the project lighting improvements.

Figure 3: Street Light Exhibit



IV. STORM DRAINAGE AND TREATMENT SYSTEM

A. EXISTING CONDITIONS

The project area is located within the West Mississippi Watershed Management Commission area and flows to the Mississippi River. The existing storm drainage system in the project area consists of a network of storm sewer pipes installed between approximately 1952 and 1978 and is generally undersized by today's standards. The surface water within this neighborhood flows overland to the underground storm drainage systems on 60th Avenue, Bryant Avenue or Camden Avenue which flows to trunk storm drainage systems on 59th Avenue, eventually discharging into the Mississippi River. The trunk line on 59th Avenue consists of 42-inch and 54-inch reinforced concrete pipe installed in 1952. A water quality treatment facility and additional 48-inch reinforced concrete pipe outlet were installed near the intersection of 59th Avenue and Lyndale Avenue in 2009.

A televising inspection of the existing storm sewer is currently being conducted and will further be evaluated during final design. A cursory review of the existing underground pipe network in this area found the pipe to be in fair to good condition with some isolated issues identified in several areas that warrant repair.

There are several isolated areas within the project area that experience localized flooding due to the flat topography within the project area. Several comments from area residents indicated a lack of adequate drainage facilities within the neighborhood and were mostly related to standing water along the edge of the street and at driveways. However, no major flooding issues have been identified.

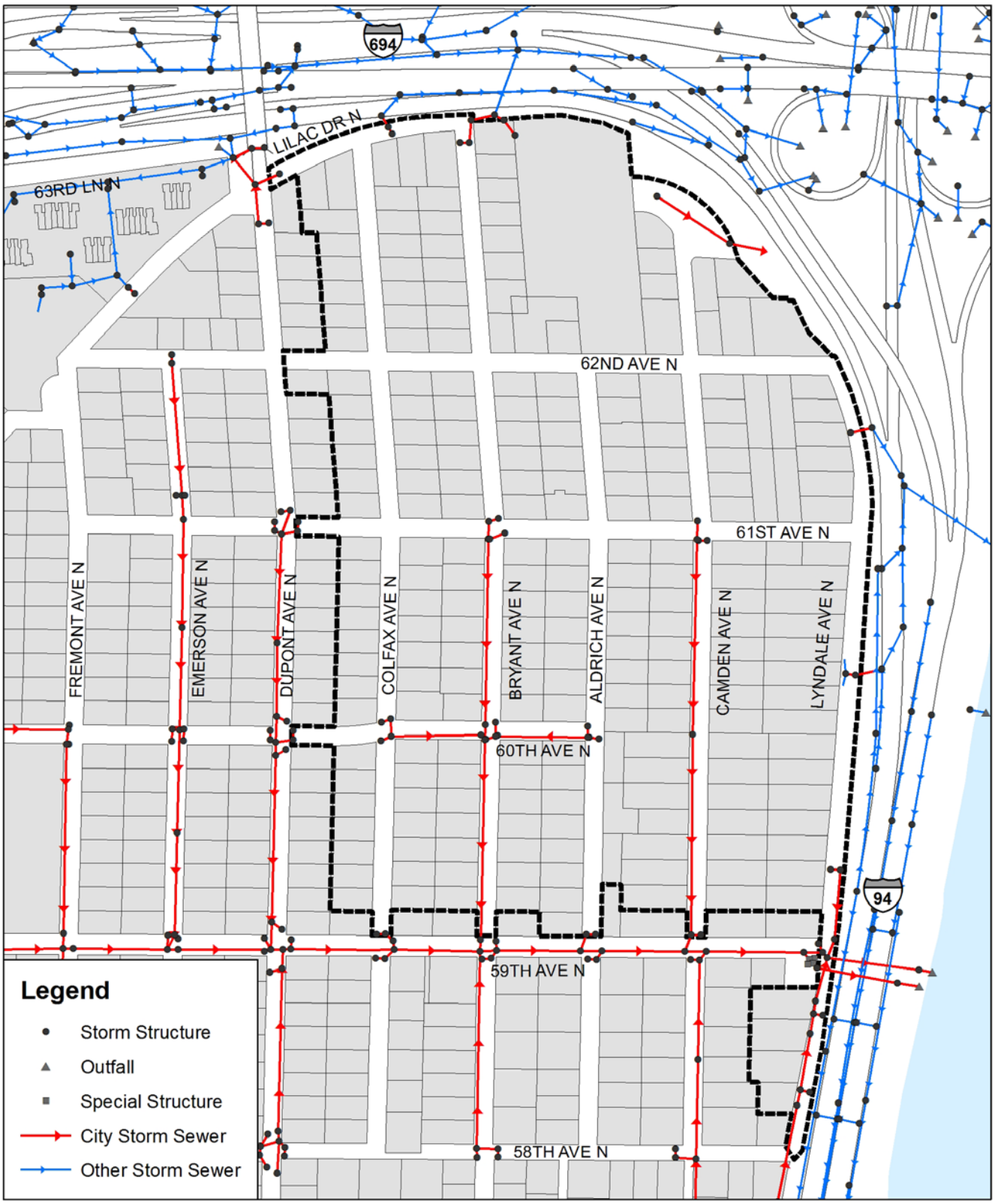
B. PROPOSED DRAINAGE IMPROVEMENTS

Storm sewer improvements will be made to the existing system that includes replacing/repairing catch basins and laterals where necessary. As indicated, the storm sewer system is to some extent undersized. A more complete system is proposed to be installed including multiple new trunk and lateral lines and catch basins in several areas (see Appendix C, Street and Storm Sewer Improvements Figure). This expansion of the drainage system and installation of additional pipes and catch basin structures will help minimize localized drainage problems. The existing storm sewer system within the street right-of-way will be reconstructed, but is not expected to include the replacement of the trunk storm sewer within 59th Avenue.

Proposed water quality improvements include installing sump catch basins at select neighborhood discharge locations where feasible. Additionally, infiltration basins (rain gardens) will be incorporated throughout the project area within the boulevard areas where adjacent property owners volunteer and agree to these gardens.

An infiltration basin consists of a relatively small area of plantings within a constructed depression located behind the street curb. Rainwater is routed to the areas from the street gutter and infiltrates naturally by plants and soils in the garden. This infiltration process removes nutrients and pollutants. By acting as a small detention pond, the rain garden plants and soils also provide a natural way of reducing the amount of runoff water that flows from rooftops, lawns, driveways and streets directly into the storm sewer system. The underground treatment chambers and infiltration basins are recommended for this project in certain areas to help meet the City's storm water treatment goals and requirements.

Figure 4: Storm Sewer Exhibit



Existing Storm Sewer
Interstate Area Street and Utility Improvements

Figure 4

V. SANITARY SEWER SYSTEM

A. EXISTING CONDITIONS

The existing sanitary sewer collection system within the project area consists primarily of eight-inch diameter vitrified clay pipe (VCP) sewer mains, except for a short section of sanitary sewer on the south end of Lyndale Avenue which is eight-inch diameter Poly-Vinyl Chloride pipe (PVC). A majority of the sanitary sewer system was installed between 1960 and 1972. Due to the age and materials used in the original construction of the sanitary sewer, almost all of the sanitary sewer mains within the project area are subjected to frequent issues with root intrusion. Public Works crews must perform root sawing and jetting on an annual basis to maintain the system conveyance capacity and avoid sewer back-ups in many locations (see Figure 6).

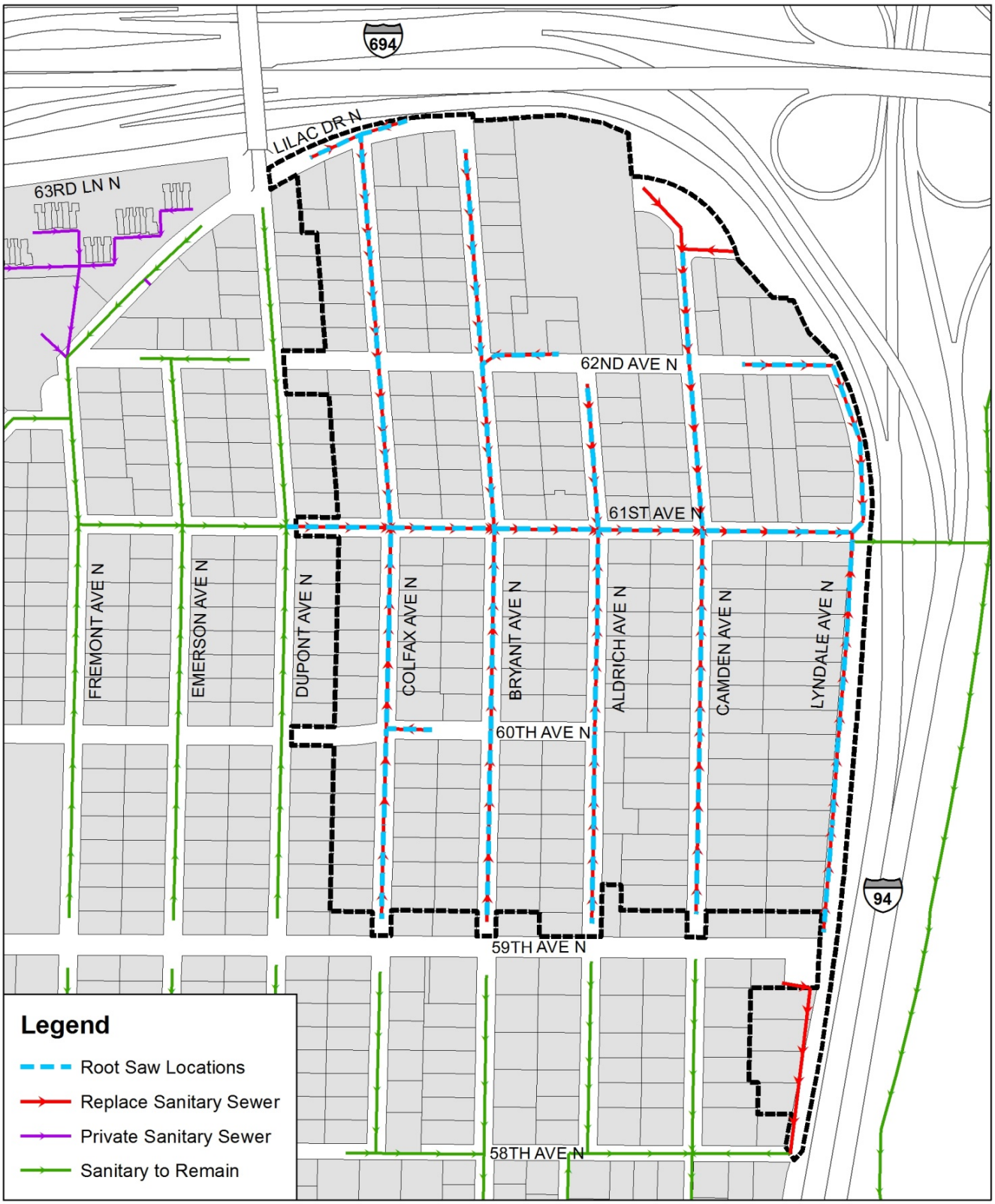
During the project planning phase, all public sanitary sewer pipes were inspected with remote televising equipment. These inspections confirmed that portions of the sanitary sewer have moderate to severe problems with root intrusion, sags and sections of cracked and broken pipe along pipe joints and at many services. Surveys received from residents also indicate some occurrences of sewer service line blockage that are often attributed to root penetration of the service pipe joints and connection points. Figure 5 illustrates a typical section of sewer pipe with moderate root intrusion problems. The project contains many segments of sanitary sewer that are in likewise or worse condition.

Figure 5: Sanitary Sewer Line, Tree Root Intrusion

B. PROPOSED SANITARY SEWER IMPROVEMENTS

Complete replacement of the eight-inch diameter VCP sanitary sewer mains within the project area is recommended due to the extent of root intrusion, sags and cracked pipe within the collection system. It is recommended that the existing eight-inch PVC sanitary sewer main is also replaced in order to relocate it from the boulevard to the center of the street (see Appendix C, Sanitary Sewer and Water Main Improvements Figure). Isolated replacement of the problem areas is not cost effective. In accordance with past City construction practice, individual service lines between the sewer main and the property line would also be replaced.

Figure 6: Sanitary Sewer Root Saw Locations



Sanitary Sewer Root Saw Locations
Interstate Area Street and Utility Improvements

Figure 6

VI. WATER SYSTEM

A. EXISTING CONDITIONS

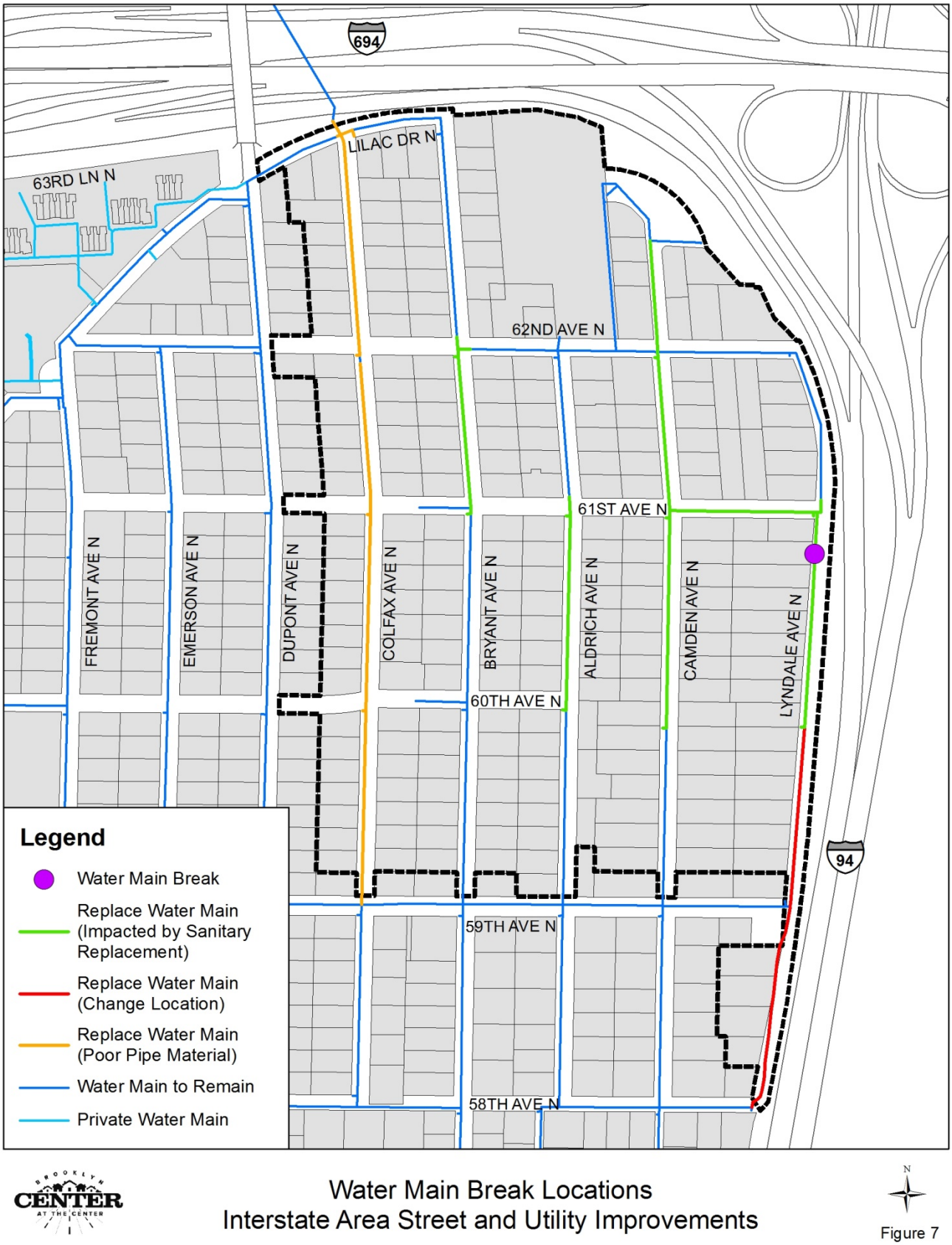
A majority of the water main within the project area consists of 6-inch and 8-inch diameter cast iron pipe (CIP) installed between 1964 and 1972. A 24-inch steel pipe water main was installed along Colfax Avenue in 1964. The water main pipe velocities in the Interstate Area are all relatively low due to low domestic demands in this residential area as confirmed by water distribution modeling. Minor water quality issues have been reported by residents. A majority of the existing water main in the project area is assumed to have a cement based internal liner. There is a history of only 1 water main break within the project area (see Figure 7). However, the water main is in fair to good condition and has not approached the end of its life cycle. Three properties were also identified to have had frozen service issues.

B. PROPOSED WATER MAIN IMPROVEMENTS

Recommended water main improvements include partial replacement (approximately 60-70%) of the existing cast iron water main with new ductile iron water main in segments where the replacement of the adjacent sanitary sewer that is deeper than the existing water main (due to undercutting issues during construction). It is also recommended to replace the existing 24-inch steel water main in its entirety (see Appendix C, Sanitary Sewer and Water Main Improvements Figure). In future years, nearer the end of the life cycle of the remainder of the water main that is not being proposed to be replaced (see Figure 7), considerations of in-situ pipe lining is expected to be evaluated as warranted that will preserve the new roadway that is being proposed as part of this current project.

The proposed improvements also include replacement of valves, hydrants and water services extending from the water main in the street to the water curb stop located at the front property line. Replacement pipe materials include ductile iron pipe, which is more resistant to corrosion than cast iron pipe, and copper service pipe. Shallow services that have been susceptible to freezing will be insulated along from the water main to the water curb stop.

Figure 7: Water Main Break Locations



Water Main Break Locations
Interstate Area Street and Utility Improvements

Figure 7

VII. PARK IMPROVEMENTS

There are no parks or other public recreation facilities within the project area. No new parks or other public recreation facilities are planned as part of the project.

VIII. RIGHT-OF-WAY AND EASEMENTS

Generally, all public infrastructure owned, maintained and operated by the City throughout the project area is located within City easements and/or right-of-way. It is not anticipated that the City will need to acquire any additional right of way or easements as part of the project.

IX. ESTIMATED COSTS AND FUNDING CONSIDERATIONS

The total estimated cost of the proposed project is $10,490,000.00. Table 1 provides a summary of the estimated project costs and recommended funding amounts from the various sources as indicated. Funding for the project is further described below.

A. FUNDING FOR STREET IMPROVEMENTS

The estimated project cost of roadway improvements for all streets in this project area is $4,550,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for street improvements are proposed in accordance with the 2019 rates which are expected to be considered for adoption by the City Council on November 13, 2018. The standard 2019 residential street assessment rate is estimated to be $4,623 per R1 zoned residential property. This rate would be assessed to all benefitting single family residential properties within the project area (see Figure 8). For R1 properties which may be legally subdivable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit R1 assessment. The church property located at 6240 Aldrich Avenue and the single family residents at 516 & 600 62nd Avenue are legally subdividable and would be assessed accordingly.

City owned properties are not proposed to be assessed. A total estimated special assessment amount of $1,123.389.00 would be levied for street improvements. The remaining street construction costs would be funded from the Street Reconstruction Fund. A summary of the proposed special assessments for street improvements is provided in Appendix D.

B. FUNDING FOR STORM DRAINAGE IMPROVEMENTS

The total estimated cost for storm drainage improvements within the project area is $2,000,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for storm drainage improvements are proposed in accordance with the 2019 rates which are expected to be considered for adoption by the City Council on November 13, 2018. The standard 2019 storm drainage special assessment rate is estimated to be $1,387 per R1 zoned single family residential property within the project area (see Figure 8). The church property located at 6240 Aldrich Avenue and the single family residents at 516 & 600 62nd Avenue have been computed similarly to the street assessments.

On this basis, a total estimated special assessment amount of $337,041.00 would be levied for storm sewer improvements. A summary of the proposed special assessments for storm drainage improvements is provided in Appendix D.

C. FUNDING FOR UTILITY IMPROVEMENTS

The estimated cost of sanitary sewer improvements is $1,750,000.00; the estimated cost for water main improvements is $2,100,000.00; and the estimated cost for street light replacement is $90,000.00. As previously noted, these total cost estimates include the costs for project administration, engineering, legal and construction contingency. All costs for water, sanitary sewer and street light improvements will be funded by their respective utility funds in accordance with established policy for such improvements.

Table 1. Cost and Funding

Improvement Project Nos. 2019-01, 02, 03 04
2019 Interstate Area Street and Utility Improvements
Feasibility Report, November 5, 2018

	Streets	Storm Drainage	Sanitary Sewer	Water Main	Street Lights	Estimated Total
Estimated Expenditures						
Estimated Construction Cost Street & Utility	$3,794,500.00	$1,668,000.00	$1,459,500.00	$1,752,000.00	$75,000.00	$8,749,000.00
Contingencies (10%)	$379,500.00	$167,000.00	$146,000.00	$175,000.00	$8,000.00	$875,500.00
Administration, Engineering, Legal (9%)	$376,000.00	$165,000.00	$144,500.00	$173,000.00	$7,000.00	$865,500.00
Total Estimated Project Costs (Feasibility)	$4,550,000.00	$2,000,000.00	$1,750,000.00	$2,100,000.00	$90,000.00	$10,490,000.00
Estimated Revenue						
Street Special Assessments	$1,123,389.00					$1,123,389.00
Storm Drainage Special Assessments		$337,041.00				$337,041.00
Sanitary Sewer Utility Fund			$1,750,000.00			$1,750,000.00
Water Utility Fund				$2,100,000.00		$2,100,000.00
Storm Drainage Utility Fund		$1,662,959.00				$1,662,959.00
Street Light Utility Fund					$90,000.00	$90,000.00
Street Reconstruction Fund	$3,426,611.00					$3,426,611.00
Total Estimated Revenue (Feasibility)	$4,550,000.00	$2,000,000.00	$1,750,000.00	$2,100,000.00	$90,000.00	$10,490,000.00

Figure 8: Assessment Map

Assessment Map
Interstate Area Street and Utility Improvements

Figure 8

X. RECOMMENDED PROJECT SCHEDULE

Table 2 is the preliminary schedule for the project.

Table 2. Interstate Area Reconstruction Project – Schedule

Action	Target Date
City Council Receives Feasibility Report, Declares Cost to be Assessed and Calls for Public Hearings	November 13, 2018
City Council Holds Public Hearing, Authorizes the Project and Orders Preparation of Plans and Specifications	December 10, 2018
City Council Approves Plans and Specs, and Authorizes Advertisement for Bids	February 2019
City Receives and Opens Project Bids	March/April 2019
City Council Considers Award of Contract	March/April 2019
Start Project Construction	April 2019
Construction Substantially Complete	October 2019

XI. CONCLUSIONS AND RECOMMENDATIONS

The overall condition of the City's street and utility infrastructure systems is critical to the operation, safety, welfare and economic health of the entire community. As a result of the infrastructure needs described and the proposed solutions and estimated costs provided in this report, the proposed project is considered to be necessary, cost effective and feasible.

Appendix A

Complete Streets Worksheet

Appendix A

Complete Streets Worksheet

This Complete Streets Worksheet is intended to serve as a guide when reviewing a roadway's ability to accommodate all modes of transportation (pedestrian, bicyclists, transit riders, freight, and automobiles) and people of all abilities in a cost-effective manner, while promoting safe operation for all users. Complete streets address the design of the entire street right-of-way to determine the best allocation of space between the various transportation modes. Complete streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time. This worksheet was developed to facilitate implementing the complete streets process and to help sort through potentially conflicting modal priorities. The worksheet is also available in an electronic format that allows responses to by typed directly into the worksheet.

Please reference the following materials when filling out the checklist:

- City and/or County Comprehensive Plans that cover the project area
- Transportation Plans that cover the project area (e.g., City, County, and/or State)
- Bicycle or Pedestrian Master Plans that cover the project area (e.g., City, Park district, County, and/or State)
- City and/or County ADA Transition Plans that cover the project area
- Area specific studies
- A Policy on Geometric Design of Highways and Streets (AASHTO "Green Book")
- AASHTO Guide for the Development of Bicycle Facilities, 4th Edition
- MnDOT Bikeway Facility Design Manual
- Minnesota Manual on Uniform Traffic Control Devices (MMUTCD)
- ADA Accessibility Guidelines (ADAAG)
- Proposed Rights-of-Way Accessibility Guidelines (PROWAG)
- Hennepin County Complete Street Policy
- State of Minnesota Complete Street Policy

Project Information	Date: 11/5/2018
Project Location (municipality):	City of Brooklyn Center
Roadway Jurisdiction:	City of Brooklyn Center
Project/Roadway Name:	Interstate Area Street and Utility Improvements
Project Start Point:	Improvement area consists of properties bounded between 59th Avenue and Interstate 694 and from Dupont Avenue and Interstate 94. The project also includes Lyndale Avenue from 58th Avenue to 59th Avenue.
Project End Point:	See project area map in feasibility report.
Project Manager	Jay Hill, City of Brooklyn Center

Define Existing and Future Land Use and Urban Design Context

1. Do any adopted plans call for the development of bicycle, pedestrian, transit or roadway facilities on, crossing, or adjacent to, the proposed project? If yes, list the applicable plan(s).

Guidance: Possible sources of this information include Comprehensive Plans, Transportation Plans, Bicycle or Pedestrian Master Plans or area-specific studies developed by applicable City, County and/or State Agencies.

Brooklyn Center Pedestrian & Bicycle Plan (City of Brooklyn Center, March 2014) calls for a new sidewalk along 62nd Avenue from Lilac Drive to Lyndale Avenue.

2. Are there any local, county, statewide or federal policies that call for incorporating multimodal facilities?

Guidance: Policies at the state and federal level may impact a project due to funding sources.

NA

3. Describe the study area.

Guidance: What are the predominant land uses along the corridor? What is the community character? (e.g., tree-lined streets, historic, new development) Are there any planned redevelopment areas in the project area?

The project area consists of approximately 3.3 miles of streets and utilities. The project's neighborhood consists of approximately 234 residential properties that are zoned "R1", 2 sub-dividable residential property that is zoned "R1" and 1 church property that is zoned "R1".

4. What trip generators (existing and future) are in the vicinity of the project that might attract walkers, bikers or transit users?

Guidance: For example, large employers, downtown or shopping districts, schools, parks, community centers, medical centers, transit stations, government buildings and senior care facilities.

The project area includes 1 City park (Grandview Park) and 1 school property (Earle Brown Elementary School) located within 1/2 mile of the project area. Access to the Mississippi Trail corridor is also available within 1/2 mile of the project area.

Define Existing and Future Transportation Context

5. Describe existing and projected modal volumes, if available.

Volumes (as available)	Existing	Projected (Year)
Average Daily Traffic	Local Streets: low volume 62nd Avenue (2018): 310	Local Streets: low volume 62nd Avenue (2039): 320
Pedestrian Counts	Not Available	Not Available
Bicycle Counts	Not Available	Not Available
Truck Volumes	Not Available	Not Available
Transit Volumes	NA	NA

6. Existing vehicle speed conditions.

a. What is the posted speed limit for the project and associated intersecting streets?

30 mph per state statute (Local streets), posted 30 mph on Dupont Avenue

b. Provide speed data, if available.

Colfax Ave south of 62nd Ave: 25 mph; 62nd Ave east of Colfax Ave: 20 mph (2018) Not Available for other local streets.

c. Are excessive speeds an issue in the project area?

Higher speeds on Dupont Avenue.

7. Describe crash data, if available, and known conflict locations.

Guidance: Crash data will likely not be available for pedestrians and bicycles. Crash trends and known conflict points should include neighborhood input and antidotal data, such as areas of known "near misses", or areas where seasonal activities cause safety issues, such as sports arenas or fairgrounds.

Transportation Mode	Number of Crashes	Period Covered
Vehicles	20 throughout the neighborhood	1/1/07-12/31/17
Pedestrians	none	1/1/07-12/31/17
Bicycles	1	1/1/07-12/31/17

a. Are there any crash trends between specific modes?

There are no crash trends between specific modes. The bicycle accident involved a vehicle that failed to yield the right-of-way at a 4 way stop.

b. Are there known conflict points between specific modes?

No

8. Describe Classifications.

a. What is the road functional classification?

All streets within the project area are designated as Local Streets.

b. Does the street cross any high functional classification roads? (yes/no) If so, please list.

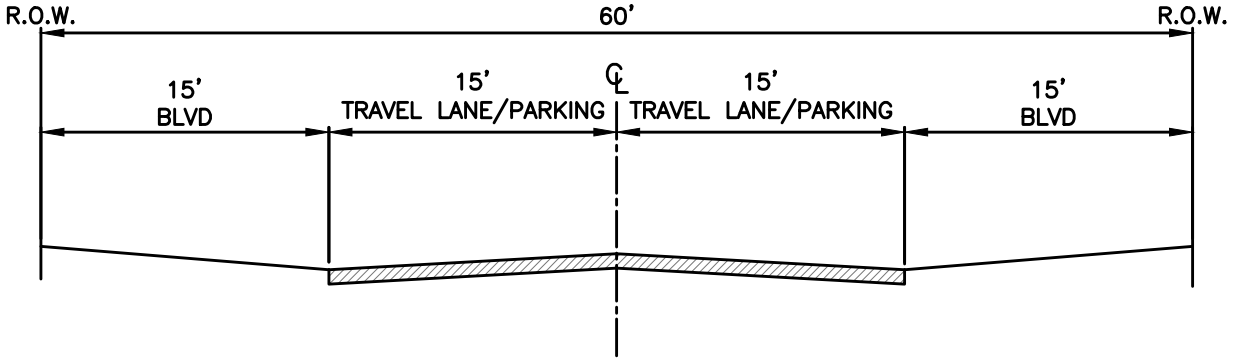
Yes: Dupont Avenue on the west boundary of the project is a collector.

c. Does the roadway have other classifications (e.g., truck route, transit route, bicycle route, emergency vehicle route)? (yes/no) If so, please list.

Yes: Dupont Avenue, which is adjacent to the project is also a MSA Route and a Metro Transit bus route.

9. Sketch in or attach the existing cross-section(s).

Guidance: The existing cross-section should include the full right-of-way and be clearly dimensioned. Additional cross-sections are advisable to illustrate specific situations or if corridor segments greatly vary.



10. What multimodal accommodations exist in the project and on streets that it intersects?

Guidance: Multimodal accommodations may include transit routes, sidewalks, trails, and designated on-street bicycle facilities, such as bike lanes, sharrows or signed bike routes.

Concrete sidewalks exist along both sides of Dupont Avenue and on the north side of 59th Avenue adjacent to the project.

11. If there are no multimodal accommodations, how far away are the closest parallel facilities?

Guidance: Designated transit routes or bikeways may not exist within the community, and therefore, may not be applicable.

NA

12. What multimodal amenities exist in the project?

Guidance: multimodal amenities may include benches, bike racks/lockers, trash receptacles, crosswalks, traffic signals, mature tree canopy, transit stops/shelters, and wayfinding signage.

Mature boulevard trees throughout the project area.

13. Describe any particular user needs/challenges along the project corridor that you have observed or have been informed of.

Guidance: User needs may consist of lack of facilities (worn dirt pathways), traffic congestion, difficulty accessing bus stops or sidewalks due to snow piles at intersections, at-grade crossings of railroads or high volume roadways, and steep terrain.

Several comments from area residents indicated this lack of adequate drainage facilities within the neighborhood and were mostly related to standing water along the edge of the street and at driveways.

14. Are the existing facilities ADA and PROWAG compliant?

Guidance: Reference resources include the ADA Accessibility Guidelines (ADAAG), Proposed Rights-of-Way Accessibility Guidelines (PROWAG), and MnDOT Accessibility Design Tools website.

No: The existing sidewalks along 59th Avenue and Dupont Avenue generally have pedestrian curb ramps within the project area. The pedestrian curb ramps will be reviewed for compliance and will be replaced with truncated dome detectable warning systems in compliance with the Americans with Disabilities Act (ADA) at each crosswalk location throughout the project as necessary.

Identify Existing Deficiencies

15. Based on the land use and transportation context analysis, describe existing and anticipated future deficiencies to full multimodal transportation that the project could/should address.

The Brooklyn Center Pedestrian & Bicycle Plan identified a missing sidewalk connection on on 62nd Avenue from Lilac Drive to Lyndale Avenue.

Describe Future Objectives

16. Develop objectives regarding how multimodal facilities will be integrated into the project and how identified deficiencies will be addressed.

Guidance: The objectives will form the basis for the street design.

-Ensure that the needs and safety of pedestrians, bicyclists, motorists, and transit riders of all ages and abilities are taken into account in the design and operation of roads.
-Pedestrian curb ramps should be constructed throughout the project at each crosswalk location with truncated dome detectable warning systems in compliance with the Americans with Disabilities Act (ADA).

Recommend Area Typology/Street Typology and Test Cross-section(s)

17. Complete the following questions if your community has developed Area Typologies and Street Typologies (See page 21, "Roadway Classification versus Settings" for a description of area and street typologies.)

Guidance: If applicable, list document that contains your agency's Area Typologies and Street Typologies

a. What is the recommended Area Typology?

NA

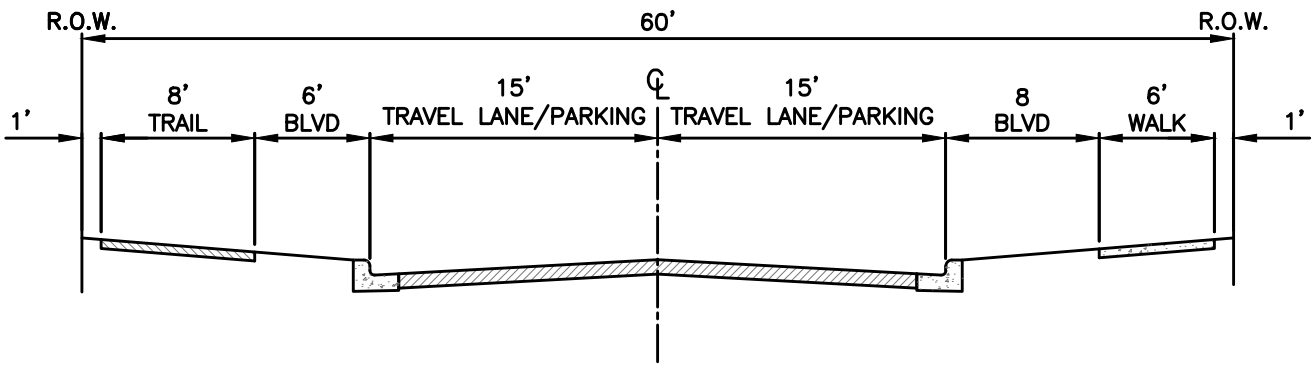
b. What is the recommended Street Typology?

NA

18. Sketch in or attach the initial cross-section(s) that depicts desired street elements.

Guidance: Initial cross-section should be clearly dimensioned and indicate any additional right-of-way required. Additional cross-sections are advisable for specific situations or if corridor segments greatly vary.

INITIAL TYPICAL SECTION



19. Describe any constraints associated with the initial cross-section.

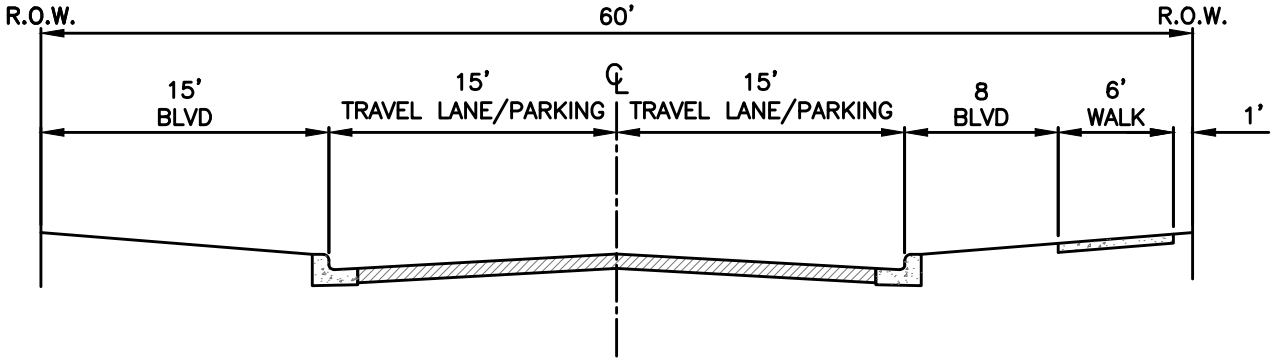
Guidance: Potential constraints include lack of right-of-way, existing structures, existing mature trees or environmental features, topography or number of driveways.

Potential constraints would be the number of existing mature trees and landscaping in the right-of-way, number of driveways, increase in impervious surface area and limited right-of way space.

20. Sketch in or attach alternative cross-sections.

Guidance: Alternative cross-sections should be modifications of the initial cross-section that respond to identified constraints. All modes should receive equal consideration and accountability in the development of alternatives.

ALTERNATIVE TYPICAL SECTION



Describe Tradeoffs and Select Cross-section

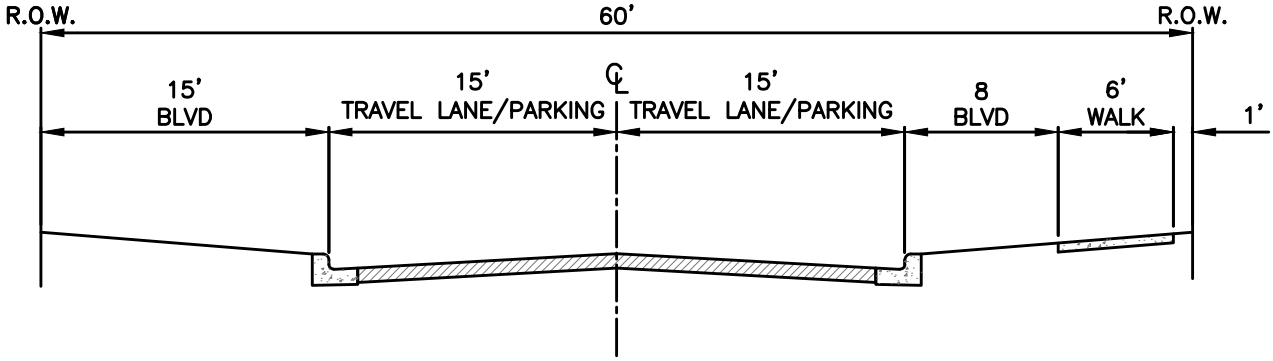
21. Describe tradeoffs associated with the alternative cross-sections.

Guidance: Examples of tradeoffs include removal of mature vegetation, narrower travel lanes, removal of on-street parking (one or both sides), right-of-way acquisition costs, and provision of bikeway facility on an adjacent parallel street.

Alternative cross-section would provide a concrete sidewalk for pedestrian traffic. Potential constraints would be the number of existing mature trees and landscaping in the right-of-way, number of driveways, limited right-of way space and increased impervious surface.

22. Sketch in or attach the selected cross-section(s).

Guidance: Selected cross-section should be clearly dimensioned and indicate any additional right-of-way required. Additional cross-sections are advisable for specific situations or if corridor segments greatly vary.



A Concrete sidewalk could be constructed on the north side of 62th Avenue between Dupont Avenue and Lyndale Avenue, as shown above. This potential sidewalk location will be reviewed during final design if directed by the City Council.

Based on a survey of the neighborhood, a majority of the property owners do not feel the neighborhood needs additional sidewalks or trails. All other streets are proposed to be constructed without trails or sidewalks.

23. If the project does not accommodate all modes, list reasons why facilities for that mode are not provided.

Guidance: For example, the cost of the facility will be disproportionately high in relation to number of projected users; adequate right-of-way does not exist and acquisition of additional right-of-way would create adverse impacts to valued community assets; a bikeway facility is being planned on an adjacent parallel route that can service bicyclists' needs.

Providing a trail/sidewalk facilities on all streets would require mature tree removal and increase the impervious surface area. All of the streets in the project area are local streets with low traffic volumes. Trail/sidewalk facilities on all streets would be out of character for this neighborhood.

Implementation

24. Identify project milestones, roles and responsibilities for project implementation

City Council Conduct Public Hearing / Order Plans:	December 10, 2018
City Council Approve Plans/Authorizes Advertisement for Bids:	February 2019
City Council Accept Bids/Award Project:	March/April 2019
Begin Construction:	April 2019
Substantial Completion:	October 2019

25. How will access for all modes be maintained during project construction?

Guidance: Reference resource includes MnDOT Context Sensitive Solutions (CSS) Webinar, Maintaining Pedestrian Access Through Construction & Maintenance Work Zones

A drivable street will be maintained at most times during the construction. The exception would be during the installation/repair of the City utilities and reconstruction of the existing roadway, when access may be cut off for a limited period of time. Even during those activities, though, access will be restored by the end of each day. Access to the sidewalk system will be available for the majority of the construction project. However, the main interruption to access of the sidewalks will be during the replacement of deficient sections of sidewalk. For this work, access will not be available for approximately 7-10 days while the concrete cures.

26. Facility Maintenance

a. What agency will be responsible for on-going maintenance for each mode?

City of Brooklyn Center - Public Works Department will be responsible for on-going maintenance for the streets, sidewalks and trails.

b. What specific seasonal and long-term maintenance is needed for each mode?

Maintenance activities typically include patching, sealcoating, crack sealing, sweeping, minor sidewalk repair, and the cost of operating and maintaining the park improvements.

Appendix B

Resident Questionnaire
Resident Comments

QUESTIONNAIRE
2019 Interstate Area Reconstruction Project

This questionnaire will help the City of Brooklyn Center Engineering staff to better understand the infrastructure needs and issues in your neighborhood. This survey can be returned in person or by mail to: City of Brooklyn Center/Engineering Division, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430; by fax at 763-569-3440; or by email at: publicworks@ci.brooklyn-center.mn.us. Please return this survey by **September 28, 2018**. You may also contact us at 763-569-3340 to discuss these issues.

Please be advised we will contact you in the near future via mail regarding a meeting which will be held this fall. At the meeting we will gather additional information and solicit your input. Thank you for your cooperation in providing this important survey!

1. Contact Information:

   Name: _____

   Address: _____

   Email Address: _____

   Phone Number: _____

2. Our televised sewer inspections typically identify sanitary sewer services with moderate to severe root infiltration. Have you experienced any problems with sanitary sewer service, such as line plugging or having the service cleaned out to the street? If yes, how often?

   _____

   _____

   _____

3. Typically, improvements to the storm drainage system are needed. Do you have a problem with drainage or flooding in the street, your yard or basement?

   _____

   _____

   _____

   _____

4. Do you experience problems relating to the water distribution system such as water pressure, taste, odor or color?

   _____

   _____

   _____

   _____

5. Do you have a lawn irrigation (or sprinkler) system located within your property?

   Please circle one: Yes No

(OVER)

6. Do you have a sump pump in your basement?

Please circle one:
A. Yes, my sump pump runs frequently (at least once every day)
B. Yes, my sump pump runs less frequently
C. No, I do not have a sump pump or do not use my sump pump
D. Unknown

7. Do you have draintile on you property?

Please circle one:
A. Yes, it drains to the yard
B. Yes, it connects to the storm sewer system
C. No, I do not have draintile on my property.
D. Unknown

8. A rain garden is simply a "sunken" flowerbed, designed to retain and infiltrate as much storm water as possible. The benefit to the environment is reduction in the amount of storm water entering our ponds, lakes and streams. If it is feasible to do so, do you wish to have a rain garden placed in the boulevard on your property? (If interested, further rain garden information will be provided this winter.)

Please circle one: Yes No Maybe

9. The City's policy pertaining to sidewalk improvements is that sidewalks are not typically installed on local "residential" streets unless the City Council orders the construction of sidewalks when such construction is warranted. Do you feel your neighborhood needs additional sidewalks?

Please circle one: Yes No

If yes, where?

_____

_____

10. The City's policy pertaining to spacing of existing street lights is to provide for lighting at intersections and at mid-block locations where spacing exceeds 700-feet. Do you feel your neighborhood needs additional street lighting?

Please circle one: Yes No

If yes, where?

_____

_____

11. What other concerns, comments and/or issues do you have pertaining to the streets, sidewalks, utilities, etc., in your neighborhood?

_____

_____

_____

_____

Should you have questions or need more information, please contact the Engineering Division at 763-569-3340.

Please return by **September 28, 2018** to:
Engineering Division
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
FAX 763-569-3440
Email: publicworks@ci.brooklyn-center.mn.us

BROOKLYN CENTER AT THE CENTER

INTERSTATE AREA RECONSTRUCTION PROJECT

PUBLIC WORKS – ENGINEERING

JUNE 2018

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Interstate Area Street and Utility Improvements 2019
Survey Summary Results

Sanitary (2)	Storm (3)	Water (4)	Sprinkler System (5)	Sump Pump (6)	Draintile (7)	Rain Garden (8)	Sidewalk (9)	If yes, where? (9a)	Streetlights (10)	If yes, where? (10a)	Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (11)
62nd Avenue											
Have new sewer line from house to street four years ago (a year or more ago when flushed line in street - water in toilets bubbling up and splashing all over - happened to neighbors too).	No	No	No	No	No	No	No		No		Can you get rid of big dip on 62nd and Bryant?
Had roots cleared out every 1-2 years.	0	Sometimes pressure, taste, odor and color.		No	Unknown	Maybe	Yes	62nd and Camden on both streets - neighbors speed regularly - kids are endangered.	No		Holes and dips on 62nd between Dupont and Bryant are/is ridiculous.
No	No	Yes; taste and odor.	No	No	No	No	No		No		
Aldrich Avenue											
No	No	Sometimes the water tastes a little off; we have also noticed black flecks in the water from time to time.	Yes	No	Unknown	Maybe	No		No		
No	Drainage off roof causes ice dams by stairs in front of house - but no other drainage issues other than when it rains a lot, water piles up at end of driveway.	Smells like pool in the past, chemicals, chlorine smelling sometimes in the past, particular in water in past.	Yes	No	Unknown	Maybe	Yes		Yes	Over by the middle school.	Sidewalks on 60th from Earle Brown to Aldrich.
Yes; once many years ago before we had trees taken out of our front yard.	At the end of our driveway, yes, it pools up summer and winter. I think pitch of driveway, which we had replaced many years ago, is at fault?	No	Yes	No	No	No	No		No		
Have had it cleaned once.	Yard by walkway toward gutter; no drain-tile.	No	No	No	No	No	No		No		
As of July 20, 2018, no; for we just bought the house.	Flooding with heavy rain.	No	No	No		No	No		No		None.
No	No	No	No	No	No	No	No		No		Potholes at intersections.
Had rotor rooter clean out main line a few years ago.	The end of our block near the church gets high with water when heavy rains are here.	Taste of water is not great.	No	No	No	No	No		No		We need a stop sign on intersection of 62nd and Bryant; also the dips in the intersections are terrible.
I have not had any issues.	No issues with flooding.	I have not.	No	No	Unknown	Maybe	No		No		Mostly concerned with cost and dips at intersections. * I don't want a sidewalk on N. 62nd Avenue.

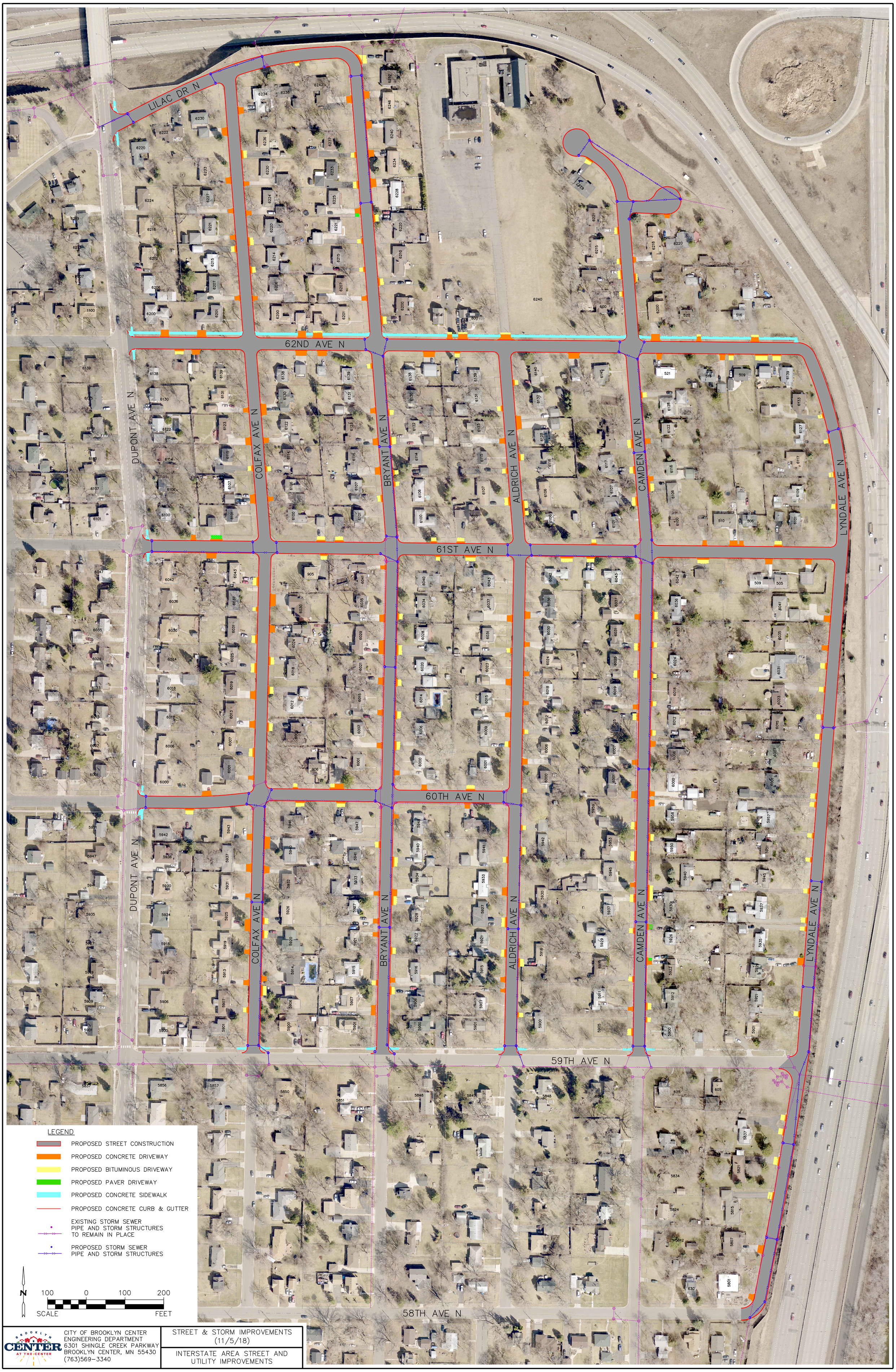
Sanitary (2)	Storm (3)	Water (4)	Sprinkler System (5)	Sump Pump (6)	Draintile (7)	Rain Garden (8)	Sidewalk (9)	If yes, where? (9a)	Streetlights (10)	If yes, where? (10a)	Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (11)
Bryant Avenue											
						Yes					Called and was not able to submit form but did want to notify that she is interested in rain garden.
Broken sewer line pipe replaced in front yard in 2010.	No	No	No	No	No	Maybe	No		No		
No I haven't!	No problems.	No; to date.	No	No	Unknown	No	No		No		What we got here, is a phony "failure to communicate," with the picking, of the pockets, of tax payers. As for tax payers info. meetings, nix elaborate show - you already have the green light, for this inviable project, so, full steam ahead!
Only one time; it was this year after being here for 30 years with no issues!	No	No	No	No	No	Maybe	No		No		Lines running through our backyard 15-feet from property line for just this one block and lines running from pole to another house across our backyard.
Not since I removed the Maple over our line.	Floods at the corner of 60th and Bryant.	Strong chlorine smell since the new treatment facility went online.	No	No	No	Maybe	No		No		Cost.
No	Yes; flooding in street.	No	No	No	No	No	No		No		No.
Not for sometime.	Street flooding at corner of 60th and Bryant.	No	No	No	No	Maybe	No		No		
Several years ago the City replaced the box that runs to street. Denise paid over $8,000 to have this done - no problems since.	No	No	No	No	No	Maybe	No		No		
Every other year need to clean to curb = 15', always roots.	No	No		No	No	Yes	No		Yes		
No	Street drains poorly, especially in winter/spring; backyard floods in spring.	No	No	No	No	No	No		No		
No	No	No	Yes	No	No	No	No		No		Yes; I want to know if you dig up the front yard and there is damage to the sprinkler system who pays.
Two years ago it was the City's fault, they had back flushed and I ended up with a diaper plug in my line. Not from me and roots this year.	No	Odor.	Yes	No	No	No	No		No		What will happen to trees.
No; I don't flush paper. I am living alone; grandson with special needs comes now and then and I watch him to give his mom a break.	No; a few people curt yard and leave grass to wash down the curb drain; I don't, I pick up leaves and sweep along my property line.	No		No	Yes; connects to storm sewer system; just laundry water goes in that drain.	I never heard of this.	No	Hardly anyone walks around here; only once in a while.	No	Again, hardly anyone walks around here; one or two every now and then. I am 79; home all the time.	Neighbors don't cut their weeds and the itch weed goes to seed. I have hurt myself reaching over fence to whack the tops off.
Twice since 6-2011.	We do not have storm sewer.	Chlorine odor sometimes since new plant.	No	No	Unknown	Maybe	Yes	We are walking distance for BCS and all the students walk in the street till they get to Dupont.	Yes	As more families with children move into the area, middle and high school students want to walk to friends house after dark and before curfew.	Corner of 62nd and Colfax is big potholes almost year round. Dip at corner of 62nd and Bryant. We have large one on parkway/my property line. Do not want to keep it if you will take it out; want to discuss.

Sanitary (2)	Storm (3)	Water (4)	Sprinkler System (5)	Sump Pump (6)	Draintile (7)	Rain Garden (8)	Sidewalk (9)	If yes, where? (9a)	Streetlights (10)	If yes, where? (10a)	Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (11)
Camden Avenue											
Yes; I moved into my house in November 2009 and I had sewer backup issue in my toilet and tub until I had my sewer pipes removed and replaced in 2011. This cost me over $3k to repair.	My basement gets some flooding during major rain storms.	No	No	Unknown	No	Maybe	No		No	We have great lighting on 59th and Camden intersection.	Would it be possible to have my driveway approach repaired by the City and the cost of repair added to may annual property taxes or paid for with a loan through the City? Its in bad shape. If possible I would like my full driveway repaired in near future. This would improve the quality of my property and neighborhood.
No	No	Yes	No	No	No	No	No		No		Unused driveway apron should be replaced with standard curb to prevent erosion of soil into gutter.
Yes; once every two to three years due to tree roots.	No	Yes; taste of BC water is terrible and I won't let my family drink it. Pressure has problems but may be related to water heater.	No	No	No	No	Please No!		No	Need better intersection lighting!	Need more stop signs; especially on 58th Avenue coming towards Camden Avenue going both ways.
Yes; approximately every three years or longer	No	No	No	No	Yes; connects to storm sewer	No	No		No		
	No	Water has very bad taste and odor; it was wonderful water until you did a new well; it is terrible.	No	No	No	No	No		No		I need good road and better water. I have lived in this house 68 years and I don't need to drink bottled water.
	No	Taste and Odor; terrible after treatment plant built.	No	No	No	No	No		Yes	Camden between 59th and 61st.	
Line cleaned to street two years ago.	No	No	No	No	No	No	No		No		
No	No	No	No	No	No	No	No		No		None.
Colfax Avenue											
No	No	Water has smelled like bleach for over a year.	No	Yes; runs less frequently.	No	No	No		No		
I have a large tree that causes issues, but it gets cleaned out to the street regularly.	No	A slight odor occasionally.	No	No	No	No	No		No		
Yes; I have to call plumber at least twice a year to drain the line to the street.	No	I kind of hesitate (never) to drink the water from faucet due to odor.	No	No	No		Yes				
No	No	No	No	Yes; runs less frequently.	Yes; but I am not sure where it drains to (I think it drains into the yard).	No	No		No		I don't want any sidewalks or curbs installed because I don't feel that they are necessary and I am concerned about the cost of them and how I will pay for them. I am also concerned how I will get in and out of both of my garages as I live on a corner lot and both of the garages are used on a daily basis.
Clean one time per year.	No	Sometimes the water turns yellow.	No	No	No	No	No		No		No.
I try to have my main drain cleaned every two years.	No	Our water smells like chlorine.	No	No	Unknown	Maybe; if the whole neighborhood does.	Yes	Lilac Drive between Bryant and Dupont.	Yes	Always	None at the moment.
No	No	No	No	No	No	Maybe	No		No		None.
Cleaned out once 15 years ago	No	No	No		No	Maybe	No		No		
Emerson Avenue											
No	No	No	Yes	No	No	No	No		No		

Sanitary (2)	Storm (3)	Water (4)	Sprinkler System (5)	Sump Pump (6)	Draintile (7)	Rain Garden (8)	Sidewalk (9)	If yes, where? (9a)	Streetlights (10)	If yes, where? (10a)	Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (11)
Lilac Drive											
Yes; about every few years.	Yes; the street corner and in front of my driveway.	Yes; taste and odor.	No	No	Unknown	No	No		No		Traffic and speed. Replacement of my sewer line from the house. Tree Replacement? Can I add a driveway entrance?
Lyndale Avenue											
Yes; I have had my line to the street unplugged three times in less than two years; backs up too often.	No flooding that has been caught before causing damage.	I think the taste is bad and odor also; my family feels the same way.		Unknown	Unknown	Yes	No		No		I think the powerlines have too much tree growth over them that the City could address sooner than later.
No	Yard and basement; twice in basement; we built up soil.	Sometimes chlorine smell.	No	No	Unknown	No	Yes		Yes	In front of my house on Lyndale.	Racing cars, a sidewalk would make it safer.
Yes, we have lived here almost seven years and have had someone here at least six times - our floor drain backed up and flooded the basement.	Yes, we do get some water in our basement when it rains hard and sometimes after the snow melts.	Only when the City works on the hydrants.	No	No	Unknown	No	No		No		Every year I see trees being trimmed back especially on Camden, but never on Lyndale. We have a very large tree in our front yard on the curb that we feel should be cut back one of these days - a storm is going to hit and take down some large branches.
We have had it done one time in 2011.	Unattached garage and basement. Garage has draintile - house has two sump pumps and draintile.	The water odor is bad and taste is not that great.	No	Yes; sump pump runs less frequently.	Yes; drains to yard.	Maybe	No		No		
Yes; annual sewer service. House to street area 2017 sewer line repair: sewer pipe relining and trenchless repair by Benjamin Franklin Plumber.	No	No	No	No	No	No	No		No		Yes; residential asphalt street needs to be repaired. I hope not Interstate Project don't take away yardage to my front yard and trees.

Appendix C

Project Drawings:
Street and Storm Sewer Improvements Figure
Sanitary Sewer and Water Main Improvements Figure



CITY OF BROOKLYN CENTER
ENGINEERING DEPARTMENT
6301 SHINGLE CREEK PARKWAY
BROOKLYN CENTER, MN 55430
(763)569-3340

STREET & STORM IMPROVEMENTS
(11/5/18)

INTERSTATE AREA STREET AND UTILITY IMPROVEMENTS

CITY OF BROOKLYN CENTER
ENGINEERING DEPARTMENT
6301 SHINGLE CREEK PARKWAY
BROOKLYN CENTER, MN 55430
(763)569-3340

SANITARY SEWER AND WATER MAIN IMPROVEMENTS (11/5/18)

INTERSTATE AREA STREET AND UTILITY IMPROVEMENTS

Appendix D

DRAFT Proposed Pending Assessment Roll

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL
November 13, 2018
2019 INTERSTATE AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2019-01 AND 02

DRAFT

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

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL
November 13, 2018
2019 INTERSTATE AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2019-01 AND 02

DRAFT

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
0111821210041	5922	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210109	5927	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210042	5928	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210107	5933	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210043	5934	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210044	5940	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210105	5941	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210103	5947	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210045	5948	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210091	6000	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210118	6001	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210090	6006	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210100	6007	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210089	6014	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210099	6015	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210088	6020	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210097	6021	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210087	6028	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210094	6029	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210086	6034	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210093	6035	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210085	6040	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210092	6041	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340010	6100	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340021	6101	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340011	6106	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340020	6107	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340012	6114	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340019	6115	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340013	6122	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340018	6123	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340014	6130	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340017	6131	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340015	6138	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340016	6139	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340083	6200	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340053	6201	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340052	6207	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340082	6210	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340051	6215	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340081	6220	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340050	6221	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340049	6225	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340080	6228	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340048	6233	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340079	6234	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340047	6237	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340078	6240	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340077	6246	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340098	6252	BRYANT AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210008	5911	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120019	5912	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210007	5919	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120020	5922	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120021	5926	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210006	5929	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120022	5930	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210005	5937	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120023	5940	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210004	5945	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120024	5950	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210003	5953	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL
November 13, 2018
2019 INTERSTATE AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2019-01 AND 02

DRAFT

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
0111821120025	5958	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210002	5959	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
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0111821210069	6001	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120036	6006	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210068	6007	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120037	6012	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210067	6015	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120038	6018	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210066	6019	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120039	6024	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210065	6025	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120040	6030	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210064	6031	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120041	6036	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210063	6037	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120042	6042	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210062	6043	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430027	6100	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340089	6101	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430028	6106	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340088	6107	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430029	6116	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340087	6117	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430030	6122	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340086	6125	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430031	6128	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340101	6145	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1 (South Lot: Address Pending)
3611921340100	6145	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1 (North Lot)
3611921430036	6200	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340045	6215	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430035	6218	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340044	6221	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340043	6227	CAMDEN AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430038	6220	CAMDEN CT		$ 4,623.00		$ 1,387.00	R1
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0111821210024	5907	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
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0111821210112	5914	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210022	5919	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210110	5920	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210021	5925	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
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0111821210020	5931	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210106	5932	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210019	5937	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210104	5940	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210018	5943	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210102	5946	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210017	6001	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210116	6006	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
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0111821210098	6012	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210015	6013	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210096	6018	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210014	6019	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210095	6024	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210013	6025	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210124	6030	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210012	6031	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210011	6037	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
0111821210010	6043	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL
November 13, 2018
2019 INTERSTATE AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2019-01 AND 02

DRAFT

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
3611921340022	6100	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340033	6101	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340023	6106	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340032	6107	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340024	6114	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340031	6115	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340025	6122	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340030	6123	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340026	6130	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340029	6131	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340027	6138	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340028	6139	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340054	6200	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340069	6201	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340055	6206	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340068	6207	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340056	6214	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340067	6215	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340057	6220	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340066	6221	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340058	6224	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340065	6227	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340059	6230	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340064	6233	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340060	6236	COLFAX AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340039	6138	DUPONT AVE N		$ 4,623.00		$ 1,387.00	R1
3611921340076	6222	LILAC DR N		$ 4,623.00		$ 1,387.00	R1
3611921340063	6230	LILAC DR N		$ 4,623.00		$ 1,387.00	R1
3611921340061	6234	LILAC DR N		$ 4,623.00		$ 1,387.00	R1
3611921340062	6238	LILAC DR N		$ 4,623.00		$ 1,387.00	R1
3611921340046	6242	LILAC DR N		$ 4,623.00		$ 1,387.00	R1
0111821130035	5807	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821130033	5815	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821130032	5821	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821130031	5837	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120016	5921	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120015	5929	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120014	5935	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120013	5937	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120012	5945	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120011	5951	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120010	5957	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120034	6001	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120033	6007	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120032	6015	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120031	6023	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120030	6031	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120029	6035	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
0111821120028	6041	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430024	6101	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430023	6109	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430022	6117	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430021	6127	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430020	6133	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
3611921430019	6139	LYNDALE AVE N		$ 4,623.00		$ 1,387.00	R1
	Total Assessments			$ 1,123,389.00		$ 337,041.00	

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Mike Albers, City Engineer

SUBJECT: Resolution Establishing Parking Restrictions for Segments on Camden Avenue from 66th Avenue to 1,330' South of 66th Avenue

Requested Council Action:

- Motion to approve the resolution establishing no-parking restrictions along the west side of Camden Avenue from 66th Avenue to 1,330' south of 66th Avenue and the east side of Camden Avenue from 66th Avenue to 650' south of 66th Avenue

Background:

As part of the TopGolf development, the roadway of Camden Avenue was extended to the south and the cul-de-sac was rebuilt to facilitate the placement of TopGolf building and parking lot improvements. In addition, pavement markings on Camden Avenue between 66th Avenue and 1,330' south of 66th Avenue were revised to coincide with the revised access location to TopGolf site.

The four-lane configuration from 66th Avenue to 650' south of 66th Avenue does not provided sufficient street width to allow on-street parking on the west and east side of street based on design standards. In addition, staff has received concerns from residents in the Melrose Gates Apartments regarding poor visibility due to the on-street parking near their driveway on the west side of Camden Avenue. Staff recommends that restricting parking on the west side of Camden Avenue from 650' south of 66th Avenue to 1,330' south of 66th Avenue would improve visibility for vehicles entering/exiting from the Melrose Gates Apartments driveway.

Parking along Camden Avenue is currently allowed on both sides of the street from 66th Avenue to 1,330' south of 66th Avenue. The proposed resolution would officially establish no-parking zones along the west side of Camden Avenue from 66th Avenue to 1,330' south of 66th Avenue and the east side of Camden Avenue from 66th Avenue to 650' south of 66th Avenue (see attached figure).

Budget Issues:

Installation of new no-parking signs is included in the street maintenance budget. Routine replacement of the new signs that occurs approximately every 14 years will be input into our asset management system and included in future operating budgets. No additional budget issues are involved with officially adopting the proposed parking restrictions.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING PARKING RESTRICTIONS FOR SEGMENTS ON CAMDEN AVENUE FROM 66TH AVENUE TO 1,330' SOUTH OF 66TH AVENUE

WHEREAS, the developer for TopGolf site in coordination with the City of Brooklyn Center has completed improvements to Camden Avenue which included extending Camden Avenue to the south and rebuilding the cul-de-sac to facilitate the placement of TopGolf building and parking lot improvements in 2018; and

WHEREAS, the City revised the pavement markings on Camden Avenue between 66th Avenue and 1,330' south of 66th Avenue to coincide with the revised access location to TopGolf site; and

WHEREAS, the street width does not provide adequate width for parking on both sides of the street on Camden Avenue from 66th Avenue to 650' south of 66th Avenue; and

WHEREAS, restricting parking on the west side of Camden Avenue from 650' south of 66th Avenue to 1,330' south of 66th Avenue would improve visibility for vehicles entering/exiting from Melrose Gates Apartment driveway.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the City shall ban the parking of motor vehicles at all times on the following street segments:

1. West side of Camden Avenue from 66th Avenue to 1,330' south of 66th Avenue.
2. East side of Camden Avenue from 66th Avenue to 650' south of 66th Avenue.

November 13, 2018 _____
Date

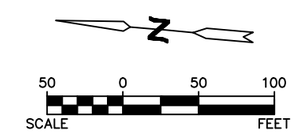
_____
Mayor

ATTEST: _____
City Clerk

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

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

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



11/5/18

NO PARKING ZONES

CAMDEN AVENUE

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Resolution Approving Surface Water Management Plans Updates

Requested Council Action:

- *Motion to approve the resolution approving the Surface Water Management Plan updates*

Background:

The Shingle Creek and West Mississippi Watershed Management Commissions updated their water management plan on April 15, 2013. At that time, in accordance with State Statue, the City was required to update the City's Surface Water Management Plan (SWMP) within two years of an updated plan by the Watershed. The current update is the third generation of the City's plan and builds on the original plan dated 1997, which was updated in 2006.

The SWMP provides a framework for surface water management to protect water quality, aids in understanding areas to reduce flooding, addresses storm water issue areas, outlines an implementation plan for education, studies, programs and capital improvements and meets local and State requirements Clean Water Act. WSB and Associates, Inc. was hired by the City to update the SWMP and create a hydraulic storm water model of the City's system to better understand and assist in storm water infrastructure planning. As part of the City's inclusion priorities, a public meeting was held in October 2014 to inform the public and take public comments on the SWMP.

The City Council reviewed the plan at a City Council Worksession on February 17, 2015, however, that updated plan was never formally approved by the City Council. Revisions to Minnesota Rules 8410 in 2016 state; Each local water plan shall be adopted not more than two years before the local comprehensive plan is due. The revisions to the plan from the 2015 update include minor text changes and adding three more years of projects to the implantation plan based on the approved 15-year Capital Improvement Program.

The updated SWMP has been submitted to the Watershed and Metropolitan Council for a 60 day review period and all comments have been addressed.

Budget Issues:

There are no budget issues to consider with this action.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING SURFACE WATER MANAGEMET PLAN UPDATES

WHEREAS, the Shingle Creek and West Mississippi Watershed Management Commissions updated their water management plan on April 15, 2013. In accordance with State Statue at the time, the City updated the City's Surface Water Management Plan (SWMP) within two years of an updated plan by its Watershed; and

WHEREAS, the City Council reviewed the plan at a City Council Worksession on February 17, 2015, however that updated plan was never formally approved by the City Council; and

WHEREAS, revisions to Minnesota Rules 8410 in 2016 state; Each local water plan shall be adopted not more than two years before the local comprehensive plan is due; and

WHEREAS, revisions to the plan from the 2015 update include minor text changes and adding three more years of projects to the implantation plan based on the approved 15-year Capital Improvement Program. The updated SWMP has been submitted to the Watershed and Met Council for a 60 day review period and all comments have been addressed.

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

1) The Brooklyn Center SWMP updates are hereby APPROVED.

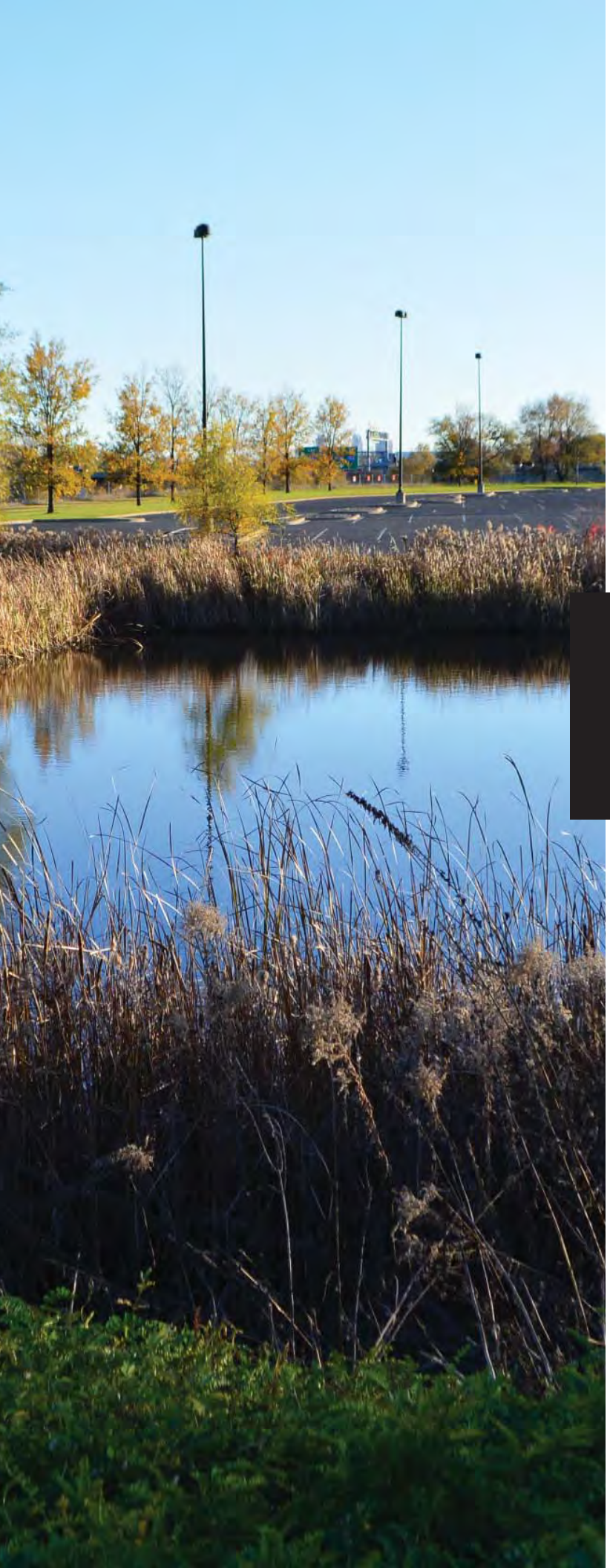
November 13, 2018 _____
Date Mayor

ATTEST: _____
City Clerk

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

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

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



Surface Water Management Plan

November 2018

Prepared For
City of Brooklyn Center
6301 Shingle Creek Pkwy.
Brooklyn Center, MN 55430

WSB Project No. 011247-000

SURFACE WATER MANAGEMENT PLAN

CITY OF BROOKLYN CENTER, MN

November 2018

WSB Project No. 011247-000

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

Jacob Newhall, PE Reg. No. 49170

Title Page

Certification

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Appendix C – Shingle Creek and West Mississippi Watershed Commissions Rules and Standards

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Appendix J – TMDLs

Appendix K - SWAMP

BMPs – Best Management Practices

BWSR – Board of Water and Soil Resources

City – City of Brooklyn Center

DNR – Department of Natural Resources

DWSMA – Drinking Water Supply Management Area

FEMA – Federal Emergency Management Agency

FIRM – Flood Insurance Rate Map

FIS – Flood Insurance Study

LiDAR – Light Detection and Ranging

LGU – Local Governing Unit

MCBS – Minnesota Bounty Biological Survey

MDH – Minnesota Department of Health

MLCCS – Minnesota Land Cover Classification System

MPCA – Minnesota Pollution Control Agency

MS4 – Municipal Separate Storm Sewer System

NPDES – National Pollutant Discharge Elimination System

NWI – National Wetland Inventory

OHW – Ordinary High Water

PCB – Polychlorinated Biphenyl

PFOS - Perfluorooctane Sulfonate

RCWD – Rice Creek Watershed District

SCWMC – Shingle Creek Watershed Management Commission

SSTS – Subsurface Sewage Treatment System

SWMP – Surface Water Management Plan (also called the plan, City plan and local plan)

SWPPP – Storm Water Pollution Prevention Plan

TMDL – Total Maximum Daily Load

WCA – Wetland Conservation Act

WMWMC – West Mississippi Watershed Management Commission

1. EXECUTIVE SUMMARY

1.1. Surface Water Management Plan Purposes

The City of Brooklyn Center's *Surface Water Management Plan* (plan, SWMP, City plan, local plan) is a local management plan that meets the requirements of Minnesota Statutes 103B.235, Minnesota Rules 8410, the Shingle Creek and West Mississippi Watershed Management Commissions' Third Generation *Watershed Management Plan (dated April 11, 2013, as amended May 10, 2018),* and Minnesota Statute 103B.201 states that the purposes of the water management programs are to:

- Protect, preserve, and use natural surface and groundwater storage and retention systems;
- Minimize public capital expenditures needed to correct flooding and water quality problems;
- Identify and plan for means to effectively protect and improve surface and groundwater quality;
- Establish more uniform local policies and official controls for surface and groundwater management;
- Prevent erosion of soil into surface water systems;
- Promote groundwater recharge;
- Protect and enhance fish and wildlife habitat and water recreational facilities; and
- Secure the other benefits associated with the proper management of surface and groundwater.

The Brooklyn Center Surface Water Management Plan addresses these purposes.

1.2. Surface Water Management Responsibilities and Related Agreements

The City of Brooklyn Center is party to two separate joint powers agreements related to surface water management:

1. With the cities of Brooklyn Park, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale establishing the Shingle Creek Watershed Management Commission (SCWMC).
2. With the cities of Brooklyn Park, Champlin, Maple Grove, and Osseo establishing the West Mississippi Watershed Management Commission (WMWMC).

The City also has an agreement with both the SCWMC and WMWMC establishing the watersheds as the Local Government Unit (LGU) for administering WCA within the City.

Upon approval of this SWMP by the two watersheds with jurisdiction over the City, it is the City's intent to maintain its current permitting powers through its Permit for Land Disturbing Activities. Currently, neither the SCWMC nor the WMWMC issue permits, so no impact to these organizations would occur. The watersheds would continue in their role as project review agencies.

The City of Brooklyn Center is responsible for construction, maintenance, and operation of the City's stormwater management systems (i.e., ponds, BMPs, mechanical structures, sump

manholes, pipes, channels) in accordance with its MS4 Permit.

1.3. Summary

The Brooklyn Center Surface Water Management Plan is divided into six sections:

- ***Section 1 Executive Summary*** provides background information and summarizes the plan contents.
- ***Section 2 Land and Water Resource Inventory*** presents information about the topography, geology, groundwater, soils, land use, public utilities, surface waters, hydrologic system and data, and the drainage system.
- ***Section 3 Agency Cooperation*** outlines other governmental controls and programs that affect stormwater management.
- ***Section 4 Assessment of Issues*** presents the City's water management related problems and issues.
- ***Section 5 Goals and Policies*** outlines the City's goals and policies pertaining to water management.
- ***Section 6 Implementation Program*** presents the implementation program for the City of Brooklyn Center, which includes defining responsibilities, prioritizing, and listing the program elements.

1.3.1. Background

This report provides the City of Brooklyn Center with a Surface Water Management Plan that serves as a guide to managing the City's surface water system and brings the City into compliance with Minnesota Statutes. This plan is an update to the 2015 Surface Water Management Plan, and is the 4th Generation Plan for water resource management within the City of Brooklyn Center. The plan will guide stormwater activities in the City for the next ten years (2018-2027). Periodic amendments to the Plan will likely occur in the intervening ten years so that the Plan remains current with watershed plan amendments and Metropolitan Council requirements.

The City of Brooklyn Center (population 30,104) is located in Hennepin County in the seven county Twin Cities metropolitan area, approximately six miles northwest of downtown Minneapolis. The City covers approximately 8.5 square miles. Brooklyn Center is a first-ring suburb located between the City of Fridley to the east, City of Crystal and City of Brooklyn Park to the west, City of Robbinsdale and City of Minneapolis to the south, and City of Brooklyn Park to the north.

Brooklyn Center is within two watershed districts: Shingle Creek Watershed Management Commission (SCWMC) and West Mississippi Watershed Management Commission (WMWMC). This plan addresses the rules and regulations put forth by the SCWMC and the WMWMC.

Surface water in Brooklyn Center generally drains into Shingle Creek which eventually drains into the Mississippi River. Areas on the east side of the City drain directly into the Mississippi River while areas in the south west side of the City drain to one of the Twin Lakes or Ryan Lake.

The City of Brooklyn Center is considered fully developed. **Section 2.4** of this plan discusses land use in the City.

1.3.2. Summary of Implementation Section

Section 6 of this plan presents the implementation program for the City of Brooklyn

Center, which includes defining responsibilities, prioritizing, and listing the program elements. **Table 6.1** outlines the projects, programs, studies, and Storm Water Pollution Prevention Plan (SWPPP) activities that have been identified as a priority to address water resource needs and problem areas within the City**.**

2. LAND AND WATER RESOURCE INVENTORY

2.1. Topography and Geology

The City of Brooklyn Center has a relatively flat topography resulting from outwash deposited by the Des Moines Lobe, and specifically the Grantsburg sublobe, approximately 35,000 to 10,000 years ago by the late Wisconsinan glaciations. As the Grantsburg sublobe retreated westward, the Mississippi River was uncovered. Meltwater from the glacier filled the area with sand and gravel (Soil Survey of Hennepin County, Minnesota).

The City of Brooklyn Center is located along the Mississippi River in northeastern Hennepin County. Most of Brooklyn Center is flat to gently rolling terrain. Fairly steep slopes occur along the Mississippi River along the east border of the City. Elevation ranges from approximately 810 feet along the Mississippi River to approximately 870 feet along the City's western border.

The City's hydrologic system is part of the Mississippi River watershed. The City resides within two watershed management organizations. The eastern portion of the City along the Mississippi River resides in the West Mississippi Watershed Management Commission (WMWMC). The western portion of the City resides within the Shingle Creek Watershed Management Commission (SCWMC). **Figure 13, Appendix A** shows jurisdictional boundaries for the two watershed organizations within the City.

The City of Brooklyn Center has contour data that cover the entire city and are based on 2011 LiDAR (Light Detection and Ranging) data. Additional available mapping includes various development plans and the Brooklyn Center, Minnesota USGS 10-foot contour interval topographic map.

Information regarding the city's surficial and bedrock geology and aquifers is available in the Hennepin County Geologic Atlas from the Minnesota Geological Survey.

2.2. Climate and Precipitation

The climate within the Minneapolis/St. Paul metropolitan area is described as a humid continental climate with moderate precipitation, wide daily temperature variations, warm humid summers, and cold winters. The total average annual precipitation in this area is approximately 33 inches, of which approximately one-third occurs in the months of June, July and August. The annual snowfall average is about 56 inches and is equivalent to approximately 5.6 inches of water. Additional climatological information for the area can be obtained from the Minnesota State Climatology Office.

The 2-year rainfall event occurring over a 24-hour period produces approximately 2.87 inches. The 100-year rainfall event occurring over a 24-hour period produces approximately 7.36 inches. The 100-year, 10-day rainfall is 10.2 inches. The rainfall data was obtained from the Atlas 14 website produced by the National Oceanic and Atmospheric Administration (NOAA). Additional precipitation information for the area can be obtained from the National Oceanic and Atmospheric Administration (NOAA) website.

- 2-year event = 50% chance of occurring
- 100-year event = 1% chance of occurring

2.3. Soils

The soils in Brooklyn Center were mapped in the USDA-NRCS Soil Survey of Hennepin County, which was updated in 2004. The original soils of the Brooklyn Center area are largely unknown because most of the City is covered with impervious surface or has been subject to cut-and-fill activities. Onsite investigation is typically needed on a case-by-case basis to determine the soil type at a specific site. Additional information about each of the soils is available from the soil

survey.

Infiltration capacities of soils affect the amount of direct runoff resulting from rainfall; the higher the infiltration rate for a given soil, the lower the runoff potential. Conversely, soils with low infiltration rates produce high runoff volumes and high peak discharge rates.

Since the City is at full development, limited land grading will occur within the City in the future.

2.4. Land Use

Brooklyn Center is almost completely urbanized, with approximately 50% of the land use comprised of single family residential development and the remainder mostly commercial and industrial development. A large commercial center (Shingle Creek Crossing and Opportunity Site) occupies the northeastern portion of the area bounded by Brooklyn Boulevard on the west, I-94 on the north, and Highway 100 on the east. A large industrial park—between I-94 and 69th Avenue and between Xerxes Avenue and Humboldt Avenue—is about 80% developed with a mixture of commercial and light industrial facilities.

The City is also defined by its green space. A broad greenway of open space begins at Palmer Lake and follows Shingle Creek south through the city. In total there are 23 developed parks and a golf course, as well as considerable green space in the Twin Lakes area. Two regional park facilities are also included within the city limits: portions of the North Mississippi Regional Park and the Twin Lakes and Shingle Creek Regional Trail System.

The City of Brooklyn Center is designated by the Metropolitan Council as a “developed community” meaning that over 85% of the community is developed. Brooklyn Center is almost fully developed with just 1% of its usable land area still vacant. The following table lists the current land use percentages within the City.

Land Use Type	Land Use Percentage
Low Density Residential	36%
Medium and High Density Residential	7%
Commercial	9%
Industrial	4%
Schools	5%
Parks, Open Space, and Water	16%
Roadways	23%

The existing and future land uses in Brooklyn Center are shown on **Figures 2** and **3, Appendix A**. Land use data is an important factor for estimating surface water runoff. The hard or impervious surface areas associated with each land use greatly affect the amount of runoff generated from an area. Future land use projections indicate those areas that may be available for water resource enhancement and where improvements should be a priority. Significant changes in land use can increase runoff due to added impervious surfaces. Very little change in land use is anticipated within the City in the near future.

2.5. Public Utilities

The City of Brooklyn Center provides potable water for most residents and businesses within the City through a municipal water distribution system. This system is fed from nine municipal wells which draw water from the Prairie Du Chien and Jordan aquifers. For additional information regarding groundwater see **Section 2.7**.

Brooklyn Center is completely within the Metropolitan Urban Service Area. Sanitary sewer and

water service is provided throughout the City. The Brooklyn Center sanitary sewer system consists of approximately 137 miles of sewer mains and ten lift stations. Brooklyn Center handles its wastewater on a metropolitan level and is incorporated into the Metro Wastewater Treatment Plant located in St. Paul, Minnesota. The Metropolitan Plant is the largest in the State of Minnesota, serving 1.8 million users with a maximum capacity of 251 million gallons per day. There is one single family residential property (5306 Perry Avenue North) in the City that utilizes a Subsurface Sewage Treatment System. Sewer service is unavailable to this property.

Storm sewers, ditches, curbs, and gutters provide drainage for the City. The individual subwatersheds map **(Figure 4, Appendix A)** shows the City's stormwater system of pipes, channels, and ponds. Future street maintenance and redevelopment will likely dictate the extension or reconstruction of the storm drainage system. Mapping of stormwater utilities will be updated as improvements of the system are completed to stay in compliance with MS4 requirements.

Shingle Creek through Brooklyn Center is Hennepin County Ditch #13. This is under the ditch authority of Hennepin County.

2.6. Surface Waters

Figure 5, **Appendix A** shows the major water resources in the City of Brooklyn Center. The following table lists the named DNR-protected lakes and wetlands within the City and the associated Ordinary High Water (OHW) level.

DNR ID #	***Waterbody Name***	***OHW***	***Lake ID #***
42P	Upper Twin Lake	853.1	27-0042-03
42P	Middle Twin Lake	853.1	27-0042-02
59P	Palmer Lake	842.8	20-0059-00
58P	Ryan Lake	849.6	27-0058-00
637W	Civic Center Pond	Not established	27-0637
638W	Unnamed Wetland	Not established	27-0638
639W	Unnamed Wetland	Not established	27-0639
640W	Unnamed Wetland	Not established	27-0640

The Wetland Conservation Act of 1991 (WCA) dictates that Local Government Units (LGUs) are responsible for administering the rules. The intent of the WCA is to promote no net loss of wetlands. The Shingle Creek Watershed Management Commission (SCWMC) and the West Mississippi Watershed Management Commission (WMWMC) are the LGUs responsible for administering the WCA in the City of Brooklyn Center. SCWMC and WMWMC completed a Wetland Functional Values Assessment which is included in **Appendix H**. Refer to **Figure 5, Appendix A** for the location of National Wetland Inventory (NWI) wetlands throughout the City.

2.6.1. Water Quality Data

Water quality data for the City has been obtained from the Minnesota Pollution Control Agency (MPCA) Environmental Data Access site and is in **Appendix E**. This data provides a snapshot of overall water quality and health of local waterbodies. This database is utilized by participating agencies to compile water quality testing data and is almost entirely used for the storage of water quality parameters. This water quality monitoring information/data and monitoring locations can be found at the MPCA's Environmental Data Access site.

SCWMC and WMWMC also monitor the creeks and lakes within Brooklyn Center. Watershed staff annually monitor flow and water quality in Shingle Creek; lake monitoring is completed every other year. The most recent monitoring report is available from the watershed.

2.6.2. *Impaired Waters*

The MPCA lists the following water bodies located within or near the City as being impaired meaning that the waters are too polluted or otherwise degraded to meet the water quality standards set by governing bodies:

- The Mississippi River (ID 07010206-509) is impaired for Fecal Coliform and polychlorinated biphenyl (PCB) in Fish Tissue. This stretch was added to the impaired waters list by the MPCA in 1998 for PCB in Fish Tissue, and again in 2006 for Fecal Coliform.
- Shingle Creek (ID 07010206-506) has an approved TMDL for aquatic Macroinvertebrate Bioassessments, Chloride, Dissolved Oxygen, and *E. coli*. Shingle Creek was added to the impaired waters list by the MPCA in 2006.
- Upper Twin Lake (ID 27-0042-01) has an approved TMDL Plan for Nutrient/Eutrophication Biological Indicators and Mercury in Fish Tissue. Additional impairments include PCB and Perfluorooctane Sulfonate (PFOS). Upper Twin Lake was added to the impaired waters list by the MPCA in 1998.
- Middle Twin Lake (ID 27-0042-02) has an approved TMDL Plan for Nutrient/Eutrophication Biological Indicators. Additional impairments include PCB and PFOS. Middle Twin Lake was added to the impaired waters list by the MPCA in 1998.
- Ryan Lake (ID 27-0058-00) has an approved TMDL Plan for Nutrient/Eutrophication Biological Indicators. Ryan Lake was added to the impaired waters list by the MPCA in 2002 and had an approved TMDL for Nutrient/Eutrophication Biological Indicators. Ryan Lake was delisted in 2014 for meeting the applicable water quality standards.

The locations of these impaired water bodies are shown on the water resource problem areas map (**Figure 7, Appendix A).** For more information on impaired waters and TMDL Plans visit the MPCA website. **Appendix J** includes the approved TMDL plans for Shingle Creek, Twin Lakes, and Ryan Lake.

In addition to the water bodies listed above, the city is upstream of the Lake Pepin and other reaches of the Mississippi River. The City may be required to implement the TMDL plans for these water bodies once complete.

2.7. Groundwater

Various agencies are responsible for groundwater management and protection. The Minnesota Department of Natural Resources (DNR) regulates groundwater usage rate and volume as part of its charge to conserve and use the waters of the state. Suppliers of domestic water to more than 25 people or applicants proposing a use that exceeds 10,000 gallons per day or 1,000,000 gallons per year must obtain a water appropriation permit from the DNR. Many of the agencies charged with regulating water usage are currently involved in assessing and addressing concerns of water usage. When and where feasible the City of Brooklyn Center will work with the associated agencies to be good stewards of water resources. The Minnesota Department of Health (MDH) is the official state agency responsible for addressing all environmental health matters, including groundwater protection. For example, the MDH administers the well abandonment program, and along with the Minnesota DNR, regulates installation of new wells. The MPCA administers and enforces laws relating to pollution of the state's waters, including groundwater. The Minnesota Geological Survey provides a complete account of the state's groundwater resources. The SCWMC and WMWMC are charged with general responsibilities for

groundwater protection and use, but its role is limited to cooperating and assisting the DNR, MDH and MPCA in their groundwater protection efforts. Hennepin County also has statutory responsibilities for groundwater management contained in its Groundwater Management Plan. The Board of Water and Soil Resources (BWSR) adopted this plan in March 1994 while Hennepin County never officially adopted the plan.

The City of Brooklyn Center currently has nine wells in service. They are designated Well 2, Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, and Well 10. Well 2 is solely for emergency use and is not currently sent to the treatment plant. All wells draw from the Jordan aquifer. The City has built an iron and manganese removal treatment plant and treats pumped water there.

All of the City's existing water supply system meets all primary contaminant standards as set forth by regulating bodies listed above.

The City has submitted its Wellhead Protection Plan to the Minnesota Department of Health (approved February 17, 2016), which includes the development of Drinking Water Supply Management Areas (DWSMAs). The DWSMA can be seen in **Figure 12, Appendix A**. Refer to the City Wellhead Protection Plan for the DWSMA and other information regarding wellhead protection.

2.8. Hydrologic System and Data

Hydrologic and hydraulic modeling for the entire City of Brooklyn Center was completed in conjunction with the development of this Surface Water Management Plan utilizing XPSWMM, included in **Appendix I**. The SCWMC also maintains a hydrologic and hydraulic model in XPSWMM for areas tributary to Shingle Creek.

The peak runoff rates and volume from most subwatersheds in the City of Brooklyn Center are not expected to change significantly due to future development. Stormwater runoff rate and volume controls will be required to be in conformance with city, watershed, and state requirements.

With the additional precipitation data provided by Atlas 14, dependent upon funding, the City may choose to complete additional risk assessments for specific problem areas which are outlined in **Section 4**.

2.9. Natural Communities and Rare Species

The Minnesota DNR produces the Minnesota County Biological Survey (MCBS) identifying natural communities and rare species. Completed in 1994, the Hennepin County survey identifies where evidence indicates the presence of federally or state listed plants. The survey shows rare plants and animals are present in Brooklyn Center on the north end of Twin Lakes. The DNR has jurisdiction over these areas. Based on state statute any work within these areas is required to meet DNR permit requirements.

The entire City of Brooklyn Center has been categorized according to the Minnesota Land Cover Classification System (MLCCS). MLCCS categorizes urban areas based on five levels of land cover. **Figure 10, Appendix A** shows a map of the classified MLCCS areas. MLCCS does not place any restrictions on development, rather it informs land use planners on open space planning and comprehensive planning.

2.10. NPDES Phase II

The City of Brooklyn Center is required to have a Municipal Separate Storm Sewer System (MS4) permit through the MPCA's National Pollutant Discharge Elimination System (NPDES) Phase II Program. MS4s designated by rule are urban areas with populations over 10,000 or urban areas with populations greater than 5,000 with the potential to discharge to special or impaired waters. Additionally, NPDES Construction General Permits are required for construction activities that result in land disturbance of equal to or greater than one acre or a common plan of development

or sale.

As an MS4, the City will be required to implement the following six minimum control measures:

1. Public Education and Outreach
2. Public Participation/Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management
6. Pollution Prevention/Good Housekeeping for Municipal Operations

For more information on NPDES Permit requirements refer tothe MPCA website. Refer to **Appendix B** for a copy of the City's MS4 SWPPP (Storm Water Pollution Prevention Plan) and a copy of the City's SWPPP BMP Sheets.

2.11. Water Resource Issue Areas

Water resource issue areas were identified through information obtained from City staff, residents, and other agencies. Each issue was analyzed and potential solutions to address the issues were developed as detailed in **Section 4**. Refer to **Figure 7**, **Appendix A** for the location of site-specific issue areas. The following is a list of some of the water resource issue areas within the City**:**

- Aging and undersized infrastructure
- Drainage issues at various locations
- Vegetation and sediment management within stormwater ponds and DNR waters
- Impaired water quality in area lakes and rivers

2.12. Flood Insurance Studies

The Federal Emergency Management Agency (FEMA) completed the map modernization process for its Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) to identify flood risk within Hennepin County in 2004. A copy of the updated FIS and FIRMs can be obtained online through the FEMA Map Service Center.

FIS and FIRMs for Hennepin County were last revised in November 2016. For the latest information visit the DNR website

For information regarding any Letter of Map Amendment (LOMA) and Letter of Map Revision (LOMR) refer to the website which is equipped with a mapping function.

Figure 8, Appendix A shows the floodplain for the City of Brooklyn Center.

2.13. Water Resource Management Ordinances and Policies

The City of Brooklyn Center has adopted a number of ordinances and zoning overlay districts in an effort to protect water resources within the City. The City will be revising ordinances to meet post construction requirements. Ordinances and zoning overlay districts currently in place include:

- **Floodplain Management** – purpose of this ordinance is to promote the public health, safety, and general welfare and to minimize potential losses due to flooding hazards. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program and the Watershed Management Commission Rules. The Regulatory

Flood Protection Elevation shall be an elevation no lower than one foot above the regional flood plus any increases in the flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

- **Floodway District (FW)** – this district includes those areas designated as floodway on the FIRM adopted by the City. This ordinance outlines permitted uses and special uses within the Floodway.
- **Flood Fringe District (FF)** - this district includes those areas designated as floodway fringe on the FIRM adopted by the City. This ordinance outlines permitted uses and special uses within the Flood Fringe.
- **General Flood Plain District** – this district includes those areas designated as Zone A or Zones AE, Zone AO, or Zone AH without a floodway on the FIRM adopted by the City. This ordinance outlines the permissible uses and defines procedures for Floodway and Flood Fringe determinations within the General Flood Plain District.
- **Land Disturbance** – the City recently revised this ordinance per a letter received from the MPCA during the City's application for MS4 reauthorization. The City requires a satisfactory erosion control and grading plan consistent with the MPCA's Best Management Practices Handbook, NPDES Permit, and the Watershed Management Commission Rules. The erosion control and grading plan must be approved by the City Engineer before a grading or building permit is issued for construction, if the construction will result in disturbing the soil. This ordinance also officially adopts the Watershed Management Commission's stormwater rules and adopts the project review thresholds outlined by the Watershed Management Commission.

The full text for each of these ordinances or zoning overlay districts is included in **Appendix D**. The most current ordinance information can be found on the City's website.

The City has also developed policies for no wake zones for the City's lakes and a street sweeping policy. These policies are included in **Appendix F** and **Appendix G**, respectively.

The City has not developed a shoreland ordinance (as of 2018). The City will coordinate with the DNR, as necessary, to determine if a shoreland ordinance will be adopted in Brooklyn Center.

2.14. Mississippi River Critical Corridor

The Minnesota State Legislature enacted the Critical Areas Act in 1973 and an executive order (79-19) was signed in 1976 declaring the Mississippi River corridor a Critical Area (MRCCA). The executive order states the following purposes for the Critical Area designation:

- To protect and preserve a unique and valuable state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region, and nation;
- To prevent and mitigate irreversible damage to this state, regional and national resource;
- To preserve and enhance its natural, aesthetic, cultural, and historical value for the public use;
- To protect and preserve the river as an essential element in the national, state and regional transportation, sewer and water and recreational systems; and
- To protect and preserve the biological and ecological functions of the corridor.

The MRCCA includes 72 miles of the river, extending from the cities of Dayton and Ramsey to just south of of Hastings. The boundary of the MRCCA can generally be described as from the river bluff down to the river, with the corridor width varying.

In 1976, four corridor districts were established, corresponding to the following different types of

land use along the Mississippi River: rural open space district, urban developed district, urban open space district, and urban diversified district. Each district has its own set of guidelines. The Critical Area Act requires that each city having jurisdiction over land within the Critical Area develop a Critical Area Plan. Executive Order 79-19 includes the rules and guidelines that each city must incorporate in its Critical Area Plan.

In 1988, the U.S. Congress designated the Mississippi River corridor as the Mississippi Natural River and Recreation Area (MNRRA), a unit of the National Park System. The boundaries of the MNRRA corridor are the same as the Critical Area corridor. MNRRA was established to:

- Protect, preserve, and enhance the significant values of the Mississippi River corridor through the Twin Cities metropolitan area;
- Encourage coordination of federal, state, and local programs; and
- Provide a management framework to assist the state of Minnesota and local governments in the development and implementation of integrated resource management programs and ensure orderly public and private development in the area.

The Mississippi River Coordinating Commission and the National Park Service adopted the MNRRA *Comprehensive Management Plan* in 1995. This plan adopts and incorporates by reference the state Critical Area Program, Shoreland Management Program, and other applicable state and regional land use management programs. The MNRRA comprehensive plan also identifies voluntary policies that are additional to the Critical Area requirements, for the purpose of protecting and enhancing river resources.

In 2009 the Minnesota State Legislature directed the DNR to conduct new rulemaking for the MRCCA. The boundary of the existing corridor is not anticipated to change, however the boundaries and requirements within the corridor are expected to change. The adoption of updated rules will be mandatory by the local government units (LGUs) located within corridor boundaries.

In September 2016, the DNR adopted rules to guide development in the MRCCA. The rules establish six new districts in the corridor. In addition, the rules establish new standards and guidelines for development in the MRCCA.

As a result of this new legislation, local governments are required to update their Critical Area plans (these may be stand-alone plans, or they may be components in the Comprehensive Plan) and will be required to prepare new land use ordinances for MRCCA management. The DNR intends to prepare sample ordinances for communities to adopt as needed. The City intends to include an update to their Critical Area Plan that complies with DNR MRCCA rules within the 2040 Comprehensive Plan.

3. AGENCY COOPERATION

There are a number of local, state, and federal agencies that have rules and regulations related to local water management. The City recognizes the roles of these other agencies and will cooperate, coordinate, and when possible partner with these agencies.

This Plan is in conformance with but does not restate all other agency rules that are applicable to water resource management. The following agencies deal with or regulate water resources throughout the City:

- Minnesota Department of Health
- Minnesota Pollution Control Agency
- Board of Water and Soil Resources and the Wetland Conservation Act
- Minnesota Department of Natural Resources
- US Army Corps of Engineers
- Minnesota Department of Agriculture
- US Fish and Wildlife Service
- Hennepin County
- Hennepin County Environmental Services
- Shingle Creek Watershed Management Commission and West Mississippi Watershed Management Commission
- Minnesota Environmental Quality Board
- Metropolitan Council

While these other agencies' rules, policies, and guidelines are not all restated in this Plan, they are applicable to projects, programs, and planning within the City. The MPCA Minnesota Stormwater Manual, which is a document intended to be frequently updated, is also incorporated by reference into this Plan.

4. ASSESSMENT OF ISSUES

Outlined below is an assessment of existing and potential local water resource-related issues that are known as of 2018. These issues have been identified based on an analysis of the land and water resource data collected during the preparation of this plan and through information provided by the City, its residents, and the watershed organizations. A description of any existing or potential issue within the City has been listed and potential future corrective actions have been incorporated into an implementation plan. Refer to **Figure 7, Appendix A** for the location of many of the issues discussed below.

4.1. Water Quality Issues

4.1.A

Issue – The City discharges to the following impaired waters as listed by the Minnesota Pollution Control Agency (MPCA):

- The Mississippi River (ID 0701026-509) is impaired for Fecal Coliform and Polychlorinated Biphenyl (PCB) in fish tissue. This stretch was added to the impaired waters list by the MPCA in 1998 for PCB in fish tissue, and again in 2006 for Fecal Coliform.
- Shingle Creek (ID 07010206-506) has an approved TMDL for aquatic Macroinvertebrate Bioassessments, Chloride, Dissolved Oxygen, and *E. coli*. Shingle Creek was added to the impaired waters list by the MPCA in 2006.
- Upper Twin Lake (ID 27-0042-01) has an approved TMDL Plan for Nutrient/Eutrophication Biological Indicators and Mercury in Fish Tissue. Additional impairments include PCB and Perfluorooctane Sulfonate (PFOS). Upper Twin Lake was added to the impaired waters list by the MPCA in 1998.
- Middle Twin Lake (ID 27-0042-02) has an approved TMDL Plan for Nutrient/Eutrophication Biological Indicators. Additional impairments include PCB and PFOS. Middle Twin Lake was added to the impaired waters list by the MPCA in 1998.
- Ryan Lake (ID 27-0058-00) has an approved TMDL Plan for Nutrient/Eutrophication Biological Indicators. Ryan Lake was added to the impaired waters list by the MPCA in 2002 and had an approved TMDL for Nutrient/Eutrophication Biological Indicators. Ryan Lake was delisted in 2014 for meeting the applicable water quality standards.

Corrective Action - The City will continue to work with the MPCA, watershed commissions, and surrounding communities to help improve these bodies of water and address the TMDL requirements. Many of the projects outlined in the implementation plan will help work toward achieving the TMDL improvement goals. The City is also interested in partnering with the watershed commission, neighboring cities, and other agencies on future projects/opportunities that arise that help achieve the goals of the TMDLs. Refer to the detailed TMDL report or implementation plans located on the MPCA's website or in **Appendix J** for more information on each TMDL. The City's annual NPDES reports also provide additional detail on activities that have been completed.

Upper Mississippi River Bacteria TMDL
The Upper Mississippi River Bacteria TMDL, approved in November 2014, established a TMDL that requires a 69% reduction in *E. coli* load to Shingle Creek and identified West Mississippi as a protection watershed, requiring no specific load reduction. The City has constructed numerous stormwater BMPs and plans to continue implementing water quality BMPs as feasible. As opportunities are identified that can help address the Bacteria TMDL, the City is willing to contribute and work with others to implement additional BMPs. Refer to the Brooklyn Center Stormwater Management Guide (**Appendix J**) for more information on implemented BMPs and potential BMPs.

Shingle Creek Chloride TMDL
A reduction of approximately 71% in chloride levels is needed to achieve water quality standards and avoid future impairments. Reductions will result mainly using BMPs implemented by road maintenance authorities and private commercial applicators including but not limited to salt application practices, stockpile management, and plowing/sweeping procedures. Specifically, the City has completed or plans on completing the following activities to help achieve the Shingle Creek Chloride TMDL:

- The City has upgraded 100% of its fleet with electronic controls and pre-wetting. The City uses MnDOT RWIS and handheld temperature sensors to determine application rates, in lieu of equipping each individual truck with temperature sensors.
- The City will continue to provide annual training for operators, regularly calibrate equipment, use anti-icing where appropriate, and continue investigate other improvements that can be incorporated.
- Refer to the Shingle Creek Chloride TMDL Five Year Review in **Appendix J** for additional information.

Shingle Creek Biota and DO TMDL
Lower Shingle Creek (through Brooklyn Center) has a critical Dissolved Oxygen (DO) of 5.0 mg/L. The Total Oxygen Demand (kg/day) is currently approximately 949.5 and the TMDL identifies 374.9. The City has completed or plans on completing the following activities to help achieve the Shingle Creek Biota and DO TMDL:

- The City has restored streambanks, implemented and enhanced native buffers, provided reaeration, and improved habitat on the Shingle Creek corridor from I-694 to CR 10.
- The City worked with the City of Brooklyn Park to complete streambank restoration from Brooklyn Boulevard to downstream of Noble Avenue. A second phase of this streambank restoration is included in the Implementation Plan.
- The City has constructed BMPs in conjunction with street reconstruction projects in drainage areas tributary to Shingle Creek. The City plans to continue implementing treatment and infiltration BMPs with its street reconstruction program.

Twin and Ryan Lakes Nutrient TMDL
There is a gross waste load allocation to Twin Lakes and Ryan Lake, however no individual waste load allocations were developed (North Twin 16 to 76 % TP reduction, Middle Twin 13 to 33%, South Twin 0 to 65%, Ryan 8 to 54%). Ryan Lake has been delisted, but Twin Lakes remains on the impaired waters list. The City has completed or plans on completing the following activities to help achieve the Twin and Ryan Lakes Nutrient TMDL:

- The City has constructed BMPs (including rain gardens and treatment structures) in conjunction with street reconstruction projects in drainage areas tributary to Twin and Ryan Lakes. The City plans to continue implementing treatment and infiltration BMPs with its street reconstruction program.
- The City has adopted a street sweeping policy to help reduce stormwater pollutant loadings. Refer to **Appendix G** for a copy of the Street Sweeping Policy.
- The City will continue to inspect and maintain existing stormwater Ponds and BMPs to ensure they are performing as designed and providing the necessary stormwater treatment.
- The City manages geese near Twin and Ryan Lakes and throughout the City as necessary to reduce bacteria and nutrient loadings.
- The City will continue to work with the Watershed Management Commission and other neighboring cities to develop a plan for rough fish and vegetation management.

- The City will continue to educate residents, lake associations, and businesses on structural and non-structural BMPs to improve water quality in the stormwater and surface water.
- Refer to the Twin and Ryan Lakes Nutrient TMDL Five Year Review in **Appendix J** for additional information.

4.1.B

Issue – The presence of invasive fish and dense vegetation is causing water quality and habitat issues in Upper and Middle Twin Lakes.

Corrective Action – The watershed commission has completed carp tracking and harvested carp from the lake in 2018. The watershed commission is also planning to install a fish barrier to prevent invasive fish from entering Upper and Middle Twin Lakes. The City will maintain the fish barrier. The City will work with the watershed commission, neighboring cities, and other jurisdictions to develop an aquatic vegetation management plan that is reasonable, achievable, feasible, and economically viable.

4.2. Flooding and Stormwater Rate Control Issues

4.2.A

Issue – Portions of the storm sewer throughout the City are under capacity (either inlet capacity or pipe capacity) or has exceeded its design life.

Corrective Action – The City will evaluate and address these capacity issues as feasible during street reconstruction projects and other appropriate projects in the upcoming years.

4.2.B

Issue – The outlet to the Fremont Place North townhomes pond is susceptible to plugging and creates flooding issues.

Corrective Action – This pond outlet located at the connection point to the public storm sewer system will be added to the City's routine maintenance check list.

4.2.C

Issue – Shingle Creek Regional Trail from Freeway Boulevard to Shingle Creek Parkway experiences ongoing flooding issues.

Corrective Action – The City will continue to monitor this issue area on an event basis and determine if this issue will require improvements. If action is determined to be needed, the City will work with Three Rivers Park District on addressing flooding issues.

4.2.D

Issue – There are localized ponding and drainage issues on the edge of County Road 130.

Corrective Action – The City will continue to monitor this issue area and coordinate/address with County Road improvements.

4.2.E

Issue – The Kylawn Park and area surrounding the park experiences the following flooding issues:

- The natural berm at the south end of the park may be creating backwater flooding.
- There are backyard flooding issues on the west side of the Arboretum pond.
- The Twin Lake North Apartment parking lot experiences flooding issues.

Corrective Action – The City will continue to monitor and evaluate these issue areas and meet with residents as needed.

4.2.F

Issue – During the 639 W restorations a dike was installed across the wetland. This is causing peripheral flooding on the north side of the wetland.

- There are backyard flooding issues on the south side of Scott Avenue North and 61st Avenue
- The ball field at Odyssey Academy Park experiences flooding issues.

Corrective Action – The ball field at Odyssey Academy Park was raised and graded in 2015. If issues persist, the City will work with the City of Crystal and Watershed Commission to lower the outlet elevation or determine if there are other viable solutions.

4.2.G

Issue – Centennial Park West ball fields and trails flood during large rainfall events.

Corrective Action – The City installed a berm and pump system in the winter of 2014 – 2015 for the two main softball fields. The City will monitor and evaluate additional measures to reduce flood potential of the ball fields, as necessary.

4.2.H

Issue – The pond liner at the Earle Brown Heritage Center may have a leak resulting in a lower water level then the design normal water level.

Corrective Action – The City repaired the pond clay liner in 2018 as a part of the pond maintenance project. The City also modified the outlet structure with a side flow grate to help control high water levels and reduce clogging potential. The City will continue to monitor the pond and determine if further action is needed.

4.2.I

Issue – The ball field and trail at East Palmer Lake Park are susceptible to spring flooding.

Corrective Action – The City will continue to monitor this issue area. This ball field and trail were originally constructed in a low area adjacent to Palmer Lake and periodic flooding of this park area is expected. The City has marked this trail as “no maintenance.” The City will consider elevating the trails as needed.

4.2.J

Issue – The City currently does not have a formalized Mississippi River level monitoring program.

Corrective Action – A river lever monitoring program will be developed to help respond and anticipate flooding and erosion issues.

4.2.K

Issue – During storm events and periods of high water, Twin Lake backs up into the storm sewer system onto Lake Breeze Avenue and Lakeside Avenue and floods the road.

Corrective Action – The City will continue to monitor the frequency of these events, and if flooding impacts residents' ability to safely travel, flood control measures will be evaluated.

4.2.L

Issue – Storm sewer backs up from Shingle Creek during storm events and periods of high water for the creek, causing intermittent flooding of the roadway and trails in this area.

Corrective Action – The City will continue to monitor the frequency of these events, and if flooding impacts the ability for residents and businesses to safely travel, flood control measures will be evaluated.

4.3. Storm Sewer Maintenance Issues

4.3.A

Issue –The City currently does not have a routine inspection program to monitor their storm sewer conveyance system and corrections are made reactively to issues as they arise.

Corrective Action – The City will continue to televise their storm sewer in conjunction with the reconstruction projects and during general maintenance.

4.3.B

Issue – Southeast of the intersection of 61st Avenue North and Perry Avenue North, the storm sewer pipe has joint failures, resulting in leakage and transfer of sediment causing sink holes.

Corrective Action – The City will include the evaluation and repair of the storm sewer with the Mill and Overlay Project for this intersection scheduled for 2025.

4.3.C

Issue – Rehabilitate the deteriorated storm sewer from 70th Avenue North and Willow Lane to the Mississippi River.

Corrective Action – The City will evaluate this issue at both the upstream and downstream ends of the storm sewer system and plans to repair any necessary areas in 2019.

4.3.D

Issue – The trunk line along 65th Avenue between Cahlander Park and Shingle Creek is deteriorating.

Corrective Action – A pipe joint repair project was completed in the 1990s. The City will monitor and evaluate the trunk storm sewer and has planned a project for 2021.

4.3.E

Issue – The weir south of Bass Lake Road and Shingle Creek Parkway experiences excessive accumulation of debris and needs continuous maintenance.

Corrective Action – The City will monitor and work with the property owner to perform the flood protection maintenance as needed for this weir and add it to the City annual inspection plan. An overflow valve was installed in 2016. The property owner will be responsible for the aesthetic maintenance and the City will assist with maintenance to ensure weir is kept unrestricted.

4.3.F

Issue – The backflow preventer located west of Shingle Creek Parkway and John Martin Drive is not able to be secured in the closed position properly.

Corrective Action – The City will evaluate if this function is still needed and determine the appropriate course of action.

4.4. Impacts of Sedimentation and Vegetation

4.4.A

Issue – The City is currently aware that many of the City owned ponds have vegetation and sedimentation issues.

Corrective Action – The City performs maintenance on stormwater ponds as necessary to ensure they continue to provide the intended stormwater management benefit. The City recently developed a SWAMP (Storm Water Asset Management Program, **Appendix K**) to help update and prioritize inspection and maintenance needs for stormwater ponds and BMPs throughout the City. The City will annually review the SWAMP and update the prioritization and BMP inspection and maintenance activities accordingly.

4.4.B

Issue – Palmer Lake has experienced degradation due to stormwater loading and vegetation growth/encroachment.

Corrective Action – The City will continue to monitor Palmer Lake for proper drainage of Shingle Creek, and if necessary, develop a management plan to ensure drainage and flood protection related to Palmer Lake are maintained.

4.5. Adequacy of Existing Regulations and Programs to Address Adverse Impacts on Local Water Resources

4.5.A

Issue – The grit chamber in the parking lot northeast of Topgolf needs ongoing maintenance.

Corrective Action – The City will develop a program for cleaning the underground system. It is likely this system will need to be cleaned on an annual or biennial basis. The City completed the first cycle of maintenance in 2015 and then will monitor the subsequent load accumulation to determine the proper maintenance interval, which is assumed to be approximately every two to three years.

4.5.B

Issue – Mississippi River corridor a Critical Area (MRCCA) Rules and Standards have been adopted by the DNR as of 2016.

Corrective Action – The City will update its Critical Area Plan as a part of the 2040 Comprehensive Plan to comply with MRCCA rules.

4.6. Impacts of Erosion and Sedimentation on Local Water Resources

4.6.A

Issue – The private retaining walls are deteriorating and falling within the Mallard Creek Ponds on Unity Avenue North, between 72nd Circle and 69th Avenue North.

Corrective Action - The private retaining walls will need to be reconstructed by the property owner.

4.6.B

Issue – Both sides of Shingle Creek are experiencing erosion and sedimentation issues at Brooklyn Boulevard.

Corrective Action – In 2015, the City partnered with SCWMC and the City of Brooklyn Park to complete the Connections at Shingle Creek Restoration Project from Brooklyn Boulevard to Noble Avenue North. A Phase 2 project from Regent Avenue North to Brooklyn Boulevard needs to be completed to determine the extent of the stabilization required on the remaining portion of the reach. The City will look into a possible partnership with the Shingle Creek Watershed Management Commission to help fund this project.

4.7. Impact of Land Use Practices and Development on Local Water Resource Issues

4.7.A

Issue – There is a lack of storm sewer maintenance that has been completed at the old Jerry's site off of Bass Lake Road and Xerxes Avenue. There is failing storm sewer on site.

Corrective Action – The City completed repairs to the failing storm sewer in 2018, but will continue to monitor the site and work with the property owner if issues persist.

4.8. Education Program

4.8.A

Issue – Water resource education materials are currently distributed to residents, businesses, and other organizations throughout Brooklyn Center through several different channels; however, public water resource education remains a significant component of environmental protection.

Corrective Action – The City will continue to collaborate and streamline the stormwater education programs and materials and distribute to its residents, businesses, and other organizations. These programs may focus on the following topics: getting the most out of BMPs, water quality, groundwater, wetlands, native vegetation, buffers, wildlife habitat, litter control, pet wastes, recycling, trash disposal, leaf collection, grass clippings, lawn chemicals, and hazardous materials.

The City will pursue partnerships with the watersheds and other organizations to efficiently complete its education program.

4.9. Identification of Potential Issues Which are Anticipated in the Next 20 Years.

4.9.A

Issue – Sanitary sewer lines run parallel and near the Mississippi River banks along the entire east side of the City.

Corrective Action – Regular river bank stabilization inspections are completed by the Utility Department.

4.10. Availability and Adequacy of Existing Technical Information to Manage Local Water Resources.

4.10.A

Issue – Atlas 14 (updated precipitation probability information) was released by the National Oceanic and Atmospheric Administration in 2013 and adopted by SCWMC, WMWMC, and the City for design criteria.

Corrective Action – Previously developed areas within the City (designed to meet TP-40 hydrologic demands) will continue to operate under this design criteria. New development, redevelopment, and areas where issues may exist will be evaluated (as needed) by completing a risk assessment using Atlas 14. The City will work with the DNR, SCWMC, and WMWMC in FIRM updates as needed.

5. GOALS AND POLICIES

5.1. General

The primary goal of Brooklyn Center's SWMP is to bring the City into statutory compliance and provide the City with a framework for effective stormwater management. This includes guiding redevelopment activities and identifying and implementing retrofits to the existing system. These retrofits consist of both projects and programs. Additionally, the plan provides clear guidance on how Brooklyn Center intends to manage surface water in terms of both quantity and quality.

The goals in Brooklyn Center's SWMP are consistent with the goals of the Shingle Creek Watershed Management Commission (SCWMC) and West Mississippi Watershed Management Commission (WMWMC), while addressing the more specific and changing needs of the City. This plan (4th Generation Plan) is an update to the 2015 Water Management Plan (3nd Generation Plan) and the goals of this plan were established in accordance with the guidelines contained in Minnesota Statutes 103B and Minnesota Rules 8410.

The policies and rules of SCWMC and WMWMC have been adopted by reference for the areas within each district. Refer to **Figure 13, Appendix A** for the approximate watershed organizational boundaries within the City. The most recent SCWMC and WMWMC rules and standards can be found on their website. The City is responsible for enforcing the Commissions' recommendations for projects that require a Commission review (see project review threshold table). Additional goals and policies of the City are contained throughout this section.

A general priority of the City is to cooperate, collaborate, and partner with other entities such as the SCWMC, WMWMC, and the MPCA as much as possible as the City implements this plan. Cooperation, collaboration, and partnering results in projects that are less likely to conflict with the goals of the affected entities, are better able to meet long-term goals, and are generally more cost-effective.

In addition to the goals and policies contained in this section, the City will annually review and update its Storm Water Pollution Prevention Plan (SWPPP) to effectively manage its stormwater system and be in conformance with the NPDES MS4 Program. Refer to **Appendix B** for the most recent version of the City SWPPP.

The goals and policies described in this section are intended to incorporate the foundation of several regional, state, and federally mandated programs. They are not meant to replace or alter the regional, state and federally mandated programs, rules and regulations, but to serve as an enhancement and provide some general policy guidelines. The goals address the management strategies of both watershed management commissions, West Mississippi and Shingle Creek, and are consistent with the objectives set forth in the State Wetland Conservation Act (WCA) and the Federal Nationwide Urban Runoff Program (NURP).

5.2. Background

The City completed its first comprehensive plan in 1979. The City has most recently updated its comprehensive plan in 2010 with its 2030 Comprehensive Plan. The City is in the process of updating the 2030 Comprehensive Plan is with its 2040 Comprehensive Plan. The 2040 Comprehensive Plan will reiterate the goals of the previous plan, while also responding to emerging issues and changing conditions within and around the City of Brooklyn Center.

Specific to the goals and policies of this Surface Water Management Plan is the following statement from the 2030 Comprehensive Plan under the Community Image Objectives subsection:

Minimize the impacts of storm water runoff on water resources by minimizing the increase of impervious surface and using naturally designed drainage, infiltration, other low impact development (LID) techniques and best management practices, in the development and redevelopment process.

The 2018 Brooklyn Center SWMP expands upon the goals and objectives provided in the 2030 Comprehensive Plan, the 2016 Water Management Plan, and the updated Third Generation Shingle Creek and West Mississippi Watershed Management Commission Water Management Plan.

5.3. Water Quality

5.3.1. Goal

Work with SCWMC, WMWMC, and neighboring communities to maintain and/or enhance the water quality of Brooklyn Center's lakes, wetlands, streams, and other water resources.

5.3.2. Policies

1. Brooklyn Center's preferred means of protecting water quality is to infiltrate and reuse stormwater runoff. Brooklyn Center requires that stormwater infiltration and reuse facilities include sufficient water quality pretreatment (to NPDES and watershed standards) to preserve the function of these facilities. Wellhead protection areas must also be reviewed when considering infiltration.

2. Utilize, where feasible, regional stormwater detention facilities when possible to enhance water quality by removing sediment and nutrients from runoff.

3. Support water quality monitoring efforts being undertaken by the SCWMC and WMWMC.

Refer to SCWMC and WMWMC Rules in **Appendix C** for Water Quality Policies within the City.

5.4. Runoff Management and Flood Control

5.4.1. Goal

Protect, preserve, and expand (where possible) the stormwater storage and detention systems to control excessive runoff volumes and rates, prevent flooding, protect public health and safety, and minimize public capital expenditures.

5.4.2. Policies

1. Brooklyn Center's preferred flood control strategy is to reduce the volume of its runoff through regional stormwater facilities and reuse or infiltration projects. The City will work with the SCWMC, WMWMC, and surrounding communities to achieve their flood control goals.

2. The high-water levels of stormwater detention facilities shall be based on a minimum 100-year frequency storm event. A minimum freeboard of two feet shall be provided for the lowest adjacent building opening. The 100-year high water level shall be determined based on the more restrictive of the City's hydrologic/hydraulic model, FEMA floodplain, and SCWMC/WMWMC elevation.

3. Emergency overflow drainage routes shall be provided at all low point locations a

minimum of 1.5 feet below the lowest adjacent building opening. Emergency overflow drainage routes shall be constructed in a manner that will accommodate a 100-year storm event.

4. New stormwater drainage system design shall be based on a 5-year frequency storm for local storm sewer, 10-year frequency storm for trunk storm sewer, and a 100-year frequency storm for ponds and open channels, where practical.

5. New storm sewers and open channels shall be designed using the Rational Method or other technical method approved by the City. Runoff Coefficient "C" shall be in accordance with the guidelines provided in the Minnesota Department of Transportation Drainage Manual.

6. A hydrograph method based on sound hydrologic theory shall be used to analyze runoff rates and high-water levels for proposed development and redevelopment projects.

7. Water quality treatment ponds (wet ponds) shall be designed in accordance with National Urban Runoff Program (NURP) standards.

8. Drainage and utility easements shall be dedicated over newly constructed stormwater management features (volume, rate control, and water quality treatment infrastructure) including but not limited to ponds, infiltration basis, rain gardens, underground storage and treatment devices, and tree trenches.

9. The owner of a detention basin, water quality pond, or water quality treatment device shall provide the City with an executed copy of an Agreement for Maintenance and Inspection of Utility and Storm Drainage Systems in a form acceptable to the City.

10. Prohibit encroachment that will reduce the storage capacity of floodplains, unless mitigating action is undertaken.

11. Allow only structures that have been flood-proofed or will not be subject to excessive damage in the floodway fringe.

12. Existing water storage capacity should be preserved below the 100-year critical flood elevation on all public waters within designated floodplain areas.

13. Development within the floodplain should be minimized that will unduly restrict flood flows or aggravate known high-water problems.

14. Compensatory storage will be required for floodplain fill.

Refer to the Floodway District, Flood Fringe District, General Flood Plain District Ordinances on the City's website for more information regarding floodplain management within the City.

Refer to SCWMC and WMWMC Rules and Standards in **Appendix C** for Runoff Management Policies within the City.

5.5. Wetlands

5.5.1. Goal

Achieve no net loss of wetlands, including acreage, functions, and values. Where practical, improve the functions, values, biological diversity, and acreage of existing

wetlands.

5.5.2. Policies

1. Cooperate with SCWMC's and WMWMC's administration of their wetland alteration rules. SCWMC is the Local Governing Unit (LGU) for wetlands within its jurisdictional boundary and WMWMC is the LGU responsible for administering WCA for that area of the City within the WMWMC.

2. Runoff shall not be discharged directly into wetlands without pretreatment of the runoff.

3. A vegetated buffer strip with a minimum buffer width of 20 feet and an average width of 30 feet measured from the ordinary high water level of the watercourse or wetland is required adjacent to wetlands, lakes, and natural water course.

4. Wetlands may not be drained, filled, or excavated without prior approval from the Shingle Creek or West Mississippi Watershed Management Commissions in accordance with WCA.

5. Drainage and utility easements shall be dedicated over wetland buffer areas.

Refer to SCWMC and WMWMC Rules and Standards in **Appendix C** for Wetland Management Policies within the City.

5.6. Erosion and Sediment Control

5.6.1. Goal

Protect the capacity of the City's stormwater management system, prevent flooding, and maintain water quality by preventing erosion and sedimentation from occurring and correct existing erosion and sedimentation problems.

5.6.2. Policies

1. The City of Brooklyn Center is responsible for the review and enforcement of erosion and sediment controls for activities that require a grading and erosion control plan.

2. Erosion control must meet the requirements outlined in the Minnesota Pollution Control Agency's NPDES General Permit to Discharge Stormwater from Construction Sites and the following criteria. A copy of the most recent requirements can be found on the MPCA website.

5.7. Groundwater

5.7.1. Goal

Protect the quality and quantity of groundwater resources.

5.7.2. Policies

1. Encourage groundwater recharge and cooperate with SCWMC and WMWMC efforts to protect recharge areas from potential sources of contamination. Provide increased green space, native vegetation, and pond "dead" storage wherever possible and appropriate to allow for the infiltration of stormwater runoff and promote groundwater recharge. The Wellhead Protection Plan was approved by the Department of Health on February 17, 2016. This plan should be referenced when considering infiltration to verify the location of Drinking Water Supply Management Areas (DWSMAs) and

other sensitive areas.

2. Provide groundwater protection as laid out in the City's Wellhead Protection Plan.

5.8. Recreation, Habitat, and Shoreland Management

5.8.1. Goal

Protect and enhance fish and wildlife habitat and recreation opportunities.

5.8.2. Policies

1. Cooperate with SCWMC, WMWMC, and other units of government to complete habitat and recreation corridor connections (greenways).

2. Maintain, enhance, or provide new habitat as part of wetland modification, stormwater facility construction, or other appropriate projects.

3. Encourage alternative landscape designs that a) increase beneficial habitat, wildlife and recreational uses; promote infiltration and vegetative water use; and that b) decrease detrimental wildlife uses (such as beaver dams, goose overabundance), which damage water control facilities, shoreline vegetation, water quality or recreational facilities.

4. Continue to manage key conservation areas within the City. Coordinate efforts to protect rare and endangered species and areas of significant natural communities with the Minnesota Department of Natural Resources. Refer to the zoning map from the comprehensive plan for a reference of these areas (**Appendix D**).

5. Coordinate efforts with state, county and neighboring municipalities to enhance water-based recreation to the extent practical.

5.9. Education and Public Involvement

5.9.1. Goal

Increase public awareness, understanding, and involvement in water and natural resource management issues.

5.9.2. Policies

1. Continue to distribute educational materials to the general public and targeted groups in accordance with the City's SWPPP. Specific topics could include water resources, groundwater, wetlands, native vegetation, buffers, wildlife habitat, litter control, pet wastes, recycling, trash disposal, leaf collection, grass clippings, lawn chemicals, and hazardous materials. Information may be distributed via the City's newsletter, City website, local newspapers, cable television, or other appropriate methods.

2. Continue to coordinate education efforts with SCWMC and WMWMC to take advantage of efficiencies of scale where appropriate.

5.10. Financing

5.10.1. Goal

Minimize and fairly distribute public expenditures for plan implementation with emphasis on using the City's stormwater utility to finance projects and collaborating/partnering with other entities.

5.10.2. Policies

1. Use the City's Stormwater Utility Fund to pay for stormwater management projects and implementation activities.

2. Use other funding sources including land sale proceeds, partner with the watersheds, State Aid funds, grants, among other sources to pay for the implementation activities, when available and appropriate.

3. The City will use its Stormwater Utility Fund to pay for the public education and information programs.

6. IMPLEMENTATION PROGRAM

6.1. Implementation Program Components

Table 6.1 contains a comprehensive list of the MS4 activities and projects, programs, and studies that make up the City of Brooklyn Center's implementation program for the next 15 years (2018 through 2032). The program was developed by evaluating the requirements in the MS4 permit (see MS4 SWPPP Application for Reauthorization in **Appendix B**), reviewing existing information (**Section 2**), identifying potential and existing problems (**Section 4**), reviewing goals and policies (**Section 5**), and then assessing the need for programs, studies, maintenance, or projects. Costs were estimated, possible funding sources were identified, and a schedule was developed to complete the implementation activities. It is anticipated these tables will be updated/revised on a yearly basis.

6.2. Implementation Priorities

The implementation components listed in **Table 6.1** were prioritized to make the best use of available local funding, meet MS4 Permit requirements, address existing stormwater management problems, and prevent future stormwater management problems from occurring. **Table 6.1** identifies which activities are MS4 Permit Requirements, Annual Requirements, or Capital Projects/Programs/Studies. The City's implementation plan reflects its responsibility to protect the public health, safety, and general welfare of its citizens by addressing problems and issues that are specific to the City of Brooklyn Center.

6.3. Financial Considerations

The City will use funds generated from its Stormwater Utility as the primary funding mechanism for its implementation program including maintenance, repairs, capital projects, or studies. It is anticipated that the 2018 Stormwater Utility will generate approximately $1.6 million. If funds from this utility fee do not cover necessary costs, the City will consider adjusting the Stormwater Utility Fee to cover the costs associated with the implementation program. The City will continue to review the Stormwater Utility Fee annually and adjust based on the stormwater related needs of the City and other available funding mechanisms. The City will also take advantage of grant or loan programs to offset project costs where appropriate and cost-effective.

6.4. Plan Revision and Amendments

The City may need to revise this Plan to keep it current. Before the City can adopt any significant plan amendments that change the purpose or intent, the amendments must be submitted to the Shingle Creek Watershed Management Commission and West Mississippi Watershed Management Commission. The City anticipates updating the Implementation Plan annually. These changes will be submitted to the watershed commissions for their record but not for review and approval. The City may amend this plan at any time in response to a petition by a resident or business. Written petitions for plan amendments must be submitted to the City Administrator. The petition must state the reason for the requested amendment and provide supporting information for the City to consider the request. The City may reject the petition, delay action on the petition until the next full plan revision, or accept the petition as an urgent issue that requires immediate amendment of the plan. The City of Brooklyn Center may also revise/amend the plan in response to City-identified needs. This Plan is intended to be in effect for ten years (implementation program outlines cost/activities for 15 years) per state statute. The Plan will be revised/updated at that time, to the extent necessary.

TABLE 6.1

LOCAL WATER MANAGEMENT IMPLEMENTATION PLAN

No.	Project Description	15 Year Total Cost Estimate [1,3]	15 Year Cost Estimate (Soft Costs)[1,3]	Possible Funding Sources [2]	Proposed Cost By Year[1] 2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	Comments
CIP																				
1	Storm Sewer Infrastructure Improvements - Upgrade storm sewer in the coming years in conjunction with street reconstruction projects or other appropriate projects.	$18,623,470	-	Stormwater Utility/Special Assessment	$2,330,000	$3,629,470	$2,140,000	$1,624,000	$490,000	$690,000	$350,000	$320,000	$620,000	$220,000	$880,000	$2,710,000	$1,170,000	$770,000	$680,000	See Section 4.2.A and refer to the City CIP for more information on the annual street reconstruction schedule and program.
2	Deteriorating Trunk Line - Rehabilitate the deteriorated storm sewer from 70th Avenue North and Willow Lane to the Mississippi River.	$328,000	-	Stormwater Utility		$328,000														See Section 4.3.C
3	Faulty Backflow Preventer - The backflow preventer at Shingle Creek Parkway and John Martin Drive is not working properly and will need to be repaired.	$20,000	-	Stormwater Utility			$20,000													See Section 4.3.F
4	Deteriorating Trunk Line - The city will continue to monitor the trunk line along 65th Avenue between Cahlander Park and Shingle Creek as the existing line is deteriorating. The line will need to be televised and repaired as necessary.	$464,000	$464,000	Stormwater Utility				$464,000												See Section 4.3.D
5	Shingle Creek Erosion - Shingle Creek Restoration Project. This will involve a partnership with Brooklyn Park and the Shingle Creek Management Commission	$350,000	-	Stormwater Utility / Brooklyn Park / SCWMC / Grant Funding					$350,000											See Section 4.6.B
6	Storm Sewer - The storm pipe at 61st Avenue North and Perry Avenue North has joint failures and sink holes causing it to leak and transfer sediment. Evaluate and rehabilitate storm sewer segment.	$170,000	-	Stormwater Utility								$170,000								See Section 4.3.B
7	Storm Water Pond Maintenance Projects - Maintain stormwater ponds and other BMPs on a regular basis. The SWAMP will help prioritize these maintenance activities.	$1,921,000	-	Stormwater Utility	$270,000	$149,000	$258,000		$118,000	$202,000		$154,000	$138,000			$116,000	$83,000	$67,000	$366,000	See Section 4.4.A and refer to the City CIP for more information on the annual pond maintenance schedule

No.	Project Description	15 Year Total Cost Estimate [1,3]	15 Year Cost Estimate (Soft Costs)[1,3]	Possible Funding Sources [2]	Proposed Cost By Year[1]															Comments
					2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
SWPPP																				
8	Public Education and Outreach Program - refer to SWPPP	$7,500	$7,500	Stormwater Utility / Staff Time	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	See SWPPP Application for Reauthorization (Appendix B)
9	Construction Site Stormwater Runoff Control - Refer to SWPPP	$4,000	$4,000	Stormwater Utility / Staff Time	$4,000															See SWPPP Application for Reauthorization (Appendix B)
10	Water Resource Inventory - Refer to SWPPP	$2,000	$2,000	Stormwater Utility / Staff Time	$2,000															See SWPPP Application for Reauthorization (Appendix B)
11	Annual SWPPP Assessment & Annual Reporting - Refer to SWPPP	$22,500	$22,500	Stormwater Utility / Staff Time	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	See SWPPP Application for Reauthorization (Appendix B)
12	Annual Public Meeting/Event - Refer to SWPPP	$15,000	$15,000	Stormwater Utility / Staff Time	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	See SWPPP Application for Reauthorization (Appendix B)
13	Online Availability of the Stormwater Pollution Prevention Plan (SWPPP) Program Document - Refer to SWPPP	$7,500	$7,500	Stormwater Utility / Staff Time	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	See SWPPP Application for Reauthorization (Appendix B)
14	IDDE Public Education and Outreach - Refer to SWPPP	$7,500	$7,500	Stormwater Utility / Staff Time	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	See SWPPP Application for Reauthorization (Appendix B)
15	Post Construction Stormwater Management Program Evaluation/Update	$5,000	$5,000	Stormwater Utility / Staff Time	$5,000															See SWPPP Application for Reauthorization (Appendix B)
16	Municipal Operations Facility Inventory - Refer to SWPPP	$1,500	$1,500	Stormwater Utility / Staff Time	$1,500															See SWPPP Application for Reauthorization (Appendix B)
17	Pollution Prevention & Good Housekeeping BMPs - Refer to SWPPP	$22,500	$22,500	Stormwater Utility / Staff Time	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	See SWPPP Application for Reauthorization (Appendix B)

No.	Project Description	15 Year Total Cost Estimate [1,3]	15 Year Cost Estimate (Soft Costs)[1,3]	Possible Funding Sources [2]	Proposed Cost By Year[1]															Comments
					2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Routine Maintenance																				
18	Pond Inspection and Maintenance - Maintain the SWAMP (Storm Water Asset Management Program) to prioritize inspection and maintenance of BMPs throughout the City to help manage vegetation, sedimentation, and other degradation issues. This program will also help estimate the effectiveness of TP and TSS treatment of stormwater ponds.	$42,000	$42,000	Stormwater Utility	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	$3,000	See SWPPP Application for Reauthorization (Appendix B), Section 4.4.A, See SWAMP for more information.
19	Street Sweeping - Continue to conduct street sweeping operations of all public streets four times annually and as necessary. Refer to SWPPP.	$1,400,000	$1,400,000	Stormwater Utility	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	See SWPPP Application for Reauthorization (Appendix B), refer to Street Sweeping Policy in Appendix G
20	Fremont Place Townhomes Flooding - The outlet to the Fremont Place North townhomes pond is susceptible to plugging and creates flooding issues. The City will add this outlet to the Cities routine maintenance check list.	$7,000	$7,000	Stormwater Utility	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	See Section 4.2.B
21	Weir Maintenance - The Weir south of Bass Lake Road and Shingle Creek Parkway is in need of continual maintenance. The City will conduct the flood protection maintenance necessary and add it to its maintenance plan. Private properties are responsible for aesthetic maintenance, City to assist with maintenance to ensure an unrestricted weir.	$7,000	$7,000	Stormwater Utility / Private Land Owner	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	See Section 4.3.E
22	Grit Chamber Maintenance - Biennial maintenance is needed to clean the underground grit chambers northeast of the Top Golf parking lot.	$140,000	$140,000	Stormwater Utility	$5,000	$15,000	$5,000	$15,000	$5,000	$15,000	$5,000	$15,000	$5,000	$15,000	$5,000	$15,000	$5,000	$15,000	$15,000	See Section 4.5.A
23	Cahlander Park Outfall Cleaning - The City will include Cahlander Park Outfall in its routine maintenance program and continue to clean on a regular basis.	$7,000	$7,000	Stormwater Utility	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	

No.	Project Description	15 Year Total Cost Estimate [1,3]	15 Year Cost Estimate (Soft Costs)[1,3]	Possible Funding Sources [2]	Proposed Cost By Year[1] 2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	Comments
Monitor and Study																				
24	Shingle Creek Flooding - The City is aware of flooding issues along the Shingle Creek Trail between Freeway Boulevard and Shingle Creek Parkway. If action is needed the City will complete a study and construction plans to address the issue.	TBD	TBD	Stormwater Utility / Three Rivers Park District																See Section 4.2.C
25	Flooding Issue - The City will continue to monitor flooding issues on CR 130 to determine if improvements are necessary. If necessary they will be completed in conjunction with a County reconstruction project in that area.	TBD	TBD	Stormwater Utility / Hennepin County																See Section 4.2.D
26	Flooding at Kylawn Park Arboretum - The City is aware of a number of flooding issues in and around the park. The City will continue to monitor these problems and complete a study to determine feasible improvement options. Improvements will then be constructed as warranted.	TBD	TBD	Stormwater Utility																See Section 4.2.E
27	Peripheral Flooding - The Odyssey ball field was regraded in 2015. If issues continue, the City will work with the City of Crystal to have the outlet elevation from the 639 W wetland lowered or determine another solution to reduce flood potential.	$5,000	$5,000	Stormwater Utility			$5,000													See Section 4.2.F
28	River Level Monitoring Program - A river level monitoring program will be developed to help respond and anticipate flooding and erosion issues on the Mississippi River.	$9,000	$9,000	Stormwater Utility	$2,000	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	See Section 4.2.K
29	Storm Sewer Monitoring - The City will continue to televise storm sewer in conjunction with reconstruction projects and develop/implement a storm sewer routine inspection program which will notify city employees when storm sewers need cleaning, maintenance and replacement.	$150,000	$150,000	Stormwater Utility	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	See Section 4.3.A
30	Palmer Lake - The City will continue to monitor Palmer Lake for proper drainage of Shingle Creek and if necessary develop a management plan for Palmer Lake.	TBD	TBD	Stormwater Utility																See Section 4.4.B
31	Erosion and Monitoring Program - Regular river bank stabilization inspections will need to be completed along the Mississippi River to monitor and help prevent any future erosion issues and sanitary sewer washouts.	$15,000	$15,000	Stormwater Utility	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	See Section 4.9.A

No.	Project Description	15 Year Total Cost Estimate [1,3]	15 Year Cost Estimate (Soft Costs)[1,3]	Possible Funding Sources [2]	Proposed Cost By Year[1]															Comments
					2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Other																				
32	Centennial Park East - Flooding occurs at the ball fields and trails during large rainfall events. The City installed a berm and pump system in 2014/2015. This area will continue to be monitored to evaluate if additional flood reduction measures are needed.	$10,000		Stormwater Utility			$10,000													See Section 4.2.G
33	Fish and Weed Management -The City will work with neighboring cities and watershed to develop a fish and vegetation management plan for Upper and Middle Twin Lakes.	TBD	TBD	Stormwater Utility / Neighboring Cities / SCWMC / Grant Funding																See Section 4.1.B
34	Ordinance Updates - The City will complete updates to its stormwater management related ordinances following the adoption of its Local Water Management Plan and MRCCA rules update and consistent with its MS4 Application for Reauthorization.	$28,000	$28,000	Stormwater Utility	$4,000	$4,000	$4,000			$8,000					$8,000					See Section 4.5.C
	TOTAL	$23,763,470	$2,341,000		$2,744,500	$4,246,970	$2,563,500	$2,224,500	$1,084,500	$1,036,500	$476,500	$780,500	$884,500	$356,500	$1,014,500	$2,962,500	$1,379,500	$973,500	$1,182,500	

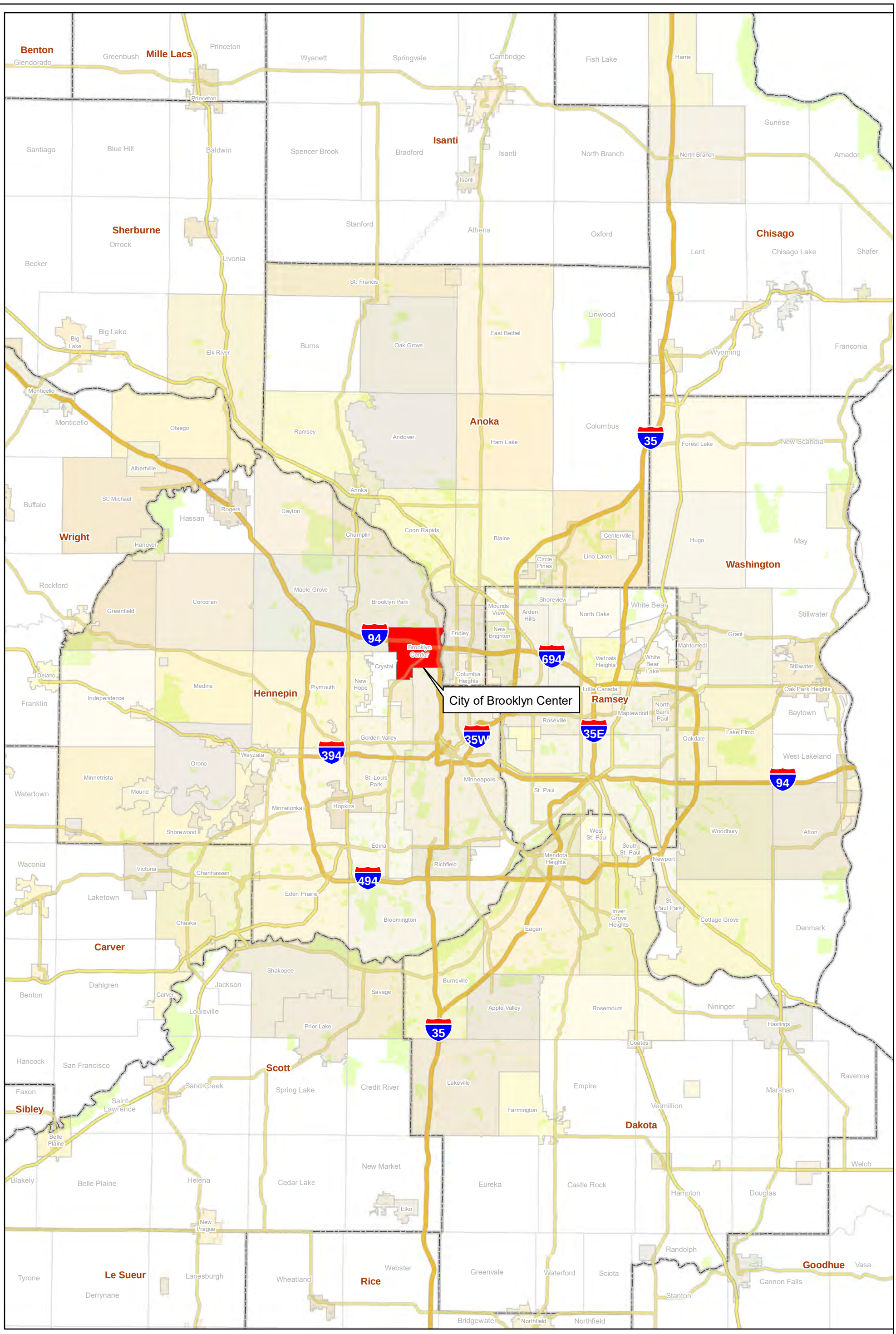
[1] Cost estimates are preliminary and subject to review and revision as engineer's reports are completed and more information becomes available. Table reflects 2018 costs and does not account for inflation. Costs generally include labor, equipment, materials, and all other costs necessary to complete each activity. Some of the costs outlined above may be included in other operational costs budgeted by the City.

[2] Funding for stormwater program activities projected to come from following sources - Surface Water Management Fund, Developers Agreements, Grant Funds, General Operating Fund, or Special Assessments.

[3] Staff time is not included in the cost shown.

Appendix A – Figures

Figure 1: Location Map
Figure 2: Existing Land Use Map
Figure 3: Future Land Use Map
Figure 4: Subwatersheds Map
Figure 5: NWI & DNR Lakes Map
Figure 6: Soils Map
Figure 7: Issue Areas Map
Figure 8: Floodplain Map
Figure 9: Water Quality Monitoring Map
Figure 10: MLCCS Map
Figure 11: Pollutant Sources Map
Figure 12: Groundwater Appropriations Map
Figure 13: WMO Boundaries



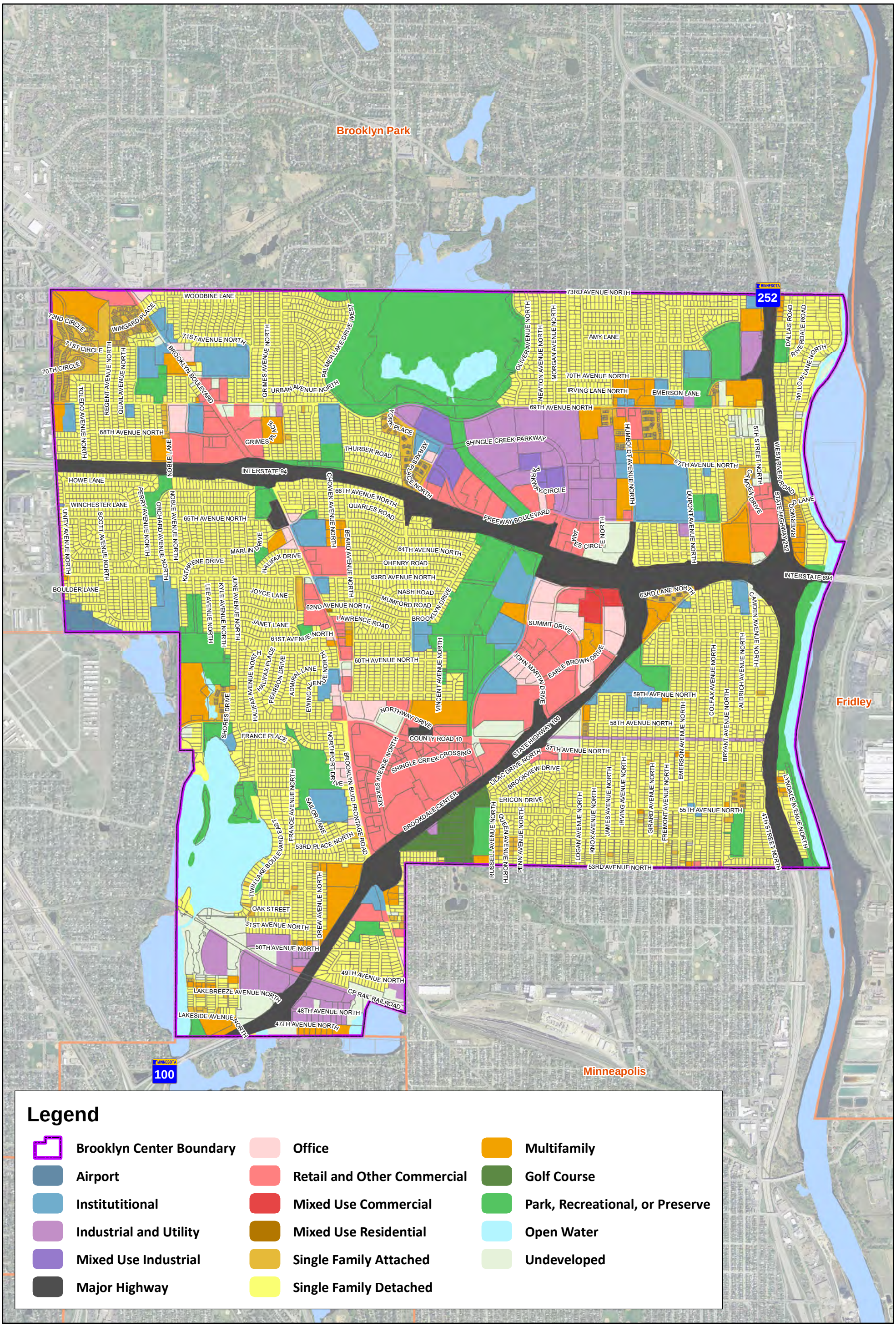
Surface Water MANAGEMENT PLAN

FIGURE 1: Location Map

1 inch = 5 miles

July 2018

K:\011247-000\GIS\MAPS\FIGURE1_LOCATIONMAP.MXD DATE: THURSDAY, AUGUST 02, 2018



K:\011247-000\GIS\MAPS\FIGURE2_EXISTINGLANDUSE.MXD DATE: THURSDAY, AUGUST 02, 2018

BROOKLYN CENTER AT THE CENTER

Surface Water MANAGEMENT PLAN

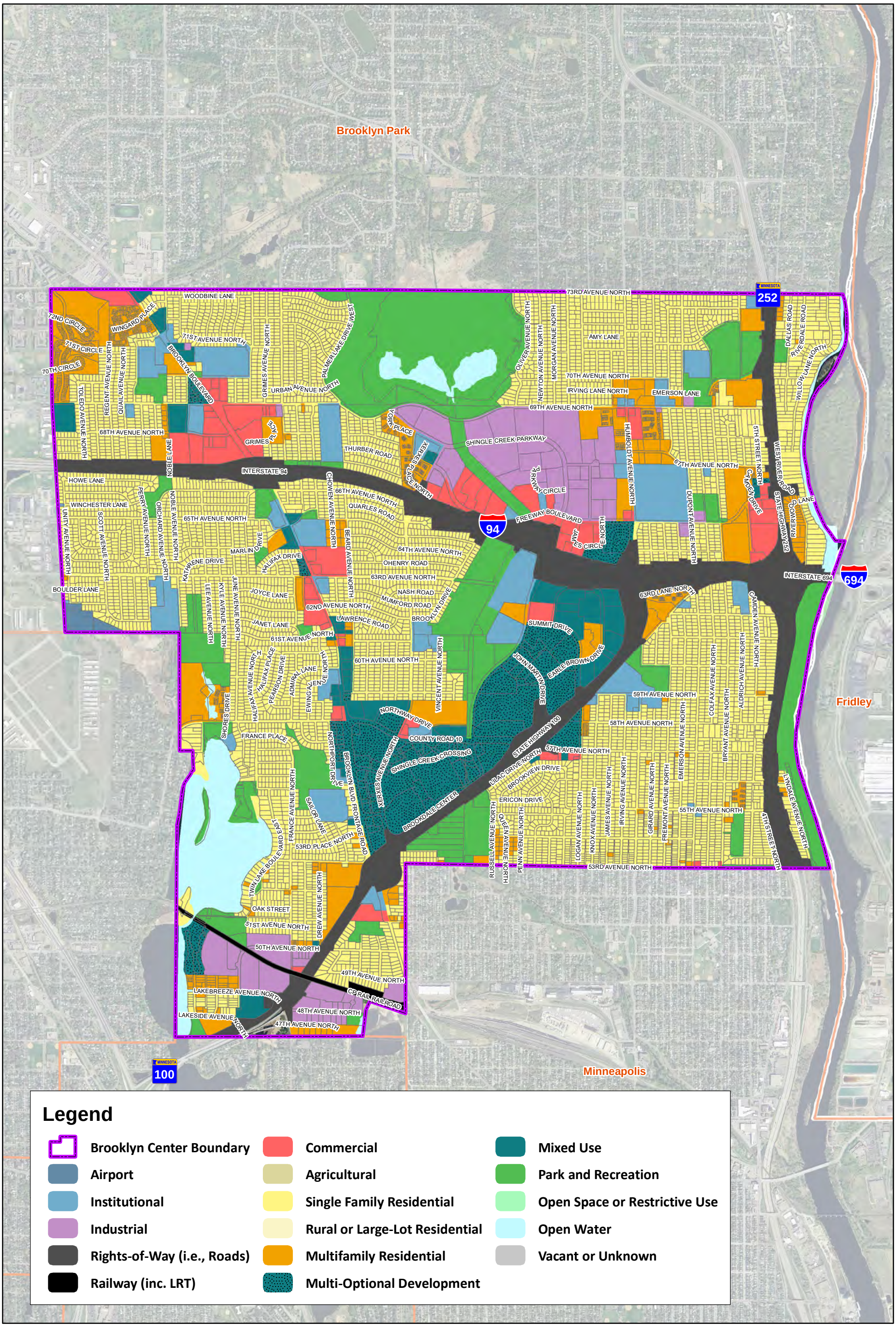
FIGURE 2: Existing Land Use Map

Data Source: MET Council 2014

1 inch = 2,000 feet

July 2018

N



Surface Water Management Plan

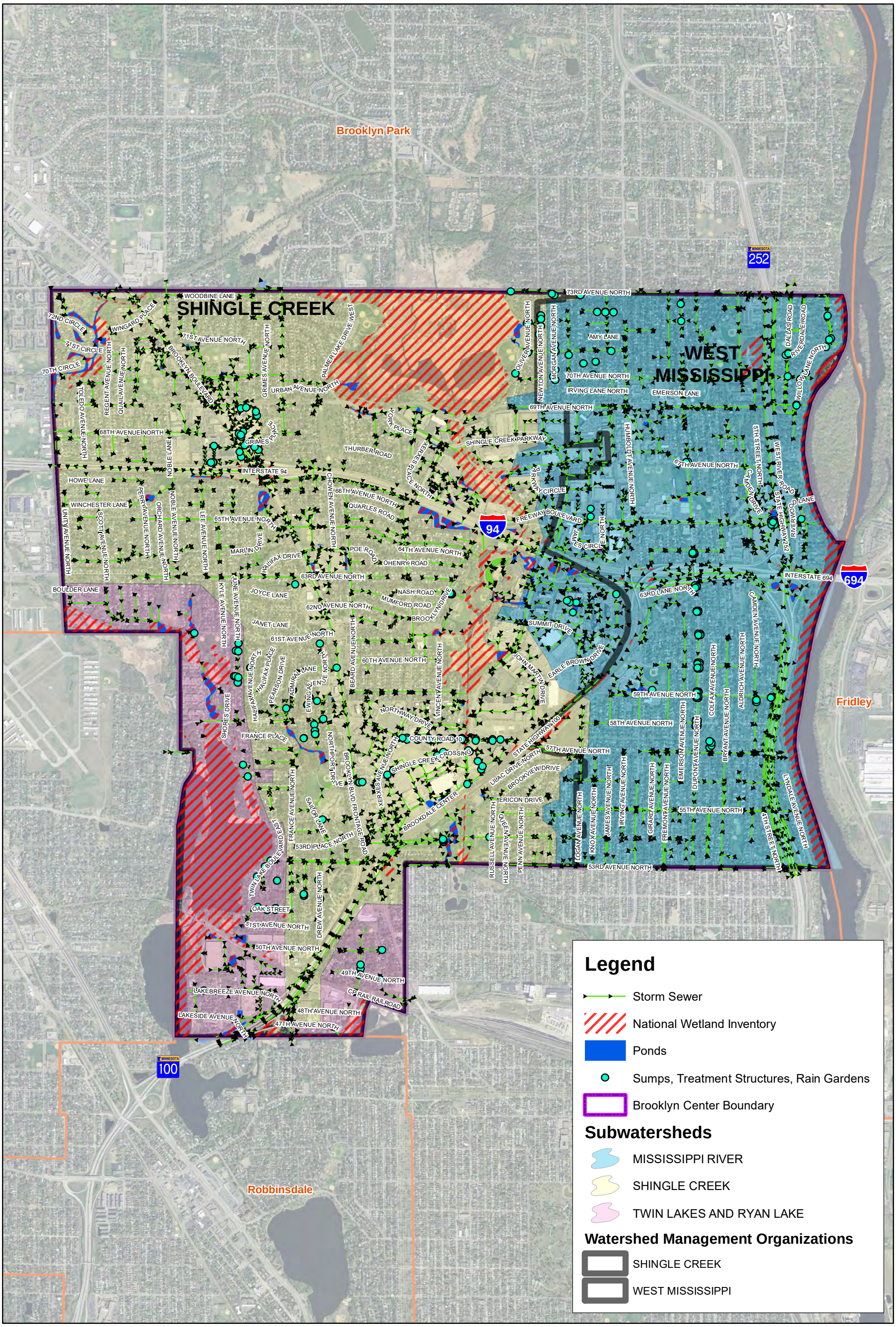
FIGURE 3: Future Land Use Map

Data Source: MET Council 2014

1 inch = 2,000 feet

July 2018

K:\011247-000\GIS\MAPS\FIGURE3_FUTURELANDUSE.MXD DATE: THURSDAY, AUGUST 02, 2018



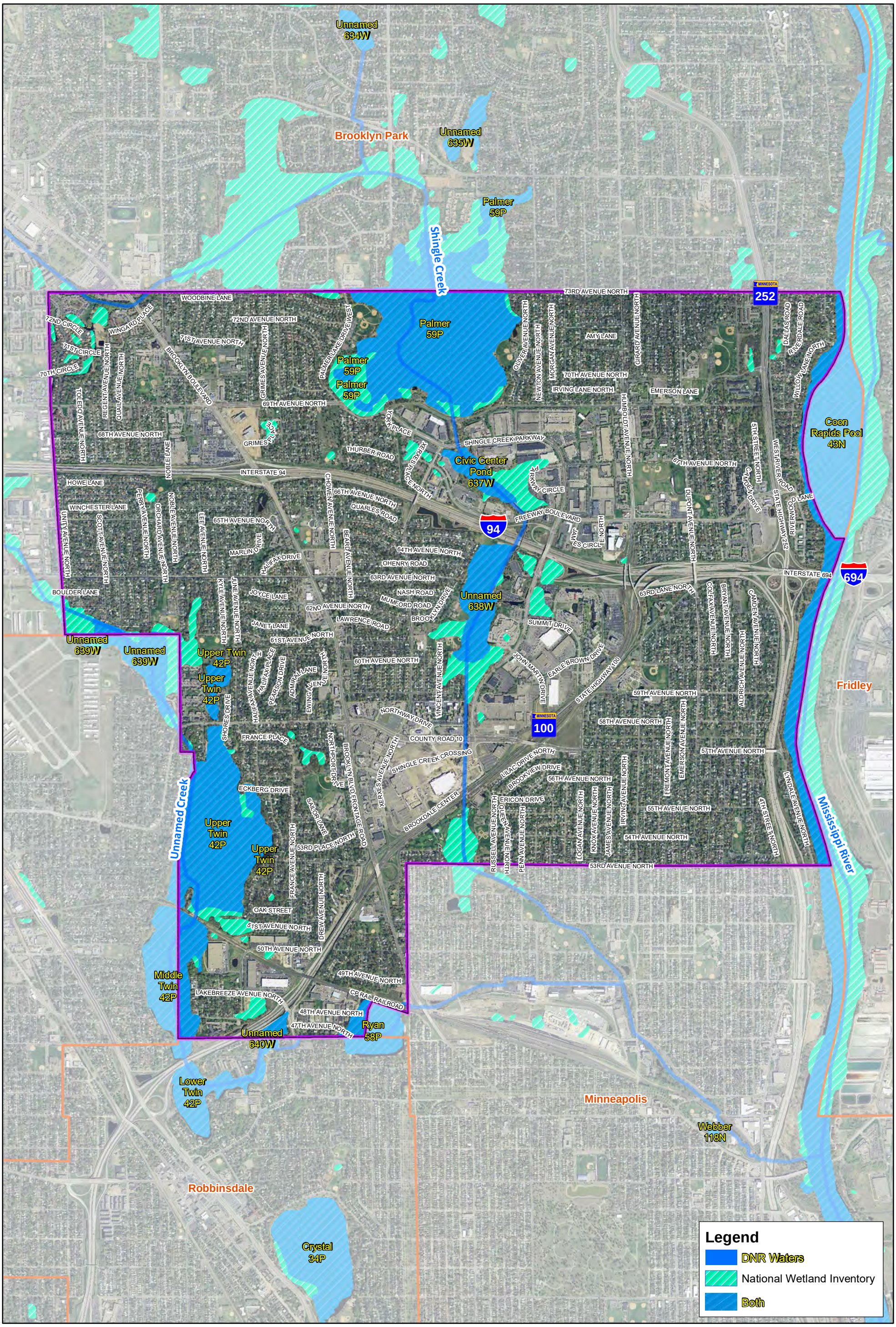
Surface Water Management Plan

FIGURE 4: Subwatershed Map

1 inch = 2,000 feet

July 2018

K:\011247-000\GIS\MAPS\FIGURE4_SUBWATERSHEDSMAP.MXD DATE: THURSDAY, AUGUST 02, 2018



Surface Water MANAGEMENT PLAN

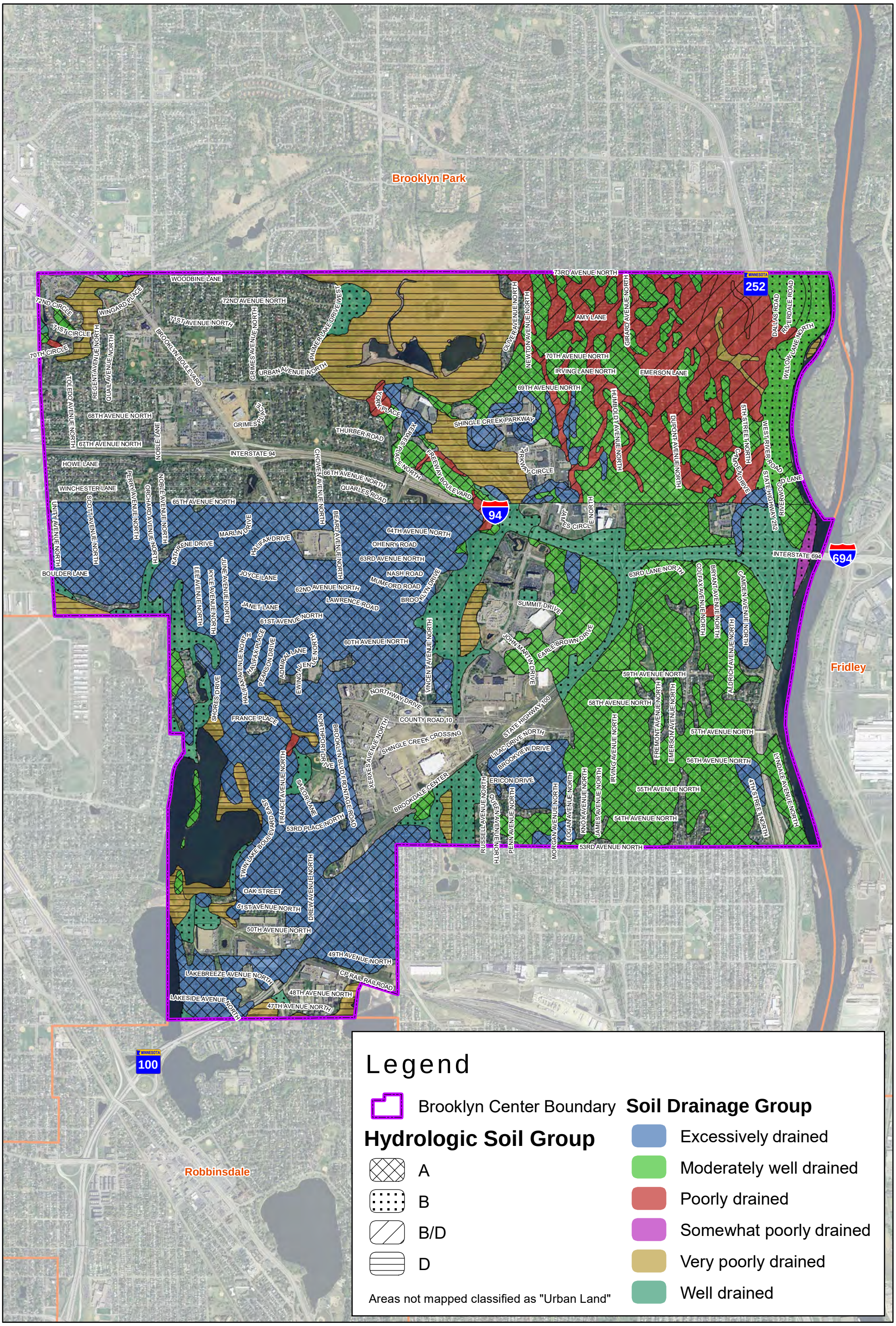
FIGURE 5: NWI & DNR Public Waters Map

Data Source: MnDNR, 2014 and USFWS, 2013

1 inch = 2,000 feet

July 2018

K:\011247-000\GIS\MAPS\FIGURE5_NWI&DNR.MXD DATE: THURSDAY, AUGUST 02, 2018



Surface Water Management Plan

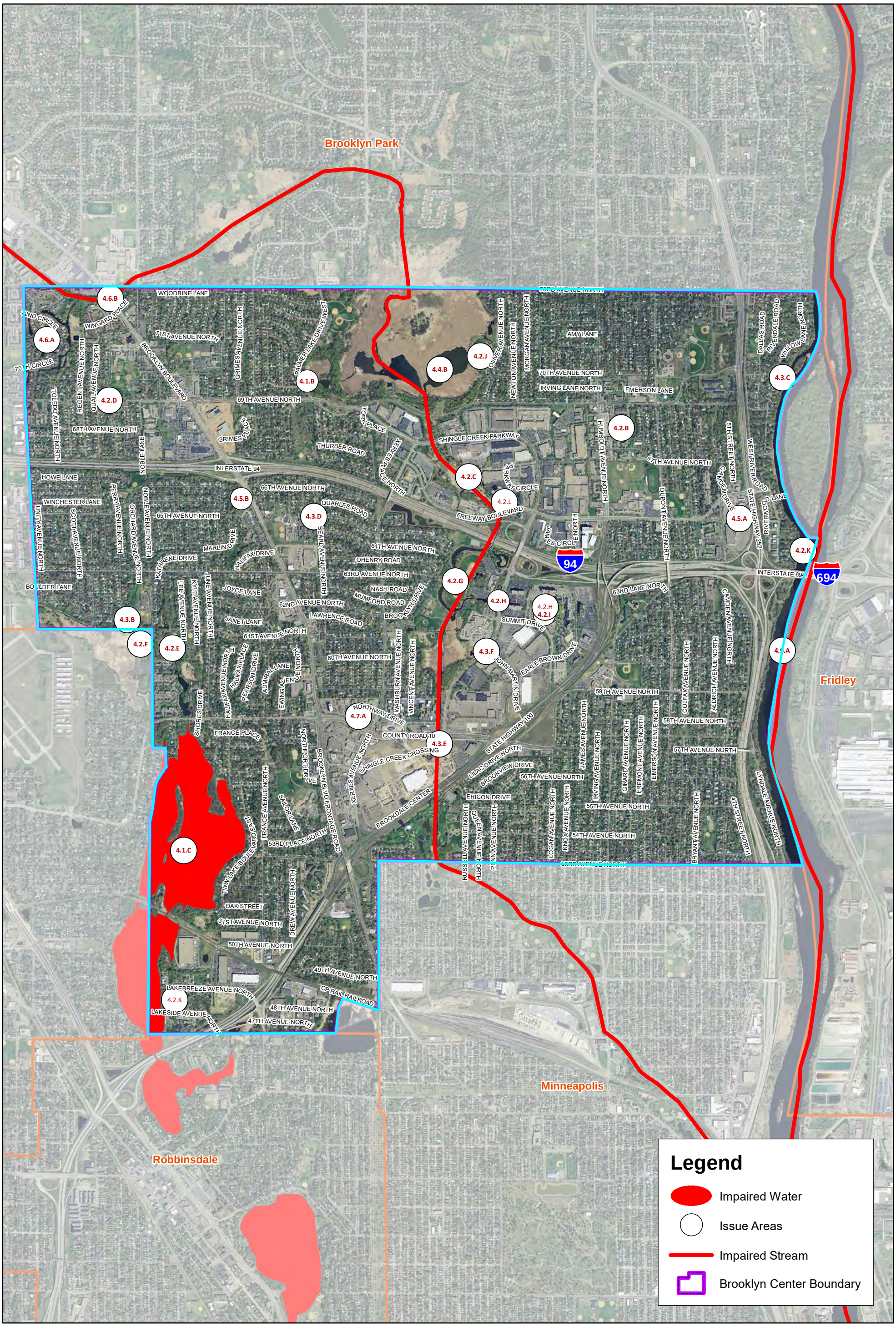
FIGURE 6: Soils Map

Data Source: NRCS Natural Resource Conservation Service, 2008

1 inch = 2,000 feet

July 2018

K:\011247-000\GIS\MAPS\FIGURE6_SOILSMAP.MXD DATE: THURSDAY, AUGUST 02, 2018



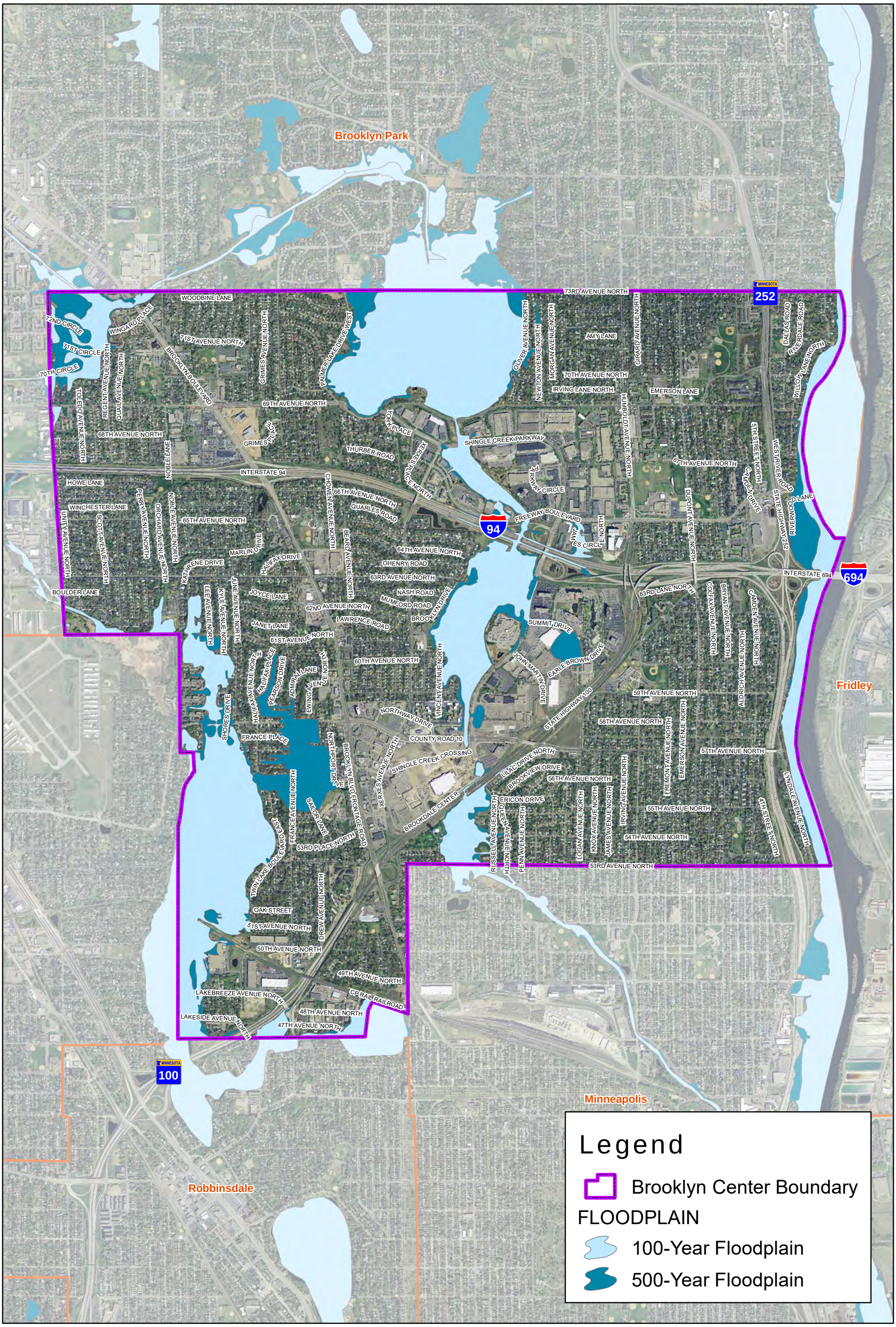
Surface Water Management Plan

FIGURE 7: Issue Areas Map

1 inch = 2,000 feet

July 2018

K:\011247-000\GIS\MAPS\FIGURE7_PROBLEMAREASMAP1.MXD DATE: FRIDAY, AUGUST 17, 2018



Surface Water MANAGEMENT PLAN

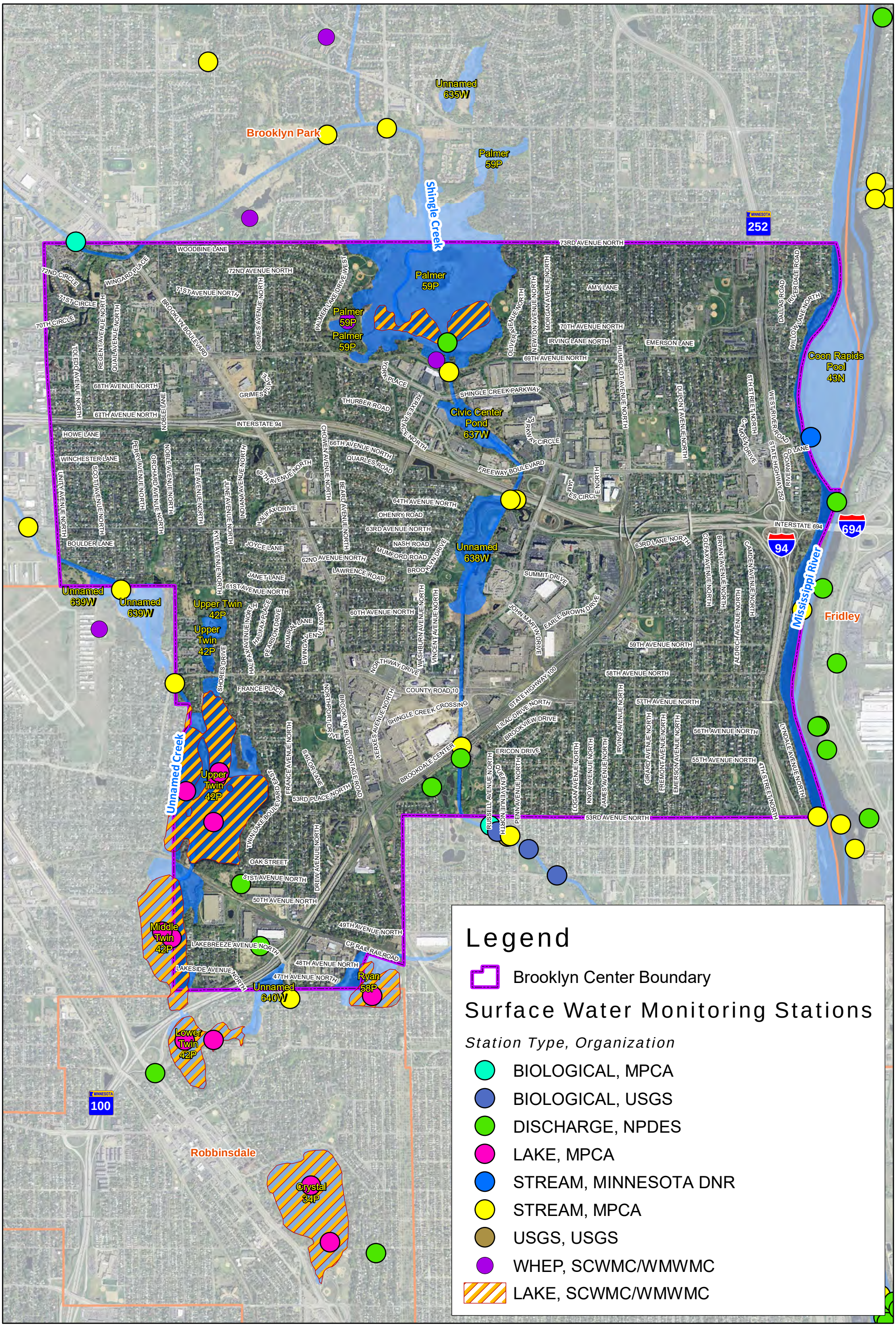
FIGURE 8: Floodplain Map

Data Source: FEMA, 2004

1 inch = 2,000 feet

July 2018

K:\011247-000\GIS\MAPS\FIGURE8_FLOODPLAIN.MXD DATE: THURSDAY, AUGUST 02, 2018



Surface Water Management Plan

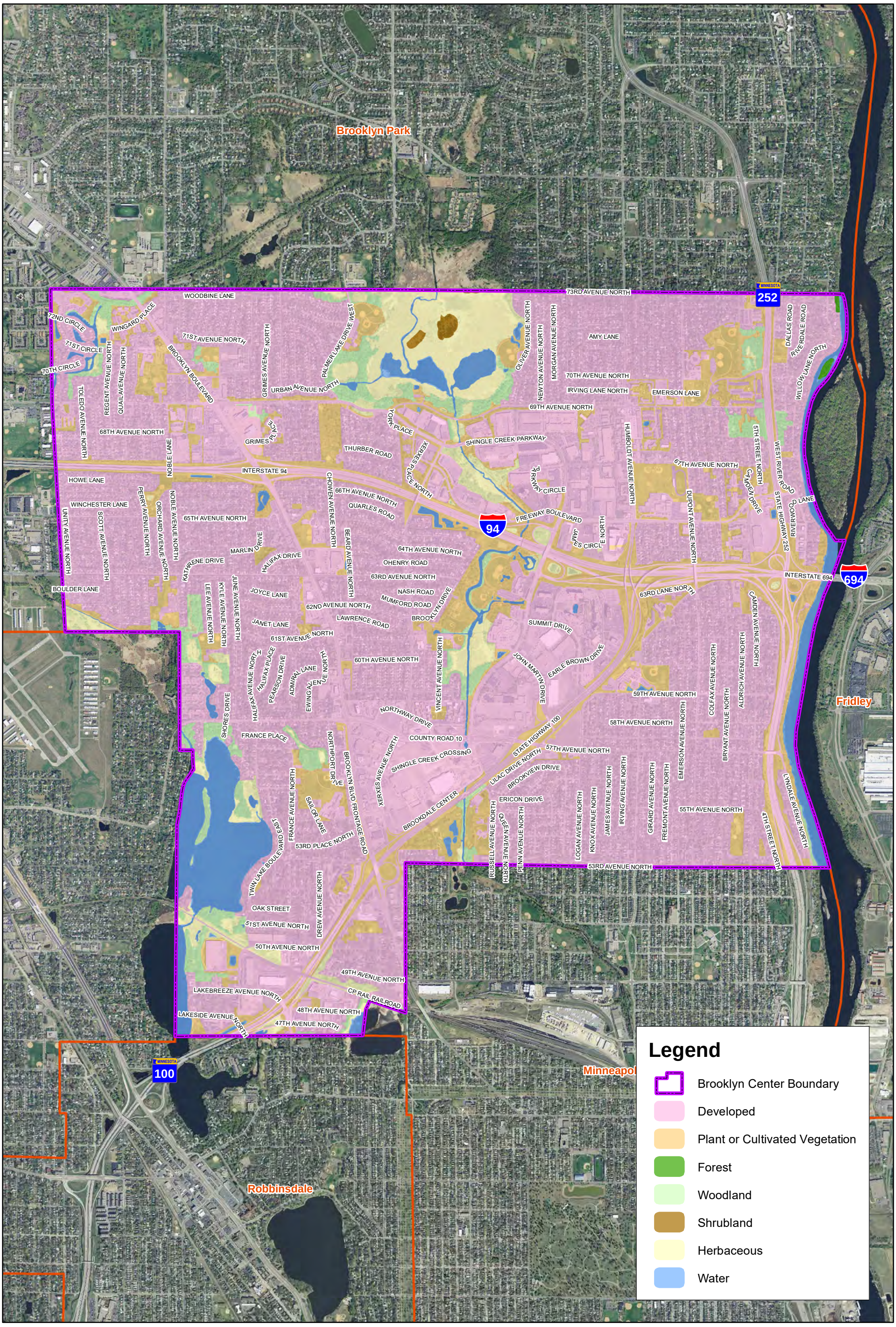
FIGURE 9: Water Quality Monitoring Map

Data Source: MPCA, 2010

1 inch = 2,000 feet

July 2018

K:\011247-000\GIS\MAPS\FIGURE9_WQMONITORING.MXD DATE: THURSDAY, AUGUST 02, 2018



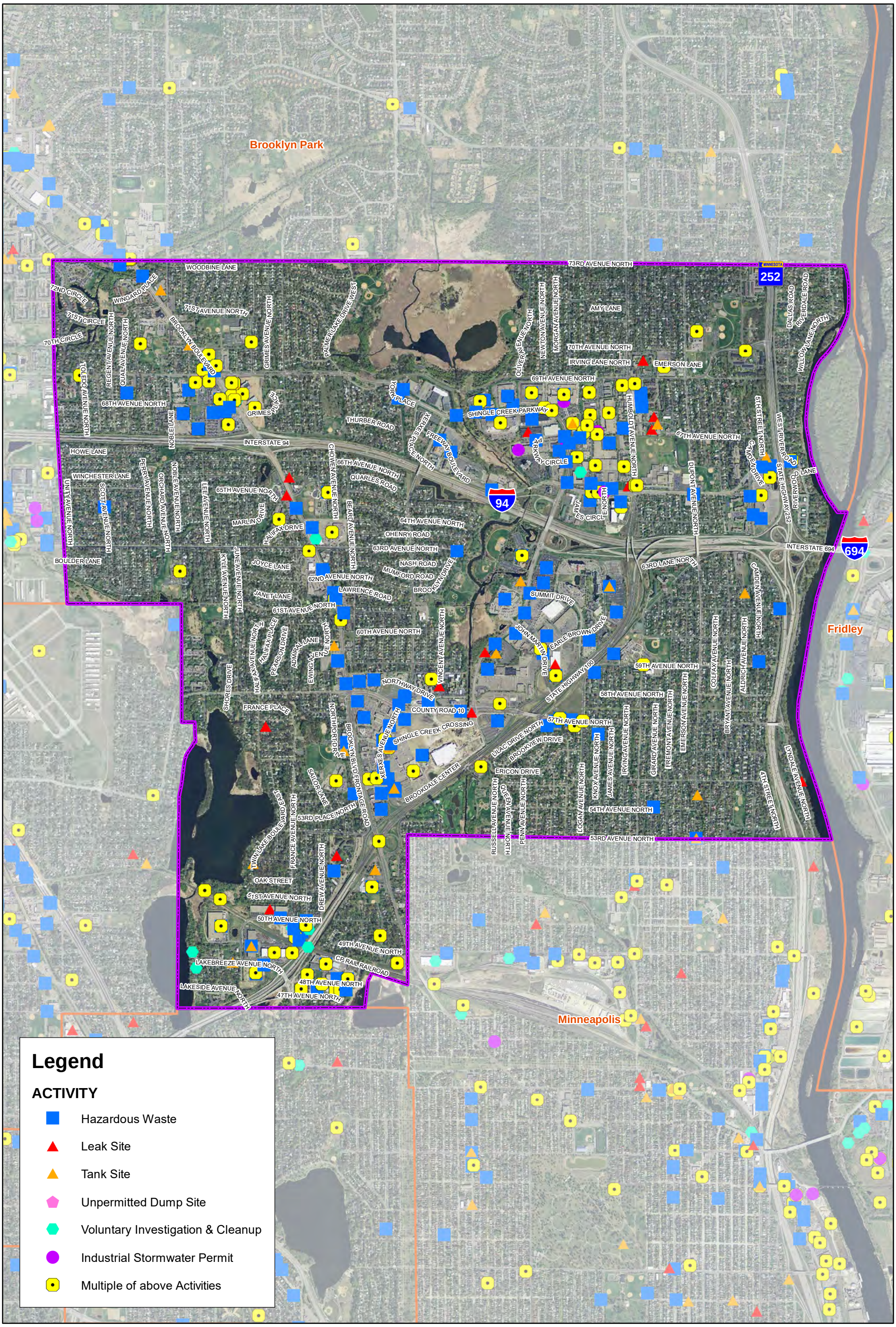
Surface Water MANAGEMENT PLAN

FIGURE 10: MLCCS Map

1 inch = 2,000 feet

July 2018

K:\011247-000\GIS\MAPS\FIGURE10_MLCCS.MXD DATE: THURSDAY, AUGUST 02, 2018



Surface Water MANAGEMENT PLAN

FIGURE 11: Pollutant Sources

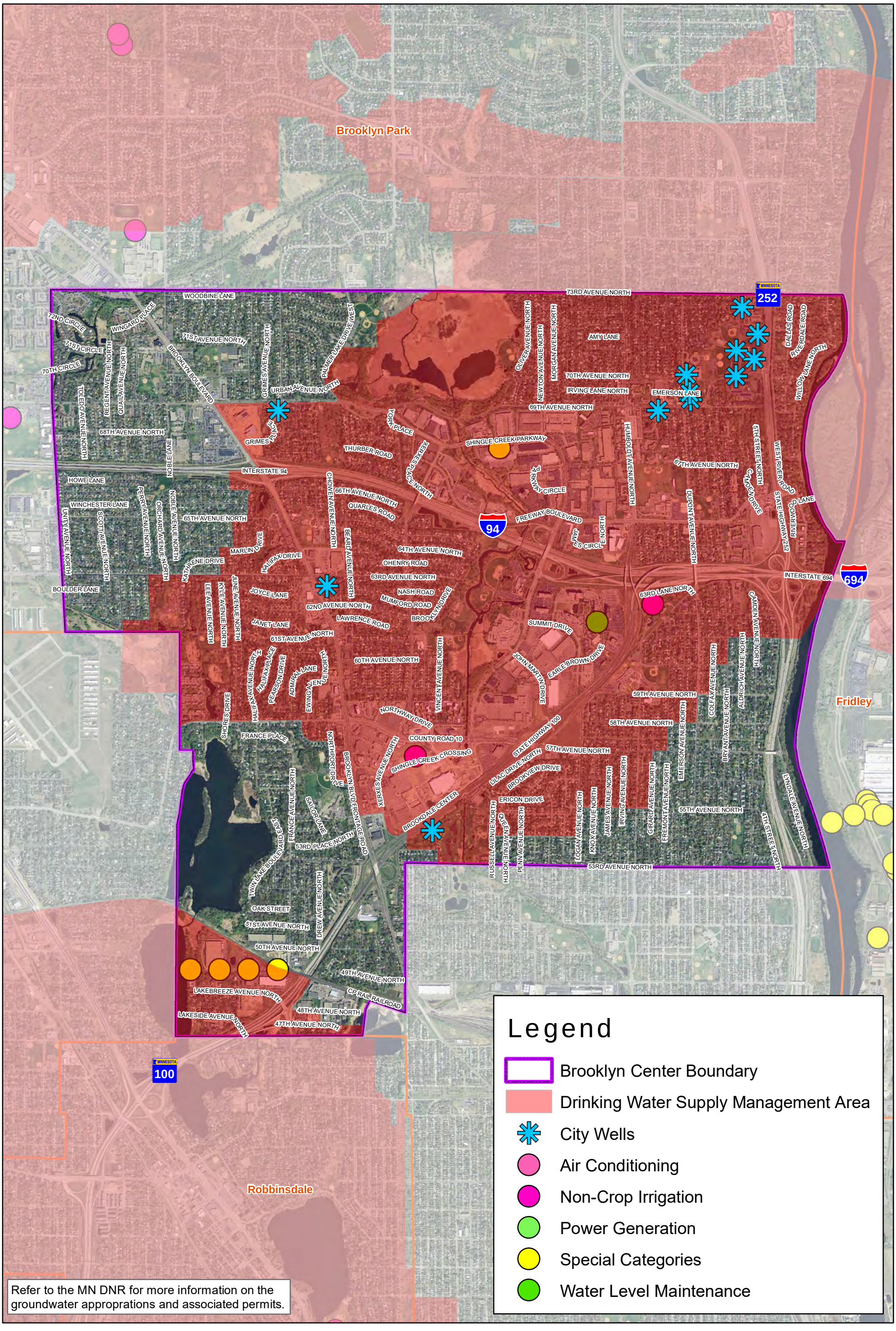
Source: Minnesota Pollution Control Agency
"What's in My Neighborhood"

1 inch = 2,000 feet

July 2018

N

K:\011247-000\GIS\MAPS\FIGURE11_POLLUTANSOURCES.MXD DATE: THURSDAY, AUGUST 02, 2018



K:\011247-000\GIS\MAPS\FIGURE12_GWAPPROPRIATIONS.MXD DATE: FRIDAY, AUGUST 17, 2018

BROOKLYN CENTER AT THE CENTER

Surface Water MANAGEMENT PLAN

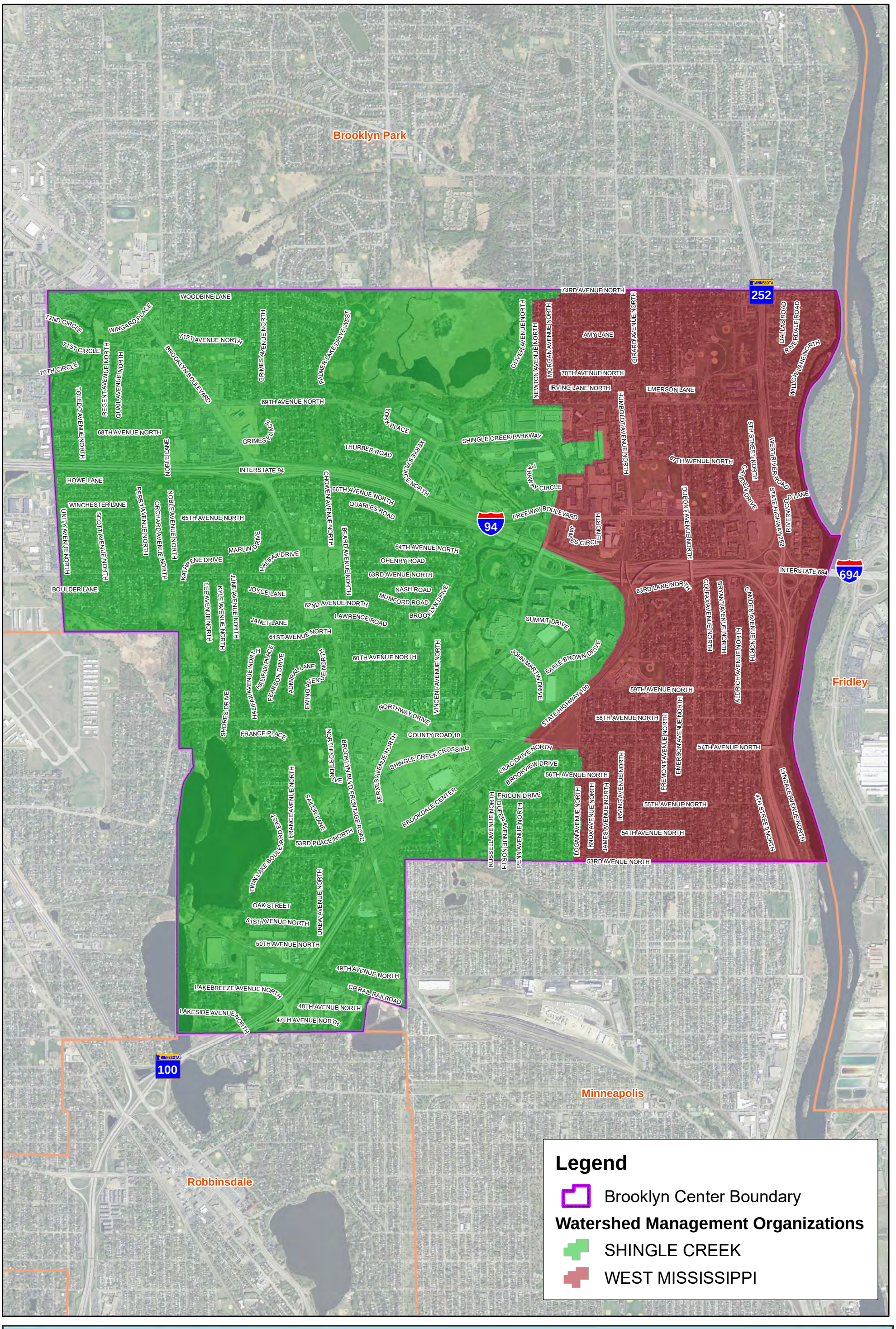
FIGURE 12: Goundwater Appropriations

Data Source: MnDNR, 2014

1 inch = 2,000 feet

July 2018

N



Surface Water MANAGEMENT PLAN

FIGURE 13: WMO Boundaries

Data Source: MPCA Minnesota Pollution Control Agency 2010

1 inch = 2,000 feet

July 2018

K:\011247-000\GIS\MAPS\FIGURE13_WMOBOUNDARIES.MXD DATE: THURSDAY, AUGUST 02, 2018

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Kelli Wick, HR Director

SUBJECT: Resolution Approving the Labor Agreement for Law Enforcement Labor Services (LELS) Local 86 (Police Commanders and Sergeants) and the City of Brooklyn Center for the Calendar Years 2019 - 2021

Requested Council Action:

- It is recommended that the City Council adopt the resolution approving the labor agreement between the City of Brooklyn Center and Law Enforcement Labor Services (LELS) Local 86 for the period January 1, 2019 – December 31, 2021.

Background:

The current contract with LELS 86 (Police Commanders and Sergeants) will expire on December 31, 2018. The City and the Union have met and negotiated in good faith to reach a settlement on all issues of concern. This labor agreement covers police commanders and police sergeants for a total of ten employees.

The attached agreement has been approved by a vote of the members and upon adoption by the City Council will establish wages and working conditions for calendar years 2019 - 2021.

The Articles affected by these negotiations include the following:

Article 27 – Sick Leave – New Language
Add language that allows employees who have at least 480 accrued sick leave hours to be paid a maximum of 15 hours for the purchase of health living items, such as gym memberships, exercise equipment, etc. Accumulated sick leave shall not go below 480 hours. This is a one-year pilot program and will expire December 31, 2019.

During 2019 two designated union representatives will work with the Benefits/Wellness Committee to structure a program and have measures in place to determine success.

Article 28 – Insurance
Contribute the same dollar amount that is contributed for non-union employees in 2019. Opt out = $898/month. High deductible health plans = $1198/month,

The City will offer the best of any agreement that we have for any other employee group for 2020 and 2021.

Article 29 – Wage Rates
Sergeant Wages
2019 - 3% increase plus $.25/hour market adjustment

2020 – 3%
2021 – 3%

Commander Wages
2019 – 3% increase plus $.25/hour market adjustment
2020 – 3% increase
2021 – 3% increase

Article 36, Duration
Three year agreement for 2019-2021

Budget Issues:

In 2019 the maximum cost of the sick leave payout is $8,135 (not every employee may use the full 15 hours.) The cost of the wage adjustment is approximately $44,207. The increase for the City's insurance contribution is $1,564. The 2019 budget appropriates sufficient funds to cover this expense.

Strategic Priorities and Values:

Operational Excellence

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION APPROVING THE CONTRACT FOR LAW ENFORCEMENT LABOR SERVICES (LELS) LOCAL 86 AND THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEARS 2019-2021

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

WHEREAS, the City has negotiated in good faith with LELS Local 86 (Commanders/Sergeants) for a contract for the years 2019-2021 as attached.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center to authorize the Mayor and City Manager to execute the attached contract with LELS Local 86 (Commanders/Sergeants) for calendar years 2019-2021 with such language changes as may be necessary to clarify any terms, provided such language changes do not change the substance or monetary compensation set forth in the attached contract.

BE IT FURTHER RESOLVED that authorized wage and benefit adjustments shall become effective according to the schedule of the agreement which commences January 1, 2019.

_____ _____

Date Mayor

ATTEST: _____

City Clerk

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

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

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

Master Labor Agreement

Between

City of Brooklyn Center

And

Law Enforcement Labor Services, Local Number 86

January 1, 2019 - December 31, 2021

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ARTICLE 1 - Purpose of Agreement

This Agreement is entered into between the City of Brooklyn Center, hereinafter called the Employer, and Law Enforcement Labor Services, "Local No. 86", hereinafter called the Union.

It is the intent and purpose of this Agreement to:

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

1.2 Place in written form the parties' Agreement upon terms and conditions of employment for the duration of this Agreement.

ARTICLE 2 - Recognition

2.1 The Employer recognizes the Union as the exclusive representative, under Minnesota Statues, Section 179A.03, Subdivision 6, for all police personnel in the following job classifications: Sergeant; Commander

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

ARTICLE 3 - Definitions

3.1 **Union**: Law Enforcement Labor Services, "Local No. 86."

3.2 **Union Member**: A member of Law Enforcement Labor Services, "Local No. 86."

3.3 **Department**: The City of Brooklyn Center Police Department.

3.4 **Employee**: A member of the exclusively recognized bargaining unit.

3.5 **Employer**: The City of Brooklyn Center.

3.6 **Chief**: The Chief of the Brooklyn Center Police Department.

3.7 **Union Officer**: Officer elected or appointed by Law Enforcement Labor Services, "Local No. 86."

3.8 **Overtime**: Work performed at the express authorization of the Employer in excess of the employee's scheduled shift.

3.9 **Scheduled Shift**: A consecutive work period including rest breaks and a lunch break.

3.10 **Rest Breaks**: Period during the Scheduled Shift during which the employee remains on continual duty and is responsible for assigned duties.

3.11 **Lunch Breaks**: A period during the Scheduled Shift during which the employee remains on continual duty and is responsible for assigned duties.

3.12 **Regular Base Pay Rate**: The employee's hourly or monthly base pay rate.

3.13 **Strike:** Concerned action in failing to report for duty, the willful absence from one's position, the stoppage of work, slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purposes of inducing, influencing, or coercing a change in the conditions or compensation or the rights, privileges, or obligations of employment.

ARTICLE 4 - Employer Security

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

ARTICLE 5 - Employer Authority

5.1 The Employer retains the full and unrestricted right to operate and manage all personnel, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel, to establish work schedules, and to perform any inherent managerial function not specifically limited by this Agreement.

5.2 Any term and condition of employment not specifically established or modified by this Agreement shall remain solely within the discretion of the Employer to modify, establish, or eliminate.

ARTICLE 6 - Union Security

6.1 The Employer shall deduct the wages of employees who authorize such a deduction in writing an amount necessary to cover monthly Union dues. Such monies shall be remitted as directed by the Union.

6.2 The Union may designate employees from the bargaining unit to act as a steward and an alternate and shall inform the Employer in writing of such choice and changes in the position of steward and/or alternate.

6.3 The Employer shall make space available on the employee bulletin board for posting Union notice(s) and announcement(s).

6.4 The Union agrees to indemnify and hold the Employer harmless against any and all claims, suits, orders, or judgments brought or issued against the Employer as a result of any action taken or not taken by the Employer under the provisions of this Article.

ARTICLE 7 - Savings Clause

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

ARTICLE 8 - Constitutional Protection

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

ARTICLE 9 - Seniority

9.1 Seniority shall be determined by continuous length of service in the job classification covered by this Agreement. Employees promoted from the classification covered by this Agreement to a position outside the bargaining unit will continue to accrue seniority under this Agreement until the completion of their promotional probationary period or for no longer than twelve (12) months. The seniority roster shall be based on length of service in the job classification covered by this Agreement. Employees lose seniority under this Agreement under the following circumstances: resignation, discharge for cause, or transfer or promotion to a

classification not covered by this Agreement after completion of the promotional probationary period or for no longer than twelve (12) months after transfer or promotion.

9.2 There shall be an initial probationary period for new employees of twelve (12) months. During the probationary period, a newly hired or rehired employee may be discharged at the sole discretion of the Employer. During the probationary period, a promoted or reassigned employee may be replaced in their previous position at the sole discretion of the Employer.

9.3 A reduction of work force will be accomplished on the basis of seniority. The Employer shall give the Union and the employees at least two (2) weeks written notice in advance of any layoff. Employees shall be recalled from layoff on the basis of seniority. An employee on layoff shall have an opportunity to return to work within two (2) years of the time of the layoff before any new employee is hired.

9.4 Senior qualified employees shall be given shift assignment preference after twelve (12) months of continuous full-time employment. Except as noted in the preceding sentence, shift assignments shall be bid on the basis of seniority at least annually in January and within 30 days of any permanent change in the work schedule. Employees will not be subject to shift rotation more often than every four (4) months. If a special assignment's position is created, assignment to such position shall be opened for bidding on the basis of seniority for up to a two-year assignment in such position. A person shall not be eligible to bid or be assigned to such special assignment position more often than two years out of any four continuous year periods. In the event that no one bids a special assignment position, an employee who is otherwise ineligible to bid it because they have already held it for two years within a four year continuous period, shall then be eligible to bid for the position. If an employee is assigned to a special assignment position, they shall be eligible to bid for any other position at the next bid. [A special assignment position is one out of the normal shift rotation with primary emphasis on patrol management.]

9.5 One continuous vacation period shall be selected on the basis of seniority until January 31 of each calendar year.

9.6 The Employer shall recognize seniority as the primary factor when authorizing holiday leave and compensatory time leave.

9.7 No time shall be deducted from an employee's seniority accumulation due to absences occasioned by an authorized leave with pay, any military draft or government call-up to Reserves or National Guard, or for layoffs of less than two (2) years in duration.

ARTICLE 10 - Work Schedules

10.1 The normal work year is two thousand and eighty (2,080) hours to be accounted for by each employee through:

a. hours worked on assigned shifts,
b. holidays,
c. assigned training, and
d. authorized leave time.

10.2 Authorized leave time (including holiday hours) is to be calculated on the basis of the actual hours used for such leave based on the time that the employee would otherwise have been scheduled to work.

10.3 Nothing contained in this or any other Article shall be interpreted to be a guarantee of a minimum or maximum number of hours the Employer may assign employees.

10.4 Record .66 of compensatory time per pay period for each sergeant for the daily passing of information.

ARTICLE 11 - Discipline

11.1 The Employer will discipline employees for just cause only. Discipline will be in one or more of the following forms:

a. oral reprimand;
b. written reprimand;
c. suspension;
d. demotion; or
e. discharge.

11.2 Suspension, demotions, and discharges will be in written form.

11.3 Written reprimands, notices of suspension, and notices of discharge which are to become part of an employee's personnel file shall be read and acknowledged by signature of the employee. Employees and the Union will receive a copy of such reprimands and/or notices.

11.4 Employees may examine their own individual personnel files at reasonable times under direct supervision of the Employer.

11.5 A single disciplinary action for failure to attend training, court or tardiness will be removed from the personnel file after 18 months if, during that time, the single incident of discipline for failure to attend training, court or tardiness, is the only occurrence of discipline during that 18 month period.

11.6 Discharges will be preceded by a five (5) day suspension without pay.

11.7 For purposes of discipline, a day will mean eight (8) hours.

11.8 Employees will not be questioned concerning an investigation of proposed disciplinary action against the employee being questioned unless the employee has been given an opportunity to have a Union representative present at such questioning.

11.9 Grievances relating to this Article shall be initiated by the Union in Step 3 of the grievance procedure under Article 12.

ARTICLE 12 - Employee Rights – Grievance Procedure

12.1 *Definition of a Grievance* - A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this Agreement.

12.2 *Union Representatives* - The Employer will recognize Representatives designated by the Union as the grievance representatives of the bargaining unit having the duties and responsibilities established by this Article. The Union shall notify the Employer in writing of the names of such Union Representatives and of their successors when so designated as provided by 6.2 of this Agreement.

12.3 *Processing of a Grievance* - It is recognized and accepted by the Union and the Employer that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the Employees and shall therefore be accomplished during normal working hours only when consistent with such Employee duties and responsibilities. The aggrieved Employee and a Union Representative shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the Employer during normal working hours provided that the Employee and the Union Representative have notified and received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the Employer.

12.4 *Procedure* - Grievances, as defined by Section 12.1, shall be resolved in conformance with the following procedure:

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

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

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

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

Step 4. A grievance unresolved in Step 3 or Step 3a and appealed to Step 4 by the Union shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971 as amended. The selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Bureau of Mediation Services.

12.5 Arbitrator's Authority

a. The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this Agreement. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the Employer and the Union, and shall have no authority to make a decision on any other issue not so submitted.

b. The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules, or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on both the Employer and the Union and shall be based solely on the arbitrator's interpretation or application of the express terms of this Agreement and to the facts of the grievance presented.

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

12.6 Waiver

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

ARTICLE 13 – Overtime (Sergeant Classification)

13.1 Employees will be compensated at one and one-half (1½) times the employee's regular base pay rate for hours worked in excess of the employee's regularly scheduled shift. Changes of shift do not qualify an employee for overtime under this Article.

13.2 Overtime will be distributed as equally as practicable.

13.3 Overtime refused by employees will for record purposes under Article 13.2 be considered as unpaid overtime worked.

13.4 For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

13.5 Overtime will be calculated to the nearest six (6) minutes.

13.6 Employees have the obligation to work overtime or call backs if requested by the Employer unless unusual circumstances prevent the employee from so working.

13.7 When employees have less than twelve (12) hours of duty-free time between assigned shifts, they will be compensated at a rate of one and one-half (1½) times the employee's regular base pay rate for the next shift. For purposes of this Article, shift extensions, elected overtime, voluntary changes of shifts, City-contracted work, training, and court time are considered as duty-free time. The twelve (12) hour requirement may be waived by mutual Agreement between the Employee and the Police Administration.

13.8 As an option to monetary compensation for overtime, an employee may annually elect compensatory time off at a rate of one and one-half (1 ½) time. An employee's compensatory time bank shall not exceed sixty (60) hours at any time during a calendar year. Employees with fewer than thirty (30) hours of compensatory time will be paid out to the employee on or about the first paycheck in December. Employees with thirty (30) or more hours up to the sixty (60) hour limit will have pay placed in the employee's HCSP account on or about the first paycheck in December. No compensatory time will be accumulated or used during the month of December. Special overtime duty assignments made available to all employees by the Chief of Police at the employee's rate of compensation will not be eligible for compensatory time. Compensatory time off shall be granted only at the convenience of the Employer with prior approval of the Employer-designated supervisor.

13.9 Employees given less than sixteen (16) hours notice of a scheduled duty change other than their regularly scheduled work period shall be compensated at one and one-half (1½) times the employee's regular pay rate for hours worked outside of the scheduled work period.

13.10 Police Commanders are only eligible for overtime pay for privately funded and grant funded projects (Safe and Sober, etc.) and are otherwise ineligible for overtime.

ARTICLE 14 - Court Time

14.1 Court Appearances:

14.1.1 An employee who is required to appear in court during their scheduled off-duty time shall receive a minimum of three (3) hours pay at one and one-half (1 ½) times the employee's base pay rate. An extension or early report to a regularly scheduled shift for court appearance does not qualify the employee for the three (3) hour minimum. Employees shall not be required to work office or street duty to qualify for the court time minimum.

14.1.2 An employee who is required to appear in court during their scheduled off-duty time shall be given 12 hours prior notification of cancellation of the court appearance. If the notification if not given 12 hours prior to the scheduled court time, the employee will receive the three (3) hour court time minimum.

14.2 Standby Pay:

14.2.1 Any employee placed on standby on scheduled days on will be paid three (3) hours at one times the employee's base pay. IE: If an officer is scheduled to work night shift on Monday and Tuesday night and is placed on standby on Monday or Tuesday, then standby pay would be at straight time.

14.2.2 An employee who is placed on standby for court during their scheduled off-duty time shall be given 12 hours prior notification of cancellation of the court appearance. If the notification is not given 12 hours prior to the scheduled court time, the employee will receive the three (3) hour minimum as provided in Section 14.2.1 or 14.2.2.

14.2.3 Any employee who is placed on stand-by for court should retain a copy of the notice placing them on stand-by, or obtain the name of the person placing them on stand-by.

ARTICLE 15 - Call Back Time

An employee who is called to duty during their scheduled off-duty time shall receive a minimum of two (2) hours pay at one and one-half (1½) times the employee's base pay rate. An extension or early report to a regularly scheduled shift for duty does not qualify the employee for the two (2) hours minimum.

ARTICLE 16 - Working Out of Classification

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

ARTICLE 17 - Standby Pay

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

ARTICLE 18 - Leaves of Absence

18.1 In cases of demonstrated need and where sick leave has not been abused, the Employer shall grant to employees a leave of absence without pay for extended personal illness after the accumulative sick leave has expired. Such leaves of absence shall not exceed ninety (90) calendar days. Upon granting such unpaid leave of absence, the Employer will not permanently fill the employee's position and the employee's benefits and rights shall be retained.

18.2 An employee called to serve on a jury shall be reimbursed the difference between the amount paid for such service (exclusive of travel and expense pay) and compensation for regularly scheduled working hours lost because of jury service.

18.3 Employees ordered by proper authority to National Guard or Reserve Military Service not exceeding fifteen (15) working days in any calendar year shall be entitled to leave of absence without loss of status. Such employees shall receive compensation from the Employer equal to the difference between his/her regular pay and the lesser military pay.

18.4 Employees called and ordered by proper authority to active military service in time of war or other properly declared emergency shall be entitled to leave of absence without pay during such service. Upon completion of such service, employees shall be entitled to the same or similar employment of like seniority, status, and pay as if such leave had not been taken, subject to the specific provisions of Chapter 192 of the MN Statutes.

18.5 Members of the bargaining unit will receive such additional leaves as provided for under State or Federal law, as the same laws may be amended from time to time.

18.6 Additional leaves of absence may be granted in the City Manager's discretion upon the same terms and conditions as then applicable to non-Union employees pursuant to the City's Personnel policy applicable to non-Union employees at the time of application for a leave of absence.

ARTICLE 19 - Severance

19.1 An employee shall give the Employer two (2) weeks notice in writing before terminating his employment.

19.2 Severance pay in the amount of one-third (1/3) the accumulated sick leave employees have to their credit at the time of resignation or retirement, times their respective regular pay rate, shall be paid to employees who have been employed for at least five (5) consecutive years. If discharged for just cause, severance pay shall not be allowed.

19.3 Employees electing to participate in a Health Care Savings Plan will receive 40% of sick leave severance paid into the Health Care Savings Plan. Employees not eligible to participate in the Health Care Savings Plan will receive one-third of sick leave severance.

ARTICLE 20 - Injury on Duty

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

ARTICLE 21 - False Arrest Insurance

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

ARTICLE 22 – Training

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

22.2 The Employer shall pay each employee their regular salary while attending continuing education courses whether or not such courses attended are in-service training courses or courses given by instructors other than the Employer. The obligation of the Employer to pay such salaries shall not exceed a total of forty-eight (48) hours every three (3) years.

ARTICLE 23 - Post License Fees

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

ARTICLE 24 - Uniforms

The Employer shall provide required uniform and equipment items. In addition, the Employer shall pay to the uniformed officers a maintenance allowance of $155 per year. Plainclothes officer(s) shall be paid a clothing allowance of $590 per year.

ARTICLE 25 - Holiday Leave

25.1 Employees shall receive eight (8) hours of holiday leave per month. Ninety-six (96) hours of holiday leave shall be advanced to employees on January 1st of each calendar year beginning on January 1st 2002. In the event an employee is not employed for the entire calendar year, the employee's holiday leave shall be reduced by eight (8) hours for each full month that the employee will not have worked in that calendar year.

25.2 Employees may use holiday leave with the approval of the Employer.

25.3 An employee who works on Martin Luther King, Jr. Day, Memorial Day, Independence Day, or Labor Day shall receive time and one-half (1½) employee's regular pay rate for all hours actually worked during the named holiday.

25.4 An employee who works on New Year's Day, Thanksgiving Day, or Christmas Day shall receive two times the employee's regular pay rate for all hours actually worked during the named holiday.

25.5 Except as provided in 25.3, overtime pay shall not be authorized for employees for hours worked on holidays when such work is part of the planned schedule.

25.6 An employee may request a holiday off, which he/she is required to work, prior to fourteen calendar days before the holiday. The Employer shall post the open holiday shift to be filled by another employee at the holiday rate of pay. The employee making the request for the holiday off is responsible for working the holiday if the posting is not filled five (5) days prior to the holiday.

25.7 Employees beginning employment after January 1st of a calendar year shall receive eight (8) hours of holiday leave per month beginning on the first month in which they are working as of the first day of that month. Such employees shall receive an advance of holiday leave hours equal to eight (8) hours multiplied by the number of whole months they will work through December of the year in which they were first employed.

25.8 Any holiday leave not used on or before December 31st of each year will be deemed forfeited and shall not carry over into the next calendar year.

ARTICLE 26 – Vacation Leave

26.1 Permanent full-time employees shall earn vacation leave with pay as per the following schedule:

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

Eight (8) additional hours per year of service to a maximum of one hundred sixty (160) hours after fifteen (15) years of service

11 years - 4.92 hours per pay period
12 years - 5.23 hours per pay period
13 years - 5.54 hours per pay period
14 years - 5.85 hours per pay period
15 years - 6.15 hours per pay period

26.2 Employees using earned vacation leave or sick leave shall be considered working for the purpose of accumulating additional vacation leave.

26.3 Vacation may be used as earned, except that the Employer shall approve the time at which the vacation leave may be taken. Employees shall not be permitted to waive vacation leave and receive double pay.

26.4 Employees may accrue a maximum of two hundred thirty (230) hours of vacation leave. Employees may not carry forward more than two hundred thirty (230) hours of vacation leave from year to year.

26.5 Employees leaving the service of the Employer in good standing, after having given the Employer fourteen (14) day notice of termination of employment, shall be compensated for vacation leave accrued and unused.

ARTICLE 27 - Sick Leave

27.1 Sick leave with pay shall be granted to probationary and permanent employees at the rate of eight (8) hours per month or 96 hours per year (computed at 3.69 hours per pay period) of full-time service or major fraction thereof, except that sick leave granted probationary employees shall not be available for use during the first six (6) months of service.

27.2 Sick leave shall be used normally for absence from duty because of personal illness or legal quarantine of the employee, or because of serious illness in the immediate family. Immediate family shall mean brother, sister, parents, parents-in-law, spouse, or children of the employee. Sick leave may be used for the purpose of attending the funeral of immediate family members plus brothers-in-law, sisters-in-law, grandparents, grandparents-in-law, and grandchildren of the employee.

27.3 Sick leave shall accrue at the rate of eight (8) hours per month or ninety-six (96) hours per year until nine hundred sixty (960) hours have been accumulated (shall be computed at 3.69 hours per pay period). Effective January 1, 1994, after nine hundred sixty (960) hours have been accumulated, sick leave shall accrue at the rate of four (4) hours per month or forty-eight (48) hours per year (computed at 1.85 hours per pay period), and simultaneously vacation leave, in addition to regular vacation leave accrual, shall accrue at the rate of two (2) hours per month or twenty-four (24) hours per year (computed at .925 hours per pay period). Employees using earned vacation or sick leave shall be considered to be working for the purpose of accumulating additional sick leave. Workers' Compensation benefits shall be credited against the compensation due employees utilizing sick leave.

27.4 In order to be eligible for sick leave with pay, an employee must:

a. notify the Employer prior to the time set for the beginning of their normal scheduled shift;
b. keep the Employer informed of their condition if the absence is of more than three (3) days duration;
c. submit medical certificates for absences exceeding three (3) days, if required by the Employer.

27.5 Employees abusing sick leave shall be subject to disciplinary action.

27.6 An employee who accumulated 960 hours of sick leave and who uses not more than the equivalent of two regularly scheduled shift's worth of sick leave hours in a calendar year shall receive a wellness incentive equal to one of the employee's regularly scheduled shifts' compensation at the employee's regular rate of compensation.

27.7 Employees who have at least 480 hours shall be annually paid a maximum of 15 hours for the purchase of healthy living items, such as gym memberships, exercise equipment, etc. Accumulated sick leave shall not be below 480 hours. This s a one-year pilot program and will expire December 31, 2018

During 2019 two designated union representatives will work with the Benefits/Wellness Committee to structure a program and have measures in place to determine success.

ARTICLE 28 - Insurance

28.1 **2019 Full-time Employees**

Effective 1/1/19, the City will contribute payment of one thousand one hundred ninety-eight dollars ($1,198) per month per employee for use in participating in the City's insurance benefits for those employees who elect to participate in a high deductible health plan.

Effective 1/1/19, the City will contribute payment of eight hundred eighty-nine dollars ($889) per month per employee for use in participating in the City's insurance benefits for those employees who elect to opt out.

2020 & 2021 Full-time Employees

The City will offer the best of any agreement that we have for any other employee group for 2020 and 2021.

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

ARTICLE 29 - Wage Rates

Sergeant

Date 1/1/19 (3% + $.25 market adj.	**Sergeant Rate**
Start	$44.36/hour
Step 1	$48.09/hour
After 36 months	$49.29/hour

Date 1/1/20 (3% increase)	**Sergeant Rate**
Start	$45.69/hour
Step 1	$49.53/hour
After 36 months	$50.77/hour

Date 1/1/21 (3% increase)	**Sergeant Rate**
Start	$47.06/hour
Step 1	$51.02/hour
After 36 months	$52.29/hour

Commander

Date:	**Commander Rate**
1/1/19 – 3% plus $.25/hour market	$9,377 - $9,785/month
1/1/2020 - 3% increase	$9,658 - $10,079/month
1/1/2021 – 3% increase	$9,948 - $10,381/month

New hires in the Commander classification will be paid at minimum starting wage, be on probation for one year and after successful completion of probation will receive a pay increase to the maximum pay.

ARTICLE 30 - Benefits for Retirees
Retirees at the time of retirement shall receive the same options and level of City contribution for insurance coverage upon retirement as are provided by the City's Personnel Policy covering non-Union employees as such options and contributions may be changed by the City from time to time.

ARTICLE 31 - Mileage and Expense Reimbursement
Employees shall receive the same mileage and expense reimbursement rates upon the same terms and conditions as generally provided in the City's Personnel Policy covering non-Union employees as such policy may be changed by the City from time to time.

ARTICLE 32 - Light Duty
Members of the bargaining unit will be eligible for temporary light duty assignment upon approval of the City Manager upon such terms and conditions as would apply to non-Union employees of the City as set forth in the City's personnel policy, as the same may be amended from time to time by the City.

ARTICLE 33 – Tuition Refund
Bargaining unit members who have passed their initial probation period may be eligible for reimbursement of tuition and required course fees for courses taken for credit through accredited educational institutions.

Tuition reimbursement may be approved for courses with the following criteria:
1. a college level course available for credit; and
2. course is taken on personal time; and
3. course is "work related"; and
4. grade of "C" or better or "satisfactory" is received upon completion; and
5. the training request receives pre-approval and final approval by the Police Chief.

Bargaining unit members are eligible for a 75 % reimbursement of books, tuition and required fees upon completion. Bargaining unit members interested in participating in this program must first submit course work to the Police Chief for pre-approval. Pre-approval forms may be obtained from the Police Chief. Employees must obtain pre-approval to ensure they obtain reimbursement through participation in this program. Maximum reimbursement is $1,500 per employee per calendar year. The annual budget for the tuition refund program shall not exceed $6,000.

ARTICLE 34 – Retiree Health Savings Plan (RHSP)

The Retiree Health Savings Plan (RHSP) is established to help defray the cost of medical expenses and health insurance premiums for employees, spouses and dependents after the employee leaves employment with the City of Brooklyn Center.

1. Participation Eligibility

Regular full-time benefit earning employees may have contributions made on their behalf into the RHSP.

Participants must be 21 years of age or older. Unless noted otherwise in this policy, the minimum period of service required to participate in the plan is 60 days.

Every eligible employee in an employee group is required to participate in the RHSP for their group as outlined in this applicable labor agreement.

2. RHSP Contributions

When appropriate, each employee will have an account established in his or her name. Unless specifically noted otherwise, contributions (and earnings) to an employee's RHSP account are not taxable income.

3. Accessing Funds

a. Employees may access the funds in their RHSP account when they are eligible to retire under the Public Employees Retirement Association's (PERA) rules.

b. Unless prohibited by the IRS, employees leaving employment with the City prior to being eligible for retirement through PERA, for the reasons noted below, may make withdrawals on a tax-free basis for eligible health-related expenses.

- Upon termination of employment.
- If employee is collecting a disability.
- If employee is on a medical leave (six months or longer)
- If employee is on a leave of absence (one year or longer)

If the employee returns to work and is earning medical benefits, they are no longer eligible to make withdrawals from their RHSP account.

The IRS does not allow these funds to be rolled into any other type of plan, including an IRA.

c. Access following death. The surviving spouse and eligible dependents continue to access the account for eligible expense reimbursements until the RHSP account is exhausted. Such reimbursements are not taxable. Unless prohibited by the IRS, reimbursements may also be made to a beneficiary other than a surviving spouse or

eligible dependent. However, such reimbursements would be taxable to the recipient.

4. Eligible Expenses Reimbursed by Plan

Funds in a RHSP account may be used to reimburse:

1. Insurance premiums (health insurance premiums, Medicare supplemental insurance premiums, Medicare Part B insurance premiums, COBRA and Chapter 488 insurance premiums, long term care insurance premiums (not long term care expenses), and dental insurance premiums.

2. Most qualifying medical expenses as defined in Internal Revenue Code Section 213 (i.e. medical costs that would otherwise be deductible to the employee on his or her individual income tax return).

A third-party claims administrator hired by ICMA-RC will handle claims administration.

5. No Opt-out

Employees and retirees in groups covered by the RHSP program are not permitted to opt-out of the program. Participation is mandatory.

6. Program Administration

Along with the Human Resources Division, the ICMA Retirement Corporation will administer the RHSP program. The employee controls how the money is invested similar to his or her Section 457 deferred compensation program. The employee receives an account statement each quarter from ICMA for his or her RHSP account.

7. Administrative Fees

Please contact ICMA for current administrative and mutual fund fees.

8. Plan Modifications

The details of ICMA-RC's administration of the RHSP as well as other features of the plan are set forth in the RHSP materials provided by ICMA-RC. These details and IRS regulations regarding the RHSP may be revised, necessitating the revision to this policy or other agreements between employee groups and the City.

The City reserves the right to modify its policy to comply with any other regulations regarding the plan and to add contribution requirements.

9. Contribution Formulas

1. Election for Pre-Tax Contributions from Compensation.

Employees may elect to contribute up to 25% of their compensation.
This is a one-time, irrevocable election. Employees must make this decision during the open enrollment period.

2. Severance Pay.

Employees who qualify to receive severance pay and vacation pay upon retiring or leaving the city in good standing, as defined by the current Labor Agreement, will designate from 0% to 100% (in 10% increments) to be placed in their individual RHSP accounts at the time of retirement or resignation.

This is an irrevocable election. Employees must make this decision during the open enrollment period prior to the beginning of the year in which they will retire.

ARTICLE 35 - Agreement Implementation

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

ARTICLE 36 - Waiver

35.1 Any and all prior Agreements, resolutions, practices, policies, rules, and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this Agreement, are hereby superseded.

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

ARTICLE 37 - Duration

This Agreement shall be effective as of January 1, 2019 and shall remain in full force and effect until the thirty-first (31) day of December 2021, as noted in the contract.

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

FOR LAW ENFORCEMENT LABOR SERVICES		FOR THE CITY OF BROOKLYN CENTER	
_____	Business Agent	_____	Mayor
_____	Union Steward	_____	City Manager
_____	Union President		

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Kelli Wick, HR Director

SUBJECT: Resolution Approving the Contract for International Union of Operating Engineers (IUOE) Local 49 (Public Works Maintenance) and the City of Brooklyn Center for the Calendar Years 2019-2021

Requested Council Action:

- Motion to approve the resolution approving the contract between the City of Brooklyn Center and International Union of Operating Engineers Local 49 for the period January 1, 2019 – December 31, 2021

Background:

The current contract with IUOE Local 49 (public works maintenance) will expire on December 31, 2018. The City and the Union have met and negotiated in good faith to reach a settlement on all issues of concern. This labor agreement covers all public works maintenance employees for a total of 25 employees.

The attached agreement has been approved by a vote of the members and upon adoption by the City Council will establish wages and working conditions for calendar years 2019 - 2021.

The Articles affected by these negotiations include the following:

ARTICLE 17 – Special Clothing
Add the following language
In order to encourage a uniform appearance, the employer will provide employees shirts, sweatshirts, jackets and safety wear. Employees will be reimbursed up to $350 per year to pay for safety footwear and work pants (blue or black jeans or khaki pants). Reimbursement will occur on or about January 31 and June 30.
Employees must wear clean uniforms in good repair.
During 2019, representatives from both Union and Management will meet to create a uniform policy effective January 1, 2020.

ARTICLE 25 – Insurance
Effective 1/1/19, the City will contribute payment of one thousand one hundred ninety eight dollars ($1,198) per month per employee for use in participating in the City's insurance benefits.

Effective 1/1/19, the City will contribute payment of eight hundred ninety-eight ($898) per month per employee who elect to opt out of the City's insurance benefits.
Reopener for 2020 and 2021.
ARTICLE 28 - Wage Schedule
Three (3%) increase effective January 1, 2019
Three (3%) increase effective January 1, 2020

Three (3%) increase effective January 1, 2021

City proposes adding the following language:
Crew Leader: An Employee assigned in writing by the Department Head or Public Works Supervisor to assist a supervisor as Crew Leader will be paid $1.50 per hour over their base wage of their regular position while performing such duties.

Utility Operator: An Employee assigned in writing by the Department Head or Public Works Supervisor to operate the Water Treatment Plant will be paid $1.50 per hour over their base wage of their regular position while performing such duties.

Forester: An Employee assigned in writing by the Department Head or Public Works Supervisor to be the City Forester will be paid $1.50 per hour over their base wage of their regular position while performing such duties.

Maintenance-Worker-In-Training: Agree to work during 2019 to create a memo of understanding for 2020. There will be a committee comprised of four union members and four management members.

Employee Certification: Employees who earn and maintain specialized certification relevant to Employee's work duties will be paid $0.25 per hour over their base wage of their regular position while performing such duties. Employees who earn and maintain specialized certification at the highest level or earn and maintain three specialized certifications relevant to Employee's work duties will be paid $0.50 per hour over their base wage of their regular position while performing such duties.

For purposes of this provision, specialized certification relevant to Employee's work duties are as follows:

Park Maintenance – Public Works Certification, Certified Playground Inspector, Certified Herbicide Applicator, Phase 2 and/or Phase 3 IUOE Local 49 Operator Training Certificate, ISA Certified Arborist, Certified Tree Inspector

Street Maintenance – Public Works Certification, Roads Scholar Maintenance Operations and Technical Certificate, Phase 2 and/or Phase 3 IUOE Local 49 Operator Training Certificate, Maintenance of Storm Water Practices Certification, ISA Certified Arborist, Certified Tree Inspector

Mechanics – Public Works Certification, ASE Certification Automotive and Light Truck (A Series), Truck Equipment (E Series), Advanced Engine Performance Specialist (L1), Electric Diesel Engine Diagnosis Specialist (L2), Medium Duty Truck (T Series)

Utilities Maintenance – Public Works Certification, Sewer Operator License (C, B, A), Water Operator License (C, B, A), Phase 2 and/or Phase 3 IUOE Local 49 Operator Training Certificate

ARTICLE 35 – Duration

Three-year agreement January 1, 2019 – December 31, 2021.

Budget Issues:

In 2019, the cost of the wage adjustment is approximately $54,124. The increase in the City's insurance contribution is approximately $3,909. The increase for special clothing is approximately $8,750 annually. The cost of the certification would be a maximum of $600 for each employee that qualifies. The dollar amount will

depend on how many employees are eligible for the pay. The 2019 budget appropriates sufficient funds to cover this expense.

Strategic Priorities and Values:

Operational Excellence

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION APPROVING THE LABOR AGREEMENT FOR INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE) LOCAL 49 (PUBLIC WORKS MAINTENANCE) AND THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEARS 2019-2021

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

WHEREAS, the City has negotiated in good faith with IUOE Local 49 (Public Works Maintenance) for a contract for the years 2019-2021 as attached.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Center approves the attached contract with IUOE Local 49 (Public Works Maintenance) for the calendar years 2019-2021; and

BE IT FURTHER RESOLVED that authorized wage and benefit adjustments not to exceed the maximum contained herein shall become effective according to the schedule of the contract which commences January 1, 2019.

_____ _____

Date Mayor

ATTEST: _____

City Clerk

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

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

Labor Agreement

Between the

City of Brooklyn Center

And the

International Union of Operating Engineers (IUOE)

Local No. 49

January 1, 2019 - December 31, 2021

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ARTICLE 1 - Purpose of Agreement

This Agreement is entered into between the City of Brooklyn Center hereinafter called the Employer, and Local No. 49, International Union of Operating Engineers, hereinafter called the Union.

1.1 Purpose

a. Establish certain hours, wages and other conditions of employment;

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

c. Specify the full and complete understanding of the parties; and

d. Place in written form the parties' agreement upon terms and conditions of employment for the duration of this Agreement.

The Employer and the Union, through this Agreement, continue their dedication to the highest quality of public service. Both parties recognize this Agreement as a pledge of this dedication.

ARTICLE 2 - Recognition

The Employer recognizes the Union as the exclusive representative for all Employees in the job classifications listed below who are public Employees within the meaning of Minnesota Statute 179A.03, Subdivision 14 excluding supervisory, confidential and all other employees: Mechanic, Maintenance I, Maintenance II, Maintenance III, and Night Service Person.

ARTICLE 3 - Definitions

3.1 **Union**: The International Union of Operating Engineers, Local No. 49.

3.2 **Employer**: The individual municipality designated by this Agreement.

3.3 **Union Member**: A member of the International Union of Operating Engineers, Local No. 49.

3.4 **Employee**: A member of the exclusively recognized bargaining unit.

3.5 **Base Pay Rate**: The Employee's hourly pay rate exclusive of longevity or any other special allowance.

3.6 **Seniority**: Length of continuous service in any of the job classifications covered by Article 2 - Recognition. Employees who are promoted from a job classification covered by this Agreement and return to a job classification covered by this Agreement shall have their seniority calculated on their length of service under this Agreement for purposes of promotion, transfer and lay off and total length of service with the Employer for other benefits under this Agreement.

3.7 **Severance Pay**: Payment made to an Employee upon honorable termination of employment.

3.8 **Overtime**: Work performed at the express authorization of the Employer in excess of either eight (8) hours within a twenty-four (24) hour period (except for shift changes) or more than forty (40) hours within a seven (7) day period.

3.9 **Call Back**: Return of an Employee to a specified work site to perform assigned duties at the express authorization of the Employer at a time other than an assigned shift. An extension of or early report to an assigned shift is not a call back.

ARTICLE 4 - Savings Clause

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

ARTICLE 5 - Union Security

In recognition of the Union as the exclusive representative the Employer shall:

5.1 Deduct each payroll period an amount sufficient to provide the payment of dues established by the Union from the wages of all Employees authorizing in writing such deduction, and

5.2 Remit such deduction to the appropriate designated officer of the Union.

5.3 The Union may designate certain Employees from the bargaining unit to act as stewards and shall inform the Employer in writing of such choice.

5.4 The Union agrees to indemnify and hold the Employer harmless against any and all claims, suits, orders, or judgments brought or issued against the City as a result of any action taken or not taken by the City under the provisions of this Article.

ARTICLE 6 - Employer Security

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

ARTICLE 7 - Employer Authority

7.1 The Employer retains the full and unrestricted right to operate and manage all workforce, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; and to perform any inherent managerial function not specifically limited by this Agreement.

7.2 Any term and condition of employment not specifically established or modified by this Agreement shall remain solely within the discretion of the Employer to modify, establish, or eliminate.

ARTICLE 8 - Seniority

8.1 Seniority will be the determining criterion for transfers, promotions and lay offs only when all job-relevant qualification factors are equal.

8.2 In the event of a lay-off the Employer will lay-off on the basis of seniority across all three divisions within the public works department for employees that are represented by I.U.O.E. Local 49.

8.3 Recall rights under this provision will continue for twenty-four (24) months after lay off. Recalled Employees shall have ten (10) working days after notification of recall by registered mail at the Employee's last known address to report to work or forfeit all recall rights. Recall rights will be based on seniority across the three divisions within the public works department for employees that are represented by I.U.O.E. Local 49.

ARTICLE 9 - Discipline

9.1 The Employer will discipline Employees only for just cause.

9.2 An Employee(s) will not be required to participate in an investigatory interview by the Employer where the information gained from the interview could lead to the discipline of the Employee(s) unless the Employee(s) is given the opportunity to have a Union Representative present at the interview to act as a witness for the Employee(s).

ARTICLE 10 - Employee Rights-Grievance Procedure

10.1 **Definition of a Grievance**

A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this Agreement.

10.2 **Union Representatives**

The Employer will recognize representatives designated by the Union as the grievance representatives of the bargaining unit having the duties and responsibilities established by this Article. The Union shall notify the Employer in writing of the names of such Union representatives and of their successors when so designated.

10.3 **Processing of a Grievance**

It is recognized and accepted by the Union and the Employer that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the Employees and shall therefore be accomplished during normal working hours only when consistent with such Employee duties and responsibilities. The aggrieved Employee and the Union Representative shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the Employer during normal working hours provided the Employee and the Union Representative have notified and

received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the Employer.

10.4 **Procedure**

Grievances, as defined by Section 10.1, shall be resolved in conformance with the following procedure:

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

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

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

Step 4. A grievance unresolved in Step 3 and appealed in Step 4 shall be submitted to the Minnesota Bureau of Mediation Services. A grievance not resolved in Step 4 may be appealed to Step 5 within ten (10) calendar days following the Employer's final answer in Step 4. Any grievance not appealed in writing to Step 5 by the Union within ten (10) calendar days shall be considered waived.

Step 5. A grievance unresolved in Step 4 and appealed in Step 5 shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971, as amended. If the parties cannot agree upon an arbitrator, the selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Public Employment Relations Board. If the parties

cannot agree upon an Arbitrator, then the parties may request a list of Arbitrators from the Bureau of Mediation Services.

10.5 **Arbitrator's Authority**

A. The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this Agreement. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the Employer and the Union, and shall have no authority to make a decision on any other issue not so submitted.

B. The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules, or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following the close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on both the Employer and the Union and shall be based solely on the arbitrator's interpretation or application of the express terms of this Agreement and to the facts of the grievance presented.

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

10.6 **Waiver**

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

10.7 **Choice of Remedy**

If, as a result of the Employer response in Step 4, the grievance remains unresolved, and if the grievance involves the suspension, demotion, or discharge of an Employee who has completed the required probationary period, the grievance may be appealed either to Step 5 of Section 10.4 or a procedure such as: Civil Service, Veteran's Preference, or Fair Employment. If appealed to any procedure other than Step 5 of Section 10.4 the grievance is not subject to the arbitration procedure as provided in Step 5 of Section 10.4. The aggrieved Employee shall indicate in writing which procedure is to be utilized--Step 5 of Section 10.4 or another appeal procedure--and shall sign a statement to the effect that

the choice of any other hearing precludes the aggrieved Employee from making a subsequent appeal through Step 5 of Section 10.4.

ARTICLE 11 - Job Posting

11.1 The Employer and the Union agree that permanent job vacancies within the designated bargaining unit shall be filled based on the concept of promotion or transfers from within provided that applicants have the necessary qualifications to meet the standards of the job vacancy, have the ability to perform the duties and responsibilities of the job vacancy.

11.2 Employees filling a higher job class based on the provisions of this Article shall be subject to the conditions of Article 12- Probationary Periods.

11.3 The Employer has the right of final decision in the selection of Employees to fill posted jobs based on qualifications, abilities and experience.

11.4 Job vacancies within the designated bargaining unit will be posted for five (5) working days so that members of the bargaining unit can be considered for such vacancies.

ARTICLE 12 - Probationary Periods

12.1 All newly hired or rehired Employees will serve a twelve (12) months' probationary period.

12.2 All Employees will serve a twelve (12) months' probationary period in any job classification in which the Employee has not served a probationary period.

12.3 At any time during the probationary period a newly hired or rehired Employee may be terminated at the sole discretion of the Employer.

12.4 At any time during the probationary period a promoted or reassigned Employee may be demoted or reassigned to the Employee's previous position at the sole discretion of the Employer.

ARTICLE 13 - Right of Subcontract

Nothing in this Agreement shall prohibit or restrict the right of the Employer from subcontracting work performed by Employees covered by this Agreement.

ARTICLE 14 - Safety

The Employer and the Union agree to jointly promote safe and healthful working conditions, to cooperate in safety matters and to encourage Employees to work in a safe manner.

ARTICLE 15 - Work Schedules

15.1 The sole authority of work schedules is the Employer. The normal work day for an Employee shall be eight (8) hours. The normal workweek shall be forty (40) hours Monday through Friday.

15.2 Service to the public may require the establishment of regular shifts for some Employees on a daily, weekly, seasonal, or annual basis other than the normal 7:00 - 3:30 day. The Employer will give seven (7) days advance notice to the Employees affected by the establishment of work days different from the Employee's normal eight (8) hour work day.

15.3 In the event that work is required because of unusual circumstances such as (but not limited to) fire, flood, snow, sleet, or breakdown of municipal equipment or facilities, no advance notice need be given. It is not required that an Employee working other than the normal work day be scheduled to work more than eight (8) hours; however, each Employee has an obligation to work overtime or call backs if requested unless unusual circumstances prevent the Employee from so working.

15.4 Service to the public may require the establishment of regular workweeks that schedule work on Saturdays and/or Sundays.

ARTICLE 16 - Relief And Meal Periods

16.1 Two relief periods not to exceed fifteen (15) minutes are authorized at a practicable time within each Employee's shift. One relief period may be taken during the first half of the shift and the second relief period may be taken during the second half of the shift.

16.2 Each Employee shall be authorized one unpaid thirty (30) minutes meal period per shift.

ARTICLE 17 – Special Clothing

The Employer will purchase and maintain sufficient sets of work coveralls to be available and specifically assigned for wear by Employees, other than mechanics, when engaged in unusually dirty tasks for the respective job classification. A determination of coverall assignments shall rest exclusively with the Employer. Mechanics shall be provided with uniforms by the Employer up to 11 pants and 11 short and long-sleeved shirts per week.

In order to encourage a uniform appearance, the employer will provide employees shirts, sweatshirts, jackets and safety wear. Employees will be reimbursed up to $350 per year to pay for safety footwear and work pants (blue or black jeans or khaki pants). Reimbursement will occur on or about January 31 and June 30. Employees must wear clean uniforms in good repair.

During 2019, representatives from both Union and Management will meet to create a uniform policy effective January 1, 2020.

ARTICLE 18 - Overtime Pay

18.1 Hours worked in excess of eight (8) hours within a twenty-four (24) hour period (except for shift changes) or more than forty (40) hours within a seven (7) day period will be compensated for at one and one-half (1-1/2) times the Employee's regular base pay rate. For the purposes of this section, "hours worked" shall include hours designated as holiday, sick or vacation time off.

18.2 Overtime will be distributed as equally as practicable.

18.3 Overtime refused by Employees will for record purposes under Article 18.2 be considered as unpaid overtime worked.

18.4 For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

18.5 Employees will be paid in accord with Article 21 for work on holidays.

18.6 As an option to monetary compensation for overtime, an Employee may elect compensatory time off at a rate of one and one-half (1½) the amount of overtime worked or two (2) times the amount of overtime worked for holidays paid in accordance with Article 21. Maximum compensatory time accumulated shall not exceed forty (40) hours at anytime. However, if an employee uses some hours they will be allowed to accrue back to the 40 hour maximum. Compensatory time off shall be granted only at the convenience of the Employer with prior approval of the Employer designated supervisor. Compensatory time must be used by the end of December. Any remaining compensatory time will be paid to the employee no later than the last pay period before December 31 of each year.

18.7 Employees leaving the service of the Employer shall be compensated for all comp time hours accrued as of the date of separation.

ARTICLE 19 - Call Back

An Employee called in for work at a time other than the Employee's normal scheduled shift will be compensated for a minimum of two (2) hours' pay at one and one-half (1-1/2) times the Employee's base pay rate.

ARTICLE 20 - Standby Pay

Public Works Employees who are designated by their supervisor to serve in a "standby" status on behalf of the City on a weekend will receive as compensation for such service five and one half (5 1/2) hours of overtime pay for the period beginning the end of the work day on Friday and ending the start of the work day on Monday when serving in such status. Public Works Employees who are designated by their supervisors to serve in a "standby" status on behalf of the City on a week night (Monday, Tuesday, Wednesday, or Thursday) that is not a holiday will receive as compensation for such service one (1) hour of overtime pay for each week night served in such status. Public Works Employees who are designated by their supervisors to serve in a "standby" status on behalf of the City on a holiday will receive as compensation for such service two (2) hours of overtime pay for each holiday served in such status. Such standby pay shall be in addition to other compensation which the Employee is entitled to under this Agreement.

ARTICLE 21 - Holiday Leave

Holidays Defined. Holiday leave shall be granted for the following holidays: New Year's Day, January 1; Martin Luther King, Jr. Day, third Monday in January; Washington's and Lincoln's Birthdays, third Monday in February; Memorial Day, last Monday in May; Independence Day, July 4; Labor Day, first Monday in September; Christopher Columbus Day, second Monday in

October; Veteran's Day, November 11; Thanksgiving Day, fourth Thursday in November; Post-Thanksgiving Day, Friday after fourth Thursday in November; Christmas Day, December 25; and one floating holiday annually to be scheduled with permission of the Employee's supervisor. When New Year's Day, Independence Day, Veteran's Day, or Christmas Day fall on Sunday, the following day shall be observed as a holiday. When they fall on Saturday, the preceding day shall be observed as a holiday. Employees' absence from work on the day following or the day preceding such a three-day holiday weekend without the express authorization of the Employer shall forfeit rights to holiday pay for that holiday.
Employees working a normal Monday through Friday workweek, who are required to be on duty on any holiday, shall be paid time and one-half for the hours worked in addition to the base pay rate, except that such employees who are required to be on duty on New Year's Day, Thanksgiving Day, or Christmas Day, shall be paid twice the employee's regular pay for the hours worked in addition to the base pay rate.

ARTICLE 22 - Vacation Leave

22.1 **Amount.** Permanent Employees shall earn vacation leave at a rate of 6.67 hours for each calendar month of full-time service or major fraction thereof. Permanent Employees with five consecutive years of service through ten consecutive years of service shall earn vacation at the rate of 120 hours per year. Permanent Employees with more than ten consecutive years of service shall earn vacation leave according to the following schedule:

During 11th year of service 128 hours per year.
During 12th year of service 136 hours per year.
During 13th year of service 144 hours per year.
During 14th year of service 152 hours per year.
During 15th year of service 160 hours per year.

Employees using earned vacation leave or sick leave shall be considered to be working for purposes of accumulating additional vacation leave.

22.2 **Usage.** Vacation leave may be used as earned, except that the Employer shall approve the time at which the vacation leave may be taken. Employees shall not be permitted to waive vacation leave and receive double pay.

22.3 **Accrual.** An Employee may accumulate no more than a maximum of 230 hours of vacation leave that can be carried over from year to year.

22.4 **Termination Provisions.** Employees leaving the service of the Employer in good standing, after having given the Employer proper notice of termination of employment, shall be compensated for vacation leave accrued and unpaid, computed to the date of separation.

ARTICLE 23 - Sick Leave

23.1 **Eligibility.** Sick leave with pay shall be granted to probationary and permanent Employees at the rate of eight hours for each calendar month of full-time service or major

fraction thereof.

23.2 **Usage.** Sick leave may be used normally for absence from duty because of personal illness, injury, or legal quarantine of the Employee, or because of serious illness in the immediate family. Immediate family shall mean brother, sister, parents, parents-in-law, spouse, or children of the Employee. Sick leave may be used for the purpose of attending the funeral of immediate family members plus brothers-in-law, sisters-in-law, grandparents, grandparents-in-law, and grandchildren of the Employee.

23.3 **Accrual.** Sick leave shall accrue at the rate of eight hours per month until 960 hours have been accumulated. After 960 hours have been accumulated, sick leave shall accrue at the rate of four (4) hours per month, and simultaneously vacation leave, in addition to regular vacation leave accrual, shall accrue at the rate of two (2) hours per month. Employees using earned vacation leave or sick leave shall be considered to be working for the purposes of accumulating additional sick leave. Worker's Compensation benefits shall be credited against the compensation due Employees during sick leave.

23.4 **Procedure.** In order to be eligible for sick leave with pay, Employees must:

1. Notify their superior prior to the time set for the beginning of their normal work day.

2. Keep their superior informed of their condition.

3. The City Manager may require a medical certificate as may be deemed necessary before approving the utilization of sick leave consistent with the Family Medical Leave Act.

23.5 **Misuse Prohibited.** Employees claiming sick leave when physically fit, except as otherwise specifically authorized in 23.2 shall be subject to disciplinary action up to and including discharge.

ARTICLE 24 - Severance Pay

Severance pay in the amount of one-third the accumulated sick leave Employees have to their credit at the time of resignation shall be paid to Employees who have been employed for at least five consecutive years. If discharged for cause, severance pay shall not be allowed.

Employees hired after 1/1/1992 and having 25 years of continuous service at the time of separation, shall be paid 40% of their accumulated sick leave into the City authorized Post Employment Health Care Savings Plan (PEHSCP) if a plan is established. In the event that the retiree benefit in effect on September 1, 2005 is completely eliminated by the employer for employees hired before 1/1/92, the sick leave severance pay for employees hired prior to 1/1/92 and having 25 years of continuous service will be paid at 40% of their accumulated sick leave into the City authorized PEHSCP (if a plan is established). If discharged for cause, severance pay shall not be allowed.

ARTICLE 25 - Insurance

25.1 **2019 Full-time employees**

Effective 1/1/19, the City will contribute payment of one thousand one hundred ninety-eight dollars ($1,198) per month per employee for use in participating in the City's insurance benefits for those employees who elect to participate in a high deductible plan.

Effective 1/1/19, the city will contribute payment of eight hundred ninety-eight dollars ($898) per month per employee for use in participating in the City's insurance benefits for those employees who elect to participate in a non-high deductible health plan.

Reopener for 2020 and 2021.

25.3 **Life Insurance and Balance of Cafeteria Funds:** The City of Brooklyn Center will provide payment for premium of basic life insurance in the amount of $10,000. The employee may use the remainder of the contribution (limits as stated above) for use in participating in the City's insurance benefits.

ARTICLE 26 - Seasonal/Temporary Employees

Employees employed by the Employer on a seasonal/temporary basis for no more than 180 calendar days per calendar year either in a full-time or part-time capacity (more than 14 hours per week) will be compensated as determined by the Employer for the term of this employment. Such Employees will not be eligible for any benefits under this Agreement except those which may be required by law or those which are specifically outlined below.

ARTICLE 27 - Part-Time Employee Benefits

Part-time Employees shall not be eligible to receive fringe benefits under this Agreement.

ARTICLE 28 - Wage Schedule –

Effective January 1, 2019 (3%)

Maintenance III	$30.68
Maintenance II	$29.25
Step 3	$27.38
Step 2	$25.52
Step 1	$23.68
Start	$21.81
Mechanic	$30.68
Night Service Person	$29.25

Effective January 1, 2020 (3%)

Maintenance III	$31.60
Maintenance II	$30.13
Step 3	$28.20
Step 2	$26.29
Step 1	$24.39
Start	$22.46
Mechanic	$31.60

Night Service Person	$30.13

Effective January 1, 2021 (3%)

Maintenance III	$32.55
Maintenance II	$31.03
Step 3	$29.05
Step 2	$27.08
Step 1	$25.12
Start	$23.13
Mechanic	$32.55
Night Service Person	$31.03

Crew Leader: An Employee assigned in writing by the Department Head or Public Works Supervisor to assist a supervisor as crew leader will be paid $1.50 per hour over their base wage of their regular position while performing such duties.

Night Service Person: A night service person who is assigned in writing by the supervisor to do mechanics work will receive mechanics hourly rate of pay for time working such assignment.

Utility Operator: An Employee assigned in writing by the Department Head or Public Works Supervisor to operate the Water Treatment Plant will be paid $1.50 per hour over their base wage of their regular position while performing such duties.

Forester: An Employee assigned in writing by the Department Head or Public Works Supervisor to be the city Forester will be paid $1.50 per hour over their base wage of their regular position while performing such duties.

Maintenance-Worker-In-Training: Agree to work during 2019 to create a memo of understanding for 2020. There will be a committee comprised of four union members and four management members.

Employee Certification: Employees who earn and maintain specialized certification relevant to Employee's work duties will be paid $0.25 per hour over their base wage of their regular position while performing such duties.

Employees who earn and maintain specialized certification at the highest level or earn and maintain three specialized certifications relevant to Employee's work duties will be paid $0.50 per hour over their base wage of their regular position while performing such duties.

For purposes of this provision, specialized certification relevant to Employee's work duties are as follows:

Park Maintenance – Public Works Certification, Roads Scholar Maintenance Operations and Technical Certificate, Certified Playground Inspector, Certified Herbicide Applicator, Phase 2 and/or Phase 3 IUOE Local 49 Operator Training Certificate, ISA Certified Arborist, Certified Tree Inspector

Street Maintenance – Public Works Certification, Roads Scholar Maintenance Operations and Technical Certificate, Phase 2 and/or Phase 3 IUOE Local 49 Operator Training Certificate, Maintenance of Storm Water Practices Certification, ISA Certified Arborist, Certified Tree Inspector

Mechanics – Public Works Certification, ASE Certification Automotive and Light Truck (A Series), Truck Equipment (E Series), Advanced Engine Performance Specialist (L1), Electric Diesel Engine Diagnosis Specialist (L2), Medium Duty Truck (T Series)

Utilities Maintenance – Public Works Certification, Sewer Operator License (C, B, A), Water Operator License (C, B, A), Phase 2 and/or Phase 3 IUOE Local 49 Operator Training Certificate

ARTICLE 29 - Working Out of Classification Pay

Employees required by the Employer and who are adjudged by the Employer to be qualified to operate the following items of equipment will be paid the Maintenance III rate of pay for those hours assigned to the unit:

Equipment Requiring Class "A" CDL
Aerial Bucket
Truck-Mounted Vactor
Backhoes
Crawler Dozer
Patch Truck
Motor Grader
Sewer Jet
Caterpillar #950B Front-End Loader
Caterpillar Front-End Loader Model 928
Street Sweeper/Pick-up or Vac Type
Welding

Employees required by the Employer and who are adjudged by the Employer to be qualified to operate the following items of equipment will be paid the Maintenance II rate of pay for those hours assigned to the unit:

Blacktop Paver
Truck (20' reach and over)
Or similar Boom Type Units
Brush Chipper
Mower over 10' cutting width
Paint Striper - Truck Mounted
Trucks - Single - Axle Over 26,000 GVW
Bombardier or MT Trackless Sidewalk and Trail Units
Sewer Rodding machine
Tandem Axle Trucks
Tree Spade
Farm Type Tractors
Skid Steer

Employees assigned by the Employer to Utility Operator will be paid the wage rate of the job classification to which the Employee is assigned.

ARTICLE 30 - Legal Defense

30.1 Employees involved in litigation because of negligence, ignorance of laws, non-observance of laws, or as a result of Employee judgmental decision may not receive legal defense by the municipality.

30.2 Any Employee who is charged with a traffic violation, ordinance violation or criminal offense arising from acts performed within the scope of the Employee's employment, when such act is performed in good faith and under direct order of the Employee's

supervisor, shall be provided with a City assigned representative to accompany the employee and shall be reimbursed for reasonable attorney's fees and court costs actually incurred by such Employee in defending against such charge.

ARTICLE 31 - Waiver

31.1 Any and all prior Agreements, resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this Agreement, are hereby superseded.

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

ARTICLE 32 – Injury on Duty

Employees injured while performing the official duties of their employment with the Employer and who are thereby rendered unable to work and are eligible for Workers' Compensation shall receive their regular wages and benefits for up to sixty (60) working days after an initial three (3) day eligibility period, pending doctor's authorization. The three (3) day eligibility will be taken from the Employee's own accrued sick leave. While out on injury on duty, all monies received from Workers' Compensation shall be turned over to the City of Brooklyn Center.

ARTICLE 33 – Local 49 Central Pension Fund

The Employer and the Union have explored the feasibility and process necessary for implementation of the language and contributions required for employee participation in the International Union of Operating Engineers Central Pension Fund (hereinafter CPF). It was determined by the Employer and the Union that it is in the best interests of the employees to reduce their wages in order to allow Union members to participate in the CPF. The parties agree that the amount that would otherwise be paid in salary or wages will be contributed instead to the CPF as pre-tax employer contributions. The CPF is a supplemental Pension Fund authorized by Minnesota Statutes, 356.24, subdivision 1(9).

Effective January 1, 2006, a pension contribution of ninety-six cents ($0.96) per hour, will commence. The hourly contribution rate will be applied to all compensated hours. (Cap has been raised to $5,000 per year.)

The Employer shall pay this contribution directly to the I.U.O.E. Central Pension Fund. The Union agrees to indemnify and hold the Employer, its Officers, Agents, and employees harmless against any claims, suits, orders or judgments, brought against the Employer as a result of any

action taken or not taken by the Employer on the specific provisions of this Article. This "hold harmless" clause does not hold the Employer harmless for failing to transfer the agreed contributions to the I.U.O.E. Central Pension Fund.

It is agreed that for purposes of determining future wage rates, the Employer shall first restore the amount of the wage deduction, then apply the applicable wage multiplier, then reduce the revised wage by the CPF contribution rate. It is further agreed that for purposes of calculating overtime compensation the Employer shall first restore the amount of the wage reduction then apply the applicable 1.5 or 2 wage multiplier required under the Fair Labor Standards Act and the collective bargaining agreement, then pay the resulting amount of overtime worked.

The CPF Plan of Benefits and the Agreement and Declaration of Trust will serve as the governing documents.

ARTICLE 34 – Post Employment Health Care Savings Plan (PEHCSP)

The Post Employment Health Care Savings Plan (PEHCSP) is established to help defray the cost of medical expenses and health insurance premiums for employees, spouses and dependents after the employee leaves employment with the City of Brooklyn Center.

1. Participation Eligibility

Regular full-time benefit earning employees may have contributions made on their behalf into the PEHCSP. *Participants must be 21 years of age or older. Unless noted otherwise in this policy, the minimum period of service required to participate in the plan is 60 days.*

Every eligible employee in an employee group is required to participate in the PEHSCP for their group as outlined in this applicable labor agreement.

2. PEHCSP Contributions

When appropriate, each employee will have an account established in his or her name. Unless specifically noted otherwise, contributions (and earnings) to an employee's PEHCSP account are not taxable income.

3. Accessing Funds

a. Employees may access the funds in their PEHCSP account when they are eligible to retire under the Public Employees Retirement Association's (PERA) rules.

b. Unless prohibited by the IRS, employees leaving employment with the City prior to being eligible for retirement through PERA, for the reasons noted below, may make withdrawals on a tax-free basis for eligible health-related expenses.

- Upon termination of employment.
- If employee is collecting a disability.
- If employee is on a medical leave (six months or longer)
- If employee is on a leave of absence (one year or longer).
- If the employee returns to work and is earning medical benefits, they are no longer eligible to make withdrawals from their PEHCSP account.

The IRS does not allow these funds to be rolled into any other type of plan, including an IRA.

c. Access following death. The surviving spouse and eligible dependents continue to access the account for eligible expense reimbursements until the PEHCSP account is exhausted. Such reimbursements are not taxable. Unless prohibited by the IRS, reimbursements may also be made to a beneficiary other than a surviving spouse or eligible dependent. However, such reimbursements would be taxable to the recipient.

4. Eligible Expenses Reimbursed by Plan

Funds in a PEHCSP account may be used to reimburse:

1. Insurance premiums (health insurance premiums, Medicare supplemental insurance premiums, Medicare Part B insurance premiums, COBRA and Chapter 488 insurance premiums, long term care insurance premiums (not long term care expenses), and dental insurance premiums.

2. Most qualifying medical expenses as defined in Internal Revenue Code Section 213 (i.e. medical costs that would otherwise be deductible to the employee on his or her individual income tax return).

A third-party claims administrator will handle claims administration.

5. No Opt-out

Employees and retirees in groups covered by the PEHCSP program are not permitted to opt-out of the program. Participation is mandatory.

6. Program Administration

Along with the Human Resources Division, the company selected will administer the PEHCSP program. The employee controls how the money is invested similar to the section 457 deferred compensation plan. The employee receives an account statement from the company for his or her PEHCSP account.

7. Administrative Fees

Please contact the vendor selected for current administrative and mutual fund fees.

8. Plan Modifications

The details of the Vendor's administration of the PEHCSP as well as other features of the plan are set forth in the PEHCSP materials as provided. These details and IRS regulations regarding the PEHCSP may be revised, necessitating the revision to this policy or other agreements between employee groups and the City.

The City reserves the right to modify its policy to comply with any other regulations regarding the plan and to add contribution requirements.

9. Contribution Formulas

1. No contribution formulas currently.

2. **Severance Pay.** No severance contributions currently elected.

ARTICLE 35 - Duration
This Agreement shall be effective as of January 1, 2019, and shall remain in full force and effect until the 31st day of December 2021.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this _____ day of _____, 2018.

FOR THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 49,

_____	_____
Business Manager	Business Representative
_____	_____
Union Steward	Union Steward
_____	
Union Steward	

FOR THE CITY OF BROOKLYN CENTER

_____	_____
Mayor	City Manager

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Nathan Reinhardt, Finance Director

SUBJECT: Resolution Relating to a Multifamily Rental Housing Facility and the Issuance of Conduit Housing Revenue Bonds under Minnesota Statutes, Chapter 462C, as Amended; Granting Preliminary Approval Thereto; Calling for a Public Hearing; Establishing Compliance with Certain Reimbursement Regulations Under the Internal Revenue Code of 1986, as Amended; and Taking Certain Other Actions with Respect Thereto (Unity Place Project)

Requested Council Action:

- Motion to approve the resolution for a multifamily rental housing facility and the issuance of Conduit Housing Revenue Bonds under MN Statutes 462C, as Amended; Granting preliminary approval thereto; Calling for a public hearing; Establishing compliance with certain reimbursement regulations under the internal revenue code of 1986, as amended; and taking certain other actions with respect thereto (Unity Place Project)

Background:

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

The estimated maximum aggregate principal amount of the Bonds to be issued to finance the project is $13,500,000.

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

If the resolution is approved a public hearing will be held on December 10th, 2018. A brief presentation on the process will be prepared and presented as an introduction to the public hearing.

Budget Issues:

The Bonds will not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of Brooklyn Center. The issuance of the Bonds will not affect the City's credit rating.

Strategic Priorities and Values:

Targeted Redevelopment

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

RESOLUTION _____
RELATING TO A MULTIFAMILY RENTAL HOUSING FACILITY AND THE ISSUANCE OF CONDUIT HOUSING REVENUE BONDS UNDER MINNESOTA STATUTES, CHAPTER 462C, AS AMENDED; GRANTING PRELIMINARY APPROVAL THERETO; CALLING FOR A PUBLIC HEARING; ESTABLISHING COMPLIANCE WITH CERTAIN REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO
(UNITY PLACE PROJECT)

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

Section 1. Recitals.

(a) The City is a home rule charter city and political subdivision duly organized and existing under the Constitution and laws of the State of Minnesota.

(b) Pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described in the Act by providing for the issuance of revenue bonds to provide funds to finance or refinance multifamily rental housing developments located within the City.

(c) Unity Limited Partnership, a Minnesota limited partnership (or an affiliated entity, the "Borrower"), has proposed that the City issue its revenue bonds, pursuant to the Act, in an aggregate principal amount not to exceed $13,500,000, in one or more series at one time or from time to time (the "Bonds").

(d) The proceeds of the Bonds are proposed to be loaned by the City to the Borrower to be applied by the Borrower to (i) finance the acquisition, renovation, construction, and equipping of an approximately 112-unit rental housing facility and related amenities located at 7256 Unity Avenue North in the City (the "Project"); (ii) fund one or more reserve funds to secure the timely payment of the Bonds, if necessary; (iii) pay interest on the Bonds during the renovation of the Project, if necessary; and (iv) pay the costs of issuing the Bonds.

(e) As a condition to the issuance of the Bonds, the City must adopt a housing program providing the information required by Section 462C.03, subdivision 1a of the Act (the "Housing Program").

(f) Under Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), prior to the issuance of the Bonds, the Council must conduct a public hearing after one publication of notice in a newspaper circulating generally in the City at least 14 days before the hearing. Under Section 462C.04, subdivision 2 of the Act, a public hearing must be held on the Housing Program after one publication of notice in a newspaper circulating generally in the City at least 15 days before the hearing.

(g) Under Section 146 of the Code, the Bonds must receive an allocation of the bonding authority of the State of Minnesota. An application for such an allocation must be made pursuant to the

requirements of Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act") and preliminary approval of the issuance of the Bonds by the Council is sufficient to authorize the submission of an application to the State of Minnesota for an allocation of bonding authority with respect to the Bonds to finance the Project.

Section 2. Preliminary Findings. Based on representations made by the Borrower to the City to date, the Council hereby makes the following preliminary findings, determinations, and declarations:

(a) The Project consists of the acquisition, renovation, construction, and equipping of an existing multifamily rental housing development designed and intended to be used for rental occupancy.

(b) The proceeds of the Bonds will be loaned to the Borrower and the proceeds of the loan will be applied to: (i) the acquisition, renovation, construction, and equipping of the Project; (ii) the funding of one or more reserve funds to secure the timely payment of the Bonds, if necessary; (iii) the payment of interest on the Bonds during the construction of the Project, if necessary; and (iv) the payment of the costs of issuing the Bonds. The City will enter into one or more loan agreements between the City and the Borrower requiring loan repayments from the Borrower in amounts sufficient to repay the loan when due and requiring the Borrower to pay all costs of maintaining and insuring the Project, including taxes thereon.

(c) In preliminarily authorizing the issuance of the Bonds and the financing of the acquisition, construction, and equipping of the Project and related costs, the City's purpose is to further the policies of the Act.

(d) The Bonds will be special, limited obligations of the City payable solely from the revenues pledged to the payment thereof under the loan agreements (or other revenue agreement) referred to above, and will not be a general or moral obligation of the City and will not be secured by or payable from revenues derived from any exercise of the taxing powers of the City.

Section 3. Public Hearing. The City Council will conduct a public hearing on the Housing Program, the Project, and the issuance of the Bonds by the City at a regular or special meeting on Monday, December 10, 2018, or such other date as determined by City staff for which proper notice may be given as provided below. Notice of such hearing (the "Public Notice") will be published as required by Section 462C.04, subdivision 2 of the Act and Section 147(f) of the Code. The City Clerk of the City is hereby authorized and directed to publish the Public Notice, in substantially the form attached hereto as EXHIBIT A, in the *Brooklyn Center Sun Post* or other newspaper of general circulation in the City, at least 15 days before the meeting of the City Council at which the public hearing will take place. At the public hearing, reasonable opportunity will be provided for interested individuals to express their views, both orally and in writing, on the Project, the Housing Program, and the proposed issuance of the Bonds.

Section 4. Housing Program. Kennedy & Graven, Chartered, acting as bond counsel with respect to the Project and the Bonds ("Bond Counsel") shall prepare and submit to the Metropolitan Council for its review a draft Housing Program to authorize the issuance by the City of up to approximately $13,500,000 in revenue bonds in one or more series to finance the acquisition, rehabilitation, and equipping of the Project by the Borrower.

Section 5. Submission of an Application for an Allocation of Bonding Authority. The City Council hereby authorizes the submission of an application for allocation of bonding authority pursuant to Section 146 of the Code and the Allocation Act in accordance with the requirements of the Allocation Act. The Mayor of the City or the City Manager and Bond Counsel are hereby authorized and directed to

take all actions, in cooperation with the Borrower, as are necessary to submit an application for an allocation of bonding authority to Minnesota Management & Budget.

Section 6. Preliminary Approval. The City Council hereby provides preliminary approval to the issuance of the Bonds in the approximate aggregate principal amount of up to $13,500,000 to finance all or a portion of the costs of the Project pursuant to the Housing Program of the City, subject to: (i) review of the Housing Program by the Metropolitan Council; (ii) a public hearing as required by the Act and Section 147(f) of the Code; (iii) receipt of an allocation of the bonding authority from the State of Minnesota; (iv) final approval following the preparation of bond documents; and (v) final determination by the City Council that the financing of the Project and the issuance of the Bonds are in the best interests of the City.

Section 7. Reimbursement of Costs under the Code.

(a) The United States Department of the Treasury has promulgated regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or the Borrower for project expenditures paid prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within 18 months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than 3 years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the Bonds.

(b) To the extent any portion of the proceeds of the Bonds will be applied to expenditures with respect to the Project, the City reasonably expects to reimburse the Borrower for the expenditures made for costs of the Project from the proceeds of the Bonds after the date of payment of all or a portion of such expenditures. All reimbursed expenditures shall be capital expenditures, costs of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Act.

Based on representations by the Borrower, other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimis" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures with respect to the Project to be reimbursed with the proceeds of the Bonds have been made by the Borrower more than 60 days before the date of adoption of this resolution of the City.

(c) Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long term-basis, or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside), to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

Section 8. Costs. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued.

Section 9. Commitment Conditional. The adoption of this resolution does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Borrower. If, as a result of information made available to or obtained by the City during its review of the Project, it appears that the Project or the issuance of Bonds to finance or refinance the costs thereof is not in the public interest or is inconsistent with the purposes of the Act, the City reserves the right to decline to give final approval to the issuance of the Bonds. The City also retains the right, in its sole discretion, to withdraw from participation and accordingly not issue the Bonds should the City Council, at any time prior to the issuance thereof, determine that it is in the best interests of the City not to issue the Bonds or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents for the transaction.

Section 10. Effective Date. This Resolution shall be in full force and effect from and after its passage.

November 13, 2018 _____
Date Mayor

ATTEST:_____
City Clerk

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

EXHIBIT A

NOTICE OF PUBLIC HEARING
ON A HOUSING PROGRAM AND THE ISSUANCE OF CONDUIT REVENUE BONDS
FOR A MULTIFAMILY HOUSING PROJECT (UNITY PLACE)

NOTICE IS HEREBY GIVEN that the City Council of the City of Brooklyn Center, Minnesota (the "City") will conduct a public hearing on Monday, December 10, 2018 at 7:00 p.m., or as soon thereafter as the matter may be heard, at the City Hall at 6301 Shingle Creek Parkway in the City on a proposal of the Unity Limited Partnership, a Minnesota limited partnership (or one or more affiliated entities to be created, collectively, the "Borrower") that the City finance the acquisition, renovation, construction, and equipping of certain rental housing developments, hereinafter described, by the issuance of conduit revenue bonds or other obligations (the "Bonds") pursuant to Minnesota Statutes, Chapter 462C, as amended, and that the City adopt a housing program for such bonds.

The proceeds of the Bonds are proposed to be loaned by the City to the Borrower to be applied by the Borrower to (i) finance the acquisition, renovation, construction, and equipping of an approximately 112-unit rental housing facility and related amenities located at 7256 Unity Avenue North in the City (the "Project"); (ii) fund one or more reserve funds to secure the timely payment of the Bonds, if necessary; (iii) pay interest on the Bonds during the construction of the Project, if necessary; and (iv) pay the costs of issuing the Bonds. The Project will be owned by the Borrower.

The estimated maximum aggregate principal amount of the Bonds to be issued to finance the Project is $13,500,000.

The Bonds if and when issued will be special, limited obligations of the City, and the Bonds and interest thereon will be payable solely from the revenues and assets pledged to the payment thereof. No holder of any Bond will have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon, nor to enforce payment against any property of the City except money payable by the Borrower to the City and pledged to the payment of the Bonds. Before issuing the Bonds, the City will enter into an agreement with the Borrower, whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on the Bonds when due.

Following the public hearing the Council will consider a resolution approving a housing program prepared in accordance with the requirements of the Act and granting approval to the issuance of the Bonds. A copy of the housing program will be on file at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430, Monday through Friday until the date of the Public Hearing. At the time and place fixed for the Public Hearing, the City Council will give all persons who appear or submit comments in writing to the City Council prior to the hearing, an opportunity to express their views with respect to the proposal. In addition, interested persons may file written comments respecting the proposal with the City to the attention of Nate Reinhardt, Finance Director at (763) 569-3300 at or prior to said public hearing.

Publish November 22, 2018.

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Brett Angell, Business and Workforce Development Specialist

SUBJECT: Resolution Authorizing the Submission of an Livable Communities Act Transient-Oriented Development Zoning Implementation Grant Application to the Metropolitan Council

Requested Council Action:

- Motion to approve a resolution authorizing the submission of a Livable Communities Act (LCA) Transit-Oriented Development (TOD) Zoning Implementation grant application to the Metropolitan Council

Background:

As part of the Livable Communities Act, the Metropolitan Council created TOD grants to promote moderate to high density development projects that are located within walking distance of a major transit stop. The development projects can include a mix of uses such as housing, jobs, restaurants, shops, and entertainment. There are multiple types of LCA-TOD grants which include development grants, pre-development grants, and zoning implementation. The zoning implementation grants are intended for applicants that need to develop transit-oriented development zoning ordinances to implement existing small area or station area plans. No development project is required for applications to this funding category.

The Metropolitan Council requires that any application for an LCA grant fall within a close proximity to an eligible transit stop. The City's draft 2040 Comprehensive Plan designates the area around the Brooklyn Center Transit Center as guided for transit-oriented development on the future land use map. The Transit Center is an eligible transit stop for LCA grants. This eligible area includes the Opportunity Site within which Alatus is developing a master plan which conforms to the City's TOD land use designation in the 2040 Comprehensive Plan. The TOD land use designation and the master plan do not currently conform to the existing zoning for the area. In order to meet the TOD designation and to comply with State Statute the City will have to amend the zoning code to create a new zoning category for this area.

The City is requesting a grant of $60,000 to assist in the creation of the TOD zoning district as part of the City's larger update to its Zoning Code. City staff has met with the Metropolitan Council to discuss the grant application process and which grants the city would be eligible for this round.

Budget Issues:

There are no budget issues regarding this item at this time.

Strategic Priorities and Values:

Targeted Redevelopment

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018- ___

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES TRANSIT ORIENTED DEVELOPMENT 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 2018 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 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 the institutional, managerial and financial capability to adequately manage an LCA-TOD 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 TOD grants are intended to fund projects or project components that can serve as models, examples or prototypes for TOD 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

WHERES, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities TOD 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 TOD 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 TOD project to occur at this particular time (2 years):

   City of Brooklyn Center TOD Zoning Creation

2. Finds that that TOD Project component(s) for which Livable Communities TOD 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 only if Livable Communities TOD funding is made available for this project at this time.

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

November 8, 2018
Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Application

11362 - 2018 TOD Zoning Implementation - Fall Round - Final Application

11719 - City of Brooklyn Center TOD Zoning Creation
TOD Pre-Development Zoning

Status: Submitted

Submitted Date: 10/31/2018 10:45 AM

Applicant Information

Primary Contact:

Name:*	Salutation	Brett First Name	Thomas Middle Name	Angell Last Name
Title:*	Business and Workforce Development Specialist			
Department:	Community Development			
Email:*	bangell@ci.brooklyn-center.mn.us			
Address:*	6301 Shingle Creek Parkway			
	6301 Shingle Creek Parkway			
*	Brooklyn Center City		Minnesota State/Province	55430 Postal Code/Zip
Phone:*	763-569-3301 Phone			Ext.
Fax:				
What Grant Programs are you most interested in?*	LCDA Development			

Organization Information

Name:*	BROOKLYN CENTER, CITY OF
Jurisdictional Agency (if different):	
Organization Type:	City
Organization Website:	
Address:*	6301 SHINGLE CREEK PKWY

*	BROOKLYN CENTER City	Minnesota State/Province	55430 Postal Code/Zip
County:*	Hennepin		
Phone:*	763-569-3320		Ext.
Fax:			

Project Contacts

Primary Grantee Information

Grantee Type*	City
City in which the project is located:*	Brooklyn Center If the city name does not appear in this list, contact the appropriate LCA program coordinator.
If more than one governmental entity is collaborating on this application, please explain and list the names of all participants.	
Does the primary grantee have an adopted Fair Housing Policy?*	Yes

Who will be the Project Manager at the city, county or local development authority for this project?

Contact name*	Brett Angell
Mailing address*	6301 Shingle Creek Parkway
City*	Brooklyn Center
Phone*	763-569-3301 Do not enter punctuation (enter as "6515551212")
Email address*	bangell@ci.brooklyn-center.mn.us After entering this information, click SAVE in the Command Bar at the top of the screen.

Developer

Organization name	Street address	City, state, zip			Contact name	Phone	Email
Alatus			MN				
Alatus, LLC	800 Nicollet Mall, Suite 2850	Minneapolis	MN	55402	Ashley Bisner	612-455-0706	albisner@alatusllc.com

Other Project Contacts

Name	Title	Organization	Street address	City, state, Zip			Phone	Email
Meg Beekman	Community Development Director	City of Brooklyn Center	6301 Shingle Creek Parkway	Brooklyn Center	MN	55430	763-569-3305	mbeekman@ci.brooklyn-center.mn.us

Project Overview & Grant Request

Project Location

Address or Intersection of Project:*	Northeast corner of Shingle Creek Parkway and Bass Lake Road
Name of the TOD Eligible Area in which the Project is located:*	C Line - Brooklyn Center Transit Center Only LCA-TOD Eligible Areas are listed in the dropdown.
Type of transit:*	Bus Rapid Transit

Overview of Project

Describe the TOD development project for which you are requesting pre-development funding. What do you hope to build? Address how each grant activity you are requesting funding for relates to the development project and the development process.*

The City would use the grant funding to assist in creating a new TOD Zoning District. The new Zoning District would apply to property designated in the 2040 Comp Plan FLU as TOD. This would include an 80-acre site (34-acres of which the City currently owns) that has been designated by the City as the "Opportunity Site". The City is working with Alatus to develop the City-owned portion into a dense, mixed-use, multi-modal, pedestrian-oriented center. While the City works to master plan the remainder of the site. The preliminary plan is for an urban village which includes office, residential, commercial, hospitality, and entertainment uses with green space areas integrated throughout. The parking will be primarily structured, and be reduced from the City's existing requirements. Transit will be a focal point. The C-Line BRT is located within 1,000 feet of the site. The developer has made a strong push to incorporate transit into the development, and is exploring options with Metro Transit.

The City Council approved the Draft 2040 Comprehensive Plan in September which was then sent to the Metropolitan Council for preliminary review. The 2040 Draft Plan is a dramatic shift from the approach to transit oriented development Brooklyn Center has taken in the past. It elevates the transit investments being made in the community and makes them an organizing feature around which land use is planned. Past development in the City has had a more subruban development pattern, and the existing zoning regulations have become outdated. They don't allow the type of development that the City Council has determined that they want. For example, residential uses are not currenlt allowed in the Opportunity Site. The Council has committed funds to rewrite the Code, create new Districts to bring it into conformance with the 2040 Comprehensive Plan, and to ensure that the Zoning Code encourages the type of development that moves the City forward.

2,000 characters

Grant-Funded Activities Detail

What TOD	Grant-	What is the deliverable you expect from this budget item? How will you use it

strategies will be addressed with your funding request?	Funded Activity	to advance the project? (e.g. 3 site plan options to be presented to neighborhood and reviewed by planning commission.)
Establish minimum density requirements	Development & Writing of TOD Zoning Ordinance	The current zoning for the site would not allow for the densities shown in the master plan. The creation of the new zoning district will allow for denser development to happen.
Reduce parking requirements	Development & Writing of TOD Zoning Ordinance	There will be a large shift from the typical surface parking lots to structured parking in reduced amounts. The current zoning calls for 2 stalls per unit and the reduction will allow for the structured parking to happen. The goal will be to promote this site as walkable and allow for transit to be a focal point.

TOD Pre-Development Grant Request

Grant Activity	Request amount	Description of use	Match amount	Match method
Development & Writing of TOD Zoning Ordinance	$60,000.00	Assistance in the creation and writing of a new zoning district.	$100,000.00	Combination
	$60,000.00		$100,000.00	

Station Area

A.1: Station Area Planning

TOD Plannning

What is the status of the adoption of a Station Area or Small area Plan which covers the Project site?*	Will be in place within 12 months

Station Area Plan Elements

Indicate if your adopted station area, or small area plan addresses the following elements:

Minimal Building Setbacks	Under Development
Short blocks and restricted automobile access points.	Under Development
A range of housing densities and types.	Under Development
Connections among housing, retail, employment centers and recreational uses.	Under Development
Cycling and walking infrastructure and conveniences.	Under Development
Identified or targeted current and future employment opportunities within the Named TOD Area and within the connecting transit corridor(s).	Under Development
Conservation, protection and enhancement of natural resources.	Under Development
Reduced to no parking minimums and/or parking maximums, shared parking allowances, parking location is primarily at rear of buildings or structured.	Under Development

Station Area Zoning

What is the status of the adoption of a TOD zoning ordinance?*	Will be in place within 12 months

What is the name of the

zoning district and what type of zoning is it? (overlay, form-based code, etc...?)

A.2: Equity Considerations within the Named TOD Area

Affordable Housing Policy

What is the status of the city adopting a housing policy/plan/guideline that addresses the preservation of existing subsidized and naturally occurring affordable housing units in the TOD area?*

Will be in place within 36 months

What is the name of the policy and when was it adopted?

Please also provide a very brief summary of when the policy is applied. (certain amount of public funding, zoning change, etc...)

If the city has an adopted policy, please indicate if it addresses the following issues:

The creation of new affordable housing units in the TOD area.

Under Development

The addition of higher value housing in lower income areas.

Under Development

Gentrification, specificlly the displacement of small businesses and residents.

Under Development

A.3: Walking Conditions

What is the walking distance from the Project site to the transit station/stop?*

1000
Linear Feet

Describe the challenges to improving the walking environment in the station area.

Consider aspects of (1) Land Use, (2) Urban Design, (3) Mobility when responding. Other considerations include grade differential, handicapped accessibility, lighting, uncontrolled intersections and difficulties crossing natural features, large parking lots, freeways or other impediments.*

The current built environment creates difficulty for pedestrians due to having to cross busy and wide intersections to get to the transit hub. In the past, the original intent was not to make transit an important feature of development, which led to the transit hub becoming isolated from commercial and residential areas. This has resulted in criminal activity at the transit hub, which has disincetivized its use. With the new plan to create a TOD environment, the transit hub will play a key role in the development of the surrounding areas including ensuring there is easy pedestrian access to the transit hub. This includes the allowance of infill development around the transit hub of high density mixed uses, including residential, which is not currently a permitted use in this area. The project being planned by Alatus is already well connected to the transit center with sidewalks linking the Opportunity Site to the transit hub and only two intersections to cross, both of which are marked and signalized. Given that the Brooklyn

Center transit hub is one of the highest used stations in the metro transit system, it is crucial pedestrians have safe access to and from the site and a priority for the city to ensure this.

A.4: Station Area Walkability Metrics

How many intersections are within the Named TOD Area?	48 Count the number of street and road intersections within a one-half mile radius of the station

Within each TOD Area, identify the complete blocks (closed polygons framed by street or highway infrastructure) and calculate the size of each, in acres. Then calculate the average block size for all identified blocks and include the result here. GIS can be a helpful tool for estimating average block size.

Average block size	6.0

Zoning Overview

B.1: Zoning Overview

Type of zoning being pursued (select all that apply)*

Performance-based zoning, Overlay, Planned Unit Development (PUD)

If other, explain:

500 characters

Will the future TOD zoning ordinance include provisions to encourage the development of affordable housing in the station area? *

Yes

**How will the zoning ordinance limit the production of parking spaces in the station area?
If known, list the anticipated average residential and commercial parking ratios allowed by the ordinance. ***

Parking spaces will be significatly reduced through the station area with a focus on the creation of structured parking and the limiting of any surface parking lots. The intent is to make the area walkable and promote transit. In the past, transit has been pushed away from being integrated within developments in Brooklyn Center leading to a transit system that is not functioning at a high level. The transition to a TOD Zoning district and subsequent shift to planning land uses around the transit system will allow transit to serve a more integral role into the community. This will allow for transit to be an amenity in future development projects. Alatus has had preliminary conversation with Metro Transit about the possibility of incorporating the transit hub within the Opportunity Site.

Anticipated average residential and commercial parking ratios or not known at this time but it will be below the current allowed parking ratios.

2,000 characters

B.2: Current Zoning and Density

Land use category	Curr zoning class	Min. FAR	Max FAR	Min DUPA	Max DUPA	Min # floors	Max # floors
Retail and other commercial	C2: Commerce	0	0	0	0		

B.3: Anticipated Zoning and Densities

Land use category	Future zoning	Min FAR	Max FAR	Min DUPA	Max DUPA	Min # floors	Max # floors
Retail and other commercial	TOD Mixed Use	0	0	25.0	100.0		

B.4: TOD Zoning Project Status

Activity	If done, date completed	If not done, expected completion date	N/A
Approval from City Council to proceed	09/24/2018		
Station area plan/small area plan completed		10/31/2019	
RFP released		11/21/2018	
Consultant selected		01/21/2019	
Public/Leadership Engagement Process Completed		09/21/2019	
Transportation Infrastructure & Network Analysis		05/31/2019	

Required Attachments

Attachment	Description	File Name	Type	File Size
Overview map of the geography to which the TOD Zoning Ordinance will apply.	Overview Map	OverviewMap-CityofBrooklynCenterTODZoningCreation.pdf	pdf	6.9 MB
Local resolution of support. (Compressed PDF)	Staff Report and Resolution - Brooklyn Center TOD Zoning District Creation	Staff Report and Resolution - Brooklyn Center TOD Zoning.pdf	pdf	245 KB
Other documents in support of your grant request.	Additional Attachments - Brooklyn Center TOD Zoning Creations: 2040 Future Land Use Section and Alatus Proposal	Additional Attachments - Brooklyn Center TOD Zoning Creation.pdf	pdf	6.2 MB

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing & Community Standards Supervisor

SUBJECT: Resolution Declaring a Public Nuisance and Ordering the Abatement of Nuisance at 5603 James Ave N

Requested Council Action:

- Motion to approve a resolution declaring a public nuisance and ordering the abatement of nuisance at 5603 James Avenue N

Background:

The property at 5603 James Avenue N is currently occupied by the owner, Linda R. Anderson.

The following is a brief summary of actions related to this property and the recommended Council action:

- On August 14, 2018 the City conducted a proactive code enforcement inspection and found several property code violations: accumulation of junk, damaged garage door, and illegal parking/storage of vehicles. A compliance notice was sent to the owner.
- On August 15, 2018 an inspection of the property was conducted and the vehicles were appropriately parked/stored on the property.
- On August 22, 2018 a follow up inspection of the property was conducted and found the accumulation of junk was still in violation. A second compliance notice was sent to the owner.
- On August 31, 2018 a follow up inspection of the property was conducted and found the accumulation of junk was still in violation. A third compliance notice was sent to the owner.
- On September 10, 2018 a follow up an inspection of the property was conducted and found the accumulation of junk was still in violation. An Administrative Citation of $125 was issued.
- On September 24, 2018 a follow up an inspection of the property was conducted and found the accumulation of junk was still in violation. An Administrative Citation of $250 was issued.
- On October 10, 2018 a follow up inspection was conducted and the accumulation of junk was still in violation. A final compliance notice informing the owner to remove the junk or an occupied abatement will be pursued.
- On October 26, 2018 a follow up inspection was conducted and the accumulation of junk was still in violation.

If the resolution is approved, staff will provide a final notice to the owner to remove any junk/furniture/appliances off the property. If any junk/furniture/appliances are not removed from the property the City will immediately start the abatement.

The process for the abatement will involve a contractor, along with a City inspector entering the property and removing any junk/furniture/appliances, rubbish and brush, inoperable vehicle(s), engine parts or vehicle parts. The abatement is not for demolishing the house or garage.

The City is required to ensure that any items that are abated that hold value are held for at least 28 days for a property owner to claim; however, in the past staff has been able to successfully avoid this by working with property owners at the time of the abatement to identify items of value and assist them with relocating them into a garage, shed, or other location that complies with City Code.

Based on findings, staff recommends the City Council adopt the findings of the City Inspectors regarding the nuisance and authorize the City Manager to abate the nuisance by removing any junk/furniture/appliances.

Budget Issues:

The estimated direct cost of cleaning out the property is $1,500 depending on disposal and material costs. All associated costs of abatement will be the responsibility of the owner and if unpaid, the costs will be specially assessed against the property.

Strategic Priorities and Values:

Safe, Secure, Stable Community

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Building and Community Standards
763.569.3330 - Direct

18-039876

8/14/2018

Linda R Anderson
Bernadette Anderson
5603 James Ave N
Brooklyn Center MN 55430

RE: 5603 James Ave N

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. The following items covered by City ordinances have recently been noted at the address listed above. Your cooperation in taking care of the items would be appreciated and avoid the additional time and expense of formal actions by the City if the conditions are not corrected within the times set below.

You have **7** days from the date of this letter to do the following:

Please remove or store inside the following items: remove the furniture stored outside along the garage. Any items not designed for the outdoors cannot be stored outside. Because of a history of the same or similar violation this year, if the violation is not corrected a citation is likely.

19-103.11 Accumulation of Junk/Furniture/Appliances

Junk, equipment, material, furniture or other miscellaneous items not intended for outside use are not permitted to be stored outside.

You have **30** days from the date of this letter to do the following:

Repair or replace the garage door on the west side of the property where pieces are missing. The garage door must be substantially water-tight and operable. Because of a history of the same or similar violation this year, if the violation is not corrected, a citation is likely.

12-703 Doors - Doors need repair or replacement.

Doing your part to keep the City of Brooklyn Center a great place to live will be appreciated If you have questions, please contact me at 763-569-3315.

Sincerely,

Joseph Hartmann
Housing and Code Enforcement Inspector

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8/16/2018

18-039911

Linda R Anderson
Bernadette Anderson
5603 James Ave N
Brooklyn Center MN 55430

RE: 5603 James Ave N

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. The following items covered by City ordinances have recently been noted at the address listed above. Your cooperation in taking care of the items would be appreciated and avoid the additional time and expense of formal actions by the City if the conditions are not corrected within the times set below.

You have **1** day from the date of this letter to do the following:

Please relocate the following vehicle(s) to an approved parking surface: Hyundai (BFJ 517) cannot be parked on the grass
19-103.14 Illegal Parking/Storage of Vehicles
All vehicles must be parked/stored on an approved surface such as asphalt, concrete or Class V gravel, or past the front set back of the home.

Doing your part to keep the City of Brooklyn Center a great place to live will be appreciated. If you have questions, please contact me at 763-569-3315.

Sincerely,

Joseph Hartmann
Housing and Code Enforcement Inspector

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Building and Community Standards
763.569.3330 - Direct

8/22/2018

18-039876

Linda R Anderson
Bernadette Anderson
5603 James Ave N
Brooklyn Center MN 55430

RE: 5603 James Ave N

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. You were recently sent a letter noting the following violations at your property. Upon a follow-up inspection, it has been noted that these items have not beer corrected.

> **Please remove or store inside the following items: remove the furniture stored outside along the garage. Any items not designed for the outdoors cannot be stored outside. Because of a history of the same or similar violation this year, if the violation is not corrected a citation is likely.**
> 19-103.11 Accumulation of Junk/Furniture/Appliances
> Junk, equipment, material, furniture or other miscellaneous items not intended for outside use are not permitted to be stored outside.

Please take care of the items by **Wednesday, August 29, 2018** or a citation may be issued. If you have questions, please contact me at 763-569-3315.

Sincerely,

Joseph Hartmann
Housing and Code Enforcement Inspector

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8/31/2018

18-039876

Linda R Anderson
Bernadette Anderson
5603 James Ave N
Brooklyn Center MN 55430

RE: 5603 James Ave N

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. You were recently sent a letter noting the following violations at your property. Upon a follow-up inspection, it has been noted that these items have not been corrected.

> **Please remove or store inside the following items: remove the furniture stored outside along the garage. Any items not designed for the outdoors cannot be stored outside. This is the final notice before a citation for $125 will be written.**
> 19-103.11 Accumulation of Junk/Furniture/Appliances
> Junk, equipment, material, furniture or other miscellaneous items not intended for outside use are not permitted to be stored outside.

Please take care of the items by **Friday, September 7, 2018** or a citation may be issued. If you have questions, please contact me at 763-569-3315.

Sincerely,

Joseph Hartmann
Housing and Code Enforcement Inspector

CITY OF BROOKLYN CENTER
ADMINISTRATIVE CITATION

Citation Number: 18-039876-01
Date Issued: 9/10/2018
Request Number: 18-039876

This citation charges you with one or more violations of Brooklyn Center City Code

18-039876

Name and Mailing Address of Alleged Violator

Linda R Anderson
5603 James Ave N
Brooklyn Center MN 55430

Address/Location of Violation: 5603 James Ave N Brooklyn Center, MN 55430

Nature of Offense	Ordinance Nbr	Fine ($)
Accumulation of Junk/Furniture/Appliances Please remove or store inside the following items: remove the furniture and the box spring stored outside along the garage. Any items like broken plastic containers that not designed for the outdoors cannot be stored outside. Future citations will double until the violation is corrected.	19-103.11	$125.00
Amount listed is for current citation only and does not indicate total amount due or any amounts certified to taxes.		

☐ Repeat Violation within 24 months ☐ Continuing Violation ☑ Alleged Violator is Owner ☐ Alleged Violator is Tenant

Date and Time of Offense: Monday, September 10, 2018 at

Correct Violation By: Monday, September 24, 2018
*In order to avoid additional citations or enforcement actions

GENERAL INFORMATION
The Administrative Penalty Program is authorized by Chapter 18-200 of the Brooklyn Center City Code. This is a civil penalty and not a criminal charge. The fines are set by City Council resolution from time to time.

FINE PAYMENT INFORMATION
The fine may be paid with cash (must be paid in person), check, or money order. *Payment must be made within ten (10) days of the date of the citation.* A late payment fee may be charged by the City if the fine remains unpaid. A check or money order must be made payable to the City of Brooklyn Center for the correct amount. You may either pay in person or mail a copy of this citation with your check or money order to:

City of Brooklyn Center, 6301 Shingle Creek Pkwy, Brooklyn Center, MN, 55430-2199. *NOTE: DO NOT MAIL CASH*

NOTE: BY PAYING THE FINE, YOU ARE ADMITTING THAT YOU VIOLATED THE CITY ORDINANCE.

HEARING REQUEST INFORMATION
If you believe that you did not violate the City Code, you may request a hearing before a hearing officer who is not a City employee. To request a hearing you must make your request in writing. The request must include a $20.00 hearing request deposit fee. An appeal request form is available in our Administrative Penalty Brochure which can be found at www.cityofbrooklyncenter.org or at City Hall. *You must request a hearing within ten (10) days of the date of the citation.* The Program Administrator will notify you of the date, time, and location of your hearing, and the name of the hearing officer.

PENALTIES
In the event that you are found to have violated the City Code and the fine remains outstanding, the City may take one or more of the following actions:

1. If you own property in the City and the property was the subject of the violation, and the fine remains unpaid, the City may assess or cause a lien to be placed in the amount of the fine against your property.
2. Pursue a legal action against you to collect the fine.
3. Suspend, revoke, not renew, or deny a City-issued license or permit that is associated with the violation.
4. Refuse to grant approval for any license, permit, or other City approval sought by you or for property under your ownership or control.
5. Issue a criminal citation and pursue criminal prosecution.
6. Issue additional administrative citations that may double per fine schedule.

Please call 763-569-3330 with any questions. **Inspector Name:** Joseph Hartmann

City Use Only	
Account No.	10100-4512
Receipt No.	
Date Paid	
Amount Paid	

CodeEnf_Citation_BC

CITY OF BROOKLYN CENTER
ADMINISTRATIVE CITATION

Citation Number: 18-039876-01
Date Issued: 9/10/2018
Request Number: 18-039876

This citation charges you with one or more violations of Brooklyn Center City Code

18-039876

Name and Mailing Address of Alleged Violator

Bernadette Anderson
5603 James Ave N
Brooklyn Center MN 55430

Address/Location of Violation: 5603 James Ave N Brooklyn Center, MN 55430

Nature of Offense	Ordinance Nbr	Fine ($)
Accumulation of Junk/Furniture/Appliances Please remove or store inside the following items: remove the furniture and the box spring stored outside along the garage. Any items like broken plastic containers that not designed for the outdoors cannot be stored outside. Future citations will double until the violation is corrected.	19-103.11	$125.00
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NOTE: BY PAYING THE FINE, YOU ARE ADMITTING THAT YOU VIOLATED THE CITY ORDINANCE.

HEARING REQUEST INFORMATION
If you believe that you did not violate the City Code, you may request a hearing before a hearing officer who is not a City employee. To request a hearing you must make your request in writing. The request must include a $20.00 hearing request deposit fee. An appeal request form is available in our Administrative Penalty Brochure which can be found at www.cityofbrooklyncenter.org or at City Hall. *You must request a hearing within ten (10) days of the date of the citation.* The Program Administrator will notify you of the date, time, and location of your hearing, and the name of the hearing officer.

PENALTIES
In the event that you are found to have violated the City Code and the fine remains outstanding, the City may take one or more of the following actions:

1. If you own property in the City and the property was the subject of the violation, and the fine remains unpaid, the City may assess or cause a lien to be placed in the amount of the fine against your property.
2. Pursue a legal action against you to collect the fine.
3. Suspend, revoke, not renew, or deny a City-issued license or permit that is associated with the violation.
4. Refuse to grant approval for any license, permit, or other City approval sought by you or for property under your ownership or control.
5. Issue a criminal citation and pursue criminal prosecution.
6. Issue additional administrative citations that may double per fine schedule.

Please call 763-569-3330 with any questions. **Inspector Name:** Joseph Hartmann

City Use Only	
Account No.	10100-4512
Receipt No.	
Date Paid	
Amount Paid	

CodeEnf_Citation_BC

CITY OF BROOKLYN CENTER
ADMINISTRATIVE CITATION

Citation Number: 18-039876-02
Date Issued: 9/24/2018
Request Number: 18-039876

This citation charges you with one or more violations of Brooklyn Center City Code

18-039876

Name and Mailing Address of Alleged Violator

Bernadette Anderson
5603 James Ave N
Brooklyn Center MN 55430

Address/Location of Violation: 5603 James Ave N Brooklyn Center, MN 55430

Nature of Offense	Ordinance Nbr	Fine ($)
Accumulation of Junk/Furniture/Appliances Please remove or store inside the following items: remove the furniture stored outside along the garage. Any items like broken plastic containers that not designed for the outdoors cannot be stored outside. Future citations will double until the violation is corrected.	19-103.11	$250.00
Amount listed is for current citation only and does not indicate total amount due or any amounts certified to taxes.		

☐ Repeat Violation within 24 months ☐ Continuing Violation ☑ Alleged Violator is Owner ☐ Alleged Violator is Tenant

Date and Time of Offense: Monday, September 24, 2018 at

Correct Violation By: Monday, October 8, 2018
*In order to avoid additional citations or enforcement actions

GENERAL INFORMATION
The Administrative Penalty Program is authorized by Chapter 18-200 of the Brooklyn Center City Code. This is a civil penalty and not a criminal charge. The fines are set by City Council resolution from time to time.

FINE PAYMENT INFORMATION
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City of Brooklyn Center, 6301 Shingle Creek Pkwy, Brooklyn Center, MN, 55430-2199. *NOTE: DO NOT MAIL CASH*

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Please call 763-569-3330 with any questions. **Inspector Name:** Joseph Hartmann

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Account No.	10100-4512
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CodeEnf_Citation_BC

CITY OF BROOKLYN CENTER
ADMINISTRATIVE CITATION

Citation Number: 18-039876-02
Date Issued: 9/24/2018
Request Number: 18-039876

This citation charges you with one or more violations of Brooklyn Center City Code

18-039876

Name and Mailing Address of Alleged Violator

Linda R Anderson
5603 James Ave N
Brooklyn Center MN 55430

Address/Location of Violation: 5603 James Ave N Brooklyn Center, MN 55430

Nature of Offense	Ordinance Nbr	Fine ($)
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City Use Only	
Account No.	10100-4512
Receipt No.	
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Amount Paid	

CodeEnf_Citation_BC

BROOKLYN CENTER
AT THE CENTER

10/10/2018

18-039876

Linda R Anderson
Bernadette Anderson
5603 James Ave N
Brooklyn Center MN 55430

COPY

RE: 5603 James Ave N

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. You were sent several notices and Administrative Citations noting the following violations at your property. Upon a follow-up inspection, it has been noted that these items have not been corrected.

Please remove or store inside the following items: remove the furniture stored outside along the garage. Any items like broken plastic containers that not designed for the outdoors cannot be stored outside. Future citations will double until the violation is corrected.

19-103.11 Accumulation of Junk/Furniture/Appliances

Junk, equipment, material, furniture or other miscellaneous items not intended for outside use are not permitted to be stored outside.

Repair or replace the garage door on the west side of the property where pieces are missing. The garage door must be substantially water-tight and operable. Because of a history of the same or similar violation this year, if the violation is not corrected, a citation is likely. This is the final notice before a citation will be issued.

12-703 Doors - Doors need repair or replacement.

Please take care of the items by **Thursday, October 25, 2018**. If the violations are not corrected, another Administrative Citation may be issued for the ongoing property code violations. Further, the City may pursue an occupied abatement and the fees will be specially assessed to your property taxes. The City may also pursue a formal complaint with the City Attorney and pursue a criminal complaint. If you have questions, please contact me at 763-569-3315.

COPY

Sincerely,

Joseph Hartmann
Housing and Code Enforcement Inspector

City of Brooklyn Center | Community Development Department

6301 Shingle Creek Parkway | Brooklyn Center, MN 55430 | (763) 569-3300 | www.cityofbrooklyncenter.org

CITY OF BROOKLYN CENTER
ADMINISTRATIVE CITATION

Citation Number: 18-039876-04
Date Issued: 10/26/2018
Request Number: 18-039876

This citation charges you with one or more violations of Brooklyn Center City Code

18-039876

Name and Mailing Address of Alleged Violator

Bernadette Anderson
5603 James Ave N
Brooklyn Center MN 55430

Address/Location of Violation: 5603 James Ave N Brooklyn Center, MN 55430

Nature of Offense	Ordinance Nbr	Fine ($)
Doors - Doors need repair or replacement. Repair or replace the garage door on the west side of the property where pieces are missing. The garage door must be substantially water-tight and operable. Citations will double until the violation is corrected.	12-703	$125.00
Amount listed is for current citation only and does not indicate total amount due or any amounts certified to taxes.		

☐ Repeat Violation within 24 months ☐ Continuing Violation ☑ Alleged Violator is Owner ☐ Alleged Violator is Tenant

Date and Time of Offense: Friday, October 26, 2018 at

Correct Violation By: Friday, November 9, 2018
*In order to avoid additional citations or enforcement actions

GENERAL INFORMATION
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Please call 763-569-3330 with any questions. **Inspector Name:** Joseph Hartmann

City Use Only	
Account No.	10100-4512
Receipt No.	
Date Paid	
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CodeEnf_Citation_BC

Citation Number: 18-039876-04
Date Issued: 10/26/2018
Request Number: 18-039876

CITY OF BROOKLYN CENTER ADMINISTRATIVE CITATION

This citation charges you with one or more violations of Brooklyn Center City Code

18-039876

Name and Mailing Address of Alleged Violator

Linda R Anderson
5603 James Ave N
Brooklyn Center MN 55430

Address/Location of Violation: 5603 James Ave N Brooklyn Center, MN 55430

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City Use Only	
Account No.	10100-4512
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Amount Paid	

CodeEnf_Citation_BC

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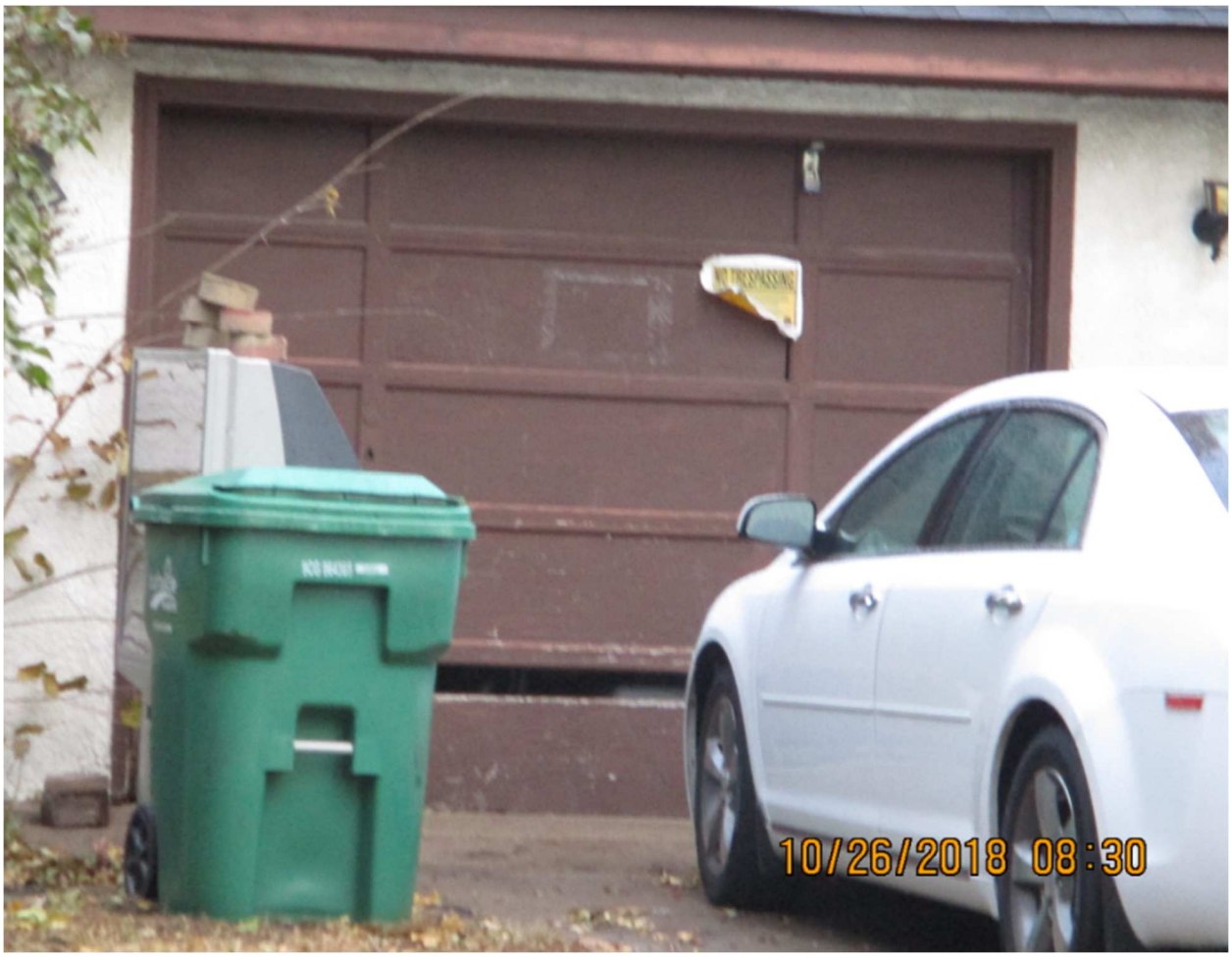
09/10/2018 10:51

09/24/2018 08:37

10/08/2018 10:17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10/26/2018 08:28

18-039876

10/29/2018

ABATEMENT NOTICE

Request No. 18-039876

Linda R Anderson
Bernadette Anderson
5603 James Ave N
Brooklyn Center MN 55430

RE: Property located at 5603 James Ave N, Brooklyn Center, Minnesota

PID: 02-118-21-41-0059

Dear Sir/Madam:

An inspection of your property on August 14, 2018 has revealed the following violation(s) of the Brooklyn Center City Codes, which must be corrected as follows:

- ACCUMULATION OF JUNK/FURNITURE/APPLIANCE: (City Code Section 19-103.11 Public Nuisances Further Defined). Accumulation of junk, disused furniture, appliances, machinery, automobiles, and parts thereof or any matter which may become a harborage or rats, snakes, or vermin, which creates a visual blight, or which may be conducive to fire, or which endangers the comfort, repose, health, safety or welfare of the public.

- WINDOWS, DOORS AND SCREENS: (City Code Section 12-703 Windows, Doors, and Screens). Every window, exterior door, and other exterior openings shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin and rodents from entering the building. Every openable window shall be supplied with 16-mesh screens during the insect season, and shall be equipped with an approved lock if located less than six feet above adjacent grade.

A follow-up inspection will be conducted on or shortly after Friday, November 9, 2018. If the violations are not corrected, this matter will be heard before the City Council at the regularly scheduled Council meeting on Tuesday, November 13, 2018 commencing at 7:00 p.m. to consider abatement by the City. The City Council meeting will be held at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center. Other legal action in the form of fines, abatement, and/or formal court action may also be taken.

Abatement by City of Brooklyn Center. If the refuse, junk, and other debris is not removed and properly disposed of by the aforementioned date, the city will complete the necessary work to bring the property into compliance with city codes. The costs, including administrative charges, will be the responsibility of the property owner, and if unpaid, will be specially assessed to the property in accordance with M.S. 429 et. seq.

Your cooperation in this matter is greatly appreciated. It should be a mutual goal to maintain a clean, safe, and attractive environment. If you have questions regarding this Notice, please call me at 763-569-3433.

Sincerely,

Xiong Thao
Housing and Community Standards Supervisor

Occupied Abatement Notice Rev 8-09

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

A RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS CREATING A NUISANCE PROPERTY EXISTING AT 5603 JAMES AVENUE NORTH IN THE CITY OF BROOKLYN CENTER

RECITALS

WHEREAS, the property located at 5603 James Avenue North, legally described in the attached Exhibit A, contains a single-family dwelling (the "Subject Property") and is located in the city of Brooklyn Center (the "City") in the R1 – One Family Residence zoning district; and

WHEREAS, according to public records, the Subject Property is owned by Linda Anderson and Bernadette Anderson (the "Owners"); and

WHEREAS, to the best of the City's knowledge, Linda Anderson is the sole occupant of the Subject Property; and

WHEREAS, City staff conducted physical inspections of the Subject Property on August 14, 2018, August 22, 2018, August 31, 2018, September 10, 2018, September 24, 2018, October 10, 2018, and October 26, 2018; and

WHEREAS, during each of the aforementioned inspections, staff observed an accumulation of refuse, rubbish and junk, including open storage bins, junk furniture, and other scrap and debris throughout the yard of the Subject Property; and

WHEREAS, sections 7-102 and 7-105 of the Brooklyn Center City Code (the "Code") deem it unlawful to store or accumulate any refuse on private property, unless such accumulation is in a container permitted, and the contents disposed of, under other provisions of the City Code; and

WHEREAS, section 19-101 of the Code deems it a public nuisance to maintain or permit a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any number of members of the public; and

WHEREAS, section 19-103 of the Code deems it a public nuisance to permit or maintain the accumulation of rubbish and junk on real property; and

WHEREAS, sections 12-301 through 12-306 of the Code impose certain requirements on the maintenance of personal property and on the storage and disposal of rubbish and garbage; and

WHEREAS, sections 12-309 through 12-311 of the Code make it unlawful to accumulate boxes or other similar materials that may provide rodent harborage or food sources; and

WHEREAS, by letters dated and mailed on August 14, 2018, August 22, 2018, August 31, 2018, September 24, 2018, October 10, 2018, the City notified the Owners of the violations of certain code provisions addressed herein, as well as the steps needed to correct the conditions and associated deadlines; and

WHEREAS, the City also offered to meet with the Owners to discuss the condition of the Subject Property, issued administrative citations to the Owners, and communicated to the Owners that if they fail to bring the Subject Property into compliance, the City would institute additional enforcement action; and

WHEREAS, the Owners have not corrected the aforementioned unlawful conditions at the Subject Property and the City's deadlines as provided in the letters have passed; and

WHEREAS, pursuant to sections 7-105, 19-105, and 12-1206 of the City Code, the City Council may order the abatement of certain violations by the City on any premises; and

WHEREAS, the City mailed the Owners 10 days' written notice indicating that at its meeting on November 13, 2018, the City Council would consider a resolution deeming the Subject Property a nuisance and ordering its abatement; and

WHEREAS, based on the information presented, the City Council has decided that the condition of the Subject Property constitutes a public nuisance and violates local law and, therefore, should be abated.

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

1. The City Council adopts, as factual findings, all of the above-listed Recitals, and finds violations of all code provisions listed herein.

2. The condition of the Subject Property constitutes a public nuisance in light of these violations.

3. Pursuant to its authority under the City Code, City staff is authorized to take necessary steps to conduct the abatement of the aforementioned violations and assess the costs thereof against the Property.

November 13, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Exhibit A

Lot 8, Block 2, Meadowlark Gardens, Hennepin County, Minnesota.

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner / Zoning Administrator

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

Requested Council Action:

- Motion to approve the first reading of an ordinance authorizing amendments to Chapter 35 of the City Code of Ordinances regarding elementary and secondary school interim use in the City's Commercial and Central Commerce Overlay Districts, and call for a second reading and public hearing be set for the December 10, 2018, City Council meeting

Background:

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

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

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

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

Because of the School District's urgency in moving ahead with the work on the former Brown College site, the School District requested City Council consideration of a resolution to adopt interim regulations that would

allow the time needed to work through the process of adopting more permanent Zoning Code amendments relating to temporary school uses and the processing of an Interim Use Permit. The requested resolution was reviewed and adopted at the City Council meeting on October 8, 2018, and went into effect immediately.

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

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

A copy of the prepared ordinance, which would amend certain sections of the Chapter 35 (Zoning) City Code of Ordinances is attached for your review and consideration. The aforementioned ordinance reflects similar language originally addressed in City Council Resolution No. 2018-185 (*A Resolution Adopting Interim Regulations for Elementary and Secondary School Uses in the City's Commercial and Central Commerce Overlay Districts on the Issuance of an Interim Use Permit*), which was adopted on October 22, 2018 (attached).

The request for approval and issuance of an Interim Use Permit, which would temporarily relocate the Brooklyn Center STEAM High School will be reviewed separately under the *Planning Commission Items* portion of the City Council agenda for November 13, 2018.

Budget Issues:

None to consider at this time.

Strategic Priorities and Values:

Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

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

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

ORDINANCE NO. _____

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

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

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

3. Interim Uses

a. Temporary classroom buildings as an accessory use to a public or private elementary or secondary school offering a regular course of study accredited by the Minnesota Department of Children, Families and Learning, subject to the ~~following~~ procedures and conditions~~:~~ in Section 35-430.

~~1) Interim use permits will be issued in accordance with the procedures and subject to the conditions stated in Section 35-220.~~

~~2) At the time of granting such a permit the Council shall specify a date or event that can be identified with certainty by which the interim use must be terminated and the structure(s) shall be removed from the site. In any event, however, such interim use shall not continue beyond any date when the Council, or any other governmental body having the power of eminent domain, adopts a resolution approving acquisition of the property by eminent domain, or the zoning of the property is changed to any classification under which the interim use is no longer permitted.~~

~~3) The Council may impose any conditions on such interim use which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future.~~

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

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

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

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

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

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

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

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

4. Interim Uses.

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

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

Section 35-430. TEMPORARY SCHOOL USES.

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

2. Application. An application for an interim use permit for a temporary school use allowed by this Chapter may only be submitted by an existing public or private elementary or secondary school located in the City of Brooklyn Center, offering a regular course of study accredited by the Minnesota Department of Education. The application for the interim use permit shall, in addition to the information required on the application form, include the following information.

   a. If the requested interim use permit is for an on-site temporary school building:

      (i) The number, size, and layout of any temporary classroom buildings to be located on the school site;

      (ii) Setbacks of any proposed temporary classroom buildings to property lines;

      (iii) Elevations and/or renderings of the proposed temporary classroom buildings;

      (iv) The number of students that will be served by the temporary classroom buildings; and

      (v) The reason for the need for temporary classroom buildings and the length of time they will be in use.

   b. If the requested interim use permit is for an off-site temporary school:

      (i) The location of the proposed temporary school;

      (ii) The number of students and faculty that will occupy the school;

      (iii) A transportation plan, which includes bus times and routes, number of buses, number of anticipated drop-offs, and drop-off locations;

      (iv) A parking and circulation plan;

      (v) The reason for the need for the temporary school and the length of time it will be in use; and

      (vi) If exterior modifications to the building are proposed, elevations and/or renderings of the proposed changes.

3. Issuance. An application for an interim use permit for a temporary school use shall be processed in accordance with Section 35-220, except that the following additional standards shall also be considered:

   a. The proposed use must conform to the regulations in this Chapter;

b. The date or event that will terminate the use can be identified with certainty;

c. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

d. The applicant agrees to the conditions the City Council imposes on the use.

4. Conditions. The City Council may impose any conditions on the interim use permits it issues as it deems are necessary or expedient to protect the public health, safety or welfare, or to ensure the use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. Every interim use permit shall identify the date or event that will terminate the permit. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.

5. Performance Standards. In addition to any conditions placed on an interim use permit by the City Council, the following restrictions shall apply to interim use permits issued for a temporary school use.

a. For temporary classroom buildings:

(i) Applicable lot standards and sign regulations shall be observed;

(ii) A landscape and parking plan for the property shall be submitted and approved by the Council;

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

(iv) Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use; and

(v) The total square footage of temporary classrooms on any one site shall not exceed 2000 square feet.

b. For temporary schools:

(i) Applicable lot standards and sign regulations shall be observed;

(ii) A parking and circulation plan shall be submitted and approved by the Council; and

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

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

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

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

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

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

a. sauna establishments

b. massage establishments

c. currency exchanges

d. pawn shops

e. secondhand goods dealers

~~4~~5. The following area is hereby established as being within the CC Central Commerce Overlay District:

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

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

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

Adopted this ___ day of _____, 2018.

_____
Tim Willson, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(~~Strikeout~~ indicates matter to be deleted, <u>double underline</u> indicates new matter.)

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

CITY OF BROOKLYN CENTER

RESOLUTION NO. 2018- **185**

A RESOLUTION ADOPTING INTERIM REGULATIONS FOR ELEMENTARY AND SECONDARY SCHOOL USES IN THE CITY'S COMMERCIAL AND CENTRAL COMMERCE OVERLAY DISTRICTS ON THE ISSUANCE OF AN INTERIM USE PERMIT

WHEREAS, in January 2019, the Brooklyn Center Community Schools ("District") will begin significant renovations of the existing Brooklyn Center Middle and High School, and in order to accommodate the most efficient construction schedule, the District is expecting to relocate high school students at temporary locations for approximately two years; and

WHEREAS, the District has identified the former Brown College building, located at 5951 Earle Brown Drive, Brooklyn Center, MN 55430, ("Brown College Building") as a suitable location to relocate their high school classroom space on a temporary basis, but the relocation will require some renovation of the Brown College Building to be suitable for student use; and

WHEREAS, the District has proposed entering into a lease with the owner of the Brown College Building and beginning renovations as soon as possible in order to have the building ready by January 2019; and

WHEREAS, the Brown College Building is within the Commerce District ("C2") under Section 35-322 of the Brooklyn Center City Code ("Code"), and while the Code already allows for nonresidential educational uses in C2, including area learning centers, post-secondary schools, business schools and trade schools, it specifically excludes public and private elementary and secondary schools; and

WHEREAS, the City has reviewed the District's plans with regard to the renovation and use of the former Brown College building and determines they do not represent a threat to the public health, safety or welfare; and

WHEREAS, the City Council determines it is appropriate to similarly allow temporary school uses within the Central Commerce Overlay District ("CC") of the City as well; and

WHEREAS, the City Council is in the process of considering an amendment to the Code to allow for temporary school uses in C2 and CC with the issuance of an interim use permit; and

WHEREAS, the City Council has scheduled a public hearing on the proposed amendment to the Code before its Planning Commission on October 25, 2018; and

WHEREAS, the proposed amendment would then be available for consideration of a first reading by City Council at its November 12, 2018 meeting, and for a second reading and a public hearing at its November 26, 2018 meeting; and

WHEREAS, the City Council determines that it is in the best interests of the public, the District, and the District's students to adopt interim regulations with regard to temporary school uses in property zoned C2 and CC while the ordinance proposing to establish permanent regulations works its way through the standard ordinance adoption process.

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

1. The City hereby adopts the following interim regulations to authorize the District to temporarily utilize the Brown College Building in C2 as a secondary school while it constructs improvements to its school building, conditioned on the District obtaining an interim use permit from the City and complying with the regulations adopted herein and the permanent regulations. The following interim regulations also allow temporary school uses in CC with the issuance of an interim use permit.

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

    3. <u>Interim Uses</u>

        a. Temporary classroom buildings as an accessory use to a public or private elementary or secondary school offering a regular course of study accredited by the Minnesota Department of Children, Families and Learning, subject to the ~~following~~ procedures and conditions~~:~~ <u>in Section 35-430.</u>

            ~~1) Interim use permits will be issued in accordance with the procedures and subject to the conditions stated in Section 35-220.~~

            ~~2) At the time of granting such a permit the Council shall specify a date or event that can be identified with certainty by which the interim use must be terminated and the structure(s) shall be removed from the site. In any event, however, such interim use shall not continue beyond any date when the Council, or any other governmental body having the power of eminent domain, adopts a resolution approving acquisition of the property by eminent domain, or the zoning of the property is changed to any classification under which the interim use is no longer permitted.~~

            ~~3) The Council may impose any conditions on such interim use which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future.~~

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

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

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

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

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

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

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

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

4. Interim Uses.

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

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

Section 35-430. TEMPORARY SCHOOL USES.

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

2. Application. An application for an interim use permit for a temporary school use allowed by this Chapter may only be submitted by an existing public or private elementary or secondary school located in the City of Brooklyn Center, offering a regular course of study accredited by the Minnesota Department of Education. The application for the interim use permit shall, in addition to the information required on the application form, include the following information.

   a. If the requested interim use permit is for an on-site temporary school building:

      (i) The number, size, and layout of any temporary classroom buildings to be located on the school site;

      (ii) Setbacks of any proposed temporary classroom buildings to property lines;

      (iii) Elevations and/or renderings of the proposed temporary classroom buildings;

      (iv) The number of students that will be served by the temporary classroom buildings; and

      (v) The reason for the need for temporary classroom buildings and the length of time they will be in use.

   b. If the requested interim use permit is for an off-site temporary school:

      (i) The location of the proposed temporary school;

      (ii) The number of students and faculty that will occupy the school;

      (iii) A transportation plan, which includes bus times and routes, number of buses, number of anticipated drop-offs, and drop-off locations;

      (iv) A parking and circulation plan;

      (v) The reason for the need for the temporary school and the length of time it will be in use; and

      (vi) If exterior modifications to the building are proposed, elevations and/or renderings of the proposed changes.

3. Issuance. An application for an interim use permit for a temporary school use shall be processed in accordance with Section 35-220, except that the following additional standards shall also be considered:

   a. The proposed use must conform to the regulations in this Chapter;

b. The date or event that will terminate the use can be identified with certainty;

c. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

d. The applicant agrees to the conditions the City Council imposes on the use.

4. Conditions. The City Council may impose any conditions on the interim use permits it issues as it deems are necessary or expedient to protect the public health, safety or welfare, or to ensure the use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. Every interim use permit shall identify the date or event that will terminate the permit. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.

5. Performance Standards. In addition to any conditions placed on an interim use permit by the City Council, the following restrictions shall apply to interim use permits issued for a temporary school use.

a. For temporary classroom buildings:

(i) Applicable lot standards and sign regulations shall be observed;

(ii) A landscape and parking plan for the property shall be submitted and approved by the Council;

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

(iv) Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use; and

(v) The total square footage of temporary classrooms on any one site shall not exceed 2000 square feet.

b. For temporary schools:

(i) Applicable lot standards and sign regulations shall be observed;

(ii) A parking and circulation plan shall be submitted and approved by the Council; and

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

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

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

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

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

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

a. sauna establishments

b. massage establishments

c. currency exchanges

d. pawn shops

e. secondhand goods dealers

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

The CC Central Commerce Overlay District is located within the area bounded by a continuous line beginning at a point located at the intersection of John Martin Drive and T.H. 100 and going southwesterly along the

6. These interim regulations shall go into effect immediately and shall remain in effect for 120 days or upon the effective date of the proposed amendment to the Code, whichever occurs first.

October 22, 2018
Date

Tim Willson, Mayor

ATTEST:
Barbara Suciu, City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
Dan Ryan
and upon vote being taken thereon, the following voted in favor thereof:
Marquita Butler, April Graves, Kris Lawrence-Anderson, Dan Ryan, Tim Willson
and the following voted against the same: **None**
whereupon said resolution was declared duly passed and adopted.

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Dr. Reggie Edwards, Deputy City Manager

SUBJECT: An Amendment to City Ordinance 2018-14, Chapter 23, Tobacco and Tobacco Related Products

Requested Council Action:

- *Motion to open a public hearing and take public comment*
- *Motion to close the public hearing*
- *Motion to approve the second reading and adopt an ordinance amending City Ordinance 2018-14, Chapter 23, Tobacco and Tobacco Related Products*

Background:

In 2017, the Council adopted a new strategic plan and priorities for the years 2018 - 2020. Two of the six strategic priorities adopted by the Council were "Safe, Secure, Stable Community" and "Resident Economic Stability." The issue of "the use of tobacco by youth" relate to both City strategic priorities.

On Monday, May 10, 2018, the Brooklyn Youth Council and the Hennepin County Public Health Department presented the City Council with a report and recommendations regarding the issue of the use of tobacco by youth in Brooklyn Center.

On Monday, August 27, 2018, the City Council heard a presentation from staff regarding options to address the use of tobacco by youth in the City of Brooklyn Center.

Staff presented 9 options to the Council of which 6 of the options were originally provided by the Brooklyn Youth Council and the subsequent 3 options were added by staff. Council provided direction on each option. The options presented and direction provided by the Council were as follows:

Options in Response to Brooklyn Youth Council:

1. Restrict the sales of flavored tobacco products to tobacco shops that restrict minors

Council's direction – No consensus, but consensus of restricting the sale of all electronic cigarettes and vaping products to adult tobacco shops

2. Increase the cost of tobacco products

Council's direction – No consensus

3. Restrict the proximity of new tobacco retailers to within 1,000 ft. of schools, parks community centers, and libraries

Council's direction – No consensus

4. Reduce the number of tobacco retailers from 21 to 15 retail stores

Council's direction - Consensus

5. Raise the minimum legal sale of tobacco related products age limit from 18 to 21 years of age.

Council's direction - Consensus

6. Increase tobacco retail compliance requirements and penalties for violation

Council's direction - No consensus on additional compliance checks, but consensus on retail training of staff, and increase application and penalty fees

Additional options developed by staff:
7. Partner with the schools in Brooklyn Center, Hennepin County, and the Brooklyn Youth Council to develop and fund a program to address peer pressure and stress

Council's direction – Consensus, bring back with detail plan prior to funding a program

8. Establish continued city/local research and benchmarking of for behavior trends and changes of behavior of the use of tobacco by youth in Brooklyn Center

Council's direction – Consensus, with the caveat that staff bring back with detail plan prior to funding a program

9. Partner with other cities to seek statewide legislation to raise the age limit of the sale of tobacco related products from 18 to 21 years age

Council's direction - Consensus

Based upon the direction set forth by the Council staff drafted an amendment City Ordinance 2018-14, Chapter 23, Tobacco and Tobacco Related Products, which was presented in October, 2018.

On Monday, October 8, 2018 the council approved the first reading of the amended ordinance. If adopted tonight, a summary of this ordinance will be published November 22, 2018, and would be effective January 1, 2019.

Strategic Priorities and Values:

Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to tobacco and tobacco related devices.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 23 OF THE CITY CODE OF ORDINANCES REGARDING TOBACCO AND TOBACCO RELATED PRODUCTS

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

Article I. Legislative Findings. The City Council of the City of Brooklyn Center hereby finds as follows:

1. The City of Brooklyn Center ("City") recognizes that tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance is intended to regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, and to protect minors and young adults against the serious effects associated with use and initiation.

2. The City also recognizes that the use of tobacco products has devastating health and economic consequences. Tobacco use is the foremost preventable cause of premature death in America. It causes half a million deaths annually and has been responsible for 20.8 million premature deaths in the U.S. over the past 50 years since the first Surgeon General's report on smoking in 1964. This leads to more than $300 billion in health care and lost worker productivity costs each year. In Minnesota, smoking was responsible for $3.19 billion in excess medical expenditures and the deaths of 6,312 individuals in 2014.

3. The City further recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users. An estimated 5.6 million youth aged 0 to 17 are projected to die prematurely from a tobacco-related illness if prevalence rates do not change. National data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use. Electronic delivery device use among minors has recently tripled and is shown to be on the rise among youth. Young minds are particularly susceptible to the addictive properties of nicotine. As a result, approximately 3 out of 4 teen smokers end up smoking into

adulthood.

4. In 2015, the Institute of Medicine concluded that raising the minimum legal sales age for tobacco products nationwide will reduce tobacco initiation, particularly among adolescents aged 15 to 17, improve health across the lifespan, and save lives; and that raising the minimum legal sales age for tobacco products nationwide to 21 would, over time, lead to a 12 percent decrease in smoking prevalence. The Institute of Medicine also predicts that raising the minimum legal sales age for tobacco products nationwide to 21 would result in 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for those born between 2000 and 2019, and would result in near immediate reductions in preterm birth, low birth weight, and sudden infant death syndrome.

5. Cigar and pipe smokers are more than twice as likely to have decreased lung function compared to non-smokers. Cigar and pipe smokers who also smoke cigarettes may triple their risk of decreased lung function.

6. Scientific evidence on the toxicity of secondhand tobacco smoke is both overwhelming and indisputable. The complex mixture of gases and particles that make up secondhand smoke (also known as environmental tobacco smoke) contains at least 250 chemicals known to be lethal, including more than 50 that can cause cancer. Medical authorities from around the world have concluded that secondhand smoke exposure causes heart disease, stroke, respiratory disease and lung cancer, has immediate adverse effects on the cardiovascular system, and causes sudden infant death syndrome, acute respiratory infections, ear infections, and asthma attacks in children.

7. Tobacco industry documents and marketing and public health research reveal that tobacco companies have used fruit, candy, and alcohol flavors as a way to target youth and young adults. The presence of flavors such as menthol in tobacco products can make it more difficult for youth, young adults, and adult tobacco users to quit.

8. In making these findings, the City Council accepts the conclusions and recommendations of the U.S. Surgeon General reports, "E-cigarette Use Among Youth and Young Adults" (2016), "The Health Consequences of Smoking—50 Years of Progress" (2014) and "Preventing Tobacco Use Among Youth and Young Adults" (2012); a BlueCross BlueShield of Minnesota report, "Health Care Costs and Smoking in Minnesota: The Bottom Line" (2017); the Institute of Medicine in their study, "Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products" (2015); the Centers for Disease Control and Prevention in their studies, "Tobacco Use Among Middle and High School Students—United States, 2011– 2015," and "Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997"; and of the following scholars in these scientific journals: Xin Xu et al., Annual Healthcare Spending Attributable to Cigarette Smoking: An Update, Am. J. Prev. Med. 48(3): 326-33 (Mar. 2015); Giovino GA, "Epidemiology of Tobacco Use in the United States," Oncogene (2002) 21, 7326-40; Khuder SA, et al., "Age at Smoking Onset and its Effect on Smoking Cessation," Addictive Behavior 24(5):673-7, September-October 1999;

D'Avanzo B, et al., "Age at Starting Smoking and Number of Cigarettes Smoked," Annals of Epidemiology 4(6):455-59, November 1994; Chen, J & Millar, WJ, "Age of Smoking Initiation: Implications for Quitting," Health Reports 9(4):39-46, Spring 1998; Everett SA, et al., "Initiation of Cigarette Smoking and Subsequent Smoking Behavior Among U.S. High School Students," Preventive Medicine, 29(5):327-33, November 1999; and Rodriguez J, Jiang R, Johnson WC, MacKenzie BA, Smith LJ, Barr RG; The Association of Pipe and Cigar Use With Cotinine Levels, Lung Function, and Airflow Obstruction: A Cross-sectional Study; Ann Intern Med. 2010;152:201–210 copies of which are adopted by reference.

9. The City determines that taking action to protect youth and to limit access to tobacco is an important public health issue and it was the first city in the state of Minnesota to set a minimum price for cigars as to curb the appeal of these products to youth and reduce the number of youth who initiate tobacco use.

10. The City's action paved the way for five more Minnesota communities, including Minneapolis and St. Paul, to set a minimum price for cigars with the shared goal of youth tobacco prevention.

11. The City determines that e-delivery products and e-liquids are particularly attractive to youth and that steps are needed to limit youth exposure and access to such products.

12. The City values youth and seeks their input in order to positively raise awareness and seek solutions to problems facing youth, such as tobacco industry targeting and youth tobacco use.

13. The City's mission is to ensure an attractive, clean, safe, and inclusive community that enhances the quality of life for all people, and preventing youth tobacco use helps achieve these goals.

14. Sections 23-101 through 23-108 and the amendments contained herein are intended to regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect youth and young adults against the serious effects associated with use and initiation, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in Minnesota Statutes, section 144.391.

Article II. Brooklyn Center City Code, Section 23-101 is hereby amended as follows:

Section 23-101. LICENSE REQUIRED. No person shall directly or indirectly, or by means of any device, keep for retail sale, sell at retail, or otherwise dispense any ~~tobacco related~~ covered product at any place in the city of Brooklyn Center unless a license therefor shall first have been obtained as provided in Sections 23-101 through 23-108.

Article III. Brooklyn Center City Code, Section 23-102 setting out definitions is amended as follows and by renumbering the provisions in this Section as needed:

Section 23-102. DEFINITIONS. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of Sections 23-101 through 23-108, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

2. *"Compliance checks*" means the system the City uses to investigate and ensure that those authorized to sell ~~tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices~~ covered products are following and complying with the requirements of Sections 23-101 through 23-108. Compliance checks shall involve the use of ~~minors~~ persons under the age of 21 as authorized by Sections 23-101 through 23-108. Compliance checks shall also mean the use of ~~minors~~ persons under the age of 21 who attempt to purchase ~~tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices~~ covered products for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to ~~tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices~~ covered products.

3. "*Covered products*" means any tobacco, tobacco-related device, electronic delivery device, e-liquid, or nicotine or lobelia delivery product as those terms are defined in this section.

~~3~~.4. *"Electronic delivery device*" shall mean ~~a~~ an electronic product ~~containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person~~ that is designed to use, or that uses, e-liquid to simulate smoking in the delivery of nicotine or any other substance through inhalation of the aerosol or vapor produced from the ~~product~~ substance. Electronic delivery devices shall include any component part of such a product whether or not sold separately. Electronic delivery devices shall not include any product that ~~had~~ has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

_. *"E-liquid"* means any liquid intended for human consumption through an electronic delivery device used to simulate smoking in the delivery of nicotine, lobelia, or a product containing the taste or smell related to chocolate, cocoa, mint, menthol, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice through inhalation of the aerosol or vapor produced from the liquid. E-liquid shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation

treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

~~7. *"Minor"* means any natural person who has not yet reached the age of 18 years.~~

__. *"Nicotine or lobelia delivery product"* means any product containing or delivering nicotine, including any synthetic variation thereof, or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation or for other medical purposes, and is being marketed and sold solely for that approved purpose.

~~9~~__. *"Retail establishment*" means any place of business where ~~tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices~~ covered products are available for sale to the general public. The ~~phrase~~ term shall include, but is not ~~be~~ limited to, grocery stores, convenience stores, restaurants, and drug stores.

~~11~~__. *"Self-service merchandising"* means open displays of ~~tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices~~ covered products in any manner where any person shall have access to the ~~tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices,~~ covered products without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the ~~tobacco, tobacco product, tobacco-related device, or nicotine or lobelia delivery device~~ covered product between the customer and the licensee or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the covered product between the clerk and the customer.

~~14.~~__. *"Tobacco-related devices"* means and includes any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner that enables the chewing, sniffing or smoking of tobacco or tobacco products including electronic delivery devices. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

~~15~~__. *"Vending machine"* means any mechanical, electric or electronic, or other type of device that dispenses tobacco, tobacco products or tobacco-related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the ~~tobacco, tobacco product or tobacco-related device~~ covered product.

Article IV. Brooklyn Center City Code, Section 23-103 is hereby amended as follows:

Section 23-103. LICENSE REQUIRED.

1. *Generally.* No person may directly or indirectly or by means of any device keep for retail sale, sell at retail, offer to sell or otherwise dispose of any ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery device~~ covered product at any place in the ~~c~~City unless a license has first been issued by the City as provided in this Section.

2. *Application.* An application for a license to sell ~~tobacco, tobacco products, tobacco-related devices, and electronic delivery devices~~ covered products shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant's residential and business addresses, and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary.

3. *Action.* Upon receipt of a completed application, the City Clerk shall forward the application to the police department for investigation. The police department shall conduct an investigation of the applicant and application regarding the fitness of the applicant to hold a license pursuant to the standards set forth in Sections 23-101 through 23-108, and report the results of its investigation to the City Clerk within 30 days of receipt of the application. The City Clerk shall forward the application for consideration by the City Council.

4. *Fees.* No application for a license under Sections 23-101 through 23-108 shall be accepted until the appropriate license or investigation fee is paid in full. The fee(s) shall be established by the City Council by resolution from time to time.

5. *Sanctions for violation.* Sanctions for violating a provision of Sections 23-101 through 23-108 ~~S~~shall be set by the City Council at the penalty phase and shall not ~~to~~ be less than state mandated guidelines.

6. *Transfers.* All licenses issued under Sections 23-101 through 23-108 shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued.

7. *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed-location businesses shall be eligible to be licensed under Sections 23-101 through 23-108.

8. *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

9. *Term and* ~~R~~*renewals.* Every such license shall expire on December 31 next after its issuance. A fee for the renewal of any license issued under Sections 23-101 through 23-108 shall be paid to the City Clerk with the renewal application. Applications for renewal must be submitted by November 30 of the year prior to the license year.

10. *Issuance is a privilege and not a right*. The issuance of a license is a privilege and does not entitle the holder to an automatic renewal of the license.

11. *Maximum number of licenses*. The maximum number of licenses issued by the City in any year is limited to 15, except that any licensee holding a valid license as of October 1, 2018 is permitted to retain and renew said license. If the maximum number of licenses has already been issued, a licensee that allows its license to expire or has its license revoked shall not be eligible for a new license. Persons desiring to apply for a license may be placed on a waiting list and be eligible to apply on a first-come, first-serve basis once the number of issued licenses falls below the maximum number allowed. Notwithstanding the maximum number of allowed licenses, an applicant who purchases a business location holding a current license shall be allowed to apply for and obtain, if eligible, a new license for the business location provided it is obtained within the same license year as the current license.

12. *Instructional Program*. All licensees shall ensure that all employees engaged with customers at the point of sale go through a training program on the legal requirements relating to the sale of covered products and the possible consequences for violations. Any training program must be pre-approved by the City. Licensees must maintain and provide to the City documentation demonstrating compliance at the time of renewal, or whenever requested during the license term.

Article V. Brooklyn Center City Code, Section 23-104 is hereby amended as follows:

Section 23-104. RESTRICTIONS.

1. The following shall be grounds for denying the issuance of or renewal of a license under Sections 23-101 through 23-108.

   a. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to ~~tobacco products, or tobacco-related devices~~ covered products, or has had a license to sell ~~tobacco products or tobacco-related~~ covered products revoked or suspended within the past five years.

   b. The applicant fails to provide any information required on the

application, or provides false or misleading information.

2. No license may be issued or renewed:

a. To any applicant who is under ~~18~~ 21 years of age.

b. To any applicant who is prohibited by federal, state, or other local law, ordinance, or regulation from holding such a license.

c. To any applicant who has fees or charges to the City or the County that are due and unpaid.

d. For any premises for which property taxes or City utility charges are due and unpaid.

Article VI. Brooklyn Center City Code, Section 23-105 is hereby amended as follows:

Section 23-105. PROHIBITED SALES.

1. It shall be a violation of Sections 23-101 through 23-108 for any person to sell or offer to sell any ~~tobacco, tobacco product, or tobacco related device~~ covered product:

~~a. To a minor;~~

~~b~~a. By ~~a~~ means of any type of vending machine;

~~c~~b. By self-service displays;

~~d~~c. ~~As~~By means of loosies;

~~e~~d. ~~If the tobacco or tobacco products contain~~ Containing opium, morphine, jimsonweed, belladonna, strychnos, cocaine, marijuana, or other ~~delirious~~ deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process; or

~~f~~e. To any other person, in any other manner or form prohibited by federal or state law or regulation, or by local ordinance.

2. No person shall sell any covered product to any person under the age of 21.

a. Age verification. Licensees must verify by means of government-issued photographic identification that the purchaser of the covered product is at least 21 years of age. That the person appeared to be old enough to lawfully

purchase a covered product does not constitute a defense to a violation of this Section.

b. Signage. Notice of the legal sales age and age verification requirement must be posted at each location where covered products are offered for sale. The required signage, which will be provided to the licensee by the City, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase of covered products.

3. No person shall sell or offer for sale any electronic delivery device or e-liquid to any person unless the sale is on the premises of a retail establishment that:

a. Prohibits persons under the age of 21 from entering at all times; and

b. Derives at least 90 percent of its revenues from the sale of covered products. Any retail establishment that sells electronic delivery devices or e-liquids must provide to the City upon request financial records that document annual sales.

4. It shall be a violation of Sections 23-101 through 23-108 for any retail establishment to sell, offer for sale, or distribute a single cigar unless the cigar is sold in an original package of at least five cigars, provided that:

a. This restriction shall not apply to any sale, offer to sell, or distribution of a single cigar that has a retail sales price of no less than $2.10 before sales tax.

b. Cigars to which price promotions or discounts apply shall not be excluded from this restriction.

Article VII. Brooklyn Center City Code, Section 23-106 is hereby amended as follows:

Section 23-106. SMOKING PROHIBITED. Smoking shall not be permitted in, and no person shall smoke in, any licensed premises. Smoking in any licensed premises for the purpose of sampling a covered product is prohibited under this Section.

Article VIII. Brooklyn Center City Code, Section 23-107 is hereby amended as follows:

Section 23-107. COMPLIANCE CHECKS AND INSPECTIONS. All licensed premises shall be open to inspection by the City police or other authorized City official during regular business hours. From time to time, but at least ~~once~~ twice per year, the City shall conduct compliance checks by engaging with ~~the written consent of their parents or guardians, minors~~ persons over the age of 15 years but less than ~~18~~ 21 years to enter the licensed premise to attempt to purchase ~~tobacco, tobacco products or tobacco-related devices~~ covered products. ~~Minors~~ Persons under the age of 21 used for the purpose of compliance

checks shall be supervised by City designated law enforcement officers or other designated City personnel. ~~Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products or tobacco-related devices when those items are obtained as a part of the compliance check.~~ No ~~minor~~ person used in compliance checks shall attempt to use a false identification misrepresenting the ~~minor's~~ person's age, and all ~~minors~~ persons lawfully engaged in a compliance check shall answer all questions about the ~~minor's~~ person's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which ~~he or she~~ the person is asked.

Article IX. Brooklyn Center City Code, Section 23-108 is hereby amended as follows:

Section 23-108. VIOLATION AND PENALTY.

1. *Licensees responsible.* All licensees are responsible for the actions of their employees in regard to the sale of covered products on the licensed premises and the sale of a covered product by an employee shall be considered a sale by the licensee for the purposes of constituting a license violation under this Section.

~~1~~2. *Misdemeanor prosecution.* Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of Sections 23-101 through 23-108.

~~2~~3. *Administrative penalties.*

a~~)~~. *Licensees.* ~~Administrative Penalties: Licensees.~~ If a licensee or employee of a licensee sells ~~tobacco~~ covered products to a person under the age of ~~18~~ 21 years, or violates any other provision of Sections 23-101 through 23-108, the licensee shall be charged an administrative penalty of ~~$100~~ $200. An administrative penalty of ~~$200~~ $500 shall be imposed for a second violation at the same location within 24 months after the initial violation. For a third or subsequent violation at the same location within 24 months after the initial violation, an administrative penalty of ~~$250~~ $750 shall be imposed, and the licensee's authority to sell tobacco products at that location shall be suspended fornot less than ~~seven days~~ 30 days. Upon a fourth violation, the license will be revoked.

b~~)~~. *Other individuals.* Other individuals~~, other than minors regulated by Sections 23-101 through 23-108,~~ found to be in violation of Sections 23-101 through 23-108 shall be charged an administrative fine of $50.00.

~~c) *Minors.* Minors found in unlawful possession of or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, tobacco related devices, or nicotine or lobelia delivery devices, shall be subject to an~~

~~administrative fine, or may be subject to tobacco-related education classes, diversion programs, community services, or another penalty that the City believes will be appropriate and effective. The administrative fine or other penalty shall be established by City Council ordinance upon the City Council's consultation with interested parties of the courts, educators, parents and children to determine an appropriate penalty for minors in the city. This administrative fine or other penalty may also be established from time to time by the ordinance or resolution establishing fees and charges, as it may be amended from time to time.~~

~~d)~~c. *Statutory penalties.* If the administrative penalties authorized to be imposed by Minnesota Statutes, Section 461.12, as it may be amended from time to time, differ from those established in this Section, then the more severe penalty shall prevail.

4. ~~3.~~ *License revocation, suspension, or non-renewal.* In addition to misdemeanor prosecution and administrative penalties, violation of Section 23-101 through 23-108 is grounds for revocation or suspension under Section 23-006 or nonrenewal under Section 23-104.

Article X. Brooklyn Center City Code, Chapter 23 is hereby amended by adding a new Section 23-014 as follows:

Section 23-014. SEVERABILITY. If any Section or provision of the Chapter is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other Section or provision that can be given force and effect without the invalidated Section or provision.

Article XI. This Ordinance shall become effective after adoption and upon thirty (30) days following its legal publication.

Adopted this 13th day of November, 2018.

_____
Tim Willson, Mayor

ATTEST:_____
City Clerk

Date of Publication _____

Effective Date _____

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

BROOKLYN CENTER T-21 RESPONSE

STAFF RECOMMENDATION

- IT IS RECOMMENDED THAT THE CITY COUNCIL APPROVE THE SECOND READING OF THE ORDINANCE, CALL FOR AND CONDUCT A PUBLIC HEARING, AND ENTERTAIN A MOTION TO ADOPT THE AMENDED CITY ORDINANCE 2018-14, CHAPTER 23, TOBACCO AND TOBACCO RELATED PRODUCTS.

BACKGROUND

BACKGROUND

- In 2017, the City Council adopted a new strategic plan and six priorities for the years 2018 – 2020. Two of the six strategic priorities adopted by the Council were "Safe, Secure, Stable Community" and "Resident Economic Stability." The issue of "the use of tobacco by youth" relate to both City strategic priorities.

- On Monday, May 14, the Brooklyn Youth Council and Hennepin County public health department presented finds and recommendations from their T-21 tobacco study related to the use of tobacco by youth in Brooklyn Center.

BACKGROUND (CONTINUED)

- On Monday, August 27, 2018, the City Council heard a presentation from staff regarding options to address the use of tobacco by youth in Brooklyn Center.
- Based upon the direction set forth by the council staff drafted an amended City Ordinance.
- On Monday, October 8, 2018 the council approved the first reading of the amended ordinance and called for today's public hearing and the second reading of the amended City Ordinance 2018-14, Chapter 23, Tobacco and Tobacco Related Products.

COUNCIL'S DIRECTION

OPTIONS IN RESPONSE TO BROOKLYN YOUTH COUNCIL

1. Restrict the sales of flavored tobacco products to tobacco shops that restrict minors

   Council's direction – no consensus, but consensus of restricting the sale of all electronic cigarettes and vaping products to adult tobacco shops

2. Increase the cost of tobacco products

   Council's direction – no consensus

OPTIONS IN RESPONSE TO BROOKLYN YOUTH COUNCIL:

3. Restrict the proximity of new tobacco retailers to within 1,000 ft. Of schools, parks community centers, and libraries

   Council's direction – no consensus

4. Reduce the number of tobacco retailers from 21 to 15 retail stores

   Council's direction - consensus

OPTIONS IN RESPONSE TO BROOKLYN YOUTH COUNCIL:

5. Raise the minimum legal sale of tobacco related products age limit from 18 to 21 years of age.

   Council's direction – consensus

6. Increase tobacco retail compliance requirements and penalties for violation

   Council's direction - no consensus on additional compliance checks, but consensus on retail training of staff, and increase application and penalty fees

ADDITIONAL OPTIONS DEVELOPED BY STAFF:

7. Partner with the schools in Brooklyn Center, Hennepin County, and the Brooklyn Youth Council to develop and fund a program to address peer pressure and stress

   Council's direction – consensus, bring back with detail plan prior to funding a program

8. Establish continued city/local research and benchmarking of for behavior trends and changes of behavior of the use of tobacco by youth in Brooklyn Center

   Council's direction – consensus, bring back with detail plan prior to funding a program

ADDITIONAL OPTIONS DEVELOPED BY STAFF:

9. Partner with other cities to seek statewide legislation to raise the age limit of the sale of tobacco related products from 18 to 21 years of age

Council's direction - consensus

SIGNIFICANT ORDINANCE AMENDMENTS

DRAFT AMENDED ORDINANCE: SIGNIFICANT CHANGES

Definitions:

- **Covered products** – means any tobacco, tobacco-related device, electronic delivery device, e-liquid, or nicotine or lobelia delivery product.
- **E-liquid** - means any liquid intended for human consumption through an electronic delivery device used to simulate smoking in the delivery of nicotine, lobelia, or a product containing the taste or smell through inhalation of the aerosol or vapor produced from the liquid.

DRAFT AMENDED ORDINANCE: SIGNIFICANT CHANGES CONTINUED

- No person shall sell or offer for sale any electronic delivery device or e-liquid to any person unless the sale is on the premises of a retail establishment that:
  - A. Prohibits persons under the age of 21 from entering at all times; and
  - B. Derives at least 90 percent of its revenues from the sale of covered products. Any retail establishment that sells electronic delivery devices or e-liquids must provide

DRAFT AMENDED ORDINANCE: SIGNIFICANT CHANGES CONTINUED

- No person shall sell any covered product to any person under the age of 21.
- Licensees responsible. All licensees are responsible for the actions of their employees in regard to the sale of covered products on the licensed premises and the sale of a covered item product by an employee shall be considered a sale by the licensee for the purposes of constituting a license violation under this section.

DRAFT AMENDED ORDINANCE: SIGNIFICANT CHANGES CONTINUED

- **Maximum number of licenses.** The maximum number of licenses issued by the City in any year is limited to 15, except that any licensee holding a valid license as of October 1, 2018 is permitted to retain and renew said license.

DRAFT AMENDED ORDINANCE: SIGNIFICANT CHANGES CONTINUED

- **Instructional program.** All licensees shall ensure that all employees engaged with customers at the point of sale go through a training program on the legal requirements relating to the sale of covered products and the possible consequences for violations. Any training program must be pre-approved by the City. Licensees must maintain and provide to the City documentation demonstrating compliance at the time of renewal, or whenever requested during the license term.

DRAFT AMENDED ORDINANCE: SIGNIFICANT CHANGES CONTINUED

- **Licensees/Administrative penalties:** If a licensee or employee of a licensee sells tobacco covered products to a person under the age of ~~18~~ 21 years, or violates any other provision of sections 23-101 through 23-108, the licensee shall be charged an administrative penalty of ~~$100~~ $200. An administrative penalty of ~~$200~~ $500 shall be imposed for a second violation at the same location within 24 months after the initial violation. For a third or subsequent violation at the same location within 24 months after the initial violation, an administrative penalty of ~~$250~~ $750 shall be imposed, and the licensee's authority to sell tobacco products at that location shall be suspended for not less than seven days 30 days. Upon a fourth violation, the license will be revoked.

DRAFT AMENDED ORDINANCE: SIGNIFICANT CHANGES CONTINUED

- Staff will work with partners to develop a work plan and estimate the cost for addressing the additional options 7, 8, and 9.

ORDINANCE CHANGE TIMELINE

Council Dates	Actions
~~August 27~~	Work Session presentation regarding Ordinance Amendment for Tobacco regulations
~~September 24~~	Work Session presentation regarding Ordinance Amendment for Tobacco regulations
~~October 8~~	1st Reading of Ordinance Amendment for Tobacco regulations (on agenda as a consent item)
~~October 18~~	Publish Public Hearing Notice for Ordinance Amendment for Tobacco regulations
November 13	2nd Reading – Public Hearing of Ordinance Amendment for Tobacco regulations (and adoption)
November 22	Publish Ordinance in newspaper
December 21	Tobacco Ordinance takes effect

BROOKLYN CENTER AT THE CENTER

RECOMMENDED ACTION

- MOTION TO OPEN THE PUBLIC HEARING
- TAKE PUBLIC COMMENT
- MOTION TO CLOSE THE PUBLIC HEARING
- MOTION TO ADOPT THE AMENDED CITY ORDINANCE 2018-14, CHAPTER 23, TOBACCO AND TOBACCO RELATED PRODUCTS

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: An Ordinance Amending Chapters 19 and 27 of the City Code Regarding Parking

Requested Council Action:

- *Motion to open a public hearing and take public comment*
- *Motion to close the public hearing*
- *Motion to approve the second reading and adopt an ordinance amending Chapters 19 and 27 of the City Code regarding parking*

Background:

The City has received several complaints regarding the storage and/or overnight parking of semi-trucks and other commercial vehicles in parking lots throughout the City. Specifically, the City has received complaints regarding trucks parked for extended periods of time on the Walmart and Sears parking lots. Though other complaints have been received for other properties as well.

Additionally, the City has had problems with inoperable vehicles being parking in EDA-owned parking lots in the City. The process to ticket, and in some cases, tow these vehicles is not clearly laid out in the Code.

The current ordinance clearly prohibits the storage and/or overnight parking of commercial vehicles and inoperable vehicles on residential property; however, is less clear when it comes to handling such issues on commercial or publicly-owned property.

There is a provision in the code that allows the City Manager to write an order related to parking restrictions, which is the mechanism Staff has been using to enforce the prohibition of this activity. The City Attorney has advised Staff that an amendment to the ordinance would be preferred.

Code enforcement staff have been proactively monitoring the Walmart and Sears properties. In instances where commercial vehicles, that otherwise are not there for legitimate business purposes, are parked or stored overnight, staff has informed drivers that they need to vacate the premises. This has been effective and the rate of illegitimate commercial vehicles on these lots has decreased dramatically.

In addition the EDA-owned lot next to Topgolf experienced a significant amount of overnight parking, many of these vehicles were inoperable. The presence of the vehicles also contributed to a significant amount of litter and debris located in the lot. Staff, acting under a written order from the City Manager, posted the lot no parking overnight. This too has been successful at deterring overnight parking/storage of vehicles in the lot.

The purpose of the amendment is to clean up language in the ordinance that makes it easier and clearer to enforce no parking restrictions in commercial areas and on publicly-owned property. The ordinance does *not* prohibit the parking of vehicles on publicly owned lots, but rather allows the City Manager to

establish parking restrictions on property owned by the City or the EDA. Currently the City's practice is to allow vehicles to be parked on EDA-owned parking lots during the day provided they are parked on an improved hard surface. The issue that the City has experienced is vehicles being stored for several days on EDA-owned lots, some of which have been found to be inoperable, and the current ordinance does not create a clear method for dealing with this problem.

A first reading of the ordinance was held on October 22 and the Council called for a second reading and public hearing for November 13. If the Council approves the second reading this evening the ordinance would go into effect 30 days following its publication, which would be on December 23.

Strategic Priorities and Values:

Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to parking.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 19 AND 27 OF THE Brooklyn Center CITY CODE REGARDING PARKING

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Brooklyn Center City Code, Chapter 19, Section 19-103 is amended as follows:

Section 19-103. PUBLIC NUISANCES FURTHER DEFINED. It is hereby declared to be a public nuisance to permit, maintain, or harbor any of the following:

1. Diseased animals, fish or fowl, wild or domestic, whether confined or running at large.

2. Carcasses of animals, fish or fowl, wild or domestic, not buried or destroyed within 24 hours after death.

3. Garbage not stored in rodent free and fly-tight containers, or; garbage stored so as to emit foul and disagreeable odors, or; garbage stored so as to constitute a hazard to public health.

4. Accumulations of rubbish as defined herein.

5. The dumping of any effluent, garbage, rubbish, wastewater, or other noxious substance upon public or private property.

6. Any open well, pit, excavation, structure, barrier or other obstruction which endangers public health, safety or welfare.

7. The pollution of any public or private well or cistern, any public stream, lake, canal, or body of water by effluent, garbage, rubbish or other noxious substance.

8. Any noxious weeds, or any other vegetation which endangers public health, safety or welfare, or which is contraband within the meaning of state or federal laws.

9. The emitting or production of dense smoke, foul odor, noise, noxious fumes, gases, soot, cinders or sparks in quantities which unreasonably annoy, injure, or

endanger the safety, health, morals, comfort, or repose of any number of members of the public.

10. The public exposure of persons having a contagious disease or condition which endangers public health, safety or welfare.

11. Accumulation of junk, disused furniture, appliances, machinery, automobiles and parts thereof or any matter which may become a harborage for rats, snakes or vermin, which creates a visual blight, or which may be conducive to fire, or which endangers the comfort, repose, health, safety or welfare of the public.

12. The parking and/or storage of construction equipment, farm vehicles and equipment, or a commercial vehicle with a length greater than 21 feet, or a height greater than 8 feet, or a gross vehicle weight greater than 9,000 pounds, continuously for more than two hours on any property within a residential zoning district or being lawfully used for residential purposes or on any public street adjacent to such properties. Such equipment and vehicles shall include, but are not limited to, the following: dump trucks, construction trailers, back hoes, front- end loaders, bobcats, well drilling equipment, farm trucks, combines, thrashers, tractors, tow trucks, truck-tractors, step vans, cube vans and the like.

    The prohibitions of this subdivision shall not apply to the following:

    a) Any equipment or vehicle described above being used by a public utility, governmental agency, construction company, moving company or similar company which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.

    b) Any equipment or vehicle described above which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the time reasonably necessary to make such a pickup or delivery and in excess of the two hour limit shall be unlawful.

    c) Any equipment or vehicle exceeding the above described length, height or weight limitations, but which is classified as recreation equipment as specified in Minnesota Statutes 168.011, Subdivision 25.

    d) Any equipment or vehicle described above which is parked or stored on property zoned residential and being lawfully used as a church, school, cemetery, golf course, park, playground or publicly owned structure provided the equipment or vehicle is used by said use in the conduct of its normal affairs.

    e) Any equipment or vehicle described above which is parked or stored on property which is zoned residential and the principal use is nonconforming within the meaning of Section 35-111 of the City Ordinances, provided

such parking or storage is not increased or expanded after the effective date of this ordinance.

13. The outside parking and/or storage on vacant property of usable or unusable vehicles, trailers, watercraft, snowmobiles, recreational vehicles, all-terrain vehicles, construction vehicles and equipment, or similar vehicles, materials, supplies, equipment, ice fish houses, skateboard ramps, play houses or other nonpermanent structures except as may be permitted by the Zoning or Sign Ordinances.

14. The outside parking and/or storage on occupied residentially used property of usable or nonusable vehicles, trailers, watercraft, snowmobiles, recreational vehicles, all terrain vehicles and similar vehicles, materials, supplies, equipment, ice fish houses, skateboard ramps, or other nonpermanent structures unless they comply with the following:

    a) Vehicles, trailers and watercraft may be parked or stored outside in any yard provided, however, if they are parked or stored in the front yard area, or a yard area abutting a public street, they must be parked or stored on an authorized parking or driveway area or a paved or graveled extension of an authorized parking or driveway area and be in compliance with Section 19-1301 through 1305 of the City Ordinances. Authorized driveways and paved or graveled extensions thereof may not exceed 50% of the front yard or a yard area abutting a public street unless approved by the City Council as part of a plan approval for an apartment complex pursuant to Section 35-230 of the City Ordinances.

    b) Materials, supplies, equipment other than construction or farm equipment, may be stored or located in any yard other than a front yard or a yard abutting a public street provided they are screened from public view by an opaque fence or wall at least six feet high or high enough to prevent these items from being seen from abutting property at ground level.

    c) All vehicles, watercraft and other articles allowed to be stored outside in an approved manner on occupied residentially used property must be owned by a person who resides on the property. (Persons who are away at school or in the military service for periods of time, but still claim the property as their legal residence shall be considered residents on the property.)

    d) The prohibitions of this section of the ordinance shall not apply to commonly accepted materials or equipment such as playground equipment, allowable accessory structures, flagpoles, air conditioner condensers, laundry drying equipment, arbors, trellises, properly stacked firewood and temporary storage of building materials for home improvement projects in process.

15. The overnight parking of a commercial vehicle in a parking lot open to the public. For the purposes of this prohibition, a "parking lot open to the public" is any parking lot that is accessible to the general public without the need for payment. A "commercial vehicle" means a truck-tractor, semi-trailer, or any other vehicle, other than a passenger vehicle, with a length greater than 21 feet, a height greater than 8 feet, or a gross vehicle weight greater than 9,000 pounds. The prohibition of this section shall not apply to any commercial vehicle that is parked or stored in a parking lot due to an ongoing legitimate business purpose on the property. A commercial vehicle parked in violation of this prohibition may be issued a parking citation and is subject to removal as provided in Section 27-121.

Article II. Brooklyn Center City Code, Chapter 27, Section 27-120 is amended as follows:

Section 27-120. PARKING RESTRICTED AND PROHIBITED.

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

2. No person in charge of any vehicle shall park or permit such vehicle to stand upon any street, highway, parking lot or other area within the City of Brooklyn Center in violation of posted parking restrictions or traffic control devices.

3. No person in charge of any vehicle shall park or permit such vehicles or any part thereof, to stand upon a public sidewalk or upon the nonroadway area of any public street right of way.

4. The City Manager is authorized to establish and post parking restrictions for parking lots and other property owned by the City or its Economic Development Authority. Anyone parking a vehicle in violation of the posted restrictions is a violation of this code and the vehicle is subject to removal as provided in Section 27-121.

5. The Chief of Police or his/her designee may allow short-term exceptions to the above stated parking restrictions under certain circumstances if requests for such exceptions are submitted to the Police Department at least two hours prior to the time period for which the exception is requested, and if he/she determines that the granting of such exceptions will not create problems affecting the health and safety of the citizens or unduly affect traffic movements or street maintenance operations. Specific examples of events for which exceptions may be granted if all conditions are met include but are not limited to: a.) family gatherings for special events such as weddings, graduations, anniversaries, and funerals in residential areas. b.) civic events such as community celebrations and parades. c.) reconstruction or resurfacing of driveways. d.) out of state visitors with large R.V.'s.

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

Adopted this ___ day of _____, 2018.

_____
Tim Willson, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(~~Strikeout~~ indicates matter to be deleted, <u>double underline</u> indicates new matter.)

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: Resolution Approving Planning Commission Application No. 2018-018 for an Interim Use Permit for the Temporary Relocation of the Brooklyn Center STEAM High School (to be located at 5951 Earle Brown Drive)

Requested Council Action:

- Motion to approve a resolution approving Planning Case 2018-018 for an Interim Use Permit to Brooklyn Center Community Schools at 5951 Earle Brown Drive, based on the submitted plans, the findings of fact, subject to the conditions in the resolution, and subject to the approval of certain Zoning Code amendments relating to temporary school uses.

Background:

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

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

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

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

Because of the School District's urgency in moving ahead with the work on the former Brown College site, the School District requested City Council consideration of a resolution to adopt interim regulations that would

allow the time needed to work through the process of adopting more permanent Zoning Code amendments relating to temporary school uses and the processing of an Interim Use Permit.

The requested resolution regarding interim regulations was reviewed and adopted at the City Council meeting on October 8, 2018, and went into effect immediately. The aforementioned Zoning Code amendment requests have been outlined as a separate item of consideration under the City Council Consent Agenda on November 13, 2018, as a first reading, and are discussed in conjunction with the Interim Use Permit request in the Planning Commission Report dated October 25, 2018.

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

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

A copy of the Planning Commission Report for Planning Commission Application No. 2018-018, dated October 25, 2018, and the City Council resolution regarding the approval and issuance of an Interim Use Permit to temporarily relocate the Brooklyn Center STEAM High School to 5951 Earle Brown Drive, to be in effect no later than September 30, 2020, is included with this memorandum.

Approval of this Interim Use Permit is contingent upon a second reading, public hearing, and final adoption by the City Council of the Zoning Code amendments to allow it.

Budget Issues:

None to consider at this time.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Planning Commission Report
Meeting Date: October 25, 2018

- Application Filed: 09/25/2018
- Review Period (60-day) Deadline: 11/24/2018
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No.	2018-018
Applicant:	Jim Langevin (on behalf of Brooklyn Center Community Schools)
Location:	5951 Earle Brown Drive
Requests:	**(1)** Interim Use Permit to allow for the temporary relocation of the Brooklyn Center STEAM High School to a C2 (Commerce) District zoned property in the Central Commerce Overlay District and **(2)** amendments to the Zoning Code to allow for temporary school uses as an Interim Use

INTRODUCTION

Jim Langevin ("the Applicant"), on behalf of Brooklyn Center Community Schools, is requesting the review and consideration of plans that would allow for issuance of an Interim Use Permit (refer to Exhibit A). This would allow for the temporary relocation of the Brooklyn Center STEAM High School to a C2 (Commerce) District zoned property located within the Central Commerce Overlay District through September 2020.

This request is associated with previously approved plans to remodel interior and exterior portions of the existing Brooklyn Center STEAM Middle and High School property, located at 6500 Humboldt Avenue North in Brooklyn Center. The temporary relocation of the High School is intended to allow for a more efficient construction timeline and cause less of an impact on the student learning environment.

As Interim Use Permit requests require that a public notice be published in the newspaper, a copy of the notice, published in the Brooklyn Center *Sun Post* on October 11, 2018, is included (Exhibit B). Mail notices were also sent to neighboring property owners.

PROPERTY INFORMATION AND ZONING STANDARDS

Neighborhood:	Central
Current Zoning:	C2 (Commerce) District
Overlay District:	*Yes—Central Commerce Overlay District*
Surrounding Zoning:	North: C1A (Service/Office) District East: PUD-Mixed and C2 (Commerce) District South: C2 (Commerce) District West: C2 (Commerce) District
Site Area:	Approximately 6.46 acres

Image 1. Subject Property (located at 5851 Earle Brown Drive).

BACKGROUND

Towards the end of summer and following site and building plan approval by the City for the proposed improvements at the existing Brooklyn Center STEAM Middle and High School, the Applicant met with City staff and indicated their intent to temporarily relocate the High School students and staff to an off-site location in order to accommodate the most efficient construction schedule. The Applicant had initially sought out space at 5910 Shingle Creek Parkway, where the Brooklyn Center Early College Academy, Babysteps, and Headway Emotional Health Services are located; however, they were unable to secure space at this location and had to seek space elsewhere. The Applicant eventually came upon 5951 Earle Brown Drive, which was formerly home to Brown College, a bank and credit union, and an office supply store.

The Applicant indicated their desire to proceed with the temporary relocation of the High School to 5951 Earle Brown Drive; however, the relocation will require some renovation to the building in order to make it suitable for classroom and faculty use. The Applicant has proposed to enter into a lease agreement with the owner of the property (Star of the North Prop 3, LLC) and hopes to relocate students by January 2019 in order to maintain their identified construction schedule.

Currently, elementary and secondary educational uses are *not* permitted in the C2 (Commerce) District or the Central Commerce Overlay District, both of which affect the selected site. City staff brought the Applicant's initial request to the City Council Work Session on October 8, 2018, for discussion. Following discussion of the proposed temporary relocation of the High School to the Subject Property, the

majority consensus of the City Council was to direct staff to move forward with requests for a resolution to adopt interim regulations, which would allow the Applicant to work through the necessary Zoning Code amendments and approval of the requested Interim Use Permit (IUP) while keeping to their intended construction schedule.

Based on direction from City Council and the City Attorney, the approval process for the requested Interim Use Permit and necessary zoning amendments would likely follow a timeline similar to this:

October 8— City Council Work Session to discuss proposed request for IUP use
October 22— City Council Resolution to adopt interim regulations while Applicant works through City approval process
October 25— Planning Commission holds public hearing to review IUP and zoning amendment requests
November 12— City Council reviews IUP request and holds 1st reading for zoning amendment requests
December 10— City Council holds 2nd reading and public hearing for zoning amendment requests
January (2019) — Ordinance amending Zoning Code and implementing amendments takes effect

ZONING AMENDMENTS

Due to the nature of the request, amendments would need to be made to sections of the City's Zoning Code in order to allow for the Interim Use Permit request to be implemented. Although City Council will review a resolution to adopt interim regulations for the aforementioned Zoning Code amendments, the City needs to work through the formal City process and ultimately adopt an ordinance amending Chapter 35 of the City Code of Ordinances regarding elementary and secondary school interim uses in the City's Commercial and Central Commerce Overlay Districts to finalize the request (refer to Exhibit C).

Zoning District Amendments

Public and private elementary and secondary schools (K-12) are currently not permitted as a use within the C2 (Commerce) District under Section 35-322. Under the "Permitted Uses" section of this zoning district, the following applies:

> h. Nonresidential educational uses including Area Learning Centers (ALC), post secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools (K-12).

In order for public schools to be located in the C2 District on an interim basis, a new interim use section would need to be incorporated to allow for "public and private elementary and secondary schools (K-12)" to be allowed within the C2 District on a temporary or interim basis. The proposed amendment to Section 35-322 is as follows:

> 4. Interim Uses.
>
> a. Temporary public and private elementary and secondary schools offering a regular course of study accredited by the Minnesota Department of Education, subject to the procedures and conditions in Section 35-430.

The R1 District Section (Section 35-310) has a section that allows for "temporary classroom buildings as an accessory use to a public or private elementary or secondary school offering a regular course of study accredited by the Minnesota Department of Children, Families and Learning" that is subject to certain procedures and conditions; however, there is no provision that allows for the temporary or interim use

of R1 (One Family Residence) District properties for public and private elementary and secondary school (K-12) uses except through issuance of a more permanent Special Use Permit.

Additionally, staff is requesting that the current language identified under "Interim Uses" in the R1 District for temporary classrooms be revised.

The language under Section 35-310 would be amended as follows:

3. Interim Uses

a. Temporary classroom buildings as an accessory use to a public or private elementary or secondary school offering a regular course of study accredited by the Minnesota Department of Children, Families and Learning, subject to the ~~following~~ procedures and conditions~~:~~ in Section 35-430.

~~1) Interim use permits will be issued in accordance with the procedures and subject to the conditions stated in Section 35-220.~~

~~2) At the time of granting such a permit the Council shall specify a date or event that can be identified with certainty by which the interim use must be terminated and the structure(s) shall be removed from the site. In any event, however, such interim use shall not continue beyond any date when the Council, or any other governmental body having the power of eminent domain, adopts a resolution approving acquisition of the property by eminent domain, or the zoning of the property is changed to any classification under which the interim use is no longer permitted.~~

~~3) The Council may impose any conditions on such interim use which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future.~~

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

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

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

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

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

~~dd. Temporary classrooms may be used for classrooms only and may not be~~

~~used for storage or converted to another use.~~

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

Both the resolution adopting interim regulations and draft ordinance (Exhibit C) propose interim regulations that would alter the interim use section of Section 35-310(3) regarding temporary classrooms as an accessory use to a public or private elementary or secondary school and introduce language regarding temporary school uses. These documents would also amend Section 35-322 *(C2 Commerce District)* by incorporating an interim use section that would allow for temporary public and private elementary and secondary (K-12) school uses.

Finally, a new section would be incorporated into the City's Zoning Code to outline "temporary school uses." This proposed section (Section 35-430) would outline the following provisions and conditions as part of the interim use permit process for temporary school uses:

Section 35-430. TEMPORARY SCHOOL USES.

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

2. Application. An application for an interim use permit for a temporary school use allowed by this Chapter may only be submitted by an existing public or private elementary or secondary school located in the City of Brooklyn Center, offering a regular course of study accredited by the Minnesota Department of Education. The application for the interim use permit shall, in addition to the information required on the application form, include the following information.

   a. If the requested interim use permit is for an on-site temporary school building:

      (i) The number, size, and layout of any temporary classroom buildings to be located on the school site;

      (ii) Setbacks of any proposed temporary classroom buildings to property lines;

      (iii) Elevations and/or renderings of the proposed temporary classroom buildings;

      (iv) The number of students that will be served by the temporary classroom buildings; and

      (v) The reason for the need for temporary classroom buildings and the length of time they will be in use.

   b. If the requested interim use permit is for an off-site temporary school:

(i) The location of the proposed temporary school;

(ii) The number of students and faculty that will occupy the school;

(iii) A transportation plan, which includes bus times and routes, number of buses, number of anticipated drop-offs, and drop-off locations;

(iv) A parking and circulation plan;

(v) The reason for the need for the temporary school and the length of time it will be in use; and

(vi) If exterior modifications to the building are proposed, elevations and/or renderings of the proposed changes.

3. Issuance. An application for an interim use permit for a temporary school use shall be processed in accordance with Section 35-220, except that the following additional standards shall also be considered:

   a. The proposed use must conform to the regulations in this Chapter;

   b. The date or event that will terminate the use can be identified with certainty;

   c. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

   d. The applicant agrees to the conditions the City Council imposes on the use.

4. Conditions. The City Council may impose any conditions on the interim use permits it issues as it deems are necessary or expedient to protect the public health, safety or welfare, or to ensure the use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. Every interim use permit shall identify the date or event that will terminate the permit. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.

5. Performance Standards. In addition to any conditions placed on an interim use permit by the City Council, the following restrictions shall apply to interim use permits issued for a temporary school use.

   a. For temporary classroom buildings:

      (i) Applicable lot standards and sign regulations shall be observed;

      (ii) A landscape and parking plan for the property shall be submitted and approved by the Council;

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

(iv) Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use; and

(v) The total square footage of temporary classrooms on any one site shall not exceed 2000 square feet.

b. For temporary schools:

(i) Applicable lot standards and sign regulations shall be observed;

(ii) A parking and circulation plan shall be submitted and approved by the Council; and

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

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

Central Commerce Overlay District
Per Section 35-2240 *(Central Commerce Overlay District)* of the City's Zoning Code, this section would also need to be amended to allow for "public and private elementary and secondary schools (K-12)" on an interim basis. The current provisions of the Central Commerce Overlay District only allow for the following:

v. Nonresidential educational uses including Area Learning Centers (ALC), post secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools. (K-12).

The proposed amendment would incorporate a new "Interim Uses" section under Section 35-2240 (*Central Commerce Overlay District)* that would allow for the following:

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

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

With the approval of the City Council resolution to adopt interim regulations for temporary school uses on October 22, 2018, the interim regulations will go into effect immediately and shall remain in effect

for 120 days or upon the effective date of the proposed zoning amendments as proposed in this staff report, whichever comes first. As formal approval of the aforementioned Zoning Code amendments is required in order to implement the proposed Interim Use Permit process for temporary school uses, City staff is requesting that the Planning Commission and City Council review the aforementioned language for incorporation into the Zoning Code as an amendment.

The City Council has, in the recent past, discussed proposed amendments to the C2 (Commerce) District that would have allowed for public and private elementary and secondary uses (K-12) in the C2 District as a "permitted use" (rather than an "interim use"). City Council has not been open to allowing for this type of use as a long term, permitted use, in the City's Commerce District. As the school has limited options available for relocating students to another facility on a temporary basis, other than relocating the students outside the City (and outside the district) or keeping the High School students in place, approval of the aforementioned zoning amendments, which would allow for the temporary relocation of the High School to a location within the City and within the same school district, seems reasonable.

Based on staff findings, staff recommends Planning Commission recommend City Council approval of the aforementioned zoning amendments that would result in amendments to Sections 35-310 (R1 One Family Residence District), 35-322 (C2 Commerce District), and 35-2240 (Central Commerce Overlay District), as well as the incorporation of new Section 35-430 (Temporary School Uses).

INTERIM USE PERMIT | SITE AND BUILDING REVIEW

Interim Use Permits (IUPs) are similar to Special Use Permits (SUPs) in that they require a public hearing and approval from the Planning Commission and City Council. Furthermore, the City Council may place conditions on the approval of an IUP, as is outlined in the previous section. Unlike an SUP, the City Council may place a sunset date on an IUP, after which the use must be terminated.

The Applicant is requesting approval of an Interim Use Permit that would allow the Applicant to temporarily relocate the Brooklyn Center STEAM High School from 6500 Humboldt Avenue North to 5951 Earle Brown Drive. According to the proposed new Section 35-430 *(Temporary School Uses),*

"An application for an interim use permit for a temporary school use allowed by this Chapter <u>may only be submitted by an existing public or private elementary or secondary school located in the City of Brooklyn Center, offering a regular course of study accredited by the Minnesota Department of Education</u>. The application for the interim use permit shall, in addition to the information required on the application form, include the following information:

<u>If the requested interim use permit is for an off-site temporary school:</u>

(i) <u>The location of the proposed temporary school;</u>

(ii) <u>The number of students and faculty that will occupy the school;</u>

(iii) <u>A transportation plan, which includes bus times and routes, number of buses, number of anticipated drop-offs, and drop-off locations;</u>

(iv) <u>A parking and circulation plan;</u>

(v) The reason for the need for the temporary school and the length of time it will be in use; and

(vi) If exterior modifications to the building are proposed, elevations and/or renderings of the proposed changes.

Performance Standards. In addition to any conditions placed on an interim use permit by the City Council, the following restrictions shall apply to interim use permits issued for a temporary school use.

(i) Applicable lot standards and sign regulations shall be observed;

(ii) A parking and circulation plan shall be submitted and approved by the Council; and

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

Furthermore,

a. The proposed use must conform to the regulations in this Chapter;

b. The date or event that will terminate the use can be identified with certainty;

c. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

d. The applicant agrees to the conditions the City Council imposes on the use.

Building

Image 2. Exterior of Subject Property (located at 5851 Earle Brown Drive).

The Applicant intends to relocate the Brooklyn Center STEAM High School students to 5951 Earle Brown Drive (see Image 2 above) while construction is conducted at Brooklyn Center STEAM Middle and High

School, located at 6500 Humboldt Avenue North. Construction is anticipated to commence in or before January 2019 and run for a period of approximately 20 months (September 2020).

In order to facilitate this temporary transition, the Applicant will need to conduct renovations at the Subject Property prior to January 2019, as the current building is not configured for the High School. Because of the Applicant's urgency in moving ahead with the work on the Subject Property, the resolution approving interim regulations, which was approved by City Council at their October 22, 2018, meeting, is intended to "bridge the gap" and provide some level of comfort to the Applicant regarding the City's position on this type of interim use while the City works through the process of adopting more permanent Zoning Code amendments.

The Applicant plans to occupy approximately 42,000-square feet of the existing multi-tenant building and would take over portions of the former Brown College and bank spaces, identified as Suites 100 and 200 in the attached plans (Exhibit A). The entire building comprises approximately 69,192-square feet.

Due to the condition of the former office supply store, the Applicant does not intend to use the remaining tenant space and will ensure this area is inaccessible from the remodeled portion of the building. Per the memo provided by the Applicant, dated September 25, 2018, approximately 400 High School students and 75 staff would occupy the 42,000-square feet of space at the Subject Property.

Parking and Access

The Subject Property is currently served by two access points, off Earle Brown and Summit Drives, which lead into the main parking lot. A third access point off Summit Drive that provides access to the rear of the building (e.g., loading docks, trash enclosure).

Minimum parking allowances for school uses are not outlined in the City Zoning Code and have typically been approved on a case-by-case basis. In the case of the existing Brooklyn Center STEAM Middle and High School, the minimum parking requirements were based on a one (1) parking space for every three (3) seat ratio for the largest capacity facility at the school. As the Subject Property will not feature such facilities, City staff worked with the Applicant to identify bussing needs for the High School (e.g., anticipated number of High School students planning to utilize school bussing service) and minimum parking needs for the 75 staff.

The existing parking lot provides a total of 326 surface parking stalls (refer to Image 3 below). As a comparison, it was determined in 1991 that the existing Brooklyn Center STEAM Middle and High School required a total of 350 on-site parking spaces for all Middle and High School staff, administration, students, visitors, and parents to use. As an additional comparison, the existing Middle and High School has many more facilities (e.g., auditorium, field) and resources (e.g., health and dental clinic) than the temporary High School will have. The largest room in the proposed temporary High School will be the new lunch room (4,200-square feet).

Image 3. Existing Parking Lot at Subject Property (located at 5851 Earle Brown Drive).

The Applicant does not intend to invest significant time and money into the parking lot as the location is intended for a temporary use; however, the Applicant should plan to have the parking lot swept and cleaned due to debris and weeds in the lot, and should assess the condition of the medians, as some have deteriorated and broken off (refer to Image 4 below).

Image 4. Existing Parking Lot and Parking Medians at Subject Property (located at 5851 Earle Brown Drive).

The Applicant will also need to ensure sufficient ADA parking is provided based on the number of parking spaces. Per the *2015 Minnesota Accessibility Code,* parking lots with between 301 and 400 parking spaces require a minimum of eight (8) accessible parking spaces.

The Applicant has anticipated a need for 10 to 15 school buses for students. The Applicant drew out a proposed circulation route for the school buses; however, per the Assistant City Engineer's

memorandum dated October 22, 2018 (Exhibit D), the Applicant will need to provide a traffic and parking study to evaluate the parking needs of the temporary/interim uses (e.g., define the locations of student, staff, and visitor parking), traffic circulation patterns of the bus and student vehicles on site, and pedestrian safety within the site to ensure the safety of students, teachers, and visitors.

The Applicant should also provide additional information regarding anticipated bus drop-off and pick-up times, bus routes, and finalized estimates on bus ridership for the proposed temporary High School location to better identify parking needs. As the temporary school will not feature the amenities the permanent High School location (6500 Humboldt Avenue North), the Applicant should provide additional information as to how students will be brought to any classes or activities (e.g., gym) at the permanent High School location.

LIGHTING | TRASH

Lighting

No photometric plan was provided as part of the Applicant's submittal. As the site has been left unused for some time, the Applicant should provide an overall photometric plan that addresses existing lighting and provides an overall check as to the continued operation of the lighting for student, staff, and visitor safety.

Per the City Zoning Code, "all exterior lighting shall be provided with lenses, reflectors, or shades, so as to concentrate illumination of the property of the owner or operator of said illumination devices." Lighting shall not exceed 10 foot candles measured at the property lines abutting the street right-of-way or non-residentially zoned properties.

Trash

The Applicant intends to utilize an existing trash enclosure located along the rear of the Subject Property. The City has normally viewed trash enclosures as "accessory structures," which are permitted with a minimum required setback of three (3) feet from side and (5) feet from rear lot lines. The existing trash enclosure meets these requirements. It should be noted that all trash dumpsters and recycling bins will need to be located within the enclosure and the gates closed when not in use (see Image 5 below).

Image 5. Existing Trash Enclosure Location at Subject Property (located at 5851 Earle Brown Drive).

LANDSCAPING

No landscape plan was provided as part of the submittal, and as "schools" are not specifically outlined as a use under the Landscape Point System Policy, staff reviewed the submitted plans to determine whether adequate screening would be provided for the parking areas. Per Section 35-711 (*Parking Lot Screening*), "such off-street parking and loading areas within any yards which abut along a street which is residentially zoned on the side opposite shall be screened from street view by a screening device as approved by the City Council."

The site currently has trees planted along Summit Drive. City staff visited the site one morning and noted that the irrigation system had been turned on. As some heads appeared to not produce spray, the Applicant should work with the property owner to ensure the irrigation system is in operating condition.

ASSISTANT CITY ENGINEER REVIEW

Assistant City Engineer Andrew Hogg conducted a review of the application submittal and documents. Comments regarding this application can be found in the memorandum to City staff and dated October 22, 2018, attached hereto (Exhibit D). As was previously mentioned, the Applicant will need to provide sufficient ADA parking and comply with the overall ADA (Americans with Disabilities Act) standards, even for temporary or interim uses. As was discussed above in the *Parking and* Access section, the Applicant will also need to perform a traffic and parking study.

BUILDING OFFICIAL/FIRE INSPECTOR REVIEW

The Applicant shall work to ensure all 2015 Minnesota Fire Code requirements have been met as part of any building and site plan approval, including installation of a Knox box, addressing of fire egress, etc. Per Building Official Dan Grinsteinner, the Applicant will need to ensure appropriate door widths and swing is provided in the classrooms and particularly in the vestibule area. This will be determined based on occupant load.

As the Applicant will be taking over portions of the building previously used for Brown College and a bank, the Applicant should be aware that the occupancy designation will change. As Brown College was previously a "C" (Commercial) occupancy as a post-secondary use, the new occupancy will be an "E" (Educational) occupancy for a secondary school use. This requires the installation of a fire sprinkler system as well as audible and notification devices.

SIGNAGE

No formal requests for approval were made as part of the application. Any new signage, including wall and monument signs, would require conformance with Chapter 34 of the City Code (*Sign Ordinance*), and specifically for Public Uses. Under the Sign Code, Public Uses are permitted one wall sign (not to exceed 36 square feet) and one wall sign immediately above or beside each public entrance to that part of the building that is used as a school and meets the requirements of the Minnesota Department of Education. These sign areas shall not exceed 10 square feet. The Applicant will need to file a separate Building Permit application for any proposed signage.

Based on staff findings, staff recommends Planning Commission recommend City Council approval of the Applicant request for issuance of an Interim Use Permit for the temporary relocation of the Brooklyn Center STEAM High School to a C2-zoned property located within the Central Commerce Overlay District; subject to approval of the aforementioned zoning amendments and the Applicant complying with the comments outlined in the Approval Conditions noted below.

INTERIM USE PERMIT APPROVAL CONDITIONS

Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2018-018 for the Subject Property located at 5951 Earle Brown Drive:

1. Issuance of the Interim Use Permit for the temporary relocation of the Brooklyn Center STEAM High School is effective upon final Interim Use Permit approval by City Council and approval of the aforementioned zoning amendments to allow for temporary school uses.
    a. The requested interim use will terminate on a date no later than September 30, 2020, unless an application to renew the Interim Use is submitted to the City no fewer than 90 days prior to the termination of the existing Interim Use Permit, and processed in the same manner as a new application.
2. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Final construction and demolition plans are to be submitted to the City for review and issuance of any applicable demolition and Building Permits.
    b. Any major changes or modifications made for the temporary relocation of the Brooklyn Center STEAM High School to 5951 Earle Brown Drive can only be made by an amendment to the approved Interim Use Permit, as approved by City Council.
    c. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of any demolition or Building Permits and to discuss the temporary transition of the High School to the Subject Property.
    d. The Applicant agrees to work with the City Building Official and Fire Inspector to ensure:
        i. Adequate door widths and swing are provided per occupancy load, and specifically for the vestibule area of the building.
        ii. Compliance with 2015 Minnesota Fire Code provisions (e.g. Knox Box, fire connections).
        iii. Installation verification of fire sprinkler system with audible and notification devices per Code.
    e. The Applicant agrees to comply with all conditions or provisions noted in the Assistant City Engineer's Review memorandum, dated October 22, 2018 (Exhibit D).
        i. Overall accessibility shall be verified and comply with ADA standards.
        ii. A Traffic and Parking study is to be provided to evaluate the parking needs of the temporary use (define locations of student, staff and visitor parking), traffic circulation patterns of bus and student vehicles on site, and pedestrian safety within the site to ensure safety of students, teachers, and visitors.
    f. The Applicant shall plan to have the parking lot swept and cleaned due to debris and weeds in the lot. The Applicant should assess the

condition of the medians, as some have deteriorated and broken off.

g. The Applicant shall also provide additional information regarding anticipated bus drop-off and pick-up times, bus routes, and finalized estimates on bus ridership for the proposed temporary High School location to better identify parking needs.

h. Any lighting will be in accordance with Section 35-712 *(Lighting)* of the City Zoning Code. Per City staff, a photometric plan will be required to confirm lighting compliance and functionality.

i. The Applicant shall verify that irrigation system is in operating condition.

3. Signage for the Subject Property is subject to the Public Use allowances as identified within Chapter 34 (*Sign Ordinance*). Any requests for wall or freestanding signage will require the Applicant to submit a Sign Permit application to the City for review and approval.

RECOMMENDATION

Based on the above-noted findings, staff recommends the Planning Commission recommends:

City Council approval of the Applicant requests to allow for the issuance of an Interim Use Permit for the temporary relocation of the Brooklyn Center STEAM High School to a C2-zoned property located within the Central Commerce Overlay District; subject to approval of the aforementioned zoning amendments to allow for temporary school uses and the Applicant complying with the Approval Conditions outlined in this Staff Report.

Should the Planning Commission accept these recommendations, the Commission may elect to adopt the resolution to be provided at the Planning Commission meeting.

Attachments

Exhibit A- Planning Commission Application and Plans for the Temporary Relocation of Brooklyn Center High School to 5951 Earle Brown Drive, submitted September 25, 2018.

Exhibit B- Public Notice Publication, Brooklyn Center *Sun Post*, dated October 11, 2018.

Exhibit C- Draft City Council Ordinance Amending Chapter 35 of the City Code of Ordinances Regarding Elementary and Secondary School Interim Use in the City's Commercial and Central Commerce Overlay Districts.

Exhibit D- Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated October 22, 2018.

BROOKLYN CENTER community schools
uniting communities eliminating barriers
Brooklyn Center Schools District #286

Exhibit A
Interim Use Permit

PROJECT: Temporary Relocation of BC Secondary High to 5951 Earle Brown Drive

DATE: September 25, 2018

Re: Site Plan Review Submittal

PROJECT NARRATIVE:

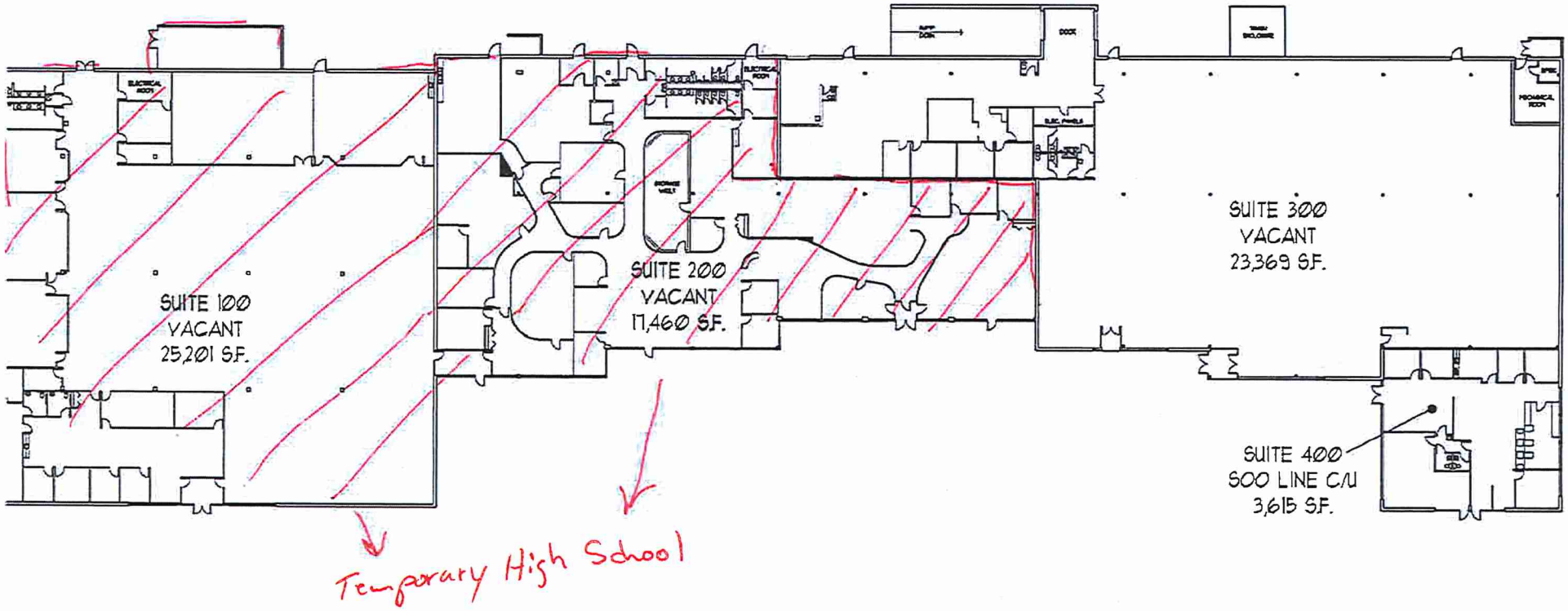
This project consists of relocating the Brooklyn Center High School temporarily to 5951 Earle Brown Drive, former Brown College.

The reason for relocation is a major renovation of the existing Brooklyn Center High School. The renovation will take approximately 20 months starting December 2018 and will be complete by September 2020.

After working months on securing the former Minnesota School of Business site at 5910 Shingle Creek Parkway the owner leased a portion of the total square footage that we had requested. Thus making the site unworkable for what we needed.

We are requesting an Interim use Permit for the former Brown College site located at 5951 Earle Brown Drive. We will be occupying approximately 42,000 square feet within this site. The site will host approximately 400 senior high students and 75 staff. This would be a temporary situation while construction is being complete at the original high school and last for 20 months.

Brooklyn Center School District – ISD 286
6500 Humboldt Ave. N, Brooklyn Center, MN 55430
Phone: (763)561-2120 Fax: (763)450-3477
www.brookcntr.k12.mn.us



ASBUILT PLAN

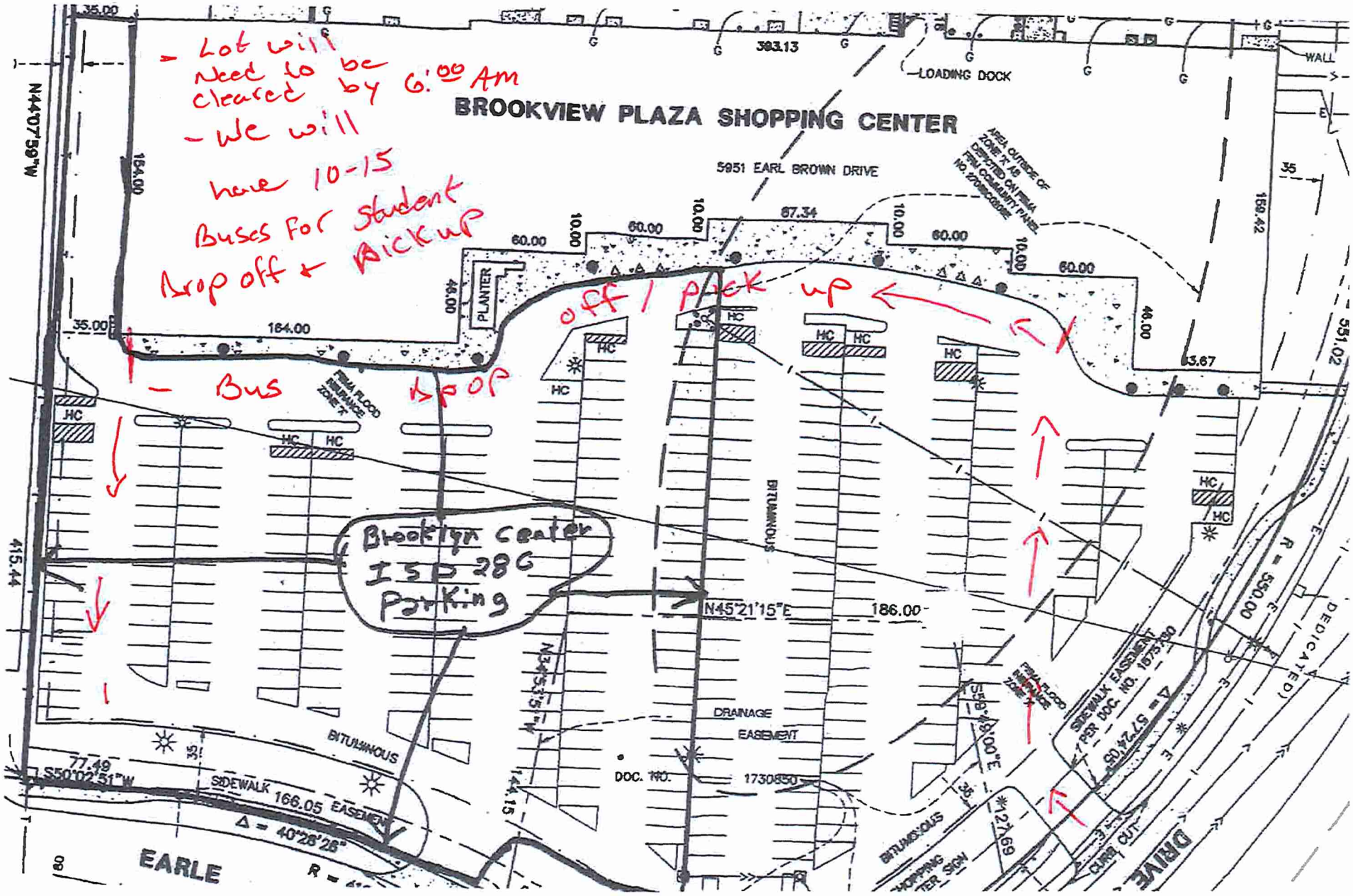
6.8.09

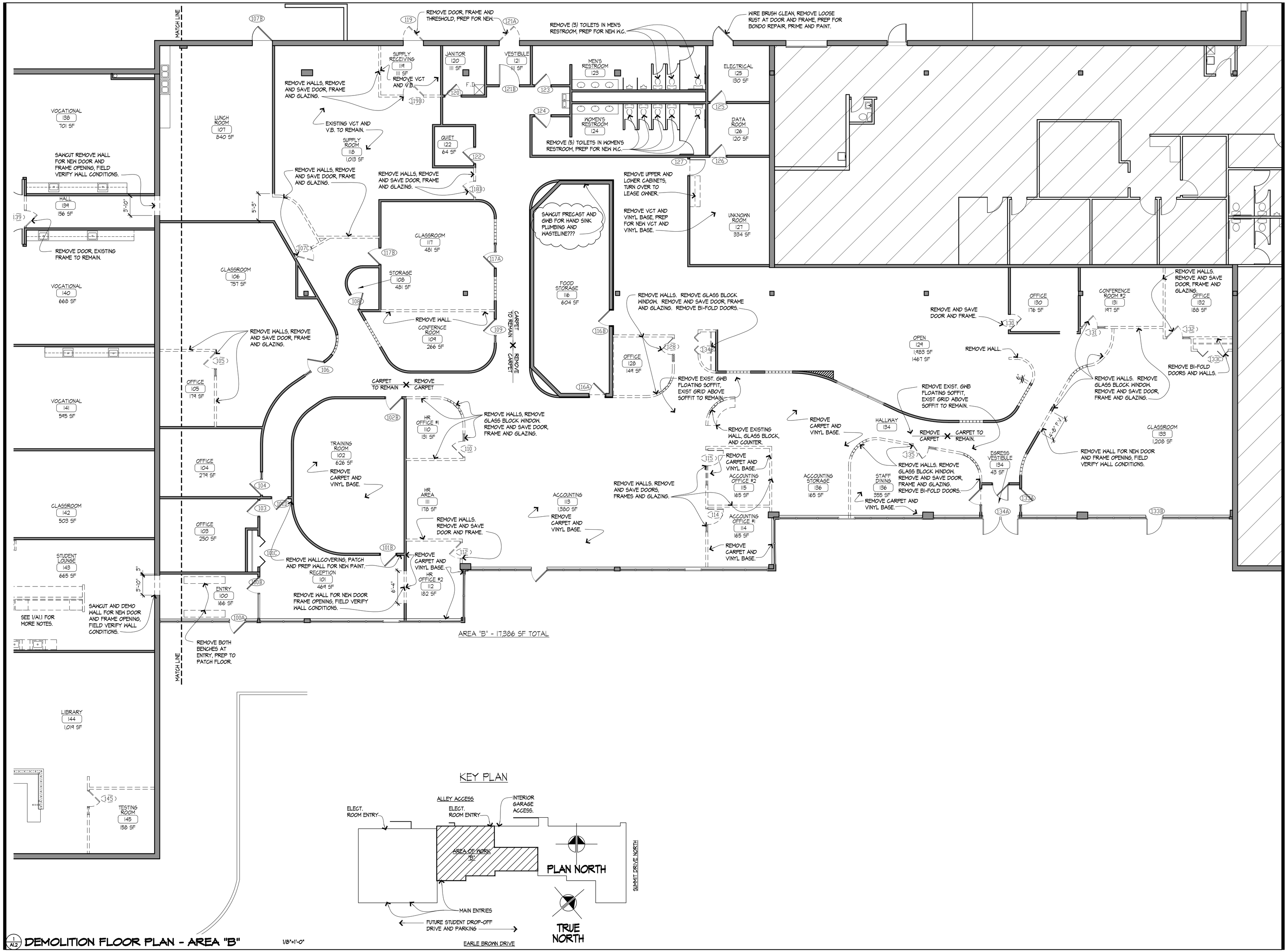
NORTH

NOT TO SCALE

BROOKVIEW PLAZA

5951 EARLE BROWN DRIVE
BROOKLYN CENTER


BROOKVIEW PLAZA SHOPPING CENTER
5951 EARL BROWN DRIVE
LOADING DOCK
WALL
- Lot will Need to be cleared by 6:00 Am
- We will have 10-15 Buses for student drop off + pickup
- Bus drop off
off / pick up
Brookview center ISD 286 Parking
PLANTER
HC
BITUMINOUS
DRAINAGE EASEMENT
DOC. NO. 1730850
SIDEWALK EASEMENT PER DOC. NO. 1675290
N45°21'15"E
186.00
S50°02'51"W
77.49
SIDEWALK EASEMENT
166.05
Δ = 40°26'26"
EARLE
DRIVE
DEDICATED
CURB CUT
N44°07'59"W
415.44
154.00
164.00
393.13
87.34
159.42
551.02
R = 550.00



1/A1.2 DEMOLITION FLOOR PLAN - AREA "B" 1/8"=1'-0"

the ADKINS ASSOCIATION inc.
ARCHITECTS
2586 Seventh Avenue East
Saint Paul, MN 55109-3090
(651) 224-1358 FAX 224-6621

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Architect in the State of Minnesota

Signature: MICHAEL W. OSTLIE, AIA Date: XX-XX-2018 License No.: 22845

Project
HIGH SCHOOL SOUTH CAMPUS
REMODEL
BROOKLYN CENTER COMMUNITY SCHOOLS

5951 EARLE BROWN DRIVE
BROOKLYN CENTER MN 55430

Sheet DEMOLITION FLOOR PLAN

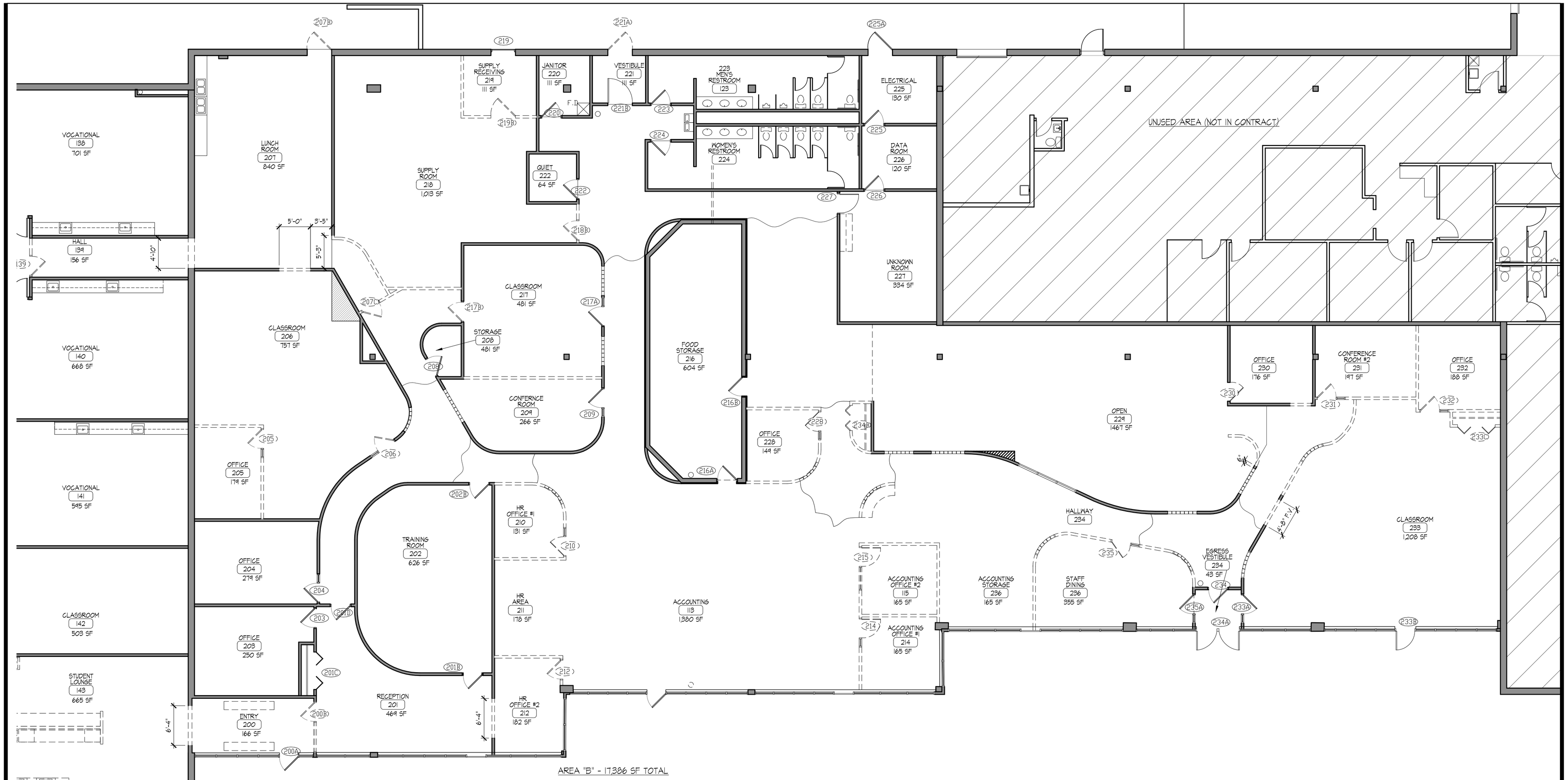
Drawn By BCS
Checked By MWO
Approved By MWO

Project No. 6500.00
Date XX-XX2018

Revisions No. Date

PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION
10-4-2018

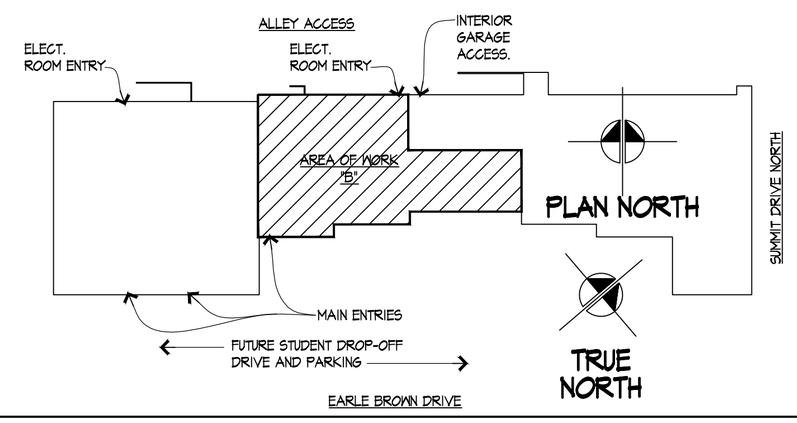
Sheet Number A1.2



1 / A1.2 DEMOLITION FLOOR PLAN - AREA "B"

1/8"=1'-0"

KEY PLAN



LEGEND:

- EXISTING CONSTRUCTION
- EXISTING WALL TO BE REMOVED
- DUST PROTECTION
- MASONRY WALL
- GYP BD WALL
- (145) EXISTING DOOR AND FRAME TO BE REMOVED AND SAVED.
- (200A) EXISTING DOOR AND FRAME TO REMAIN.
- EXISTING DOOR AND FRAME TO REMOVED
- EXISTING DOOR AND FRAME TO REMAIN
- NEW DOOR AND FRAME — DOOR NUMBER, REFER TO SCHEDULE SHEET AX
- X / A.X.X SECTION DETAIL NUMBER / DRAWING NUMBER
- X / A.X.X DETAIL NUMBER / DRAWING NUMBER

GENERAL DEMOLITION NOTES:

1.) REMOVE AND SAVE CEILING GRID AND ACT WHERE WALLS ARE SHOWN DEMOLISHED.
2.) REMOVE VINYL TILE TO THE NEAREST FULL TILE AT DEMOED WALLS OR WHERE SPECIFIED.
3.) REMOVE ALL OPERATING COMPONENTS FROM EXISTING DEMOED WALL. TEMPORALLY SUPPORT UNTIL PERMANENT RELOCATION.
4.) REMOVE EXISTING CABINETS WHERE NOTED. ALL OTHER CABINETS TO REMAIN.
5.) REMOVE WALL COVERING/WALL PAPER WHERE NOTED AND PREP WALL FOR NEW PAINT.
6.) SEE DEMOLITION PLAN FOR DOORS, GLAZING AND FRAMES TO BE REMOVED SAVED FOR REINSTALLATION.
7.) REMOVE AND SAVE CARPET AND CARPET BASE FOR REINSTALLATION AND PATCHING.
8.) REPAINT ENTIRE AREA.

the ADKINS ASSOCIATION inc.
ARCHITECTS
2586 Seventh Avenue East
Saint Paul, MN 55109-3090
(651) 224-1358 FAX 224-6621

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Architect in the State of Minnesota

Signature: MICHAEL W. OSTLIE, AIA Date: 10-12-2018 License No.: 22845

Project
HIGH SCHOOL SOUTH CAMPUS
REMODEL
BROOKLYN CENTER COMMUNITY SCHOOLS

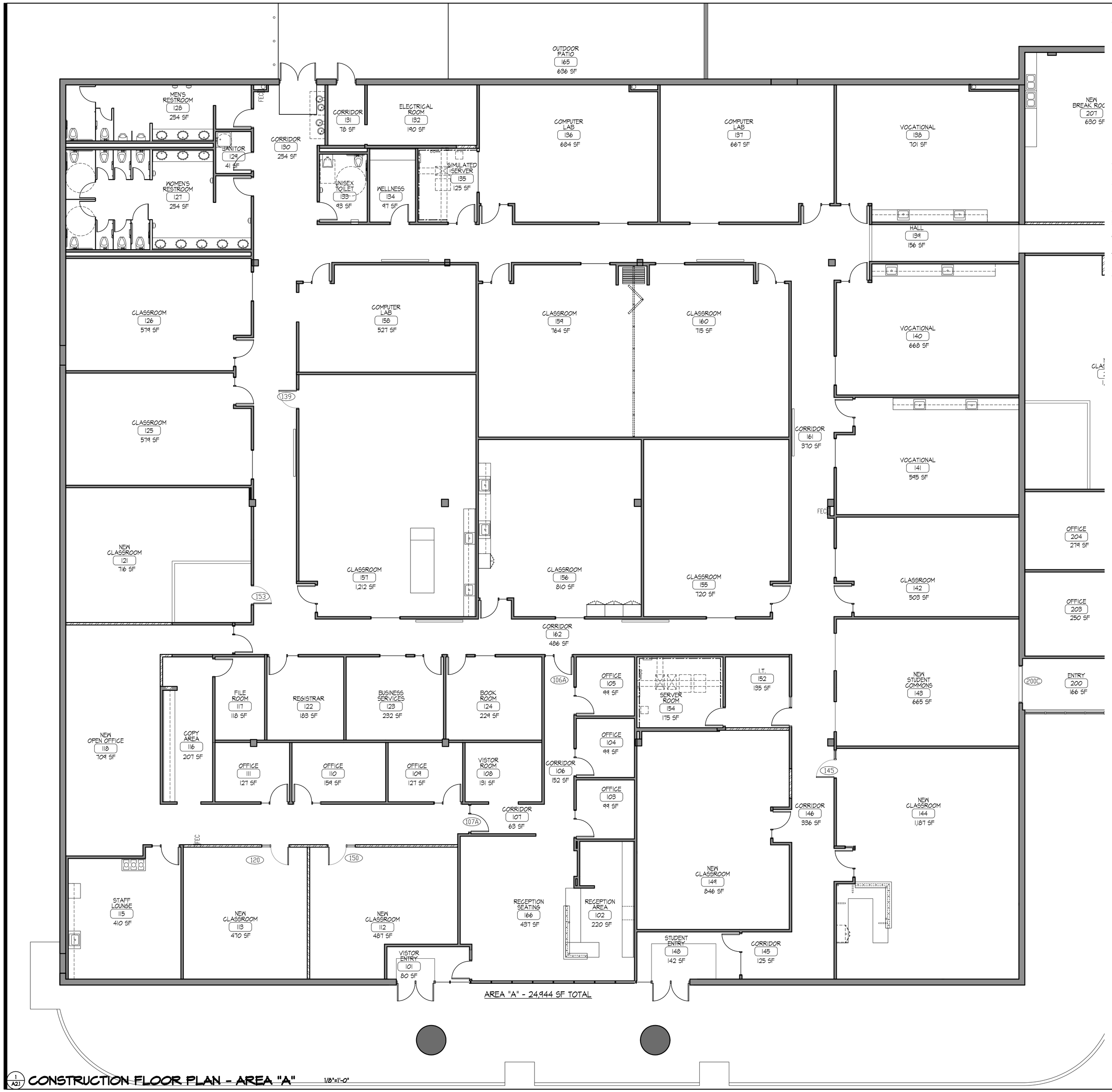
5951 EARLE BROWN DRIVE
BROOKLYN CENTER MN 55430

Sheet
DEMOLITION FLOOR PLAN

Drawn By BCS
Checked By MWO
Approved By MWO
Project No. 6500.00
Date 10-12-2018

No.	Date	Revisions

Sheet Number A1.2



1 A2.1 CONSTRUCTION FLOOR PLAN - AREA "A" 1/8"=1'-0"

LEGEND:

- EXISTING CONSTRUCTION
- EXISTING WALL TO BE REMOVED
- DUST PROTECTION
- MASONRY WALL
- GYP BD WALL
- 235 NEW OR REINSTALL EXIST. DOOR AND FRAME.
- 200A EXISTING DOOR AND FRAME TO REMAIN.
- EXISTING DOOR AND FRAME TO REMOVED
- EXISTING DOOR AND FRAME TO REMAIN
- D113 NEW DOOR AND FRAME — DOOR NUMBER, REFER TO SCHEDULE SHEET AX
- X / AX.X SECTION DETAIL NUMBER / DRAWING NUMBER
- X / AX.X DETAIL NUMBER / DRAWING NUMBER

GENERAL CONSTRUCTION NOTES:

1.) CONTRACTOR IS TO FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS.

2.) SEE SHEET T1 FOR ADDITIONAL ABBREVIATIONS. SEE SHEET A3 FOR WALL TYPES.

3.) PATCH & PAINT ALL SURFACES TO MATCH EXISTING WHERE EXISTING WALLS, PARTITIONS, EQUIPMENT &/OR DEVICES ARE TO BE REMOVED.

4.) PATCH FLOOR TO MATCH EXISTING WHERE WALLS WERE REMOVED AND/ OR OPENED. PROVIDE NEW TRANSITION STRIPS.

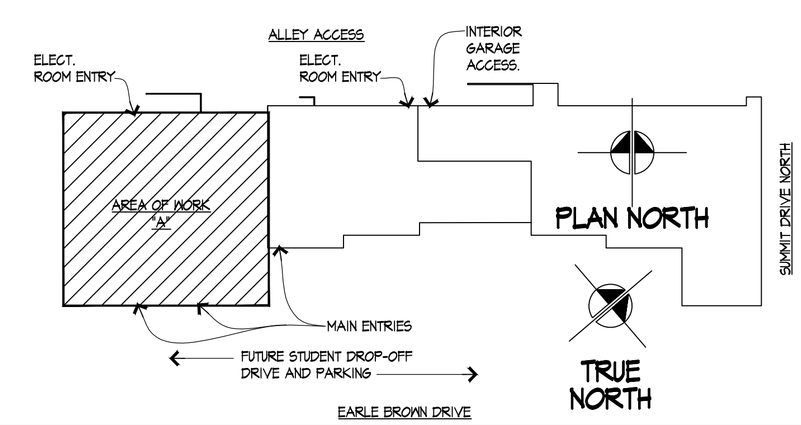
5.) GENERAL CONTRACTOR TO COORDINATE NEW/EXIST. SPRINKLER HEADS. MECHANICAL AND ELECTRICAL IS TO BE DESIGN BUILD.

6.) GENERAL CONTRACTOR TO COORDINATE NEW/EXIST. ELECTRICAL LIGHTING, OUTLETS, SWITCHES, EQUIPMENT, AND CONDITIONS. ELECTRICAL IS TO BE DESIGN BUILD.

7.) GENERAL CONTRACTOR TO COORDINATE NEW/EXIST. VOICE AND DATA, EQUIPMENT, AND CONDITIONS. LOW VOLTAGE WORK IS TO BE DESIGN BUILD.

8.) SPOT PAINT ALL DAMAGED WALLS AND INSTALL NEW TRIM/CHAIR RAIL WHERE MISSING.

KEY PLAN



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Signature: MICHAEL W. OSTLIE, AIA Date: 10-12-2018 License No.: 22845

Project
HIGH SCHOOL SOUTH CAMPUS REMODEL
BROOKLYN CENTER COMMUNITY SCHOOLS

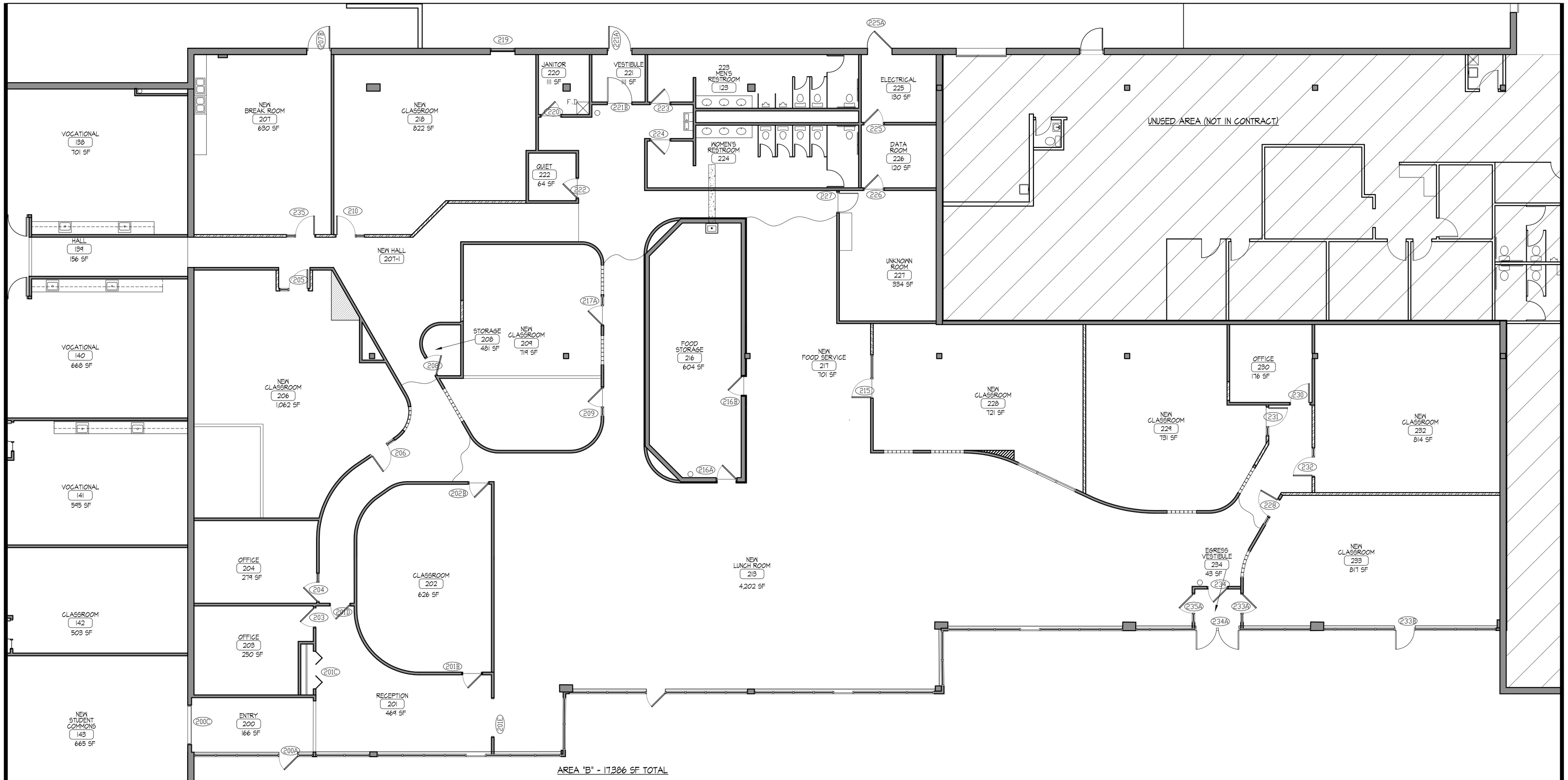
5951 EARLE BROWN DRIVE
BROOKLYN CENTER MN 55430

Sheet
CONSTRUCTION FLOOR PLAN

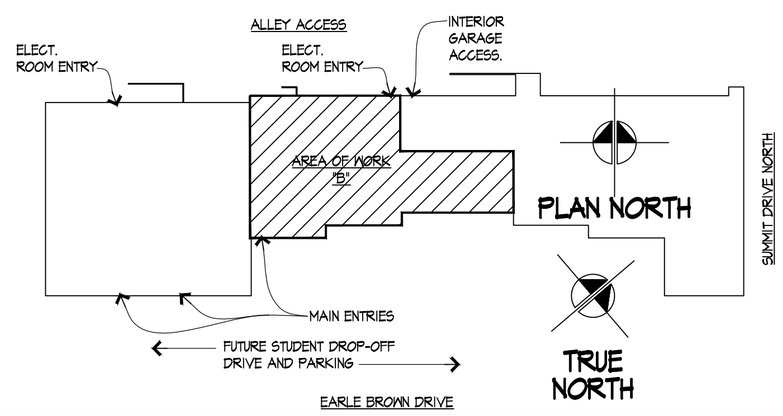
Drawn By BCS
Checked By MWO
Approved By MWO
Project No. 6500.00
Date 10-12-2018

No. Date
Revisions

Sheet Number A2.1



KEY PLAN



LEGEND:

- EXISTING CONSTRUCTION
- EXISTING WALL TO BE REMOVED
- DUST PROTECTION
- MASONRY WALL
- GYP BD WALL
- (235) NEW OR REINSTALL EXIST. DOOR AND FRAME.
- (200A) EXISTING DOOR AND FRAME TO REMAIN.
- EXISTING DOOR AND FRAME TO REMOVED
- EXISTING DOOR AND FRAME TO REMAIN
- 213 NEW DOOR AND FRAME — DOOR NUMBER, REFER TO SCHEDULE SHEET A.X
- X / A.X.X SECTION DETAIL NUMBER / DRAWING NUMBER
- X / A.X.X DETAIL NUMBER / DRAWING NUMBER

GENERAL CONSTRUCTION NOTES:

1.) CONTRACTOR IS TO FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS.

2.) SEE SHEET T1 FOR ADDITIONAL ABBREVIATIONS. SEE SHEET A3 FOR WALL TYPES.

3.) PATCH & PAINT ALL SURFACES TO MATCH EXISTING WHERE EXISTING WALLS, PARTITIONS, EQUIPMENT &/OR DEVICES ARE TO BE REMOVED.

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5.) GENERAL CONTRACTOR TO COORDINATE NEW/EXIST. SPRINKLER HEADS. MECHANICAL AND ELECTRICAL IS TO BE DESIGN BUILD.

6.) GENERAL CONTRACTOR TO COORDINATE NEW/EXIST. ELECTRICAL LIGHTING, OUTLETS, SWITCHES, EQUIPMENT, AND CONDITIONS. ELECTRICAL IS TO BE DESIGN BUILD.

7.) GENERAL CONTRACTOR TO COORDINATE NEW/EXIST. VOICE AND DATA, EQUIPMENT, AND CONDITIONS. LOW VOLTAGE WORK IS TO BE DESIGN BUILD.

8.) SPOT PAINT ALL DAMAGED WALLS AND INSTALL NEW TRIM/CHAIR RAIL WHERE MISSING.

1 / A2.2 CONSTRUCTION FLOOR PLAN - AREA "B" 1/8"=1'-0"

the ADKINS ASSOCIATION inc.
ARCHITECTS
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Saint Paul, MN 55109-3090
(651) 224-1358 FAX 224-6621

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Signature: MICHAEL W. OSTLIE, AIA Date: 10-12-2018 License No.: 22845

Project
HIGH SCHOOL SOUTH CAMPUS
REMODEL
BROOKLYN CENTER COMMUNITY SCHOOLS

5951 EARLE BROWN DRIVE
BROOKLYN CENTER MN 55430

Sheet
CONSTRUCTION FLOOR PLAN

Drawn By BCS
Checked By MWO
Approved By MWO

Project No. 6500.00
Date 10-12-2018

No.	Date	Revisions

Sheet Number A2.2

Exhibit B

CITY OF BROOKLYN CENTER NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, October 25, 2018, at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Interim Use Permit to allow for the temporary relocation of the Brooklyn Center STEAM High School to a C2 (Commerce) District zoned property

PETITIONER: Jim Langevin (on behalf of Brooklyn Center Community Schools)

PROPERTY NAMED IN THE PETITION: 5951 Earle Brown Drive, Brooklyn Center, MN 55430

PROPERTY ID:
02-118-21-12-0013

PROPERTY OWNER:
Star of the North Prop 3, LLC

LEGAL DESCRIPTION: Tract A, Registered Land Survey No. 1590, Hennepin County, Minnesota

BRIEF STATEMENT OF CONTENTS OF PETITION:

The Applicant is requesting approval of an Interim Use Permit that would allow for the temporary relocation of the Brooklyn Center STEAM High School to a C2 (Commerce) District zoned property through September 2020. This request is associated with previously approved plans to remodel interior and exterior portions of the existing Brooklyn Center STEAM Middle and High School property, located at 6500 Humboldt Avenue North in Brooklyn Center. Temporary relocation of the High School would allow for a more efficient construction timeline and cause less of an impact on the student learning environment.

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

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

Respectfully
Ginny McIntosh
City Planner / Zoning Administrator

Published in the
Brooklyn Center Sun Post
October 11, 2018
866743

CITY OF BROOKLYN CENTER

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

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

ORDINANCE NO. _____

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

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

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

3. Interim Uses

a. Temporary classroom buildings as an accessory use to a public or private elementary or secondary school offering a regular course of study accredited by the Minnesota Department of Children, Families and Learning, subject to the ~~following~~ procedures and conditions~~:~~ in Section 35-430.

~~1) Interim use permits will be issued in accordance with the procedures and subject to the conditions stated in Section 35-220.~~

~~2) At the time of granting such a permit the Council shall specify a date or event that can be identified with certainty by which the interim use must be terminated and the structure(s) shall be removed from the site. In any event, however, such interim use shall not continue beyond any date when the Council, or any other governmental body having the power of eminent domain, adopts a resolution approving acquisition of the property by eminent domain, or the zoning of the property is changed to any classification under which the interim use is no longer permitted.~~

~~3) The Council may impose any conditions on such interim use which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future.~~

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

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

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

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

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

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

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

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

4. Interim Uses.

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

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

Section 35-430. TEMPORARY SCHOOL USES.

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

2. Application. An application for an interim use permit for a temporary school use allowed by this Chapter may only be submitted by an existing public or private elementary or secondary school located in the City of Brooklyn Center, offering a regular course of study accredited by the Minnesota Department of Education. The application for the interim use permit shall, in addition to the information required on the application form, include the following information.

   a. If the requested interim use permit is for an on-site temporary school building:

      (i) The number, size, and layout of any temporary classroom buildings to be located on the school site;

      (ii) Setbacks of any proposed temporary classroom buildings to property lines;

      (iii) Elevations and/or renderings of the proposed temporary classroom buildings;

      (iv) The number of students that will be served by the temporary classroom buildings; and

      (v) The reason for the need for temporary classroom buildings and the length of time they will be in use.

   b. If the requested interim use permit is for an off-site temporary school:

      (i) The location of the proposed temporary school;

      (ii) The number of students and faculty that will occupy the school;

      (iii) A transportation plan, which includes bus times and routes, number of buses, number of anticipated drop-offs, and drop-off locations;

      (iv) A parking and circulation plan;

      (v) The reason for the need for the temporary school and the length of time it will be in use; and

      (vi) If exterior modifications to the building are proposed, elevations and/or renderings of the proposed changes.

3. Issuance. An application for an interim use permit for a temporary school use shall be processed in accordance with Section 35-220, except that the following additional standards shall also be considered:

   a. The proposed use must conform to the regulations in this Chapter;

b. The date or event that will terminate the use can be identified with certainty;

c. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

d. The applicant agrees to the conditions the City Council imposes on the use.

4. Conditions. The City Council may impose any conditions on the interim use permits it issues as it deems are necessary or expedient to protect the public health, safety or welfare, or to ensure the use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. Every interim use permit shall identify the date or event that will terminate the permit. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.

5. Performance Standards. In addition to any conditions placed on an interim use permit by the City Council, the following restrictions shall apply to interim use permits issued for a temporary school use.

a. For temporary classroom buildings:

(i) Applicable lot standards and sign regulations shall be observed;

(ii) A landscape and parking plan for the property shall be submitted and approved by the Council;

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

(iv) Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use; and

(v) The total square footage of temporary classrooms on any one site shall not exceed 2000 square feet.

b. For temporary schools:

(i) Applicable lot standards and sign regulations shall be observed;

(ii) A parking and circulation plan shall be submitted and approved by the Council; and

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

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

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

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

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

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

a. sauna establishments

b. massage establishments

c. currency exchanges

d. pawn shops

e. secondhand goods dealers

~~4~~5. The following area is hereby established as being within the CC Central Commerce Overlay District:

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

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

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

Adopted this ___ day of _____, 2018.

_____
Tim Willson, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(~~Strikeout~~ indicates matter to be deleted, <u>double underline</u> indicates new matter.)

Exhibit D

M E M O R A N D U M

DATE: October 22, 2018

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Interim Use Permit – Brooklyn Center High School

Public Works Department staff reviewed the following documents submitted for review on September 25, 2018, for a Special Use Permit for Brooklyn Center High School's temporary use of 5951 Earle Brown Drive:

- Application dated September 25, 2018

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

C1.01 – Site Plan

1. Accessibility shall comply with ADA standards.

2. Perform a Traffic and Parking study to evaluate the parking needs of the temporary use (define locations of student, staff and visitor parking), traffic circulation patterns of bus and student vehicles on site, and pedestrian safety within the site to ensure safety of students, teachers and visitors.

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

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-018 SUBMITTED BY JIM LANGEVIN ON BEHALF OF BROOKLYN CENTER COMMUNITY SCHOOLS, FOR APPROVAL AND ISSUANCE OF AN INTERIM USE PERMIT FOR THE TEMPORARY RELOCATION OF THE BROOKLYN CENTER STEAM HIGH SCHOOL (TO BE LOCATED AT 5951 EARLE BROWN DRIVE)

WHEREAS, Planning Commission Application No. 2018-018, submitted by Jim Langevin on behalf of Brooklyn Center Community Schools ("the Applicant") requests the approval and issuance of an Interim Use Permit that would allow for the temporary relocation of the Brooklyn Center STEAM High School to a property formerly home to Brown College, a bank and credit union, and office supply store located at 5951 Earle Brown Drive ("Subject Property") and as identified in the provided site plan; and

WHEREAS, the identified Subject Property is situated in the C2 (Commerce) District and within the Central Commerce Overlay District and pursuant to City Code Sections 35-322 (C2 Commerce District) and 35-2240 (Central Commerce Overlay District), public and private elementary and secondary schools (K-12) are currently not an allowed use; and

WHEREAS, City Council discussed the Applicant's request and intended use during a work session on October 8, 2018, and, following a majority consensus, directed City staff and the City attorney to move forward with the aforementioned requests and to draw up a resolution to adopt interim regulations that would allow the Applicant to work through the necessary Zoning Code amendments to provide provisions for temporary school uses and the requested Interim Use Permit; and

WHEREAS, on October 22, 2018, the City Council unanimously adopted City Council Resolution No. 2018-185 (*A Resolution Adopting Interim Regulations for Elementary and Secondary School Uses in the City's Commercial and Central Commerce Overlay Districts on the Issuance of an Interim Use Permit)*, which became effective immediately after its adoption, and

WHEREAS, on October 25, 2018, the Planning Commission held a duly noticed and called public hearing, whereby a Planning Commission Report was presented and public testimony regarding the Interim Use Permit and Zoning Code amendments were received; and

WHEREAS, the Planning Commission reviewed the requested Zoning Code amendments that would result in amendments to Sections 35-310 (R1 One Family Zoning District), 35-322 (C2 Commerce District), and 35-2240 (Central Commerce Overlay District), as well as the proposed incorporation of new Section 35-430 (Temporary School Uses) and provide certain provisions for both on-site and off-site temporary school uses; and

WHEREAS, the Planning Commission considered the request for issuance of an Interim Use Permit for an off-site temporary school use in light of all testimony received, the guidelines and standards for evaluating this Interim Use Permit contained in the recently approved City Council Resolution No. 2018-185 and proposed new City Code Section 35-430 of the City's Zoning Ordinance (Temporary School Uses).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, to recommend that Planning Commission Application No. 2018-018, submitted by Jim

RESOLUTION NO.

Langevin on behalf of Brooklyn Center Community Schools, be approved based upon the following considerations and as outlined in the Planning Commission Report dated October 25, 2018:

A. The proposed use will conform to the regulations of the City's Zoning Ordinance.

B. The requested interim use will terminate on a date no later than September 30, 2020, unless an application to renew the Interim Use is submitted to the City no fewer than 90 days prior to the termination of the existing Interim Use Permit, and processed in the same manner as a new application.

C. The allowance of an off-site temporary school on the Subject Property will not impose additional costs to the public and the public will not be required to take on the property in the future as the Applicant will lease approximately 42,000-square feet from the Property Owner (Star of the North Prop 3, LLC).

D. The Applicant agrees to the conditions the City Council imposes on the use and will operate in full conformance with the provisions of City Council Resolution No. 2018-185, new Section 35-430, and any private lease agreements in place.

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, to recommend that Planning Commission Application No. 2018-018 be approved subject to the following conditions and considerations:

1. Issuance of the Interim Use Permit for the temporary relocation of the Brooklyn Center STEAM High School is effective upon final Interim Use Permit approval by City Council and approval of the aforementioned zoning amendments to allow for temporary school uses.
    a. The requested interim use will terminate on a date no later than September 30, 2020, unless an application to renew the Interim Use is submitted to the City no fewer than 90 days prior to the termination of the existing Interim Use Permit, and processed in the same manner as a new application.
2. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits, and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Final construction and demolition plans are to be submitted to the City for review and issuance of any applicable demolition and Building Permits.
    b. Any major changes or modifications made for the temporary relocation of the Brooklyn Center STEAM High School to 5951 Earle Brown Drive can only be made by an amendment to the approved Interim Use Permit, as approved by City Council.
    c. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of any demolition or Building Permits and to discuss the temporary transition of the High School to the Subject Property.
    d. The Applicant agrees to work with the City Building Official and Fire Inspector to ensure:

i. Adequate door widths and swing are provided per occupancy load, and specifically for the vestibule area of the building.
ii. Compliance with 2015 Minnesota Fire Code provisions (e.g. Knox Box, fire connections).
iii. Installation verification of fire sprinkler system with audible and notification devices per Code.

e. The Applicant agrees to comply with all conditions or provisions noted in the Assistant City Engineer's Review memorandum, dated October 22, 2018.
   i. Overall accessibility shall be verified and comply with ADA standards.
   ii. A Traffic and Parking study is to be provided to evaluate the parking needs of the temporary use (define locations of student, staff and visitor parking), traffic circulation patterns of bus and student vehicles on site, and pedestrian safety within the site to ensure safety of students, teachers, and visitors.

f. The Applicant shall plan to have the parking lot swept and cleaned due to debris and weeds in the lot. The Applicant should assess the condition of the medians, as some have deteriorated and broken off.

g. The Applicant shall provide additional information regarding anticipated bus drop-off and pick-up times, bus routes, and finalized estimates on bus ridership for the proposed temporary High School location to better identify parking needs.

h. Any lighting will be in accordance with Section 35-712 *(Lighting)* of the City Zoning Code. Per City staff, a photometric plan will be required to confirm lighting compliance and functionality.

i. The Applicant shall verify that irrigation system is in operating condition.

3. Signage for the Subject Property is subject to the Public Use allowances as identified within Chapter 34 (*Sign Ordinance*). Any requests for wall or freestanding signage will require the Applicant to submit a Sign Permit application to the City for review and approval.

RESOLUTION NO.

Date Mayor

ATTEST: _____
City Clerk

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

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

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

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: A Resolution Approving Planning Commission Application No. 2018-017, for a Special Use Permit for Jambo Africa (Located at 1601 Freeway Boulevard)

Requested Council Action:

- Motion to approve a resolution approving Planning Case 2018-017 for a Special Use Permit at 1601 Freeway Boulevard based on the submitting plans, findings of fact, and subject to the conditions in resolution.

Background:

Simone Chambliss of Jambo Africa, Inc ("the Applicant") is requesting review and consideration of an application that would allow for the issuance of a Special Use Permit for the property located at 1601 Freeway Boulevard ("the Subject Property"). The Subject Property was formerly home to the Oriental Market for a number of years before closing in December 2017. The Applicant has since purchased the building and has been operating her restaurant, Jambo Africa, at this location since early 2018. The Applicant previously operated her Jambo Africa restaurant off Shingle Creek Parkway in the shopping center containing Target, but after running her restaurant out of two locations, she was recently able to centralize her restaurant back into one location (the Subject Property).

Requests for issuance of a Special Use Permit require that a public hearing be held by the Planning Commission. An Affidavit of Publication was received, confirming publication of a public hearing notice in the Brooklyn Center *Sun Post* on October 11, 2018. Mail notices were also sent out to property owners in accordance with Section 35-220 (*Special Use Permits*) of the Brooklyn Center Zoning Ordinance.

The Applicant currently possesses a Liquor License and a Public Dance License from the City. While the Public Dance License does allow for pre-recorded music and DJs, the License *does not* allow for live entertainment. Per Section 23-301 of the City Code of Ordinances, Public Dance Licenses are issued in cases where public dancing is permitted in any public establishment, "within which intoxicating liquor or 3.2 percent malt liquor is licensed to be sold or consumed." These Licenses also require renewal on an annual basis, as well as information illustrating the dance area, the maximum number of dancers to be accommodated, the hours during which public dancing will be conducted, and the intended methods for controlling sound emissions from the licensed premises.

On October 25, 2018, the Planning Commission held a public hearing regarding the request for issuance of a Special Use Permit to allow for live entertainment within an existing restaurant on an on-going basis at 1601 Freeway Boulevard. No comments were received prior to the public hearing; however two individuals spoke on the request. One resident spoke in support of the proposed issuance of a Special Use permit, and another individual, a business owner located in the light industrial park to the north along Freeway Boulevard, expressed support so long as restaurant customers did not park in his parking lot after hours. He expressed concerns about customers jaywalking across Freeway Boulevard and noted concerns about liability should customers park in his lot and an incident or accident occur. No other comments were made.

Following close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City

Council approval of the requested issuance of a Special Use Permit for live entertainment at 1601 Freeway Boulevard, subject to the Applicant complying with the conditions as outlined in the Planning Commission Report dated October 25, 2018, and the associated resolution.

A copy of the Planning Commission Report for Planning Commission Application No. 2018-017, dated October 25, 2018, and the City Council resolution regarding the approval and issuance of a Special Use Permit for live entertainment within an existing restaurant is included with this memorandum.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-017 SUBMITTED BY SIMONE CHAMBLISS OF JAMBO AFRICA, INC, FOR APPROVAL AND ISSUANCE OF A SPECIAL USE PERMIT FOR LIVE ENTERTAINMENT WITHIN AN EXISTING RESTAURANT IN THE C2 (COMMERCE) DISTRICT (LOCATED AT 1601 FREEWAY BOULEVARD)

WHEREAS, Planning Commission Application No. 2018-017, submitted by Simone Chambliss of Jambo Africa, Inc ("Applicant/Owner") requests approval and issuance of a Special Use Permit that would allow for live entertainment within an existing 6,200-square foot restaurant located at 1601 Freeway Boulevard ("Subject Property"); and

WHEREAS, the Subject Property is situated in the C2 (Commerce) District and pursuant to City Code Section 35-322; Subpart 3, "Eating establishments offering live entertainment; recreation and amusement places such as motion picture theaters and legitimate theater; sports arenas; bowling alleys, skating rinks, and gymnasiums, all provided they do not abut an R1, R2, or R3 district, including abutment at the street line" are only allowed by means of Special Use Permit in the C2 District, and the Applicant has submitted such application to the City of Brooklyn Center for official consideration under Planning Commission Application No. 2018-017; and

WHEREAS, the Planning Commission held a duly noticed and called public hearing on October 25, 2018, whereby a planning staff report was presented and public testimony regarding the Special Use Permit were received; and

WHEREAS, the Planning Commission considered the Special Use Permit request in light of all testimony received, the guidelines and standards for evaluating this Special Use Permit contained in Sections 35-220 (*Special Use Permits*) and 35-222 (*C2 Commerce District*) of the City's Zoning Ordinance, and the request complies with the general goals and objectives of the City's 2030 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, to recommend that Planning Commission Application No. 2018-017, submitted by Simone Chambliss of Jambo Africa, Inc, be approved based upon the following considerations:

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

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

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

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

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

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, to recommend that Planning Commission Application No. 2018-017 be approved subject to the following conditions and considerations:

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

2. **Agreements:**
    a. Issuance of the Special Use Permit is subject all applicable codes, ordinances and regulations. Any violation thereof may be grounds for revocation.
    b. Any expansion or alteration of the proposed use beyond that contained in this submittal shall require an amendment to the Special Use Permit.
    c. The Applicant shall adhere to the maximum occupancies outlined by City staff in the submitted plans in order to conform with maximum allowable parking on site of the Subject Property, not maximum allowable building occupancy. Parking shall not be permitted on the street or in neighboring parking lots to allow for additional occupancy at the restaurant.
    d. The Applicant shall keep noise and sound emissions confined to the Subject Property and be cognizant of the use on neighboring properties (e.g., hotel, FBI Regional Headquarters).
    e. The Applicant is currently a participant in City of Brooklyn Center's SAC (Sewer Availability Charge) Deferral Program. The Applicant is to keep current with their monthly payments for the duration of their participation in the program. Failure to make on-time payments may be grounds for revocation of the Special Use Permit for live entertainment.

3. **Facilities and Equipment:**
    a. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
    b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building.
    c. Drive aisles shall remain clear around the Subject Property for emergency access.
    d. Site lighting shall be well-maintained and kept in operating condition.

RESOLUTION NO.

November 13, 2018 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

- Application Filed: 09/25/2018
- Review Period (60-day) Deadline: 11/24/2018
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Planning Commission Report

Meeting Date: October 25, 2018

Application No.	2018-017
Applicant:	Simone Chambliss (Jambo Africa, Inc)
Location:	1601 Freeway Boulevard
Request:	Special Use Permit for Live Entertainment within a Restaurant

INTRODUCTION

Simone Chambliss of Jambo Africa, Inc ("the Applicant") is requesting review and consideration of an application that would allow for the issuance of a Special Use Permit for the property located at 1601 Freeway Boulevard ("the Subject Property"). The Subject Property was formerly home to the Oriental Market for a number of years before closing in December 2017. The Applicant has purchased the building since and has been operating her restaurant, Jambo Africa, at this location since early 2018. The Applicant previously operated her restaurant off Shingle Creek Parkway in the shopping center containing Target, but after running her Jambo Africa restaurant out of two locations, she was recently able to centralize her restaurant back into one location (the Subject Property).

Requests for issuance of a Special Use Permit require that a public hearing be scheduled. An Affidavit of Publication was received, confirming publication of a public hearing notice in the Brooklyn Center *Sun Post* on October 11, 2018 (Exhibit A). Mail notices were also sent out to property owners in accordance with Section 35-220 (*Special Use Permits*) of the Brooklyn Center Zoning Ordinance.

Map 1. Subject Property Location (1601 Freeway Boulevard).

Image 1. Exterior Images of Subject Property (1601 Freeway Boulevard).

COMPREHENSIVE PLAN AND ZONING STANDARDS

Land Use Plan:	OS/RB – Office/Service Business and Retail Business
Neighborhood:	Shingle Creek
Current Zoning:	C2 (Commerce) District
Surrounding Zoning:	North: I1 (Industrial Park) District East: C2 (Commerce) District South: C2 (Commerce) District West: C2 (Commerce) District
Site Area:	Approximately 1.05 Acres

SPECIAL USE PERMIT REVIEW

The Applicant is requesting approval of a Special Use Permit to allow for live entertainment at her existing restaurant. According to Section 35-220 (*Special Use Permits*) of the City's Zoning Ordinance,

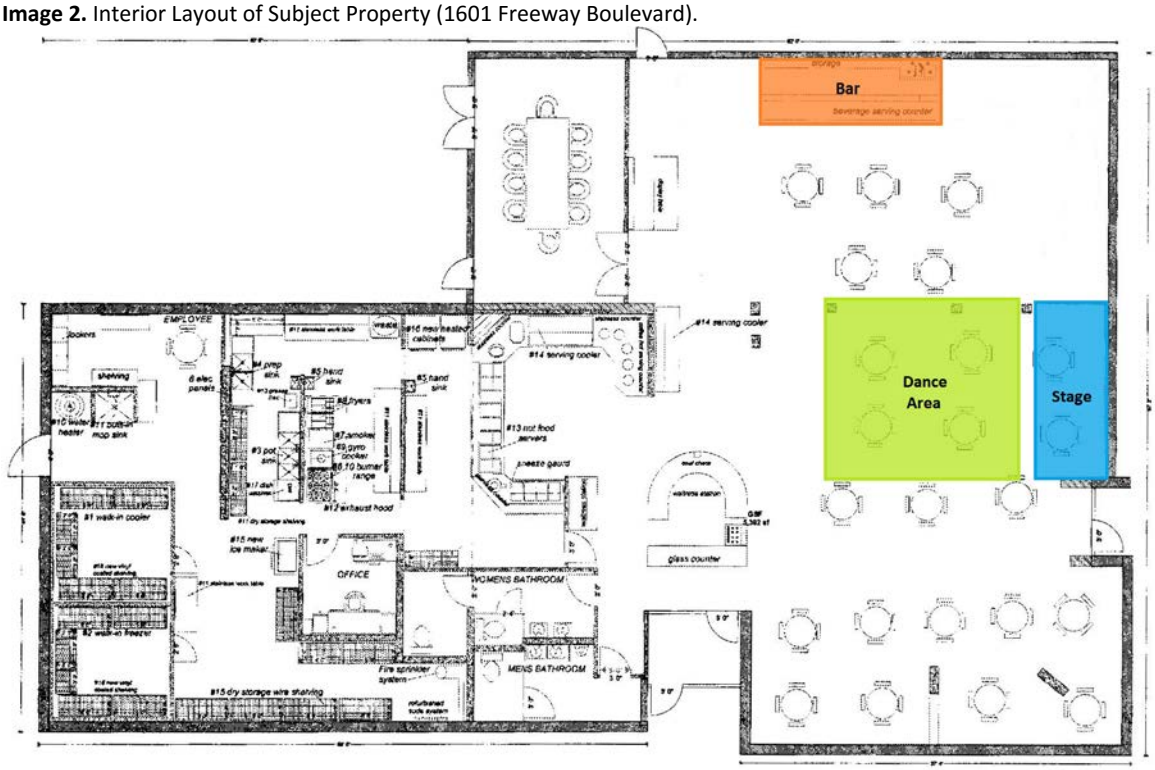
> *"Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must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

Section 35-322 (*C2 Commerce District*) notes that "eating establishments offering live entertainment; recreation and amusement places such as motion picture theaters and legitimate theater; sports arenas, bowling alleys, skating rinks, and gymnasiums, all provided they do not abut an R1, R2, or R3 district, including an abutment at a street line," are allowed through approval and issuance of a Special Use Permit.

It should be noted that the Subject Property, located at 1601 Freeway Boulevard, does *not* abut any R1, R2, or R3 properties. The Subject Property neighbors the Quality Inn, the Regional FBI Headquarters, and a former bowling alley that was approved through Special Use earlier this year for use as an event center. Light industrial properties lie to the north of the Subject Property (across Freeway Boulevard).

The Applicant currently possesses a Liquor License and a Public Dance License from the City. While the Public Dance License does allow for pre-recorded music and DJs, the License *does not* allow for live entertainment. Per Section 23-301 of the City Code of Ordinances, Public Dance Licenses are issued in cases where public dancing is permitted in any public establishment, "within which intoxicating liquor or 3.2 percent malt liquor is licensed to be sold or consumed." These Licenses also require renewal on an annual basis, as well as information illustrating the dance area, the maximum number of dancers to be accommodated, the hours during which public dancing will be conducted, and the intended methods for controlling sound emissions from the licensed premises.

Image 2. Interior Layout of Subject Property (1601 Freeway Boulevard).



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

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

   The Applicant currently operates a restaurant and bar at the Subject Property. The typical operating hours are from 10 a.m. to 10 p.m. when no special events are planned. On Fridays and Saturdays, the noted hours provided are from 10 a.m. to 1 a.m. In cases of special events, the Applicant notes that the restaurant could stay open until 2:30 a.m., but that last call for alcohol would be at 12:45 a.m. as the restaurant stops serving alcohol by 1 a.m. in order to meet the conditions of their City Liquor License.

   The Applicant notes that special events could include live entertainment such as DJs, comedians, small bands, magicians, poets, spoken word, and the like. A small dance floor would be offered in the restaurant area to allow people to dance. During certain special events, security would be provided in order to prevent "under-age entry, body searches for weapons, and skills to de-escalate matters whenever possible."

   Staff is to the understanding that it is not the intent of the Applicant to establish a use that would be detrimental to the overall public health, safety, morals, and comfort of the general public. As there are not many restaurants within walking distance from the surrounding hotels and businesses along Freeway Boulevard, it is hoped that the establishment of the proposed uses would provide an enhancement to the surrounding uses.

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

The Subject Property was constructed in 1989 as a Hardee's restaurant (as is still indicated in the design of the building). Following its run as a Hardee's, this location was home to the Oriental Market for a number of years.

The Applicant has invested time and effort into the Subject Property by conducting some interior remodeling, re-striping of the parking lot, and anticipates re-roofing the restaurant in the very near future. The Applicant has remodeled the interior of the building to allow for the installation of a permanent bar, which received approval from the Hennepin County Health Department, free moving tables and chairs, and a lounge area. Although a buffet is not currently offered, the Applicant has installed a buffet area for use if needed. An area located along the north wall of the wall is reserved for installation of a removable stage. Building Official Dan Grinsteinner noted that the removable stage will need to possess a ramp that is compliance with ADA standards.

Assuming the Applicant is cognizant of the types of events being put on and the neighbors located specifically to the south and east (Quality Inn and Regional FBI Headquarters), the special use should not be injurious to the enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values in the neighborhood. The Applicant should pay particular attention to the noise levels created by these proposed special events, particularly as the Quality Inn is located immediately to the south of the Subject Property and operates more similarly to that of a residential property. Given the proposed hours for special events, guests staying at the Quality Inn may be sleeping at this time.

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

It is not anticipated that the establishment of the requested special use would impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the district. The Subject Property is currently surrounded by like-zoned C2 (Commerce) District properties, although the Quality Inn to the south is more residential in nature. With the exception of the City EDA-owned property (vacant land) located along I-694/94, the surrounding land is currently developed. It is hoped that issuance of a Special Use Permit for live entertainment would serve as a draw and would perhaps result in further investment at the surrounding properties.

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

As the Applicant submitted building permits to the City in order to conduct renovations to the Subject Property earlier this year, City staff worked with the Applicant to address ingress, egress, and parking. As the Subject Property is already developed, there is only one ingress and egress, located along James Circle North and near the drive access to the Quality Inn. The Applicant worked with City staff to identify opportunities to introduce additional on-site parking given constraints to the Subject Property. Staff ultimately required changes to the parking in

order to meet minimum Zoning regulations for parking dimensions and Fire Code regulations for turn radius, minimum access road width, and height clearance along the rear of the restaurant building. Given the reduction in parking, select areas were identified that would allow for parallel parking.

Per a final review of available on-site parking by Building Official Dan Grinsteinner, there are a total of 61 on-site parking spaces. Assuming a use of "Eating and drinking places," the Applicant is required to provide, at minimum, one (1) parking space for every two seats, and one (1) parking space for every two employees on the average maximum shift. Given a total of 61 on-site parking spaces, the Applicant would be able to host *no more than 122 guests and staff* at the restaurant at any one time. This assumes all guests and staff drive to the restaurant. This information has been relayed to the Applicant on numerous occasions, as the restaurant can easily occupy a greater number of people than the Subject Property can park for.

The Applicant will need to ensure that any special events take into account an attendance (of both guests and staff) of no more than 122 people. Parking shall not permitted on the street to allow for additional occupancy and the Applicant does not possess a shared parking agreement with any other neighboring properties. Based on prior conversations and staff knowledge of the surrounding properties, it is unlikely a parking agreement could be arranged, as the uses and lots available are not significantly over parked enough to allow for use by the Applicant.

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

   Per the submitted plans, the Applicant has no plans to alter the exterior of the building in such a way to render the building or site non-conforming. With regard to the minimum parking requirements, the Applicant has worked with staff to revise the site and interior plans as necessary to address the maximum parking allowances. Other than the request for a Special Use Permit to allow for an eating establishments in conjunction with live entertainment, the existing restaurant use is generally permitted within the C2 (Commerce) District. The Applicant is currently in possession of a Liquor License and Public Dance License.

Based on staff findings, staff recommends the Planning Commission recommend City Council approval of the requested Special Use Permit for live entertainment for the property located at 1601 Freeway Boulevard (Subject Property); subject to the Applicant complying with the comments outlined in the Approval Conditions noted below.

SITE AND BUILDING PLAN APPROVAL CONDITIONS:
Staff recommends the following conditions be attached to any positive recommendation on the approval of Application No. 2018-017 for 1601 Freeway Boulevard (Subject Property):

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

2. **Agreements:**
   a. The Applicant shall adhere to the maximum occupancies outlined by City staff in the

submitted plans in order to conform with maximum allowable parking on site of the Subject Property, not maximum allowable building occupancy. Parking shall not be permitted on the street or in neighboring parking lots to allow for additional occupancy at the restaurant.

b. The Applicant shall keep noise and sound emissions confined to the Subject Property and be cognizant of the uses on neighboring properties (e.g., hotel, FBI Regional Headquarters).

3. Facilities and Equipment:

a. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building.
c. Drive aisles shall remain clear around the Subject Property for emergency access.
d. Site lighting shall be well-maintained and kept in operating condition.

RECOMMENDATION

Based on the above-noted findings, Planning Staff recommends the Planning Commission recommends City Council approval of Planning Commission Application No. 2018-017, Special Use Permit for live entertainment within a restaurant for the Subject Property located at 1601 Freeway Boulevard, subject to the Applicant complying with the Approval Conditions.

Should the Planning Commission accept this recommendation, the Commission may elect to adopt the resolution to be provided at the Planning Commission meeting on October 25, 2018, which memorializes the findings in issuing a Special Use Permit approval, subject to the Applicant complying with the above-mentioned conditions of approval.

Attachments

Exhibit A- Affidavit of Publication for Notice of Hearing (1601 Freeway Boulevard), published October 11, 2018, in *Brooklyn Center Sun Post*.

Exhibit B- Application and Memo for Special Use Permit Request, prepared by Simone Chambliss (Jambo Africa, Inc), undated.

Exhibit A

CITY OF BROOKLYN CENTER NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, October 25, 2018, at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Special Use Permit for Live Entertainment within a Restaurant

PETITIONER: Simone Chambliss (Jambo Africa, Inc.)

PROPERTY NAMED IN THE PETITION: 1601 Freeway Boulevard

PROPERTY ID:

35-119-21-41-0014

LEGAL DESCRIPTION: Lot 1, Block 1, Richardson Park Addition, Hennepin County, Minnesota

BRIEF STATEMENT OF CONTENTS OF PETITION:

The Applicant is requesting approval of a Special Use Permit to allow for live entertainment with a restaurant in an existing 6,200-square foot building.

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

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

Respectfully
Ginny McIntosh
City Planner/Zoning Administrator

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Brooklyn Center Sun Post
October 11, 2018
866740

Exhibit B

BROOKLYN CENTER AT THE CENTER

City Use
Date Received:
Date Application Complete:
Letter of Completeness:
Application No. B- 2018-017

Planning Application

A preliminary meeting with the Planning and/or Engineering Staff is required prior to the submission of a Planning Application. No application will be accepted prior to such meeting. City Staff shall have five (5) business days to review applications for completeness. The 60-day statutory review period does not begin until staff determines the application is complete.

Application Request
(Mark all that Apply)

	Site & Building Plan ($750)		Planned Unit Development ($1800)		Subdivision Approval ($300)
	Rezoning ($1050)		PUD Amendment ($700)		Appeal ($200)
	Variance ($200)	X	Special Use Permit ($200)		Determination ($200)

Applicant Information:

Name: Simone Chambliss **Signature** _____

Address: 8664 Tessman Circle N. Brooklyn Park Mn 55445

Office Phone: 763.561.0211 **Cell:** 763.400.1548

Email: SimoneAcolatse@yahoo.com **FAX:** 763.561.0201

Owner Information* (*if different from Applicant*)**:**

Name: _____ **Signature** _____

Address: _____

Office Phone: _____ **Cell:** _____

Email: _____ **FAX:** _____

The fee title owner of the property must sign this Application to make it official

Please provide a general description of your Application Request: seeking authorization to provide live entertainment including music and dance floor area for my patrons

Address/Location of Property: 1601 Freeway Blvd, Brooklyn Center Mn 55430

Legal Description of Property: Lot 1, Block 1, Richardson Park

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs will be in addition to the application fee described herein. Withdrawal of the application will not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

Application Fee $ 200.00 Acct No. 10100-4403 **Receipt No.** _____

Planning Commission Recommendation

Dates of PC Consideration	Legal Notice Published	Notices Mailed	Action Taken	Approved Resolution No.

_____Approved _____Denied this _____day of _____20 _____,
subject to the following conditions:

_____

_____

_____

_____
Chairman

City Council Action

Dates of Council Consideration	Legal Notice Published	Notices Mailed	Action Taken	Approved Resolution No.	Performance Bond Received

_____Approved _____Denied this _____day of _____20 _____,
with the following amendment:

_____

_____

_____

_____
Clerk/Planning Commission Secretary

Description of Customer Services for Jambo Africa Inc,
1601 Freeway Blvd, Brooklyn Center, Mn. 55430

We provide a full-service bar and restaurant,
and our hours of operation are from 10:00 am to 10:00 pm
during weekdays when no special events are planned.
On Fridays and Saturdays we are opened from 10:00 am
to 01:00 am.
For special events we will remain open until 02:30 am.
We stop serving wine and alcohol beverages at 01:00 am,
every night of the week, regardless whether there is a special
event planned. And our last call for alcohol occurs every
night at 12:45 am.

Our food menu consists of meals native and common
to East and West Africa, particularly to members of
Minnesota's Liberian, Kenyan, and Nigerian communities.

Our special events will involve a cover charge and will include
live entertainment such as musicians and DJs,
small bands, DJs, comedians,
magicians, poets for spoken word, etc., and we offer a dance
floor area for patrons which desire to get their swerve on !

We provide security during special events with a focus on
preventing under-age entry, body searches for weapons
and skills to de-escalate matters whenever possible.

We are committed to provide a first class service for
our customers, working closely with our partners at the
City of Brooklyn Center including City Hall and the
Brooklyn Center Police Department, and the State Of Minnesota
to meet or exceed compliance regulations designed to
keep our customers and team members safe and healthy.

Also, could you provide more information on how often the special events would be taking place? Until what time at night? Would there be a cover charge? As the Planning Commission and City Council would be approving the special use permit for "live entertainment," they would want to know the specifics on the entertainment itself. As I will need to write a staff report about your request, I need as much information as possible.

As reference, please refer to the following checklist for special use permits:
http://cityofbrooklyncenter.org/DocumentCenter/Home/View/398

The link to the special use permit application (Planning Application) can be found here:
http://cityofbrooklyncenter.org/DocumentCenter/View/392

In the staff report, the following questions will need to be completely answered in order to provide a recommendation for approval of the special use permit:

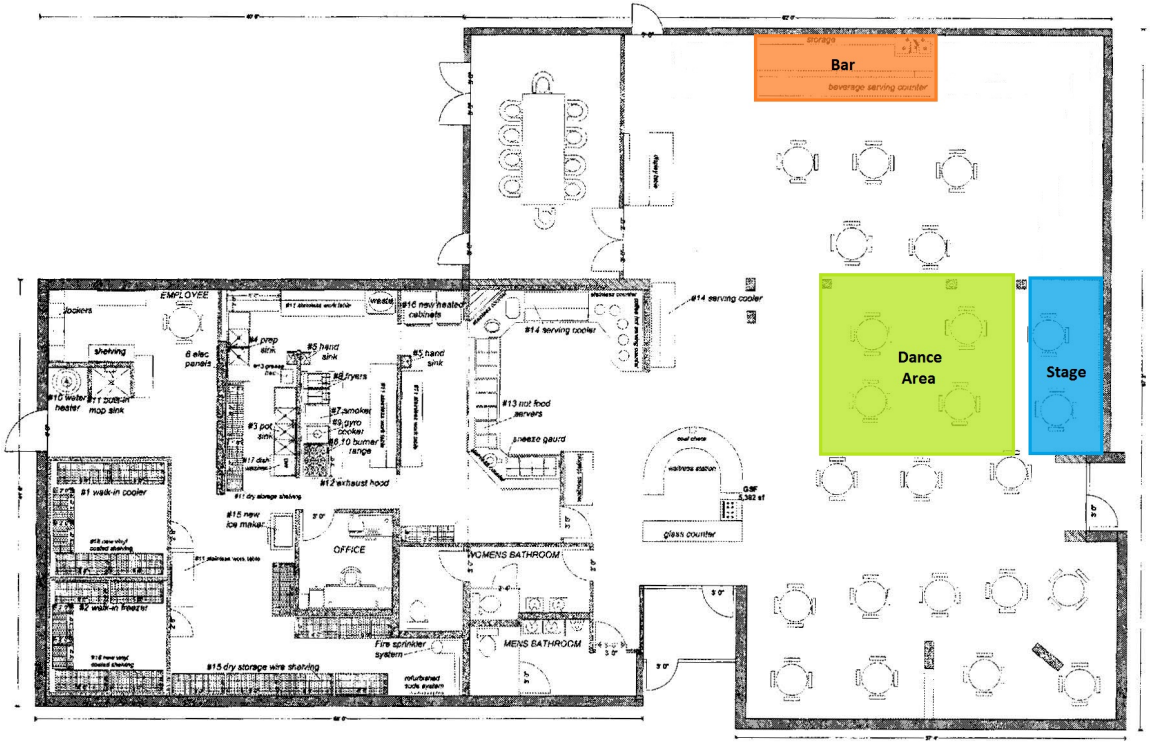
- [ ] The establishment, maintenance or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
No, we will not endanger the general public welfare nor will we be detremental or endanger their public health, safety, morals or comfort
- [ ] The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. No, we will not injure the use and enjoyment of other property in the vicinity, nor will we diminish or impair property values in the neighborhood
- [ ] The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. No, we will not impede the normal, orderly development and improvement of surrounding property for uses permitted in the district
- [ ] Adequate measures have been or will be taken to provide ingress, egress and parking so designed as to minimize traffic congestion in the public streets. We will take adequate measures including providing security to ensure proper ingression and egression of our patrons and their vehicles to minimize traffic congestion in the public street
- [ ] The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. Yes, we are committed to conform to the applicable regulations of the district

-Ginny

Ginny McIntosh | City Planner and Zoning Administrator

City of Brooklyn Center

RECEIVED
MAY - 7 2018



JAMBO AFRICA
restaurant
Simone Chambilisa
1501 Freeway Blvd
Brooklyn Center, Mn 55430

Drawn 12-20-17
by KMR

scale 1/4"=1'

COUNCIL ITEM MEMORANDUM

DATE: 11/13/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing & Community Standards Supervisor

SUBJECT: Consideration of Type IV 6-Month Provisional Rental License

Requested Council Action:

- *Motion to approve the mitigation plan for a Type IV - 6 Month Rental License for 6712 Beard Ave N*

Background:

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Safe, Secure, Stable Community

COUNCIL ITEM MEMORANDUM

DATE: November 12, 2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 6712 Beard Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 6712 Beard Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type III Rental License. This property qualifies for a Type IV Rental License based on ten (10) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

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

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

<u>Current rental license approval activities for license expires on 03/31/2019:</u>

06-19-2018	The Owner, Morris Matthews, applied for renewal of the rental dwelling license for 6712 Beard Ave N, a single family dwelling.
07-20-2018	An initial rental license inspection was conducted and failed. 10 property code violations were cited, see attached rental criteria.
08-27-2018	A second rental inspection was conducted and passed.

09-30-2018	The previous rental license expired.
06-05-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
06-05-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
06-15-2018	A Mitigation Plan was submitted.
06-18-2018	The Mitigation Plan was finalized.
10-19-2018	A letter was sent to the owner notifying that the hearing before the Council will be held November 12, 2018.

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

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will

consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.
Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria,

perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. <u>Police Service Calls.</u>

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

JUN 15 2018

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

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

Property Address:	6712 Beard Ave North		
Owner's Name(s):	Morris Matthews	Local Agent:	
Owner's Address:	4720 Hittner Pointe Eagan, MN 55122	Agent Address:	
Owner's Phone:	612-916-5413	Agent's Phone:	
Owner's Email:	mmchpi@aol.com	Agent's Email:	
Current Expiration Date:	9/30/18	Pending Expiration Date:	

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

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

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

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

PROPERTY ADDRESS

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

☑ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

☑ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☑ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☑ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- ☑ Crime Free Housing training is completed
- ☐ Crime Free Housing training is scheduled for _____ Date
- ☐ Owner or agent plans to attend training at : _____ Name of City

☐ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

☑ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☑ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- ☑ Security Assessment is completed
- ☐ Security Assessment is scheduled for _____

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

Phase III - A.R.M Meeting Requirement

☑ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

☑ 2) **Registration is not required to attend**, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

☑ 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: 1/1/18 and 5/10/18

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

☐ 1) Conduct resident training annually to include crime prevention techniques.

☐ 2) Conduct regular resident meetings.

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PROPERTY ADDRESS

Sections B—*Long Term Capital Improvement Plan*

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace		F	2035
Water Heater		F	2020
Kitchen Appliances		G	2030
Laundry Appliances		G	2030
Smoke Alarms/ Carbon Monoxide Alarms		N	2020
Exterior Items			
Paint/Siding		R	2020
Windows		N	2030
Roof		F	2035
Garage		F	2030
Driveway		F	2030
Fence			
Sidewalks			
Shed			

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

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PROPERTY ADDRESS

Sections C—*Steps to Improve Management and Conditions of Property*

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

The following actions are required:

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

The following actions are optional unless required by the City.

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

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

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BROOKLYN CENTER AT THE CENTER

PROPERTY ADDRESS

Community Development

Sign and Verify

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

Morris L. Matthews

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature — *Date*

Kristi Vargas

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

Additional Owner or Agent Signature (If Applicable) — *Date*

City Staff Only

Police Department — 6/15/2018 *Date*

Community Development — 6/15/18 *Date*

City of Brooklyn Center—Community Development

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Council/EDA Work Session
City Hall Council Chambers
November 13, 2018

AGENDA

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

ACTIVE DISCUSSION ITEMS

1. Amended Transient Accomodations Ordinance

   It is recommended that the City Council consider providing direction to staff regarding the suggested amendments to the existing Transient Accommodations ordinance.
2. ADA Transition Plan Update
3. Tenant Protection Ordinance
4. Eastbrook Estates Development Proposals
5. Youth Art Contest Update

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
   - Cities United Membership
   - Livable Wages
   - Liquor/Public Dance
   - Affordable Housing Recommendations
   - On-Street Parking Conditions
   - Redevelopment Presentation by Thor

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/13/2018

TO: Curt Boganey, City Manager

FROM: Tim Gannon Chief of Police

THROUGH: N/A

SUBJECT: Amended Transient Accomodations Ordinance

Recommendation:

- Provide direction to staff regarding the suggested amendments to the existing Transient Accommodations Ordinance.

Background:

In late 2016, the City Council adopted the Transient Accommodations Licensing Ordinance. This ordinance was established due to excessive police calls for service occurring at some (not all) of our area hotels/motels. It included incorporating a best practices model that reduces excessive police calls, serious crime incidents, and increase overall public safety. The ordinance utilized a tiered system of violations as compared to the room capacity of each hotel/motel. The model was created to be applied to all hotels/motels regardless of their size in a manner that would be consistent and equitable.

One full year has passed since the ordinance was enacted and it did not have the intended effect, which was a reduction of police calls for service and serious crime incidents. In total, the police calls for service have increased by roughly 300 calls. If the current standards continue to be imposed, all hotels in Brooklyn Center with the exception of one would be considered a Level 1, the least restrictive level. Only one hotel/motel would be considered a Level 2. Unfortunately, police calls for service have actually increased from a volume of calls we observed previously as excessive.

Currently, the ordinance states that when a hotel/motel staff member calls police the call for service isn't counted even though police are responding and providing service. The unintended consequence to this clause is that hotel/motel staff call (in most instances) for situations that may not warrant a police response. We believe that this has been happening in an effort to prevent a possible call for service from their customer. This negates the spirit of the ordinance, which is to reduce police calls for service to the respective hotel/motel. The provision was originally written into the ordinance to encourage hotel/motel staff to be proactive, but unfortunately we believe that a few hotel/motel operators view it as a means to skew the actual calls for service aggregate.

A proposal has been prepared for the Council's consideration and direction in order to correct this unintended consequence that we have observed. We have also noticed that many of the public safety incidents and police calls for service could have been averted if the hotel had observed industry standard business practices. Those practices include check-in policies, credit card reservations, requiring guest to complete registration cards, and room inspections by hotel staff for those turning down maid service on multiple days in a row.

Additionally, the language that defines the formula used to figure 'annual calls for service' is not clear. We respectfully request that this is changed and clarified; there is actually an error in the formula. The ordinance currently reads that the calls for service will be 'multiplied' by the number of rooms, when it

should actuality state 'divided.'
This ordinance proposal changes the definition of a 'call for service' to state the following:
"A *call for service* – is any criminal activity, violation of city code or general call for service requiring a police response; except medical emergencies, domestics, and proactive policing measures, observed by the City concerning a transient accommodation property and is responded to by the City."
This updated definition further clarifies what a call for service is and makes it clear that almost all police service calls, when a response is necessary, would be calculated into the aggregate call total. Within this proposal all police responses (not including the exceptions already listed) will count towards the aggregate calculation regardless of who makes the service call. In other words the hotel/motel staff exception would be removed from the definition.
We would also like to add a point system to the 'annual calls for service.' Although it was not clear in the previous ordinance, the police department was calculating calls for service as Part 1 crime as 3 points, Part 2 crime as 2 points, and all other crime as 1 point, but if the hotel/motel employee called the police the call did not count against them.

Proposed Enhanced Point System

5 Points	Violent Crime
3 Points	Other Part 1 Crime
2 Points	Part 2 Crimes and All Other Calls for Service (Per Ordinance)
-1 Point	Hotel/Motel Employee Calls for Police (Removed)

The points would be added up and divided by the number of hotel/motel rooms within the facility. This would be what is considered the 'annual calls for service' as defined in the ordinance.
For those hotels/motels that are issued a Level 2 or 3 license based on police calls for service must allow City staff to conduct a health and safety inspection. The police department has observed throughout the years that the appearance and maintenance practices of a business can have a direct impact on public safety. The inspection does not replace any existing State or County mandated inspection. It does enhance the City's ability to request a best practices model and appropriate security measures necessary to maintain a high level of service for our citizens.

Proposed Changes Summary

- Change the ordinance name to Hospitality Accommodations ordinance.
- Implement basic best practices for all lodging hospitality businesses in the City.
- Broader definition of a 'call for service.'
- Correct the wording within 'annual calls for service.'
- Include the proposed enhanced point system (above) into the definition of 'annual calls for service.'
- An additional provision for Level 2 and 3 license holders to submit to a Health and Safety Inspection.

The police department believes that the proposed changes to the Transient Accommodations Licensing Ordinance would close the unintended loop hole and potentially reduce the police calls for service at our local area hotels/motels, therefore making Brooklyn Center a safer place for citizens.

Policy Issues:

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

Strategic Priorities and Values:

Safe, Secure, Stable Community

CITY COUNCIL

ORDINANCE CHANGE PROPOSAL TRANSIENT ACCOMMODATIONS

NOVEMBER 13, 2018

WHY

MODIFY THE ORDINANCE?

REASONS FOR REQUEST

- The ordinance was originally drafted to reduce the excessive amount of police calls for service received from transient accommodations and set guidelines for necessary calls for service.
- The calls for service have actually increased by approximately 300 since the ordinance was enacted.
- All but one hotel is a Level I Transient Accommodation.

REASONS FOR REQUEST

- Changes and clarification to the wording within the definition of ‘calls for service.’
- Clarify what formula should be used to calculate the transient accommodation licensing levels issued.
- Add the selected formula to the City Ordinance.
- The implementation of standardized business practices would improve the safety and security of those few hotels who don’t currently uses them.

REASONS FOR REQUEST

- For those under performing hotels implement a safety and health inspection to assist in recognizing and improving their buildings and grounds.

CONTENT COMPARISON

CURRENT CONTENT

Annual calls for service- The aggregate total of all calls for service to a transient accommodation property in a calendar year *multiplied* by the total number of lodging units in the transient accommodation as determined by the City.

PROPOSED CHANGES

Annual calls for service- The aggregate total of all **the points, as specified in Section 23-2404, assigned to the** calls for service to a transient accommodation property in a calendar year ~~***multiplied***~~ ***divided*** by the total number of lodging units in the transient accommodation as determined by the City.

DEFINITION COMPARISON

CURRENT DEFINITION

Call for service- Any report of criminal activity made to the police department from or concerning a transient accommodation in connection with an incident occurring at that transient accommodation property, except calls originating from the owner, manager or other agent of the owner of the transient accommodation property;

UPDATED DEFINITION

Call for service – Any report **made to the police department** of criminal activity**, violation of the city code, or general call for service requiring a police response** from or concerning a transient accommodation in connection with an incident occurring at that transient accommodation property, except calls ~~**originating from the owner, manager or other agent of the owner of the transient accommodation property;**~~ **for a medical emergency or domestic assault**;

INCLUDE MORE DEFINITIONS

Include within the ordinance the following Uniform Crime Reporting (UCR) definitions of Violent Crime and Part 1 crime:

- Violent Crime- Any homicide (any degree), Robbery , Criminal Sexual Conduct (first, second, or third degree), or assault (first, second, or third degree).
- Part 1 Crime- Any crime identified in the Uniform Crime Reporting Program as a Part 1 crime, but which does not constitute a “violent crime” as defined in this Section. Part 1 crimes include, but are not necessarily limited to, theft, manslaughter, burglary or arson (first, second, or third degree).

ADD ADDITIONAL VERBIAGE

If a hotel is deemed to be a Level II or Level III Transient Accommodation it will be required to submit to and pass a Safety Inspection conducted by City Code Enforcement.

Clarify and increase the formula used to calculate the number of points accessed to a transient accommodation to determine the level of their licensing.

ADD ADDITIONAL VERBIAGE

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

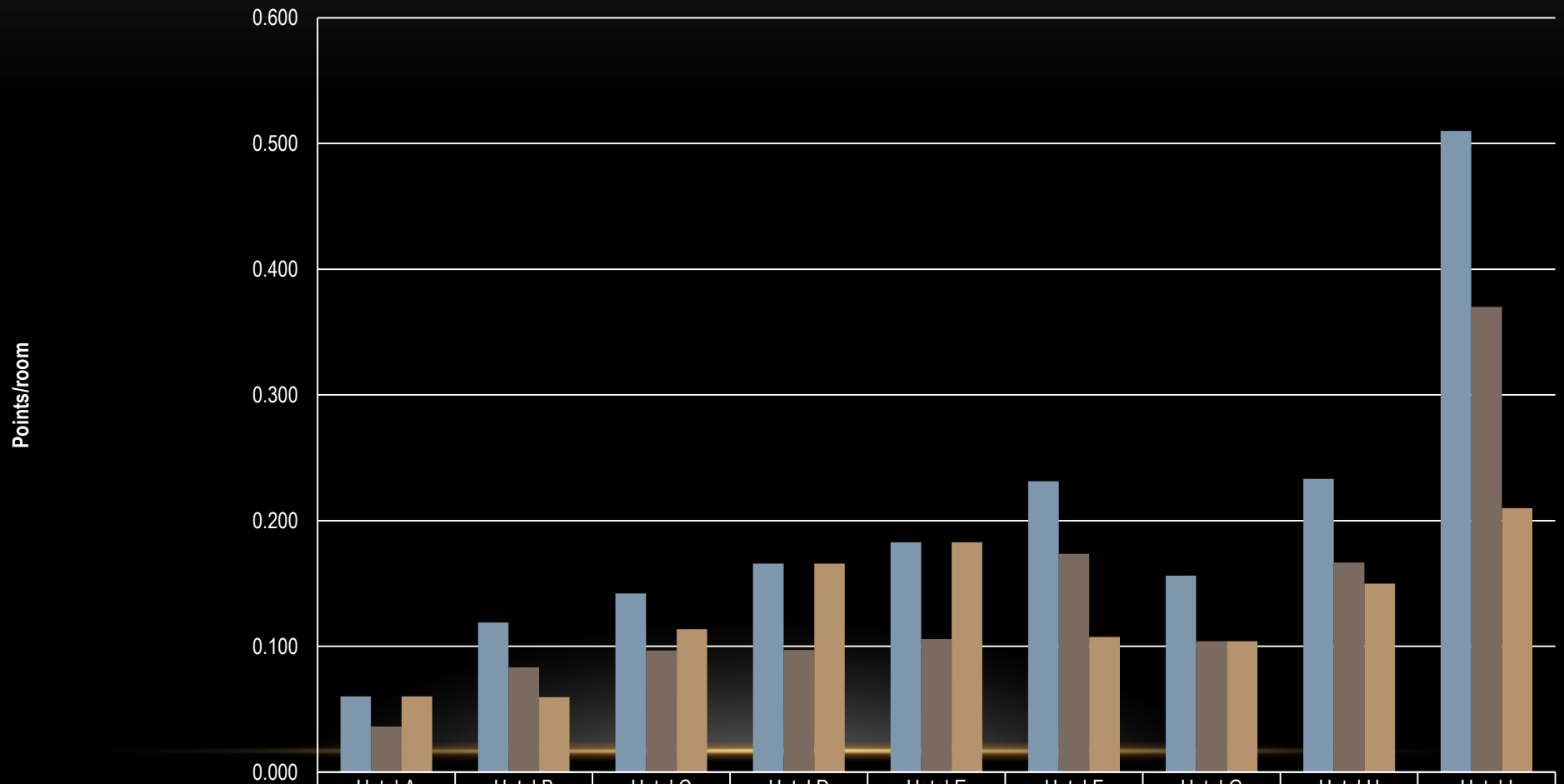
TYPE OF CALL FOR SERVICE	POINTS
Violent Crime	5 Points
Part 1 Crime	3 Points
Other Crimes or Calls for Service	2 Points

To determine the type of transient accommodation license required, the City shall divide the annual calls for service at a transient accommodation, calculated using the point system set out in the above table, by the total number of lodging units in the transient accommodation.

HEALTH AND SAFETY INSPECTION

- Inspections will be required for level 2 and 3 hotels based on their license classifications.
- Building and Community Standards will be responsible for conducting the inspection and then insuring compliance with any required corrections.
- Modeling the inspection form based on the City of Plymouth's example.

2017 POINT TOTAL – PROPOSED CHANGES AND CURRENT SYSTEM



	Hotel A	Hotel B	Hotel C	Hotel D	Hotel E	Hotel F	Hotel G	Hotel H	Hotel I
VC - 5 points, Part 1 - 3, Part 2 -2	0.060	0.119	0.142	0.166	0.183	0.231	0.156	0.233	0.510
VC - 4 points, Part 1 - 2, Part 2 -1	0.036	0.083	0.097	0.097	0.106	0.174	0.104	0.167	0.370
Current	0.060	0.060	0.114	0.166	0.183	0.107	0.104	0.150	0.210

QUESTIONS?

City of Plymouth
Hospitality Accommodations
Safety Inspection Report

Licensee _____ Date _____

Address _____ Number of Rooms _____

Business Name _____ License Posted? _____

Items marked and orders written below must be complied with by date indicated

Building Requirements
__ 1. Good repair and maintained.
__ 2. Provisions in the Property Maintenance Code.

Physical Requirements
__ 3. Floors, hallways, stairways, guest rooms, bathrooms and store rooms: clean, sanitary, smooth, good repair, approved coverage.
__ 4. Walls and ceilings of rooms, halls, stairways: thoroughly cleaned or painted twice a year, good repair.
__ 5. Studs, joists, rafters not exposed expect when suitable. Finished and kept clean.

Screening Requirements
__ 6. Outside openings, doors, windows screened or effective means to prevent entrance.

Interior Lighting & Ventilation Requirements
__ 7. All rooms used by patrons well lighted and ventilated outside.
__ 8. Tempered, make-up air during winter.
__ 9. Gas- or oil-fired room heater and water heaters vented outside.

Toilet Requirements
__ 10. Clean and good repair.
__ 11. Well lighted.

Water Requirements
__ 12. Approved source and adequate supply under pressure.
__ 13. Hot water does not exceed 130 degrees Fahrenheit.

Sanitary Requirements
__ 14. Proper/facility free of litter and rubbish.
__ 15. Garbage receptacles clean and in good repair.

Plumbing and Swimming
__ 16. Plumbing in accordance with Chapter 4715 of *Minnesota Plumbing Code.*
__ 17. Public pools and facilities in accordance with Chapter 4717 of *Minnesota Pool Code*.

Exterior Landscaping
__ 18. Ground cover plants will not exceed three feet in height.
__ 19. Plants under windows must be maintained at a height that is below the windowsill.
__ 20. Trees must be trimmed so the lower braches are at least five feet off the ground.
__ 21. Landscaping cannot interfere with lighting distribution.
__ 22. Surveillance (if required by City Code or provided by the property owner).

Exterior Lighting
__ 23. Proper building lighting.
__ 24. Trash enclosures.
__ 25. Entry and exit points.
__ 26. Parking lots.

Units (15% of all reviewed)
__ 27. Door locks (dead bolt).
__ 28. Window security on all windows.
__ 29. Number clearly identified at each unit.
__ 30. Eye views in each door.
__ 31. Striker plate and screws.

Common Areas
__ 32. Surveillance (if required by City Code or provided by the property owner).
__ 33. Trespass signs at all entrances and/or placed in locations that can be clearly seen by all guests and visitors of guests.
__ 34. Proper lighting.

Minimum Hospitality Accommodation Standards
__ 35. Documented clear check-in policies (City Code Section 435.50).
__ 36. Level II additional requirements (City Code Section 435.55).
- __ Submit a management plan.
- __ Consultation with City on crime prevention advice.
- __ City has been kept appraised of criminal activity that has occurred.
- __ Security cameras installed and operating, with a recorder, in the lobby at all times.

__ 37. Level III additional requirements (City Code Section 435.65).
- __ Semi-annual training sessions completed.
- __ 24-hour front desk personnel
- __ Lodging units rented for a minimum of one night.
- __ Parking passes being issued.
- __ All graffiti removed.
- __ Surveillance cameras operational in all parking lots that can be monitored by the front desk.
- __ Dedicated security guard on the premises every day from 6:00 pm to 6:00 am (cannot be the front desk personnel).

The following must be corrected as indicated. Failure to comply may result in further action.

Comments/orders
_____
_____
_____
_____

Date: _____ Received By. _____

Public Safety
763-509-5160
3400 Plymouth Blvd, Plymouth, MN 55447
www.plymouthmn.gov

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/13/2018

TO: Curt Boganey, City Manager

FROM: Andrew Hogg, Assistant City Manager

THROUGH: Doran Cote, Public Works Director

SUBJECT: ADA Transition Plan Update

Recommendation:

It is recommended that the City Council support the proposed Americans with Disabilities Act (ADA) Transition Plan – Public Right-of-Way.

Background:

The ADA was approved by the Federal Government in 1992. These statutes prohibit public agencies from discriminating against persons with disabilities by excluding them from services, programs, or activities. These statutes require pedestrian access for persons with disabilities to an agency's right-of-way if pedestrian facilities exist. These regulations require cities to implement these requirements by imposing standards for accessible features such as curb cuts, ramps, continuous sidewalks and detectable warnings. ADA requires public agencies with more than 50 employees to have a Transition Plan. An agency's Transition Plan should have been completed within six months of January 26, 1992, and should be based on updates of the self-evaluation conducted to comply with the requirements of the Federal Statues.

In 1993, the City had a Transition Plan developed for building and park facilities for ADA compliance. Deficiencies were identified throughout the parks and completed a Plan which included building, parking lot, trail and curb modifications within City park facilities and some buildings, bringing those items up to compliance with the ADA. The City's 1993 Transition Plan did not detail transportation infrastructure within the right-of-way and there was no formal City Council adoption of the Plan.

Many municipalities currently do not have an approved ADA Transition Plan. The Transition Plan should be updated periodically to ensure ongoing needs of the community continue to be met. For those State and local agencies that have not completed their self-evaluation and Transition Plans, it is critical that they complete this process. The ADA Transition Plan is part of the City's compliance with the ADA for its City streets system and the City's right-of-way. It supports Brooklyn Center's mission, vision and overarching goal of a safe, inclusive community that enhances the quality of life for all people.

The Engineering Division's current internal policy is to replace pedestrian ramps and sidewalks that are included within the project area of street improvement projects with ADA compliant facilities. The City also reviews all requests and complaints regarding ADA and acts in accordance to the most economical and practical policy. The City follows the Minnesota Department of Transportation (MnDOT) guidelines, standards and practices when reviewing, designing and installing pedestrian facilities within the right-of-way. The Community Development Department reviews public and private facilities and site modifications and adheres to the ADA guidelines when reviewing plans.

The draft Transition Plan encompasses several items which include a schedule for providing accessible

features with the public right-of-way. The ADA Transition Plan should accomplish the following four tasks:

1.) Identify physical obstacles in the public agency's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
2.) Describe in detail methods that will be used to make the facilities accessible;
3.) Specify the schedule for taking steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the Transition Plan; and
4.) Indicate the officials responsible for implementation of the Transition Plan.

Over the last two summers, staff has completed a self-evaluation of 100 percent of the City's 867 pedestrian ramps, 45.67 miles of sidewalk and traffic control systems. The Transition Plan will present the policies, procedures and standards for the City to follow within the right-of-way. The Transition Plan also lays out a grievance procedure.

The City's Transition Plan requires public feedback prior to approval and staff is prepared to submit the draft Transition Plan to the public following the City Council's support of the Transition Plan. The City will specifically target any local community groups representing persons with disabilities for comment to ensure that the agency is meeting local priorities of that community. Following the approval of the Transition Plan, the City will continue to update the document yearly.

Policy Issues:

Does the City Council have any comments or questions regarding the Transition Plan, process, implementation plan or planned public engagement activities prior to public hearing for the plan?

Strategic Priorities and Values:

Safe, Secure, Stable Community

ADA Transition Plan for City Rights of Way

City of Brooklyn Center

11/13/2018

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. Title II of ADA provides that, "…no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

DRAFT

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Appendices

Introduction

Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:

I. Employment
II. State and local government services
III. Public accommodations
IV. Telecommunications
V. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the City of Brooklyn Center (City) must comply with this section of the ADA as it specifically applies to public service agencies. Title II of ADA provides that, "…no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." (42 USC. Sec. 12132; 28 CFR. Sec. 35.130)

As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150, the City has conducted a self-evaluation of its facilities within public rights-of-way and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals. This document serves as a supplement to the City's existing Transition Plan covering buildings, services, programs and activities.

ADA and Its Relationship to Other Laws

Title II of ADA is companion legislation to two previous Federal statutes and regulations: the Architectural Barriers Acts of 1968 and Section 504 of the Rehabilitation Act of 1973.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act of 1968 marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive Federal funding or not.

Agency Requirements

Under Title II, the City must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (28 C.F.R. Sec. 35.150).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability (28 C.F.R. Sec. 35.130 (a).
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result (28 C.F.R. Sec. 35.130(b) (7).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective (28 C.F.R. Sec. 35.130(b)(iv) & (d).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others (29 C.F.R. Sec. 35.160(a).
- Must designate at least one responsible employee to coordinate ADA compliance [28 CFR Sec. 35.107(a)]. This person is often referred to as the "ADA Coordinator". The public entity must provide the ADA Coordinator's name, office address and telephone number to all interested individuals [28 CFR Sec. 35.107(a)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees and other interested persons [28 CFR Sec. 35,106]. The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis [28 CFR Sec. 104.8(a)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [28 CFR Sec. 35.107(b)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the Federal complaint process.

This document has been created to specifically cover accessibility within the public rights-of-way and does not include information on City programs, practices, or building facilities not related to public rights-of-way.

Self-Evaluation

Overview

The City is required, under Title II of the ADA and 28CFR35.105, to perform a self-evaluation of its current transportation infrastructure policies, practices and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the City implements these policies. The goal of the self-evaluation is to verify that, in implementing the City's policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation also examines the condition of the City's Pedestrian Circulation Route/Pedestrian Access Route (PCR/PAR) and identifies potential need for PCR/PAR infrastructure improvements. This will include the sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and transit facilities that are located within the City's rights-of-way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.

Policies and Practices

Previous Practices and Current Practices

Since the adoption of the ADA, the City has strived to provide accessible pedestrian features as part of the City's capital improvement projects. As additional information was made available, as to the methods of providing accessible pedestrian features, the City updated their procedures to accommodate these methods. Past projects include 1993 ADA Transition Plan, along with improvements in neighborhood reconstruction projects.

The engineering department will consider and respond to all accessibility improvement requests within the right of way. Requests should be sent to the ADA coordinator as specified in **Appendix D**. All accessibility improvements that have been determined to be reasonable will be scheduled, consistent with transportation priorities. The City will coordinate with external agencies as necessary to ensure that all new or altered pedestrian facilities within the city jurisdiction are ADA compliant to the maximum extent possible.

Following are descriptions of the various policies and practices the City uses to assist with ADA compliance.

Transportation Projects

The City's goal is to continue to provide and upgrade accessible pedestrian facilities as part of transportation projects. During the development of project plans, staff will inspect, inventory

and plan for any required improvements to pedestrian facilities located in the public right of way to ensure ADA compliance. The city has established ADA design standards and procedures as detailed in **Appendix G**

Street Reconstruction Projects

The City's street infrastructure is upgraded and maintained through Street Reconstruction Projects. The City is divided into 17 neighborhoods and projects are planned based on these neighborhood areas. The projects provide a systematic approach to managing the City's transportation infrastructure, including pedestrian facilities within the right-of-way. The City incorporates ADA accessible pedestrian features into its reconstruction projects, including street rehabilitation and sidewalk maintenance. The segments of streets and sidewalks are selected based on condition, budget and are updated annually within the City's 15 Year Capital Improvement Program (CIP) to reflect current infrastructure needs.

Bike, Sidewalk and Trail Projects

The City has an approved Pedestrian & Bicycle Plan (adopted by the City Council on March 24, 2014), with the goal to improve connectivity, safety and accessibility and overall community livability of the citywide network of sidewalks and trails. At times, its necessary to schedule sidewalk and trail construction separately from street and transportation projects. These projects will incorporate pedestrian ADA facility upgrades and improvements as necessary.

Traffic Control Signal Projects

The City is responsible for eight traffic control signals in Brooklyn Center. At times it is necessary to schedule traffic signal repair and replacement separately from street and transportation projects. These projects are driven by traffic control conditions and operations at the intersections and will incorporate pedestrian facility upgrades as necessary and feasible.

Inventory

In 2016 and 2017, the City conducted an inventory of pedestrian facilities within its public right-of-way consisting of the evaluation of following City owned facilities:

- 45.6 miles of sidewalks
- 839 curb ramps
- 15.7 miles of trails
- 8 signalized intersections

A detailed evaluation on how these facilities relate to ADA standards is found in **Appendix B** and will be updated periodically. The engineering department will further assess accessibility of pedestrian ramps and traffic signals in advance of the CIP projects to allow for the design of ADA compliant pedestrian facilities. As resources allow, the department will gather additional

data to assist in determining levels of ADA compliance of pedestrian facilities to assist in prioritizing and programing funds for projects to be added to the CIP.

ADA Coordinator

In accordance with 28 CFR 35.107(a), the City has identified an ADA Title II Coordinator to oversee City policies and procedures. Contact information for this individual is located in **Appendix E**.

Implementation Schedule

Policy

The City's goal is to continue to provide accessible pedestrian design features as part of the CIP projects. The City has established ADA design standards and procedures as listed in **Appendix G**. These standards and procedures will be kept up to date with nationwide and local best management practices.

The City will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The City will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the City jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public right-of-way will continue to follow the policies set forth by the City (Sidewalk Maintenance Policy, Snow and Ice Control Policy).

Methodology

The City will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive of the two methods are the scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. The second method is the stand alone sidewalk and ADA accessibility improvement project. These projects will be incorporated into the 15 year CIP on a case by case basis as determined by Brooklyn Center staff. The City CIP, which includes a detailed schedule and budget for specific improvements, is updated annually.

External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of the City. The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes.

Prioritization and Schedule

The City will include accessibility improvements in all transportation projects planned in the CIP. The CIP is reviewed on an annual basis and will be revised as needed to address accessibility priorities with the needs of the City's overall transportation system.

The City has set the following schedule goals for improving the accessibility of its pedestrian facilities within the City jurisdiction:

- Traffic signals, pedestrian ramps and sidewalks will be addressed through the neighborhood reconstruction projects from scheduling and constructing improvements.
- Any facilities identified as an existing hazard or compliance issue that City staff believes needs to be addressed by a set date will have a work order issued or it will be incorporated into a CIP project.
- After 15 years, 80 percent of accessibility features within the jurisdiction of City should be ADA compliant.

Public Outreach

The City recognizes that public participation is an important component in the development of this document. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of the City.

Public outreach for the creation of this document consisted of the following activities:

Insert summary of outreach items here.

This document was also available for public comment. A summary of comments received and detailed information regarding the public outreach activities are located in **Appendix C**.

Grievance Procedure

Under the ADA, each agency is required to publish its responsibilities in regards to the ADA. A draft of this public notice is provided in **Appendix D**. If users of the City facilities and services believe the City has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with 28 CFR 35.107(b), the City has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments and other grievances. This grievance procedure is outlined in **Appendix D**, with a complaint form in **Appendix E.**

Monitor the Progress

This document will continue to be updated as conditions within the City evolve. The appendices in this document will be updated periodically, while the main body of the document will be updated as needed with a future update schedule to be developed at that time. With each main body update, a public comment period will be established to continue the public outreach.

Appendices

A. Glossary of Terms

B. Self-Evaluation Results

C. Public Outreach

D. Grievance Procedure

E. Grievance Form

F. Contact Information

G. Agency ADA Design Standards and Procedures

Appendix B – Self-Evaluation Results

This initial self-evaluation of pedestrian facilities yielded the following results:

- 58% percent of sidewalks met accessibility criteria (26.44 miles)
- 26% percent of curb ramps met accessibility criteria (220/839)
- 100% percent of traffic control signals had Accessible Pedestrian Signal(APS) (8/8)
    - 13% percent of traffic control signals had push buttons that are accessible (1/8)

The inventory of the pedestrian ramps and traffic signals in the city public right of way can be found at the city's ADA transition plan webpage.

A map showing the locations of these facilities are also included on the following page.

Appendix C – Public Outreach

Insert Summary of Public Outreach here:

Insert Outreach agenda's and sign in info, as well as notification and invite strategy.

Appendix D – Grievance Procedure

As part of the ADA requirements the City/County has posted the following notice outlining its ADA requirements:

Public Notice

In accordance with the requirements of Title II of the ADA Act of 1990, Brooklyn Center will not discriminate against qualified individuals with disabilities on the basis of disability in City's services, programs, or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA Act.

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City programs, services and activities, including qualified sign language interpreters, documents in Braille and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity should contact the office of ADA Coordinator (see **Appendix F**) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Appendix E – Grievance Form

Prior to filling a grievance, the public is strongly encouraged to contact the public right-of-way ADA Coordinator to discuss any concerns regarding City transportation facilities. The ADA Coordinator's role is designed to provide a point of contact for the public to address concerns. It is anticipated that most concerns identified will be able to be resolved by the ADA Coordinator. Contact information for the ADA Coordinator can be found in **Appendix F** of this document.

Purpose

This Grievance Procedure is established to meet the requirements of the ADA Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City. The City's Personnel Policy governs employment-related complaints of disability discrimination.

Procedure

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation. Contact information for the ADA Coordinator can be found in Appendix F of this document.

Within 15 calendar days after receipt of the complaint, ADA Coordinator or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Brooklyn Center and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or their designee.

Within 15 calendar days after receipt of the appeal, the City Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by ADA Coordinator or their designee, appeals to the City Manager or their designee and responses from these two offices will be retained in accordance to State and Federal law.

Method

Those wishing to file a formal written grievance with the City may do so by one of the following methods:

Internet

Visit the Brooklyn Center website (cityofbrooklyncenter.org) and click the "ADA" link to the ADA Grievance Form. Fill in the form online and click "submit". A copy of the ADA Grievance Form is included in this **Appendix G**.

Telephone

Contact the pertinent City staff person listed in the Contact Information section of **Appendix G** to submit an oral grievance. The staff person will utilize the internet method above to submit the grievance on behalf of the person filing the grievance.

Paper Submittal

Contact the pertinent City staff person listed in the Contact Information section of **Appendix G** to request a paper copy of the county's grievance form, complete the form and submit it to the ADA Coordinator.

Information Required

The ADA Grievance Form will ask for the following information:

- The name, address, telephone number and email address for the person filing the grievance.
- The name, address, telephone number and email address for the person alleging an ADA violation (if different than the person filing the grievance).
- A description and location of the alleged violation and nature of a remedy sought, if known by the complainant.
- If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another Federal or State civil rights agency, a court, or others, the name of the agency or court where the complainant filed it and the filing date.

Process

The City will acknowledge receipt of the grievance to the complainant within 10 working days of its submittal. The City will also provide to the complainant within 10 working days of its

submittal; 1) a response or resolution to the grievance or; 2) information on when the complainant can expect a response or resolution to the grievance.

If the grievance filed does not concern a Brooklyn Center facility, the City will work with the complainant to contact the agency that has jurisdiction.

3) within 30 calendar days of receipt, a City staff person will conduct an investigation necessary to determine the validity of the alleged violation. As a part of the investigation, the staff person would conduct an engineering study to help determine the City response. The staff person will take advantage of department resources and use engineering judgment, data collected and any information submitted by the resident to develop a conclusion. A staff person will be available to meet with complainant to discuss the matter as a part of the investigation and resolution of the matter. The City will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance File for a period of seven years.

The City will consider all specific grievances within its particular context or setting. Furthermore, the City will consider many varying circumstances including:

- The nature of the access to services, programs, or facilities at issue;
- The specific nature of the disability;
- The essential eligibility requirements for participation;
- The health and safety of others;
- The degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to Brooklyn Center.

Accordingly, the resolution by Brooklyn Center of any one grievance does not constitute a precedent upon which the county is bound or upon which other complaining parties may rely.

File Maintenance

The City shall maintain ADA Grievance Files in accordance with State and Federal law.

Complaints of Title II violations may also be filed with the DOJ within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the DOJ. The DOJ may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.

For more information contact:

U.S. Department of Justice Civil Rights Division
950 Pennsylvania Avenue, N.W. Disability Rights Section - NYAV
Washington, D.C. 20530
www.ada.gov
(800) 514-0301 (voice – toll free)
(800) 514-0383 (TTY)

Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the DOJ or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.

ADA Complaint Form

The City has developed a grievance procedure to ensure that accessibility concerns are resolved quickly and fairly, as outlined in the Americans with Disabilities Act (ADA). If you have issues with the form, or to file an oral grievance, call 763-569-3327.

Complainant – Person Filing Grievance

Name:_____ Date:_____

Address:_____

City:_____ State:_____ Zip Code:_____

Phone Number(s):_____ Email:_____

Person Claiming Accessibility Issue (If different from above)

Name:_____

Phone Number(s):_____ Email:_____

Complaint

Where is the location of the problem? Please include street name, intersection (if applicable), city, facility name and/or location if other than a roadway.

What efforts have been made to resolve this complaint? (If you have documentation, copies would be helpful. Examples are letters, email messages, written notes, etc.)

Has the complaint been filed with any Federal or State Agency? ____Yes ___No

Name of Agency:_____

Contact Name:_____ Date Filed:_____

Please attach additional pages if more room is needed.

Signature of Complainant:_____ Date:_____

Return to: Andrew Hogg, Assistant City Engineer
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430 ahogg@ci.brooklyn-center.mn.us

Notice of Rights

In accordance with the Minnesota Government Data Practices Act, the City of Brooklyn Center is required to inform you of your rights as they pertain to the private information collected from you. The personal information we collect from you is private. Access to this information is available only to you, the agency collecting the information and other statutorily authorized agencies, unless you or a court authorizes its release.

The Minnesota Government Data Practices Act requires that you be informed that the following information, which you are asked to provide, is considered private.

The purpose and intended use of the requested information is:
To assist City of Brooklyn Center staff and designees to evaluate and respond to accessibility concerns within the public right-of-way.

Authorized persons or agencies with whom this information may be shared include:
City of Brooklyn Center officials, staff or designee(s).

Furnishing the above information is voluntary, but refusal to supply the requested information will mean:
City of Brooklyn Center staff may be unable to respond to or evaluate your request.

Appendix F – Contact Information

ADA Title II Coordinator

Name:
Address:

Phone:
Fax:

E-mail:

Public Right-of-Way - ADA Implementation Coordinator

Title: Assistant City Engineer
Name: Andrew Hogg
Address: 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430

Phone: 763.569.3327
Fax: 763.569.3440
E-mail: ahogg@ci.brooklyn-center.mn.us

Appendix G – Agency ADA Design Standards and Procedures

Design Procedures

Intersection Corners

Curb ramps or blended transitions will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of any project. Those limitations will be noted and intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless if full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of City staff.

Sidewalks/Trails

Sidewalks and trails will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of any project. Those limitations will be noted and segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless if full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City staff.

Traffic Control Signals

City owed traffic control signals will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of any project. Those limitations will be noted and locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of City staff.

Bus Stops/Other Transit Facilities

Bus stops and other transit facilities are present within the limits of the City. Those facilities fall under the jurisdiction of Metro Transit. The City will work with Metro Transit to ensure that those facilities meet all appropriate accessibility standards.

Other Policies, Practices and Programs

Policies, practices and programs not identified in this document will follow the applicable ADA standards.

Design Standards

The City has PROWAG, as adopted by the Minnesota Department of Transportation (MnDOT), as its design standard. A copy of this document is included in the following pages of this appendix.

Appendix A – Glossary of Terms

ABA: Architectural Barriers Act.

ADA: Americans with Disabilities Act.

ADA Transition Plan: MnDOT's transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the Statewide Transportation Improvement Program (STIP) and ensures all transportation facilities, services, programs and activities are accessible to all individuals.

ADAAG: Americans with Disabilities Act Accessibility Guidelines.

Accessible: A facility that provides access to people with disabilities using the design requirements of the ADA.

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats.

Alteration: A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): The Americans with Disabilities Act; Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): Contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the ADA of 1990.

APS: Accessible Pedestrian Signal.

Architectural Barriers Act (ABA): Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Capital Improvement Program (CIP): Capital Improvement Plan provides long-term planning and management of infrastructure and buildings throughout the City. The CIP is a planning document that presents a 15-year overview of scheduled capital projects to address the City's goals for maintaining public infrastructure in four functional areas: street improvements, park improvements, public utilities and capital building maintenance Improvements. A capital

improvement is defined as a major non-recurring expenditure related to the City's physical facilities and grounds.

Detectable Warning: A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

DOJ: United States Department of Justice

Federal Highway Administration (FHWA): A branch of the US Department of Transportation that administers the Federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads and bridges.

Pedestrian Access Route (PAR): A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

Pedestrian Circulation Route (PCR): A prepared exterior or interior way of passage provided for pedestrian travel.

PROWAG: An acronym for the *Guidelines for Accessible Public Rights-of-Way* issued in 2005 by the U.S. Access Board. This guidance addresses roadway design practices, slope and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking and other components of public rights-of-way.

Right-of-Way: A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks and trails creating public pedestrian access within a public entity's jurisdictional limits.

Section 504: The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the Federal government.

Uniform Accessibility Standards (UFAS): Accessibility standards that all Federal agencies are required to meet; includes scoping and technical specifications.

United States Access Board: An independent Federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

United States Department of Justice (DOJ): The United States Department of Justice (often referred to as the Justice Department or DOJ), is the United States Federal executive department responsible for the enforcement of the law and administration of justice.

Work Session

ADA Transition Plan
Public Rights-of-Way

City Council Work Session

November 13, 2018

Strategic Priorities - Safe, Secure, Stable Community

BROOKLYN CENTER AT THE CENTER

Agenda

- Purpose and Goals
- Types of Pedestrian Facilities
- ADA Transition Plan Highlights
- Next Steps
- Questions & Comments

Purpose and Goals

- What?
  - Public right-of-ways and facilities are required to be accessible to persons with disabilities through Compliance with Title II of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973
    - Prohibits public agencies from discriminating on the basis of disability by excluding them from programs, services or activities
    - Requires pedestrian access to persons with disabilities within public rights of way and facilities where pedestrian facilities exists
- Why?
  - Maintain eligibility for Federal transportation funds
- How?
  - Develop an ADA Transition Plan where the initial focus is on pedestrian facilities within street right of way
- When?
  - City Council approved plan in early 2019

Background

1990
ADA becomes law

1993
City made improvements to City buildings facilities to bring into compliance

1994 to 2018
City has no formal ADA Transition Plan for right-of-way. Has informal policy of improvements based on complaints and reconstruction projects

2016 to 2018
Inventory and draft ADA Transition Plan for Public rights-of-way completed

Future
Receive public comments and receive formal Council approval

Types of Pedestrian Facilities

- Street Right of Way
  - Sidewalks (45.6 miles)
  - Curb Ramps (839 ramps)
  - Signals with Pedestrian Crossings (8 intersections)

- Other
  - Parks & Recreation Facilities
  - City Buildings
  - Shared Use Trails (15.7 miles)

Curb Ramps

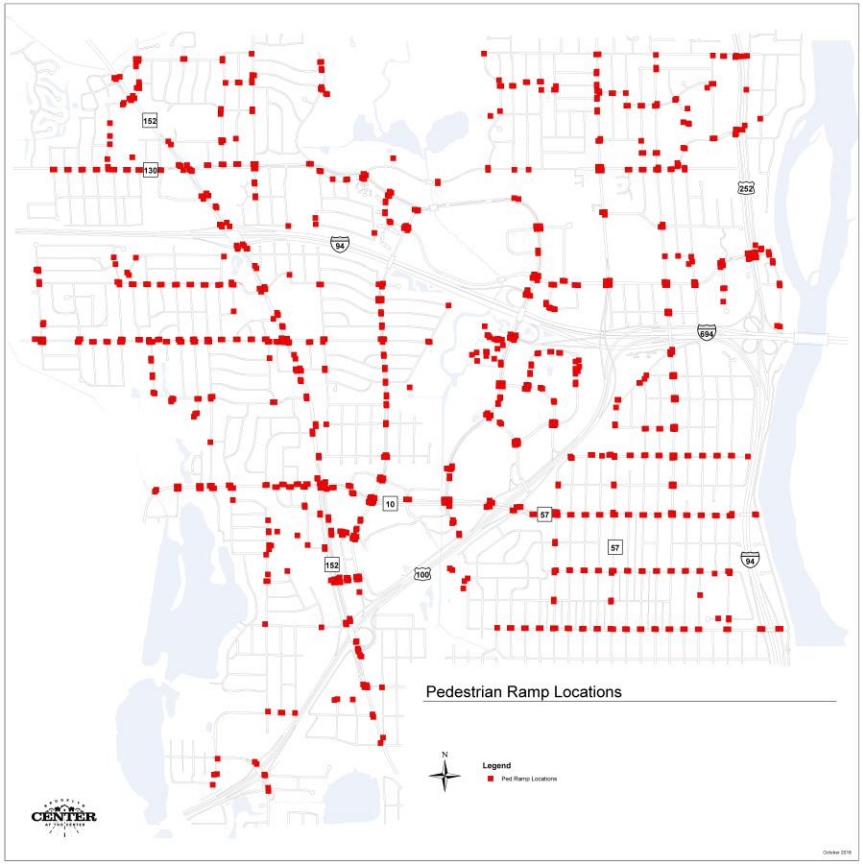
Signals with Pedestrian Crossings

ADA Transition Plan Highlights

- ADA Policy
  - ADA requires public agencies with more than 50 employees to have a Transition Plan
    - Identify physical obstacles in the public agency's facilities that limit accessibility of its programs or activities to individuals with disabilities
- Responsible Official for Implementation of the Plan
  - Assistant City Engineer designated as ADA Coordinator for Public Rights-of-ways
- Self Evaluation
- ADA Guidelines & Design Standards
  - Describe in detail methods that will be used to make the facilities accessible
- Grievance/Complaint Procedures
- Programming, Prioritization and Scheduling of Pedestrian Facility ADA Improvements

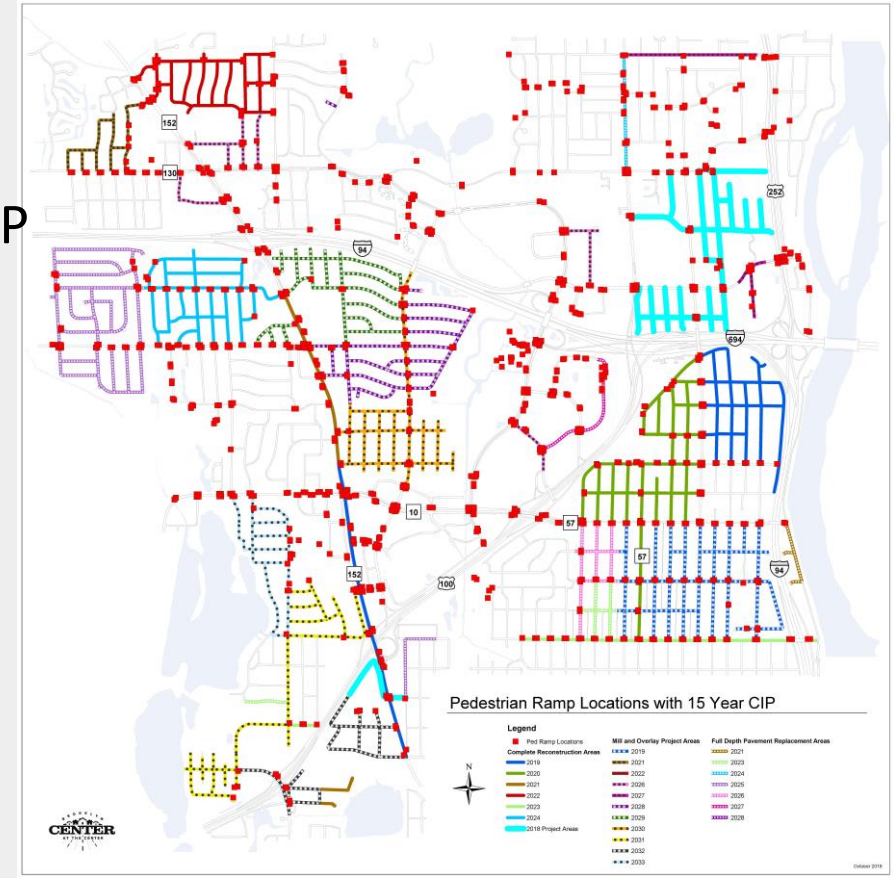
ADA Transition Plan Highlights -Self Evaluation

- Self Evaluation
  - Identify physical obstacles and location
  - Detailed evaluation of each existing curb ramp, sidewalk or traffic signal.
  - Determine the need, costs and priority of improving existing pedestrian facilities City wide.
  - City Owned Pedestrian facilities :
    - Curb Ramps (839 ramps)
      - 220 Compliant (26%)
      - 619 Not Compliant (74%)
    - Sidewalks (45.6 miles)
      - TBD
    - Signals with Pedestrian Crossings (8 intersections)
      - 1 intersection with compliant APS push buttons (12.5%)



ADA Transition Plan Highlights - Implementation Plan

- Implementation Plan
  - Upgrade accessible pedestrian facilities as part of the 15 year CIP
    - Reconstruction Projects
      - Curb Ramps, Sidewalks. Traffic Signals
    - Mill and Overlay Project
      - Curb Ramps
  - Street Maintenance - Sidewalk Maintenance Policy
  - Development & Building Permit Review
  - Review accessibility improvement as requested



ADA Transition Plan Highlights - Implementation Costs

- Construction cost for upgrading facilities can vary depending on each individual improvement and condition at each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are representative 2018 costs for some typical accessibility improvements
  - Curb Ramp retrofit: +/- $4,300 per corner
  - Curb Ramp as part of adjacent capital project: +/- $2,600 per corner
  - Traffic control signal APS upgrade retrofit: +/-$ 20,000
  - Traffic control signal APS upgrade as part of full traffic control signal installation: +/- $15,000
  - Sidewalk / Trail ADA improvement retrofit: +/- $13.00 per SF
  - Sidewalk / Trail ADA improvement as part of adjacent capital project: +/- $6.50 per SF

ADA Transition Plan Highlights - Implementation Cost

- 2018 City Owned Pedestrian facilities :
  - Curb Ramps (839 ramps)
    - 220 Compliant (26%)
    - 619 Not Compliant (74%)
- After 2019-2033 CIP City Owned Pedestrian facilities :
  - Curb Ramps (839 ramps)
    - 514 Compliant (61%)
      - » 294 would be completed in CIP project areas (@$2,600/each = $764,400)
    - 325 Not Compliant (39%)
      - » 271 would be in future CIP project areas (@$4,300/each = $1,165,300)
      - » 54 outside of CIP project areas (@$4,300/each = $232,200)
- Note: these values do not address replacement of existing non-compliant walks or trails.
- This represents a significant investment that the City of Brooklyn Center is committed to making to improve accessibility in the City. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City of Brooklyn Center budget for improvements to the public right of way.

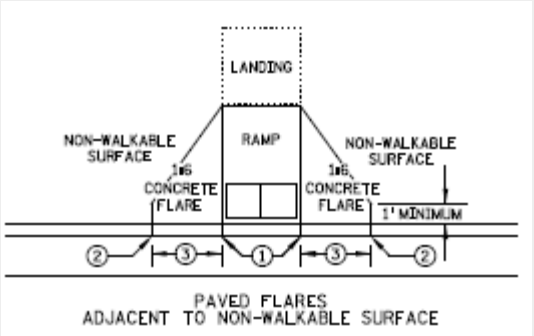
ADA Transition Plan Highlights – ADAGuidelines

- ADA Guidelines & Design Standards
  - Public Rights-of-Way Accessibility Guidelines (PROWAG), as adopted by the Minnesota Department of Transportation (MnDOT)
    - Proposed Accessibility Guidelines for Pedestrian Facilities within the Public ROW

ADA Transition Plan Highlights – PROWAG

- Sidewalk Technical Requirements
  - 4’ min clear width
  - 2% max cross slope
  - Surfaces shall be firm, stable and slip resistant
  - Vertical alignment shall be smooth

- Curb Ramp Technical Requirements
  - Perpendicular & parallel curb ramps
  - 4’x4’ turning space (landing)
  - 8.3% max running slope
  - 2% cross slope
  - Surfaces shall be firm, stable and slip resistant
  - Detectable warning surface



- Pedestrian Access Routes (PAR)

Next Steps

- Public Input – January/February 2019
  - Hold a public open house in Spring 2019 to gather comments and plan feedback from residents.
  - Post on website
- Incorporate feedback in to draft plan – March/April 2019
- Formally approve ADA Transition Plan for public right-of-way – April 2019

*Work still needs to be done to ensure City meets all requirements for ADA in all aspects of the City's programs.

Questions

Strategic Priorities:

- Safe, Secure, Stable Community

Policy Issues:

- Are the City Council's expectations being met pertaining ADA compliance within public right-of-ways of the City?
- Does the City Council have any comments or questions regarding the ADA Transition Plan, process, implementation plan or planned public engagement activities prior to a public open house for the plan?
- It is recommended that the City Council support the proposed ADA Transition Plan.

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/13/2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

SUBJECT: Tenant Protection Ordinance

Recommendation:

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

Background:

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

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

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

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

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

landlord for violating this ordinance.

A draft ordinance, prepared by the City Attorney is attached for review and consideration. St. Louis Park originally drafted the ordinance in partnership with several of their landlords as well as affordable housing advocates. It was broadly supported. The draft is similar to that of St. Louis Park's and Richfield's with some modifications.

- The tenant protection requirements would be integrated into the rental licensing application process and documentation would need to be provided in order for a property to receive their new license.
- Restricts the type of non-renewals that can occur during the tenant protection period.
- Restricts material changes to the terms of the lease to prevent the landlord from creating a hardship on the tenant during the protection period.

The ordinance would potentially add cost to an investor/buyer intending to purchase an apartment building in the City. Depending on the intentions of the new buyer a three month hold on changes to lease agreements could affect their offer to purchase. Existing landlords in St. Louis Park indicated that this was not of great concern, as long as the new buyer was well aware of the requirements, they would be able to build it into their proforma.

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

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

Policy Issues:

- Does the Council require additional information regarding tenant protection before concluding if further policy actions are necessary?

- Are there recommended changes to the draft ordinance that should be considered?
    - The current draft ordinance would apply to multifamily properties with at least 20% of their units affordable at 60% of the area median income (AMI). Homeline recommended the City consider amending the draft ordinance so that it would apply to multi-family properties with at least one unit affordable to households making 80% AMI.

- Would the City Council want the Housing Commission to review the ordinance and make a recommendation before the Council takes any action?

Strategic Priorities and Values:

Resident Economic Stability

MEMORANDUM – COUNCIL WORK SESSION

DATE: April 9, 2018

TO: Curt Boganey, City Manager

FROM: Jesse Anderson, Deputy Director of Community Development

THROUGH: Meg Beekman, Community Development Director

SUBJECT: Affordable Housing Policy

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding potential affordable housing policies for the City.

Background:

In May of 2017, the City Council received copies of emails forwarded by Councilmember Butler from African Career and Education Resource Inc. (ACER) requesting an opportunity to come before the City Council to discuss concerns about the need for affordable housing in Brooklyn Center. In addition Mayor Willson was in contact with a representative of Community Action Partnership of Hennepin County (CAPHC) regarding the same topic.

On July 10, 2017, by consensus the City Council directed staff to invite representatives from ACER and CAPHC to a future work session to present information and have a dialogue on the issue of affordable housing.

On August 14, 2017, the City Council received a presentation from ACER and CAPHC regarding the topic of affordable housing. At the presentation ACER and CAPHC advocated that the City consider adopting policies that would address the region's need for affordable housing, protect tenants, and help preserve naturally occurring affordable housing. The Council directed staff to bring the subject back to a future work session for discussion.

Regional Housing Trends:

The Twin Cities Metropolitan Area is currently experience record low vacancy rates. According to Marquette Advisors' midyear report in August 2017, the average vacancy rate across the Twin Cities metro was 2.4 percent. Experts agree that a balanced rental market will typically see an average vacancy rate of around 5 percent.

The impact of low vacancy rates over time has increased rents, a growing interest from outside investors, and landlords in a position to be choosier about who they rent to. This has borne out throughout the Twin Cities Metropolitan Area as rents have gone up throughout the region. The average rent at the end of July 2017 had increased 3.1-pecent year over year. In addition, the Metropolitan Council is seeing a reduction in the number of landlords accepting Section 8

vouchers. According to the Metropolitan Council, landlords are citing the increased interest for their units from non-voucher holders as the primary reason for the change.

Yet another impact of the increasing value of rental property is the growing number of investors purchasing Class B or Class C rental properties, which are renting for naturally affordable rents, making cosmetic improvements, and increasing rents so that the units are no longer affordable. According to the Minnesota Housing Partnership, the sales of apartment buildings in the metro area jumped 165 percent between 2010 and 2015. Often the change in ownership will also come with a change in policy related to criminal history, acceptance of Section 8 vouchers, or minimum income requirements, resulting in existing tenants being displaced from the property.

The region is also seeing a loss of smaller-sized rental properties (1-4-units). This is due, in part to single family properties converting back into owner-occupied as the market recovers from the recession, but also a growing number of local investors purchasing smaller properties and flipping them. While some of the proposed policies would impact single family rentals, the primary focus of affordable housing advocates and media attention has been on larger properties (40-units or greater).

Affordable housing advocates have identified potential policies designed to address these issues. The policies fall into one of three categories; 1) preservation policies designed to preserve naturally occurring affordable housing and prevent it from being flipped; 2) tenant protection policies designed to prevent or mitigate displacement; and 3) creation policies designed to create new, legally-binding, affordable housing that will replace the naturally occurring affordable housing that is being lost.

Brooklyn Center's Current Rental Housing:

According to the Metropolitan Council, the following table indicates what is considered affordable rents in the Twin Cities Metropolitan Area:

# of Bedrooms	30% AMI	50% AMI	60% AMI	80% AMI
Efficiency	$474	$791	$949	$1,265
1-Bedroom	$508	$848	$1,017	$1,356
2-Bedroom	$610	$1,017	$1,220	$1,627
3-Bedroom	$705	$1,175	$1,410	$1,880
4-Bedroom	$786	$1,311	$1,573	$2,097

*Rents include tenant-paid utilities

According to the Metropolitan Council, the following table indicates average rents in Brooklyn Center:

# of Bedrooms	Survey	5-Year Avg
Efficiency	$730	$744
1-Bedroom	$869	$801
2-Bedroom	$1,019	$925
3+ Bedroom	$1,281	$1,147

MEMORANDUM – COUNCIL WORK SESSION

Brooklyn Center currently has 834 rental license holders. 713 of those are for single family homes. 71 of the licenses are for 2-4-unit properties. 24 are for properties with between 5 and 39 units. 27 licenses are for properties with greater than 40 units. There are approximately 4,300 rental units in the City. The average rents in Brooklyn Center are considered affordable for those making around 50 percent of the Area Median Income. Of the 11,608 total housing units (both rental and owner-occupied) in Brooklyn Center, 89.5 percent are naturally occurring affordable housing. There are currently 402 Section 8 voucher holders in the City.

Brooklyn Center currently has five apartment building that are legally-binding affordable housing, Ewing Square Townhomes (23-units), The Crest Apartments (69-units), Unity Place (112-units), Emerson Chalet Apartments (18-units), and The Sanctuary (158-units). Also, Lynwood Apartment (50-units) is currently applying for Certified Low Income Status, which would make it a legally-binding affordable property. This equates to 3.7 percent of the City's housing stock is legally-binding affordable housing.

Anecdotally, a recent phone survey of 34 Brooklyn Center landlords found a current average vacancy rate of 1.3 percent.

Rents in Brooklyn Center are currently very affordable compared to the region. Low rents may be contributing to the low vacancy rates. If the vacancy rates are in fact below 2 percent, and they remain that low over time, it would be reasonable to expect rents to increase. However, given the current low rents, even an increase in rents of 20-30 percent would result in rents still considered affordable for those making 60-80% AMI.

Affordable Policy Options:

<u>Section 8 Ordinance (Tenant Protection)</u> - Prohibiting discrimination against Section 8 voucher holders and other recipients of government programs. The policy would prohibit landlords from denying any tenants' application based on the applicant receiving government assistance.

- Staff surveyed 34 Brooklyn Center apartments and found that 50 percent indicated that they do not accept section 8 vouchers.
- Minneapolis recently adopted this ordinance, which allows applicants who feel they have been discriminated against to seek damages through the city's department of Civil Rights.
- The City of Minneapolis has an active lawsuit filed against them by 55 apartment owners over the legality of this ordinance. The lawsuit argues the mandate conflicts with state law and unfairly forces them to comply with requirements of federal housing voucher programs for low-income residents. It also says the law violates the Minnesota Constitution because it reduces their property values, forces landlords to enter into contracts and represents an unnecessary government intervention in their businesses. Landlords also claim that this could cause landlords to increase rent and/or application criteria as to price out Section 8 vouchers.

- ➢ Staff feels that if the ordinance is upheld by the courts, it could be a useful tool to ensure residents are not discriminated against based on their source of income; however additional review would be necessary related to the enforcement of the ordinance. Staff

recommends that the City monitor the Minneapolis lawsuit then review pending the outcome.

Notice of Intent to Sell (Preservation) – Rental property owners must give advanced notice prior to the sale of a rental property. This gives a preservation buyer an opportunity to match the purchase price. It would also give service providers additional time to relocate residents who would be displaced as a result of the sale.

- Landlords would be concerned about delaying the closing of a property sale, which could have a negative effect on price. Preservation companies such as Aeon have expressed concerns that this could increase the competition for these properties, and thusly increase sales prices.
- Enforcement would be difficult because the penalty would come after the sale has occurred. If the property has sold, the seller no longer has ties to the property so enforcing a citation could be challenging and may not be a deterrent. In a workgroup in St. Louis Park landlords stated that if there was a $1000.00 citation for selling without notice, they would likely still sell the property and pay the citation.
- It is unclear who the seller would need to notify of their intent to sell and what would be done with that information once it was known. Who would decide what buyers could have access to the information? Who would be responsible for disseminating the information?
- It is possible that this ordinance would dissuade investors, who may opt to purchase property in cities that do not have the additional requirements.
- St. Louis Park is looking at an alternative ordinance related to tenant transition/protection would address the need for additional time to relocate tenants.

➢ Staff recommends that the city consider other options such as the tenant transition ordinance.

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

- This ordinance wouldn't interfere with the sale of naturally occurring affordable housing, however; it would provide assistance to the tenants if necessary.
- The ordinance would require new buyers to notify tenants within 30 days if substantive changes to the lease are forthcoming, giving tenants time to relocate if necessary.
- St. Louis Park adopted the Tenant Protection Ordinance in March of 2018.
- The policy could dissuade potential apartment buyers from buying in Brooklyn Center, who may opt to purchase a property in a city without this policy.

➢ Staff recommends that the City review this policy further to determine the legality of it, the enforcement mechanism, and what the specific impacts in Brooklyn Center might be.

MEMORANDUM – COUNCIL WORK SESSION

Just-Cause Eviction (Tenant Protection) – Also known as Just-Cause Non-Renewal, this would require a landlord to provide a reason if they were going to not renew a tenant's lease that was expiring. Currently landlords must provide a just cause for eviction, which a tenant can appeal in court. There is no appeal process available to tenants who lose their housing due to non-renewal of lease.

- Landlords see this as taking away a valuable management tool for dealing with problem tenants and have the unintended consequence of increasing the number of evictions filed and strengthening screening standards.
- When St. Louis Park conducted their meetings with landlords and the Multi-family Housing Association, this ordinance received the strongest opposition.
- The enforcement of this policy would be through the court system and would require a tenant to take legal action against their landlord via a lawsuit.
- Of the 34 landlords surveyed by staff, the majority of evictions or non-renewals are the result of non-payment of rent or criminal activity.
- The intent of this ordinance would be to protect tenants from being non-renewed in the event a new owner wants to empty a building in order to do a substantial renovation with the goal of increasing rents.

➢ Staff recommends that the City consider other options such as the tenant transition ordinance to protect tenants.

Inclusionary Housing Policy (Creation) – These are a collection of policies that could be adopted by the city which would either encourage or require new affordable units to be included as part of new market-rate residential development projects which receive public subsidy or other discretionary City approvals. Frequently it is in the form of a requirement that a percentage of units be affordable in a new residential development in exchange for public subsidy of the project.

- New developments such as the Opportunity Site would be required to include a certain number of affordable units.
- Inclusionary Housing policies ensure that new affordable units are added as market-rate units are built, thus ensuring mixed-income communities.
- Cities such as St. Louis Park and Minneapolis have found that in higher rent developments, a certain percentage of affordable units can be required without increasing the need for additional public subsidy. This is due to the higher than average market rents, which off-set the affordable units. In Brooklyn Center, as is true in communities with lower average rents, it is likely that the cost of the affordable units would require additional public subsidies in order for a project to be financially feasible.

➢ If the Council would like to move forward with this police staff would recommend reviewing the feasibility of future development if an affordable housing policy is adopted.

4D Tax Breaks (Preservation) – Also known as the Low Income Rental Classification Program (LIRC), Minnesota provides a property tax break, currently amounting to 40%, to subsidized rental properties under LIRC, commonly referred to as the 4D program. There is the potential,

however, to extend 4D eligibility to certain currently unsubsidized affordable properties, without changing current law. This is because the LIRC/4D statute defines eligible properties as those which meet two conditions: the owner of the property agrees to rent and income restrictions (serving households at 60% AMI or below) and receives "financial assistance" from federal, state or local government. This presents the possibility of creating a "Local 4D" program in which qualifying properties receive the 4D tax break in return for agreeing to conditions which meet certain local government policy goals.

- A government agency would need to provide a financial contribution to a rental apartment with a low income agreement placed on the property. The property could then be eligible to apply for 4D status. This would allow a landlord to make physical improvements to the property in exchange for affordable rents.
- The reduction in property taxes would not decrease the City's revenue from property taxes, as the funds would be distributed to all other properties; however, it would reduce that property's share of local property taxes.
- The amount of the tax break is a limiting factor as it equates to around $80/unit per year; however, the program may be an incentive for a property owner in a community where the market rents are already considered affordable, since they would not need to depress their rent rates.
- Hennepin County is looking into a rehabilitation program for rental properties which would function similarly to the CDBG housing rehabilitation program, but be County funded.
- The City could also look at funding a program for rental housing rehabilitation.

➢ Staff recommends working with the County to determine the feasibility of a County-led program. The City could also review EDA or TIF 3 Housing funds to determine the availability of funds for a city program that would provide rental housing rehab assistance in exchange for a 5-10 year affordability requirement. This could be set up as a per unit matching forgivable loan.

<u>Other Policies/Programs</u>

- Identify buildings that are at-risk of being flipped. Reach out to owners of at-risk buildings and gauge their short and long-term plans. Help connect them with preservation buyers on a case-by-case basis.
- Comprehensive Plan – the City is in the process of updating its Comprehensive Plan. If the preservation and/or creation of affordable housing are a priority for the City, it should be reflected in the City's Comprehensive Plan.
- Education – Work with the Metropolitan Council to provide education on Section 8 voucher programs to dispel some of the negative perceptions of the program.

Policy Issues:

Does the Council believe that the information presented indicates a need for additional policy actions to address the concerns raised regarding affordable housing and the protection of tenant rights?

MEMORANDUM – COUNCIL WORK SESSION

Does the Council require additional information regarding these issues before concluding if further policy actions are necessary?

Which policies if any would the Council want brought back for further consideration?

Which policy does the council consider a higher priority?

Strategic Priorities:

- Resident Economic Stability

Attachments:
US Census Bureau Data
Metropolitan Council Land use Chart
August 14, 2017 Council Work Session Memo
August 14, 2017 Council Work Session Minutes
Housing Strategies Table Presented at Previous Work-Session
Mixed-Income Housing Policies among Neighboring Cities Table
Phone Survey of Brooklyn Center Apartments
Phone Survey of Brooklyn Center Single Family Property Management Companies:

US Census Bureau Data:

Source: Certificate of Real Estate Value, Minnesota Department of Revenue.
Download chart data

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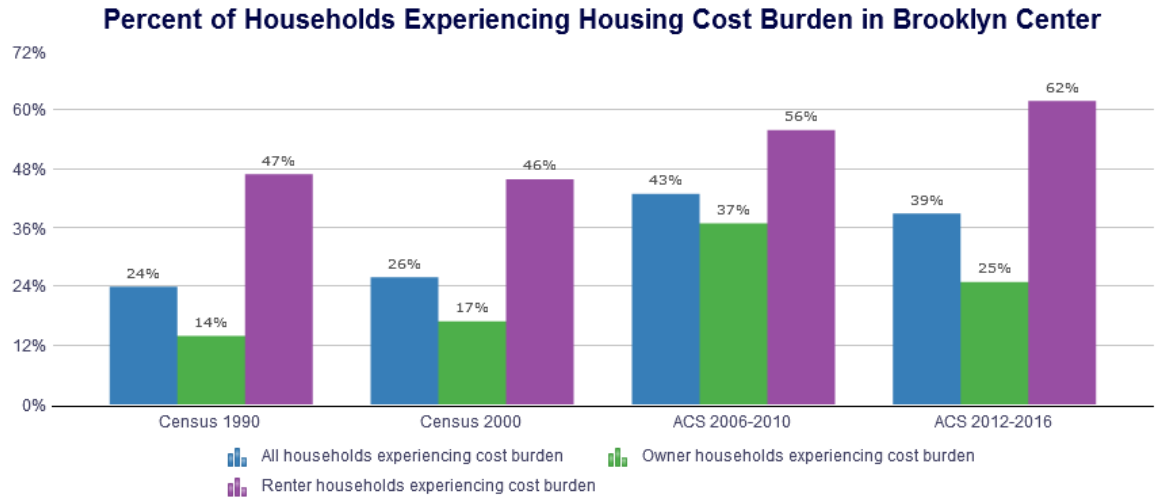
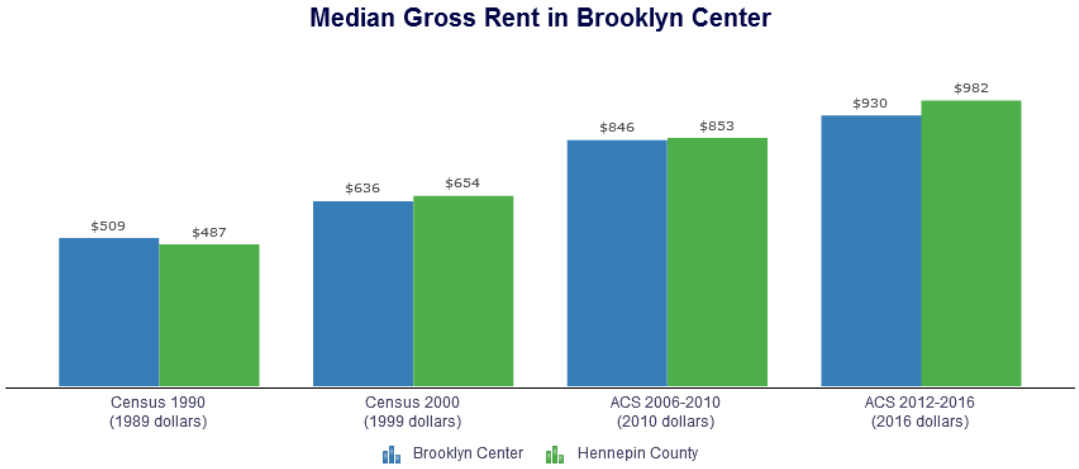
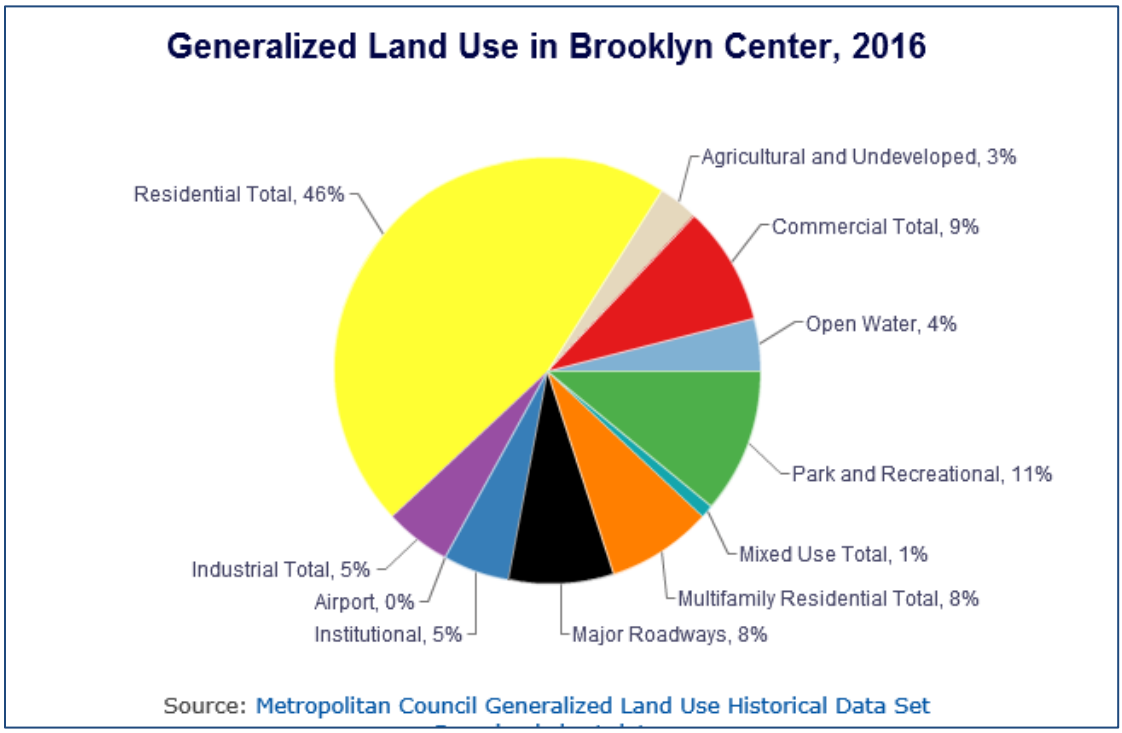


Source: U.S. Census Bureau Decennial Census and American Community Survey.
Households experience housing cost burden when their housing costs are 30% or more of their gross income. For renters, housing costs include rent and utilities; for owners, housing costs include mortgage principal and interest, property taxes, property insurance, utilities, and other fees. Use caution when comparing 1990 and 2000 data (which include only some households) to American Community Survey data (which include all households). See the metadata for more information.



Source: U.S. Census Bureau Decennial Census and American Community Survey.

Metropolitan Council Land Use Chart:



MEMORANDUM – COUNCIL WORK SESSION

DATE: August 10, 2017

TO: City Council

FROM: Curt Boganey, City Manager

SUBJECT: Affordable Housing Presentation

Recommendation:

It is recommended that the City Council receive the presentation/report and consider providing direction to staff.

Background:
In May of 2017 the City Council received copies of emails (attached) forwarded by Councilmember Butler from African Career and Education Resource Inc. (ACER) requesting an opportunity to come before the City Council to discuss concerns about the need for affordable housing in Brooklyn Center. In addition Mayor Wilson was in contact with a representative of Community Action Partnership of Hennepin County (CAPHC) regarding the same topic.

On July 10th 2017 by consensus the City Council directed staff to invite representatives from ACER and CAPHC to a future work session to present information and have a dialogue on the issue of affordable housing.

It is my understanding that these groups have collaborated in the past and will jointly present on the issue of Affordable Housing before the City Council. . As stated in the email from Executive Director, Munene the overall goal of the group is to enact or strengthen current policies that will preserve naturally occurring affordable housing, secure the rights and improve the living conditions of tenants living in affordable rental properties.

Enclosed with this report is a copy of Housing Strategies and Tools for the City Of Brooklyn Center (Exhibit A) provided by ACER and 3 Pillars of Affordable Housing Advocacy (exhibit B) provided by CAPHC. These documents represent some of the issues that will be presented to the City Council

Policy Issues:
Does the Council believe that the information presented indicate a need for additional policy actions to the address the concerns raised regarding affordable housing and the protection of tenant rights?

Does the Council require additional information regarding these issues before concluding if further policy actions are necessary?

How does the Council want staff to proceed regarding the issues raised about affordable housing and tenant rights?

Excerpt- July 10th 2017 City Council Study Session

Councilmember Butler referenced the document from African Career Education & Resource (ACER) and stated this group would like to present findings related to affordable housing and how the City can ensure that housing remains for those who need it. She asked that this topic be scheduled for a future Work Session agenda. Mayor Willson stated this is the second time the City Council has received this information, noting in the second report they correctly updated Brooklyn Park to Brooklyn Center. He stated he is not opposed to scheduling this topic for a future Work Session. Mr. Boganey asked how much time they will require. Councilmember Butler suggested 20 minutes plus time for questions. Mr. Boganey stated he will contact them to arrive at a date within the next 30 days.

The City Council consensus was to direct staff to schedule this topic for a future Work Session.

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

WORK SESSION
AUGUST 14, 2017
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

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

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Dan Ryan, Kris Lawrence-Anderson, April Graves, and Marquita Butler were present. Also present were City Manager Curt Boganey, Director of Business and Development Gary Eitel, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

AFRICAN CAREER AND EDUCATION RESOURCE, INC. (ACER) AFFORDABLE HOUSING – CITY MANAGER

Denise Butler, ACER Project Manager, Nelima Sitati Munene, ACER Executive Director, and Christine Hart with Community Action Partnership of Hennepin County Community Development provided a presentation on the background and purpose of this item.

Councilmember/Commissioner Ryan stated in the *Star Tribune* newspaper, there was an article on the issue of landlords deciding not to take Section 8 anymore and noted it is now in litigation. He stated in some of these cases they may need to wait to see how the items in litigation play out before they can decide how to proceed and help with these issues.

Mayor/President Willson asked what the State Legislature has indicated they are looking to do regarding the suggested local ordinances. Ms. Hart stated cities are still moving forward with these ordinances and then hoping the State makes some changes.

Councilmember/Commissioner Graves stated she believes there are some items they are already working on but there are a few she believes they could look at.

Mayor/President Willson stated he agrees with Councilmember/Commissioner Graves and also would like to explore and continue conversations on these issues. He stated at the Mayor's conference recently, they discussed the same issues and at a City level, they are being asked to look at the issues because it is closer to home and affecting their communities and then hopefully the state will follow suit.

Mr. Boganey stated the three policies that are being proposed are not new and have been used in other places. He asked how they choose these options and from their research, asked if it is their opinion that these are the most effective tools to address these issues being raised.

Councilmember/Commissioner Ryan stated he wished they had been here earlier this evening during the presentation by Brooklyn Alliance for Youth. He noted they discussed how to lift people out of poverty and make changes.

Mayor/President Willson asked if they would like to come back and speak further another time. Ms. Hart stated they would like to do that. Mr. Boganey noted he will add this to the agenda in the near future.

DISCUSSION REGARDING A LETTER OF INTENT WITH EBERT CONSTRUCTION FOR THE COMMERICAL DEVELOPMENT OF APPROXIMATELY 2 ACRES OF THE NORTHERN PORTION OF LOT 1, BLOCK 1, NORTHBROOK CENTER 2ND ADDITION (FOUR STORY, 112,000 SF COMMERICAL STORAGE BUILDING – 57TH AND LOGAN AVENUES NORTH) – MR. EITEL

Mr. Eitel Provided a presentation on this item with background and history.

Councilmember/Commissioner Ryan stated the change in the configuration of the roadway makes this site somewhat disadvantaged. He stated due to the problems they have had with this site he feels this would be something he agrees with.

Mr. Eitel stated this is a good site for this building in his opinion, brings income and not a lot of foot traffic, it is a win/win scenario, and noted it's a good-looking building.

It was the consensus of the EDA/City Council to move forward with this plan.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 9:47 p.m.

Motion passed unanimously.

Housing Strategies Table Presented at Previous Work-Session

HOUSING STRATEGIES & TOOLS FOR THE CITY OF BROOKLYN CENTER

Tools	Description	Opportunities	Challenges	Hennepin County Cities Considering
Identification of buildings; Document the problem	There should be an organized effort to track the most significant examples of this trend as well as identify buildings as soon as they come on the market (if possible before that). The City can also do a housing study that will identify the housing inventory and at-risk properties.	Brooklyn Center is at a great risk given the high percentage of naturally occurring affordable housing (NOAH). Identifying the multi-family housing in Brooklyn Center and documenting the problem gives the City more knowledge and ability to craft a strategic, outcome-oriented approach.		A number of cities have been doing housing studies and research on their housing inventory, particularly with the upcoming Comprehensive Plans.
Notice Period	The City must be given advanced notice prior to the sale of any building.	A Notice Period will give the City more to approach a preservation buyer to rehab the property and prevent displacement. In addition, the City can give service providers advanced notice in order to support tenants.	Developers will push back stating that it is restraining their ability to get the best price (i.e. buyers will lower the price if the market fluctuates in the 90 day time period.) Also, there could be a potential for the price to rise if there is a bidding war between a for-profit and a not for profit developer.	St. Louis Park, Golden Valley, Minneapolis, St. Paul, Bloomington, Richfield
Help preservation buyers to buy at risk buildings	Several of our non-profit housing providers are actively competing in the market for these properties, but they are disadvantaged in competing against for-profit purchasers on price and timing with the complex financial process. The City can help notify preservation buyers when they know properties will be up for sale. (e.g. Seasons Park).	Preservation buyers will keep the rents affordable while enhancing the property.	Preservation buyers often need at least a 90 day notice prior to the property being listed on the market in order to put together a competitive bid.	Many cities have relationships with preservation buyers, and there is frequent communication.

Right of First Refusal	When owners offer their buildings for sale, they would be required to notify tenants and the designated unit of government. Tenants or the government unit would then have a defined period of time to match the essential terms of the offer (price, timeline, etc.). If they are able to do so, they have the right to purchase the building themselves.	Prevents tenant displacement and can help a preservation buyer be competitive.	It can be hard to anticipate where these purchase opportunities will materialize, making it difficult to know where to push for local ordinances. Could get complicated determining what the offer's "essential terms" are.	Minnesota has a ROFR for manufactured home parks.
Local programs offering rehab financing in return for affordability commitments	Many cities, like Brooklyn Cente, have a supply of aging complexes that have deferred maintenance. Many managers of these complexes cite the costs of improvements as a reason to either 1) not make improvements or 2) increase the rents once improvements are made. Municipalities could offer rehab financing (low interest loans, forgivable grants) with commitments to maintain affordability over a set period of time. This could be done with CDBG dollars or in conjunction with Brooklyn Park's current Rental Rehab Program.	Preserves affordable housing units in the City as well as makes the property safe housing for residents.	Administration of the financing (could be done in conjunction with a local nonprofit), funds for the financing.	Bloomington- using their HRA levy money to put $50,000 every year for a NOAH fund to preserve developments. It has been proposed to
4d Property Tax Program	This is essentially a tax credit given to housing providers who receive a government subsidy, and in exchange provide a percentage of their units at affordable levels (60%/50% AMI) for a set period of time. It has been suggested to staff in Brooklyn Center and we would like to see this move forward.	Increases the number of new affordable housing units in the City.	Providing the pot of money for developers to tap into; the program is voluntary.	This is a program Richfield had when it was funded at the state level. That funding has dried up, and it seems that most people think 4D has gone away. However, the statute allows for "local subsidies."

Prohibition of Section 8 Discrimination	Changes to business practices in Brooklyn Park has resulted in a number of apartment properties not accepting Housing Choice Vouchers: (We are in the process of compiling the list of properties and will update this document and share it with you) This ordinance would say that properties cannot exclude applicants simply because they use a rent subsidy.	Voucher holders would not lose housing every time a building changes policies and practices. There would also more housing options available to voucher holders.	Oftentimes the challenge will be for the HRA to lessen the administrative burden on landlords participating in the HCV program. The challenge is minimal for the City.	St. Louis Park, Minneapolis, Suggested to Golden Valley, Bloomington, Eden Prairie and Richfield.
Just Cause Eviction	Just Cause Eviction protects tenants from eviction for improper reason as well as prevents involuntary displacement through lease non-renewals or notices to vacate. This would allow landlords to evict a tenant only for certain reasons, such as failure to pay rent or for violation of the lease terms. As an example, what we saw at Crossroads in Richfield could also happen in Brooklyn Center, where the new screening criteria was the reason many tenants' leases to not be renewed. Just Cause would allow these renters to continue living there until they break a condition of their new lease. It can be tied in with rental licensing.	Prevents involuntary displacement and protects tenants from eviction without a proper reason.		St. Louis Park, Minneapolis, Suggested to Golden Valley, Bloomington and Eden Prairie, suggested to Richfield.

Incentives to address landlord concerns about renting to certain groups of tenants	Risk Mitigation Fund is oftentimes associated with the Housing Choice Voucher program. This Fund can be created as a response to the extremely low vacancy rate and the disparity between cost of living and wages. It serves as a damage fund to supplement costs the security deposit does not fulfill. It also has been offered as short-term vacancy reimbursement.	Incentivizes landlords to participate in voucher programs, providing voucher holders with more access to housing options. Provides insurance to landlords for any monetary losses from potential damage to property.	Funding the RMF; perpetuating stigma that voucher holders cause more damage (no evidence to support this)	Minneapolis HRA, Metro HRA, Dakota County CDA; many models across Minnesota.
Inclusionary Housing	This policy would ensure that with every development that happens, there would be an inclusion of affordable housing. It also can be applied to rehabbed developments.	Increases the number of new affordable housing units in the City.	Only applies to new construction, therefore not addressing the need to preserve and maintain NOAH	St. Louis Park, Edina, Minnetonka, Golden Valley, Eden Prairie, Minneapolis, Richfield is considering and others have shown interest.
Increasing local government leverage through zoning	Brooklyn Center could structure its zoning so as to prevent an owner engaging in conversion actions from doing so before obtaining the city's zoning related approval.	Provides the City of Brooklyn Center with more leverage to intervene.		Minneapolis. Has been presented to Richfield.
Rental assistance	51% of Brooklyn Center households are cost burdened (ACS 2015). Rental assistance would lessen the burden by supplementing income, so housing costs are no more than 30% of income.	Residents would be able to afford housing costs without sacrificing other basic needs.	It is costly and unsustainable. As rent increases, rental assistance is insufficient and cannot serve as many households.	Hennepin County & a number of cities
Comp Plan: Include strong language and solutions regarding affordable housing	As Brooklyn Center completes its Comprehensive Plan, it is encouraged that the Plan has detailed solutions with strong language around the preservation of naturally occurring affordable housing. This plan will guide the City's housing efforts in the next ten years.	Strong language can positively guide the City's housing efforts in the next ten years.		A number of Hennepin County cities

Mixed-Income Housing Policies among Neighboring Cities

City	Policy/Program Type	Affordability Requirements	Affordability Period	Opt-out (alternative) options	Enforcement Tool	Other Notes
St. Louis Park (2015)	• City financial assistance for new developments creating at least 10 multi-family units or renovation of an existing multi-family development with at least 10 units.	• 18% of total units in the development required at 60% AMI or 10% of units required affordable at 50% AMI. • Families may remain in the dwelling unit as long as the income does not exceed 120% AMI.	• 25 year minimum (considering an increase).	• Subject to City Council approval: ○ Dedication of existing units ○ Offsite construction near public transit ○ Participation in construction of affordable units by another developer within the City	• Affordable Housing Performance Agreement between City and Developer prior to Zoning Compliance Permit being issued.	• Implemented 2015 – 6/7 new developments triggered policy with 1,073 units and 281 affordable units produced. • No development has used an opt-out option. • Units must be located within the development and distributed throughout the building unless approved by City Council.
Edina (2015)	• Re-zoning or Comprehensive Plan Amendment for all new multi-family development of 20 or more units.	• 10% of all rentable area at 50% AMI or 20% of all rentable area at 60% AMI.	• 15 year minimum.	• Dedication of existing units equal to 110%, must be equivalent quality. • New construction at a different site. • Participation in construction of affordable units by another developer within the City.	• Land use restrictive covenant. • PUD ordinance states development must consider affordability.	• City will consider incentives for developments with affordable housing including: Density bonuses, parking reductions, TIF, deferred low interest loans from the Edina Foundation, and Tax Abatement.
Golden Valley (policy approved in 2017; ordinance in coming months)	• Market rate residential development with 10 or more units and receive: ○ Conditional Use Permit (ord.) ○ Planned Unit Development ○ Zoning Map Amendment (ord.) ○ Comprehensive Plan Amendment ○ Or Financial Assistance	• 15% of total project units at 60% AMI or 10% of project units at 50% AMI. • Families may remain in the dwelling unit as long as the income does not exceed 120% AMI.	• 20 year minimum.	• Equal or greater amount dedication of existing units.	• Affordable Housing Performance Agreement. • Mix of policy and ordinance.	• City will consider incentives including: • Minimum in 33% reduction in required parking spaces • Minimum of 10% density bonus
Brooklyn Park	• New market rate residential development with 10 or more units and receive: ○ Planned Development Overlay (ord. required) ○ Zoning Map Amendment (ord. required) ○ Comprehensive Plan Amendment • Or Financial Assistance	• 15% of units at 60% AMI or 10% of units at 50%AMI or 5% of units at 30%AMI	• 20 year minimum.	• Consider an alternative proposed by developer.	• Affordable Housing Performance Agreement. • Mix of policy and ordinance.	• Units must be located within the development and distributed throughout the building unless approved by City Council.
Minneapolis (2002)	• City-assisted housing projects of 10 or more units. • City-assistance includes TIF, condemnation, land buy downs, issuance of bonds to finance project, pass-through funding, and other forms of	• Varies based on funding source but generally is either 20% of units at 60% AMI or 20% of units at 50% AMI (AHTF)	• 15 year minimum.	• None.		• Only 1-2 projects have taken advantage of the incentive program since 2002. • Currently engaging a consultant to develop an effective system.

	direct subsidy. • Density bonus and parking reduction incentive					
Saint Paul (2014)	• City/HRA assisted rentals and homeownership. • Rental development in selected zones – density bonus incentive	• Rentals – 30% of units affordable to households earning 60% AMI, of which at least one third will be affordable to 50% AMI, and at least one third will affordable to 30% AMI.	• Rental - 10 year minimum .		• Development Agreement	• Voluntary/incentive density bonus is not being used so policy is currently being revised.
Minnetonka (2004)	• City Assistance • Voluntary/incentive based for all developments.	• Rentals – 10% of units at 50% AMI for all developments, 20% of units at 50% AMI if using TIF funding.	• 30 year minimum.	• Considered on a case by case basis.	• Development Agreement.	• Produced over 500 affordable units since 2004.
Eden Prairie	• City Assistance • Using a voluntary/incentive based approach for all developments; exploring adopting a policy.	• City subsidy – 20% of units at 50% AMI. • Voluntary/incentive – starts at 10% of units at 50% AMI.				
Woodbury (2012)	• Voluntary/incentive based – density bonus policy	• 20% of units at 80% AMI or negotiated.	• 15 year minimum.			
Chaska	• All developments that need City approval	• 30% of units at 80% AMI.				
Forest Lake (2014)	• Voluntary/incentive based – density bonus policy	• Negotiable				• 15% density bonus, flexible parking requirements.

Phone Survey of Brooklyn Center Apartments:

Apartment Name	number of Units	number of vacant units	Rent for a studio	Rent for a 1 bedroom	Rent for a 2 bedroom	Rent for a 3 bedroom	Rent for a 4 bedroom	Do you accept section 8	Has rent increased over the past 2years?	How much has rent increased?	Most common reason for Eviction or non-renewal
4819 Azealia	12	0		750	800			no new	yes	$15-50	non-renewal
5207 Xerxes	12	0	0	Ave: $750	Ave $850			Yes	yes	8%	Disturbance
5240 Drew	10	0			845-950			yes	no		police calls for service
The Avenue	36	0	755	929	1075			no	yes	5% each month	non-payment
Beard Ave	24	0		$895	1 fl-$1025, 2-3 fl $1075			Yes (Typically don't meet criteria)	yes	100 - 2bd - 1bd 75	smoke in units, police calls (pattern)
Brookside Manor	90	0			garden - $750 2-3 floor $800			yes	yes	$20	police calls, disturbance, non-payment
Carrington Dr	128	0	$735	$835-855	$945-975			no	yes	$50	disturbance, illegal activity, cleanliness, non-payment
The Crest	122	3 for end of march		$755	$935			yes	yes	50	non-payment, crime free addendum
Crossings - 6201 Lilac - 55+	81	4 (0 in past few years)	1181-1275 (1bd + den	1081	1190-1750			No (inherited)	yes	2-5%	rarely - non-payment
Crossings - 6125 Lilac - 55+	65			1150							
Earle Brown Farm	120	1		845-920	1010-190			No new ones	yes	3% increase	disturbance, non-payment
Emerson Chalet	18	0		737	870			yes	no		non-payment, 3 strikes
Gateway	252	3	775	850-875-895	995-1045			no	yes	50	late payment, police calls, unit maintenance
Granite City	72	0	849	949	1139			yes	yes	34-55	smoking
Granite Peaks	54	0	849	949	1139			no	yes	34-55	non-payment
Humboldt Courts	36	1	750		900-995			no	yes	75-95	non-payment
Lynwood - mark	50	0		895-925	1050-1190			yes	Yes	2-4%	non-payment of rent
Melrose Gates	217	0		919-949	1129-1159	1159-1189 2bd+1.5ba	1209-1249 2bd+2ba	no	yes	100	non-payment
River Glen	128	0		900	975-1000	1250		yes	yes	50-75	non-payment/late rent
Riverwood Estates	84	2		929	999-1050			no	yes	40	lease violation
Ryan Lake	22	1		800	800-1000			yes	yes	75	non-payment
Summerset	36	3		700	800-850	1150-1200		yes	yes	$50	non-payment, lease violations
Twin Lake North	276	3		950+	1105-1225+			yes	yes	5%	non-payment, behavior
Unity Place	112	2			904-909	970		yes	yes	30	non-payment
Victoria Townhomes	48	4				1340-1400		no	yes	40-60	tenant not renew

Phone Survey of Brooklyn Center Single Family Property Management Companies:

Management Agency	number of Units	number of vacant units	Rent for a studio	Rent for a 1 bedroom	Rent for a 2 bedroom	Rent for a 3 bedroom	Rent for a 4 bedroom	Rent for a 5 bedroom	Do you accept section 8	Has rent increased over the past 2years?	How much has rent increased?	Most common reason for Eviction or non-renewal
Prosperous	40	0			1050	1250	1450	1550	yes	yes	2-3%	non-payment
Urban homes	2					1300	1400	1500	Yes			NA
Juliana Koi	2	1				1350			no	yes	50	NA
Kathleen Freitag	4	0				1235-1325	1410-1450		no	no		non-payment; destruction of property
Tyang	1	0				1150			no	no		NA
Michelle Nyarecha	1	0				1170-1250			yes	no		non-payment; police violations
Nazeen	2	0			1000	1200			no	yes	5%	NA
Tracy Hinkemyer	7						1350-2000		no	no		NA
Dan tan	4	0			850-950				yes	no		non-payment drugs, noise

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to tenant protections.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING TENANT PROTECTIONS

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Brooklyn Center City Code, Section 12-201 is amended as follows:

2a. Affordable Housing Building – a multifamily rental dwelling, as defined in Section 12-201(26), having three or more dwelling units and where at least 20% of the units rent for an amount that is affordable to households at or below 60% of area median income, as median income is most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for household size and number of bedrooms.

2b. Affordable Housing Unit – a rental unit in an affordable housing building that rents for an amount that is affordable to households at or below 60% of area median income, as median income is most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for household size and number of bedrooms.

3c. Cause – the tenant or a member of the tenant's household violates a provision of the City's rental housing provisions including, but not limited to, Section 12-915 Crime Free/Drug Free Housing Lease Addendum, or materially violates a term of the lease related to one or more of the following:

a. Nonpayment of rent;

b. Malicious destruction of the affordable housing unit or the affordable housing building;

c. Disturbance of the peace verified by the police department; or

d. A violation of any of the covenants in Minnesota Statutes, section 504B.171.

13a. Lease – an oral or written agreement creating a tenancy in real property.

13b. Material Change – a change in the terms of a lease, either through an amendment of an existing lease or the adoption of a new lease, that significantly limits or restricts the tenants use and enjoyment of an affordable housing unit or the affordable housing building.

25a. Relocation Assistance – a payment to the tenant of an affordable housing unit in the amount equal to three months of the current monthly lease rent.

36a. Tenant Protection Period – the period that commences on the date when a written notice of the transfer of ownership is sent to each affordable housing unit tenant pursuant to Section 12-912D(2) and ends on the last day of the third full calendar month following the date on which the notice was sent. In no case shall the tenant protection period be less than 90 days.

36b. Transfer of Ownership – any transfer of ownership of an affordable housing building by an owner to another person, agent, firm, or corporation that becomes the new owner.

Article II. Brooklyn Center City Code is amended by adding a new Section 12-912D regarding transfer of ownership of an affordable housing building as follows:

Section 12-912D. TENANT PROTECTIONS.

1. Purpose. It is the purpose of this Section to provide housing stability and protection to tenants in affordable rental housing units who are facing displacement when there is a transfer of ownership of an affordable housing building. This Section requires, upon such a transfer, notice to the tenants and the City and the payment of tenant relocation assistance when affordable housing is converted and tenants are required, through direct or indirect means, to move without adequate time to find new housing. This Section is to be interpreted broadly to ensure the tenants of affordable housing units are afforded the protections intended by this Section.

2. Transfer of Ownership.

   a. Notice. Within 30 days after the transfer of ownership of an affordable housing building, the new owner shall give written notice to each affordable housing unit tenant of the building that the property is under new ownership. The notice must, at a minimum, include the following information:

      (1) The name, mailing address, and telephone number of the new owner;

      (2) The following statement: Brooklyn Center City Code, Section 12-912D provides for a three-month tenant protection period for affordable housing unit tenants after an affordable housing building is transferred to a new owner. Under Section 12-912D, affordable housing unit tenants are entitled to relocation assistance from the new owner if, during the tenant protection period, the new owner:

         (i) Without cause, terminates or does not renew the tenant's lease;

(ii) Raises the rent and the tenant submits a written notice of termination of their lease;

(iii) Requires existing affordable housing unit tenants to comply with new residency screening criteria and the owner or tenant terminates or does not renew the tenant's lease; or

(iv) Imposes, without the tenant's consent, a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.

(3) Whether there will be any rent increase during the tenant protection period, the amount of the rent increase, and the date the rent increase will take effect;

(4) Whether the new owner will require existing affordable housing unit tenants to comply with new residency screening criteria during the tenant protection period and, if so, a copy of the new screening criteria;

(5) Whether the new owner will, without the tenant's consent, impose a material change in the terms of the lease during the tenant protection period and, if so, the language of the material change and an explanation of its effect;

(6) Whether the new owner will, without cause, terminate or not renew the tenant's lease during the tenant protection period, and if so, the date the lease will terminate and the amount of relocation assistance that will be provided;

(7) The date the tenant protection period will expire; and

(8) Whether the new owner, on the day immediately following the tenant protection period, intends to: increase rent; require existing affordable housing unit tenants to comply with new residency screening criteria; impose a material change in the terms of the lease; or, without cause, terminate or not renew affordable housing unit leases.

b. Language Requirement. Each notice required by this Section shall contain an advisory that reads as follows: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord." This advisory must be stated in the notice in the following languages: English, Spanish, Somali, and Hmong. Upon written request by a tenant that identifies the tenant's native language, the owner must provide a written translation of the notice in that language.

c. Affidavit. The new owner shall prepare and execute an affidavit of having provided the notice required by this Section that, at a minimum, identifies each tenant to which the notice was provided, the date on which it was provide, and the method of delivery. A copy of the notice provided shall be attached to the affidavit.

d. Copy of Notices to City. The new owner shall provide a copy of the notices and of the affidavit required by this Section to the City at the same time it provides the notice to the tenants.

e. Copy of Rent Roll to City. If the new owner claims the building or the unit does not meet the definition of an affordable housing building or an affordable housing unit, the owner shall, upon request, provide the City a copy of the rent roll, including the amount of least rents paid by tenants.

3. Relocation Assistance.

a. When Required. A new owner of an affordable housing building must pay relocation assistance to affordable housing unit tenants if any of the following occur during the tenant protection period:

(1) The new owner, without cause, terminates or does not renew the tenant's lease;

(2) The new owner raises the rent and the tenant submits a written notice of termination of their lease;

(3) The new owner requires existing tenants to comply with new residency screening criteria and the owner or tenant terminates or does not renew the tenant's lease; or

(4) The new owner imposes, without the tenant's consent, a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.

b. When Paid. The new owner shall, when required, pay relocation assistance to the tenant of an affordable housing unit within 30 days after receiving tenant's written notice of termination of the lease or within 30 days after the owner notifies the tenant that the lease will be terminated or not renewed.

c. Affidavit. The new owner shall prepare and execute an affidavit that, at a minimum, indicates the date of the notice of termination, identifies each tenant to which relocation assistance was paid, the amount paid, the check number for each payment, the payment date, and the address used to mail the payment.

4. Notice of Violation. A tenant of an affordable housing unit who believes the new owner of the affordable housing building has not provided the tenant the protections required under this Section 12-912D may submit a notice of violation to the City. The purpose of the notice is to inform the City of an alleged violation of this Section to assist the City in determining whether to impose an administrative penalty provided for in this Section, not issue a rental license to the new owner as provided in Section 12-901(8), or take action on the rental license as provided in Section 12-910. The City is not required to take any particular action in response to a notice of violation and any enforcement action it does take

shall be on behalf of the City, not the tenant. Filing a notice of violation does not prohibit the tenant from pursuing any remedy available to the tenant under law.

5. Penalties.

a. Administrative Penalty. Failure to provide the notice of transfer or to pay relocation assistance when required under this Section is an administrative offense for which a citation may be issued and a civil penalty imposed as provided in Chapter 18 of this Code.

b. Separate Offenses. A violation of this Section as to each dwelling unit shall constitute a separate offense.

Article III. Brooklyn Center City Code, Section 12-901(8) regarding rental licensing requirements is hereby amended as follows:

8. License Process and Renewal.

a. Renewals. License renewals shall be filed at least 90 days prior to the license expiration date. Within two weeks of receipt of a complete application and of the license fee required by Section 12-902, the Compliance Official shall schedule an inspection.

b. Inspection. No application for an initial license shall be submitted to the City Council until the Compliance Official has determined that all life, health safety violations, or discrepancies have been corrected. In cases where a weather deferral for repairs has been granted by the Compliance Official, the license may be brought forward for consideration of granting a license conditioned on completing repairs.

c. Transfer of Ownership. The new owner of a rental dwelling is required to obtain a rental permit from the City in order to continue renting the rental dwelling. When ownership of an affordable housing building is transferred, the new owner is required to obtain a new rental license for the property under this Section. The new owner shall include in its application for a new license the affidavit of having provided notice to the tenants and, if required, having paid relocation assistance in accordance with Section 12-912D. The new owner shall not be eligible for a new rental license if it failed to provide the notice or failed to pay, if required, relocation benefits in accordance with Section 12-912D.

d. Incomplete Applications or Process. If the license application is incomplete, or the applicant does not meet the requirements of the licensing process within 120 days of the submittal date, the application will be canceled.

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

Adopted this ___ day of _____, 2018.

_____
Tim Willson, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(~~Strikeout~~ indicates matter to be deleted, <u>double underline</u> indicates new matter.)

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/13/2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

SUBJECT: Eastbrook Estates Development Proposals

Recommendation:

- Consider Eastbrook Estates Development proposals and provide direction to staff on proceeding with a preliminary development agreement

Background:

The EDA owns approximately 8 acres of undeveloped, contiguous land just to the west of Highway 252 and south of 69th Avenue N. The property was acquired in 2011 by the EDA after the owner failed to complete the platting and development of the Eastbrook Estates 2nd Addition. The EDA acquired the property for the purpose of preserving it for future residential housing opportunities. The property was acquired for $250,000 using TIF 3 pooled housing funds. These funds are set aside specifically to be used to catalyze the development of affordable housing. If affordable housing is not the final use on the property, then the funds will need to be paid back to the district.

The City has recently been in communication with a number of residential housing developers. Through that process several developers have expressed strong interest in the site. In order to fairly and effectively evaluate each potential project, staff asked interested parties to submit a proposal by the end of September.

Three developers submitted proposals to develop the property; Alatus, Pulte, and Centra. Each proposal includes a concept layout for the site, number of units, type of product, anticipated sale price of the units, and a high level proforma that offers a land value.

All of the proposals indicate that some additional private property will need to be acquired in order to accommodate the new housing. Each proposal assumes an amount for acquisition of this property. If the properties cannot be acquired, or the actual amount is different then the assumed amount, then the projects may need to be altered or the land value adjusted.

The City Council reviewed the proposals at their October 8 work session and further discussion took place at the City Council's October 22 work session. The City Council narrowed the options to two:

1. Centra Homes - 35-unit single family subdivision consisting of 3 and 4 bedroom homes with an average sale price anticipated at $332,000;
2. Pulte Homes - 56 for-sale town home units with 3 and 4 bedrooms and an average sale price of $300,000.

Staff is now seeking direction from the City Council on which project is preferred. Both developers have indicated that elements of their proposals may be able to be adjusted depending on the needs of the City. If the Council has specific preferences related to the housing product or the site layout, these items may be able to be negotiated as part of the purchase agreement. Staff is seeking direction on what items may be particularly

important to the Council as discussions with the developer ensue. If, after this evening, the Council still has questions about aspects of a particular project, staff can arrange to have the developer present at a work session to discuss their proposal directly with Council as well.

Once selected staff will begin negotiating a purchase agreement, which would be brought back to the EDA at a future meeting for approval.

Strategic Priorities and Values:

Targeted Redevelopment

CENTRA HOMES LLC

September 28, 2018

EXECUTIVE SUMMARY

Centra Homes is grateful for the opportunity to submit a proposal for the site at approximately Camden Ave & 68th Ave N. Below you will find two concept plans for your consideration. Both options have the ability to complement the City of Brooklyn Center.

Submitting two concept plans is not an effort to be complex, rather to give the City multiple options. The 50' concept plan offers a greater number of homes, providing a higher return on the land and an increased number of homes to offer the residents of Brooklyn Center. The 60' concept plan gives a greater flexibility to the future homeowner for larger garages and backyards.

50' Lot Concept Plan

- $350,000 allocated for land purchase
- 35 lots
  - 31 two-story "Move Up" homes
  - 4 multi-level homes fronting 69th Ave
- Anticipated home values: $315,000-$350,000

60' Lot Concept Plan

- $270,000 allocated for land purchase
- 30 lots
  - 31 two-story "Move Up" homes
  - 4 multi-level homes fronting 69th Ave
- Anticipated home values: $330,000-$365,000

50′ Lot Concept Plan

Multi-Level Homes
65′ lots
10′ & 5′ side yard setbacks
Depth: 140′ +/-

Two-Story Homes
50′ lots
5′ side yard setbacks
Depth: 100′-150′ +/-

50′ Lot Concept Plan Details

Overall

- 35 lots
- 60' right-of-way
- Street connections to Candem Ave, 5th St, and Aldrich Ave cul-de-sac
- Multiple elevations and color packages to increase variety

Lots 1–31: Two-Story Homes

- 50' wide lots
- 40'-wide homes
- 5' side yard setbacks (both sides)
- 25' front and rear setbacks

Lots 32-35: Multi-Level Homes

- 65'-80' wide lots
- 50'-wide homes
- 10' (house) and 5' (garage) side yard setbacks
- 30' front and rear setbacks

60′ Lot Concept Plan

Multi-Level Homes
65′ lots
10′ & 5′ side yard setbacks
Depth: 140′ +/-

Two-Story Homes
60′ lots
5′ side yard setbacks
Depth: 100′-150′ +/-

60′ Lot Concept Plan Details

Overall

- 30 lots
- 60' right-of-way
- Street connections to Candem Ave, 5th St, and Aldrich Ave cul-de-sac
- Multiple elevations and color packages to increase variety
- Optional 3-car garage

Lots 1–26: Two-Story Homes

- 60'-65' wide lots
- 40'-wide homes
- 5' side yard setbacks (both sides)
- 25' front and rear setbacks

Lots 27–30: Multi-Level Homes

- 65'-80' wide lots
- 50'-wide homes
- 10' (house) and 5' (garage) side yard setbacks
- 30' front and rear setbacks

Additional Concept Plan Details

Creative Use of City Right-Of-Way (ROW)

Incorporating the existing City ROW East of 68th Ave into lots allows for a more efficient layout, increased offer price for the land, and reduced road maintenance and repairs for the City in the future. This proposed concept reduces the amount of street by approximately 300 feet.

The street layout will spread incoming traffic out rather than concentrating it on 68th Ave. This layout will also potentially slow traffic, creating a safer and quieter neighborhood.

The existing underground utilities in this area will need easements and/or abandonment.

ADDITIONAL CONCEPT PLAN DETAILS *(cont.)*

Privately Owned Land

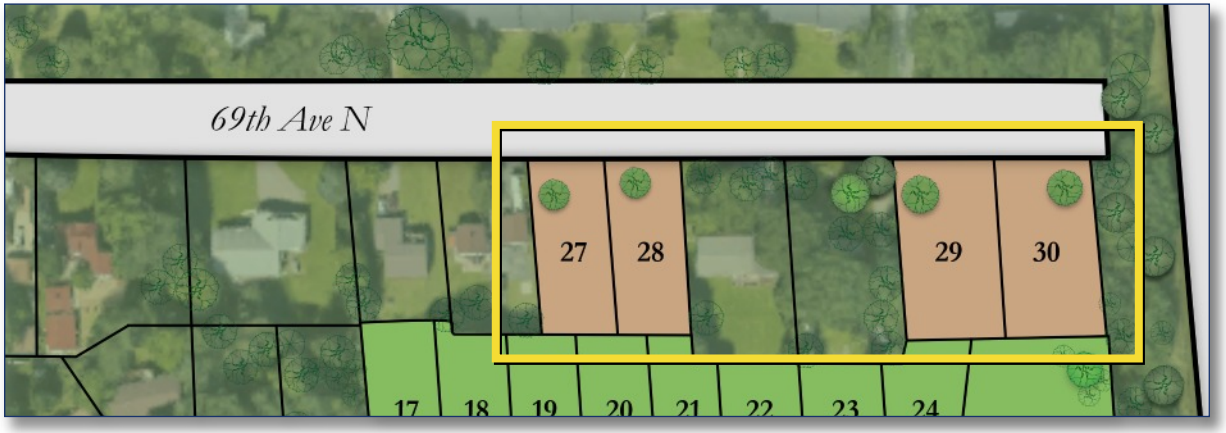
Currently the concept plans show 4 lots utilizing the back portion of two properties that are privately owned. The concept plans are subject to this transaction taking place. Discussion with the property owners has not yet taken place. If an agreement is not reached with the property owners, a new layout will be considered.

Additional Concept Plan Details *(cont.)*

Homes on 69th Ave N

Four larger lots are proposed to front 69th Ave N. These lots will allow for a wider 3-car multi-level home that will compliment the existing streetscape and character of this area.

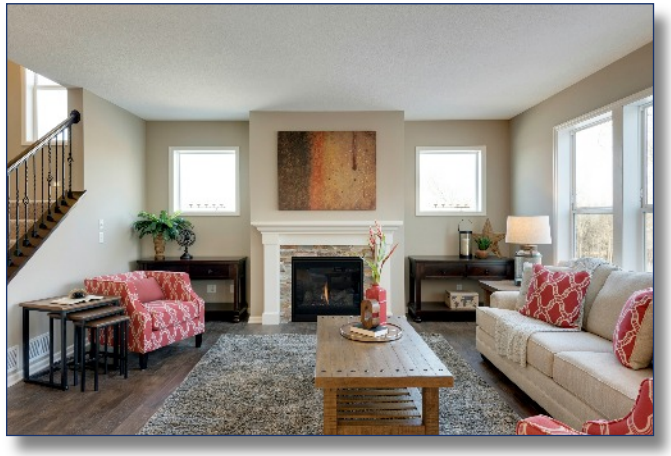
See the "Maple" plan on pages 18-19.



PRODUCT: TWO-STORY HOMES

"Move Up" Home Buyers

- Total units: 31
- Anticipated value: **$315,000–$350,000**
- Square Footage: 1850–2377
- Covered porches
- Patios for enjoyable outdoor living
- Open concept kitchens and great rooms
- Designed for the "move up" buyer

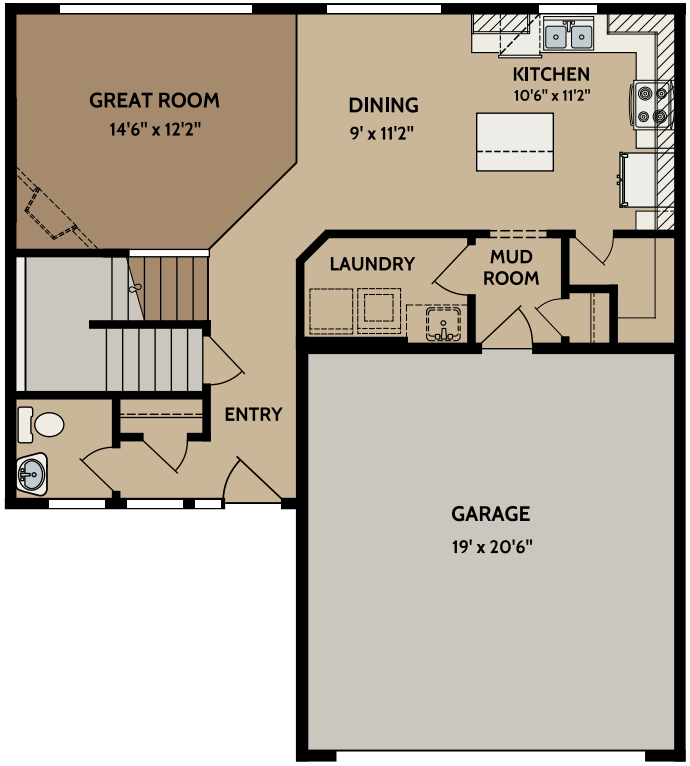


THE CHELSEA

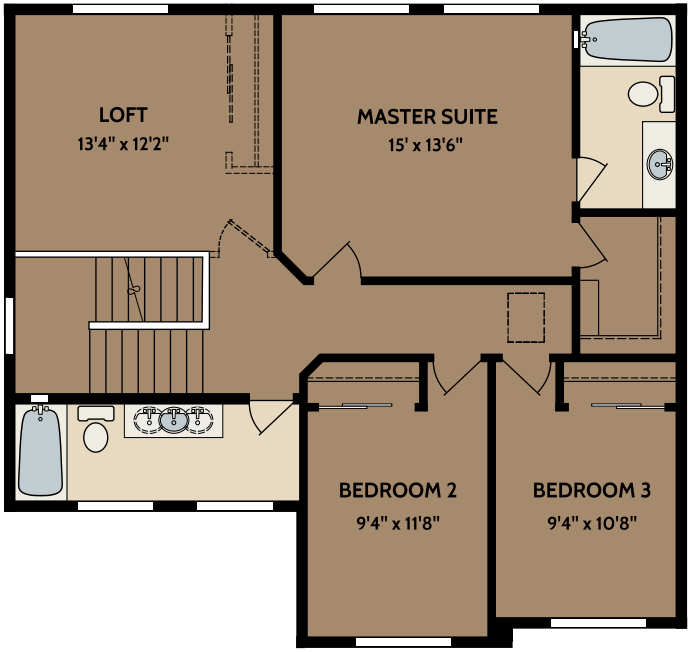
Two-Story Home

- 3 Bedrooms
- 2.5 Baths
- Master Suite
- Loft or 4th Bedroom Option

THE CHELSEA FLOOR PLAN



Main Level



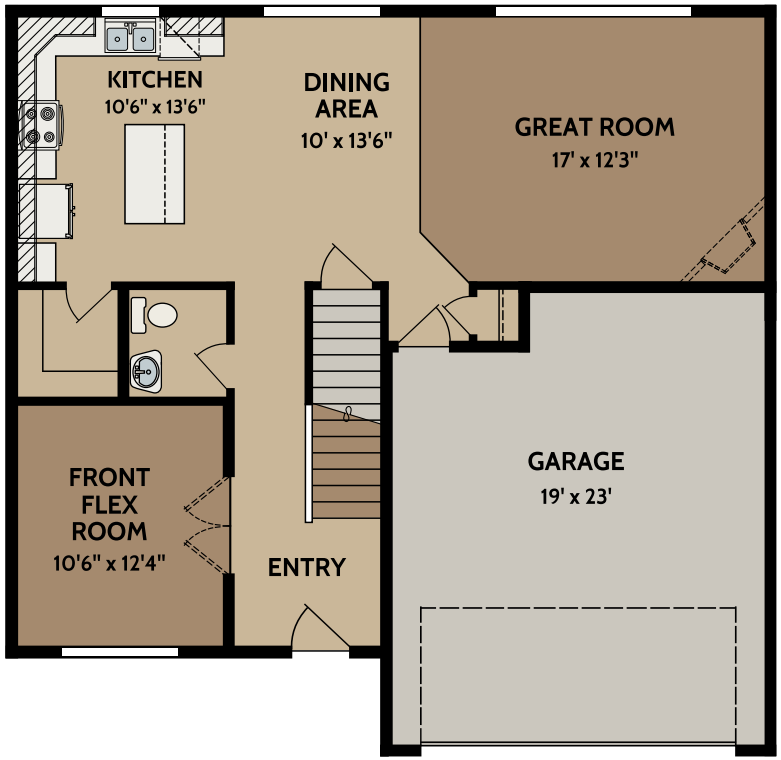
Upper Level

THE HAMPTON

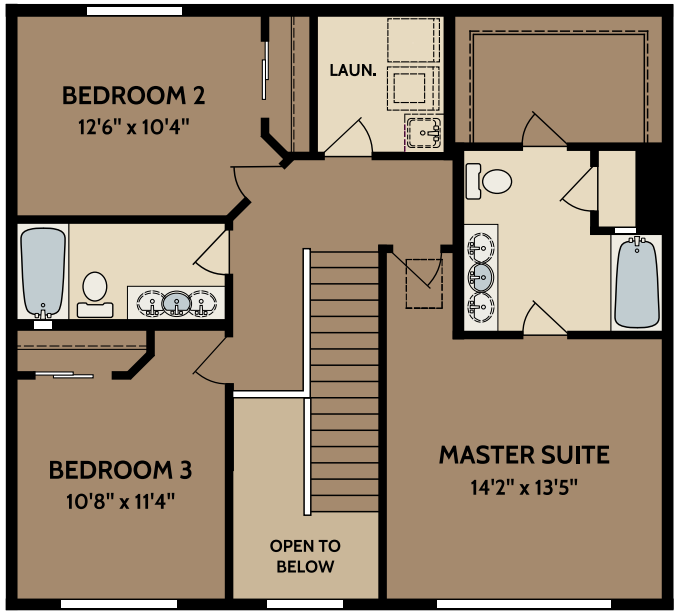
Two-Story Home

- 3 Bedrooms
- 2.5 Baths
- Master Suite
- Upper Level Laundry Room
- Flex Room / Office

THE HAMPTON FLOOR PLAN



Main Level



Upper Level

THE EASTCHESTER

Two-Story Home

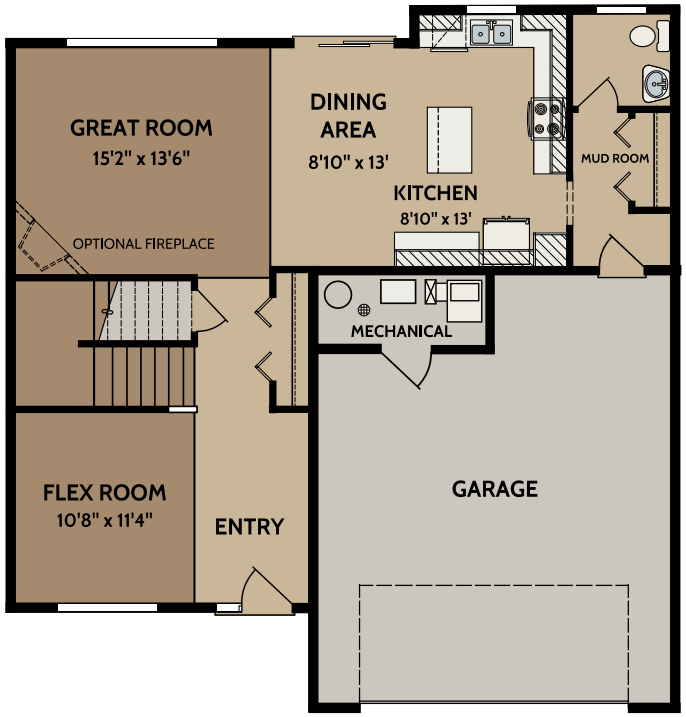
- 4 Bedrooms
- 2.5 Baths
- Master Suite
- Upper Level Laundry Room
- Flex Room / Office

PRODUCT: MULTI-LEVEL HOMES

First-Time or Move-Up Home Buyers

- Total units: 4 *(located along 69th Ave N)*
- Anticipated value: **$300,000–$325,000**
- Square Footage: 1350–2404
- Large and enjoyable backyards
- Open concept kitchens and great rooms
- Designed for young families

THE EASTCHESTER FLOOR PLAN



Main Level

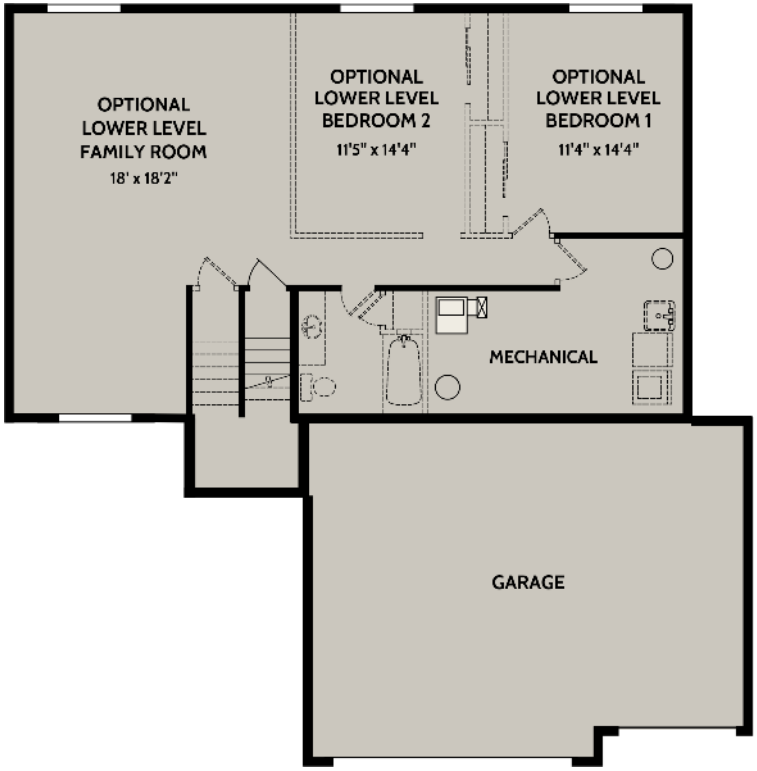
Upper Level

THE MAPLE

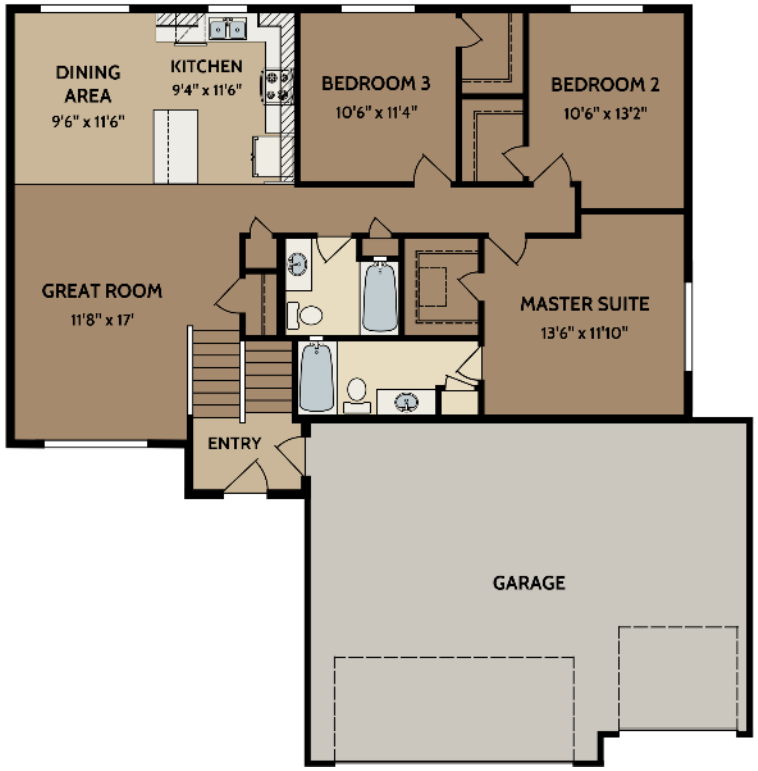
Multi-Level Home

- 3 Bedrooms
- 2 Baths
- Master Suite
- Optional Finished Basement:
  - 2 Bedrooms
  - 1 Bath
  - Living Room
  - Office Space

THE MAPLE FLOOR PLAN



Lower Level



Main Level

Interior Features

New homeowners most frequently upgrade their flooring, kitchen, and master suite.

Some of those upgrades include:

- Granite countertops and islands
- Upgraded cabinets and hardware
- Stainless steel appliances
- Laminate flooring
- Upgraded carpet and carpet pad
- Luxury vinyl tile
- Deluxe shower and soaking tubs

Deal Structure and Timeline

Land Purchase Price:

50' Lot Concept Plan: $350,000 is allocated to purchase the land required for the site.

60' Lot Concept Plan: $270,000 is allocated to purchase the land required for the site.

Closing

Centra Homes will be prepared to close on the land within 30 days following Final Plat approval from the City of Brooklyn Center.

Timeline

- 90-day Due Diligence period after Purchase Agreement is executed.
- Following Due Diligence: Preliminary Plat submitted within 90 days.
- After Preliminary Plat approvals, Final Plat will be submitted within 60 days.
- Depended on Due Diligence and City approvals we anticipate development can start as early as May 2019.
- Home construction and occupancy would take approximately 24-30 months.

WHO IS CENTRA HOMES?

Centra Homes is locally owned and operated and recognized as one of the top homebuilders in the Twin Cities. Our highly experienced team of construction, purchasing, management and sales professionals have built hundreds of beautiful homes and created thriving communities across the Minneapolis/St. Paul metro area. Our friendly, knowledgeable customer service is second to none.

Centra Homes' development team has over 40 years of experience, many of which have been spent working on City owned land just like Brooklyn Center. We take pride in being flexible, creative, and efficient with the land we develop. You can count on the land being put to good use – providing a place for families to put down roots.

More information can be found at CentraHomes.com.

BROOKLYN CENTER AT THE CENTER

CENTRA HOMES LLC

Thank you.

September 13, 2018

City of Brooklyn Center
Meg Beekman, Community Development Director
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

RE: Proposal for Eastbrook Estates Land off 69th Avenue North

Dear Ms. Beekman:

Pulte is very excited to submit a proposal for this opportunity. This type of development is one of our core strengths and we take great satisfaction in working with all stakeholders to bring an underutilized property to life to fill a genuine need in your community.

You'll find us a strong partner for the following reasons:

- **Financial ability to perform:** We are internally financed, so we can move as quickly as you are comfortable moving. We are not beholden to external parties. We have over $50M to allocate to the Twin Cities housing market in 2018.
- **We have demonstrated a strong track record in similar undertakings:** In recent years, we have succeeded in developing similar properties in the northern suburbs of New Brighton, Roseville, Arden Hills, Maple Grove, Plymouth, Shoreview, and Fridley. This experience means that we are skilled at anticipating issues, costs, and next steps. This minimizes the chance of misunderstandings and miscalculations that can lead to project starts, stops, and delays.
- **We build great homes:** We have a strong and detailed internal construction process that leads to quality and consistency. We even hire outside inspection firms to make unscheduled surprise visits to our construction sites to verify compliance with our standards.
- **We understand the processes and goals of cities:** Being a good partner means being able to understand what the other partner needs. We know how cities think and make decisions and we are good listeners.
- **We are easy to work with:** Because of the above traits, we are easy to work with. We minimize the brain damage that can sometimes accompany complex infill/redevelopment projects.

Our proposal demonstrates our understanding of your project goals and showcases our portfolio of relevant work. Please call me at 952-229-0722 or email me at paul.heuer@pultegroup.com with any questions regarding this proposal. We look forward to having the opportunity to work with you!

Sincerely,
Pulte Homes of Minnesota, LLC

Paul Heuer
Director of Land Planning & Entitlements

PROPOSAL FOR:
Eastbrook Estates Residential Development Site

BROOKLYN CENTER, MINNESOTA
September 13, 2018

Developer Information

Contact Information

Pulte will act as both developer of the property and builder of the homes. The primary contact for Pulte is:

Pulte Homes
Paul Heuer, Director of Land Planning & Entitlement
7500 Flying Cloud Drive, Suite 670
Eden Prairie, MN 55344
952-229-0722
Paul.Heuer@PulteGroup.com
www.pultehomes.com

Mr. Heuer will be the primary point of contact for all issues from purchase agreement through entitlements.

Company Overview

Bill Pulte formed the company in 1956. PulteGroup's company vision is ***"Building Consumer Inspired Homes and Communities to Make Lives Better".*** We are a larger homebuilder with corporate offices in Atlanta, Georgia. We currently operate under three distinct brands of homebuilding throughout the country: Pulte Homes, Centex Homes, and Del Webb. Pulte's Minnesota Division has an office in Eden Prairie and will sell over 500 homes in the Twin Cities this year, all under the Pulte Homes brand.

The Minnesota Division of PulteGroup is made up of over 70 talented and experienced leaders from diverse backgrounds with years of successfully developing great neighborhoods and building quality homes throughout the Twin Cities.

We have become known in the Twin Cities as a developer that willingly and successfully takes on complex and difficult redevelopments and infill developments. In recent years we have completed similar infill developments in the northern suburbs of New Brighton, Fridley, Roseville, Arden Hills, Maple Grove, Plymouth, and Shoreview. Enclosed with this proposal you will find flyers showing similar developments. With this extensive infill experience, we have become known for:

- Being very skilled at anticipating issues, costs, and next steps. This minimizes the chance of misunderstandings and miscalculations that leads to project starts, stops, and delays.
- We understand the processes and goals of cities.
- We are internally financed, so we can move as quickly as you are comfortable moving. We are not beholden to external parties.
- Because of the above points, we are easy to work with.

Resumes of Key Team Members

Eric Padget, Vice President of Land Acquisition and Development

Eric leads the land acquisition and development practice for the Minnesota Division of Pulte Group and is responsible for strategically identifying, acquiring, entitling, and developing quality neighborhoods across the Twin Cities. Since joining Pulte in 2014, Eric has led the acquisition and development of over 1,500 lots for new homes in the Twin Cities. Prior to joining Pulte, Eric led the lifecycle execution of over 7 million square feet and over $2 billion of investment in commercial retail developments across 24 states. His experience ranges from 100+ acre greenfield developments to small complex 2 to 3-acre urban infill redevelopments in major downtowns. Eric has been a recognized leader with the agility and diverse expertise to strategically maneuver teams through complex acquisitions and development approvals, utilizing strong industry and governmental relationships, collaboration, and a proven ability to expeditiously drive for practical and pragmatic solutions for both short and long-term business objectives. Eric graduated from Iowa State University with a BS in Community and Regional Planning and a MS in Civil Engineering.

Paul Heuer, Director of Land Planning and Entitlements

Paul leads the land entitlement/approval process for all projects for the Minnesota Division of PulteGroup. He is involved in land acquisition and spearheads land use strategy, preparation of site plans, creation of land development budgets, preparation of construction plans, and obtaining all land entitlements/permits. Paul has over two decades of experience as a city engineer, residential developer, commercial developer, and real estate development consultant. Paul's broad engineering and real estate background enable him to quickly see risks, opportunities, and the necessary steps/tasks required to make even the most complex project or development vision come to fruition. Paul graduated from the University of Minnesota (Minneapolis) with a BS in Civil Engineering.

Chad Onsgard, Director of Land Development

As PulteGroup's Director of Land Development, Chad's responsibilities consist of managing all aspects of the land development process from city approvals through final closeout/acceptance and bond release. This includes scheduling, budgeting, bidding, contract management, value engineering, site remediation/demolition, storm water management, homeowner's association management, quality/risk management and amenity design and construction. Chad started with the company in 1999 as a field manager building multi-family housing for Centex and then transitioned into land development. He has over 12 years of experience managing and developing multi-million-dollar neighborhoods throughout the Twin Cities. Chad graduated in 1999 with a BA in Business Administration and a minor in Construction from the University of Wisconsin – Stout.

Mike Barden, Vice President of Construction Operations

Mike Barden leads all of PulteGroup's homebuilding operations in Minnesota. He has worked in multiple construction operations roles during his 17-year career with Pulte Homes including customer service, construction management, purchasing, product management, and process improvement. Mike received his degree in Construction Management from Purdue University.

Financing

PulteGroup, Inc. (NYSE: PHM) is one of America's largest homebuilding companies with operations in approximately 50 markets throughout the country. We self-finance all our developments, providing us with the flexibility and freedom to execute on development opportunities in a timely manner. A corporate annual report is available online at http://www.pultegroupinc.com/investors/financial-information/annual-reports/default.aspx. This will provide assurances about Pulte Homes' ability to perform financially as a developer. At closing, Pulte Homes of Minnesota, LLC will pay in immediately available funds and requires no lender contingencies.

In addition to PulteGroup's financial strength, it's important to know that the Minnesota Division has invested approximately $50 million dollars a year in the Twin Cities Market in land acquisition and development since 2011. In that time frame, Pulte has sold on average 300-550 homes annually. Pulte is planning a higher level of investment in 2019-2021, with access to additional funding for great opportunities such as this property.

Developer References

We have successfully partnered with many cities on complex infill and redevelopment projects. In some cases, the City acted as the seller, like this situation. Attached to this proposal you will find flyers with more details on similar development projects, including references.

Details of Proposed Development

Ownership/Development Structure

As a self-financed developer/builder, our ownership and development structure are simple. Pulte Homes will own the property and seek entitlements as developer. Once approved, Pulte Homes as developer will close on the property and begin development through various vendor contracts. When buildable lots are permit ready, Pulte Homes as builder will request building permit approval and will then build the homes. At each stage, work will be undertaken by the same legal entity: Pulte Homes of Minnesota, LLC.

Concept Plan

We spent a considerable amount of time driving this housing submarket, researching the property, and gaining an understanding of how this property fits into the submarket. There are many factors that led us to conclude that the property is best suited to develop as townhomes. Our findings include:

- Awkward shape of the property - The unusual and awkward shape of the property makes single family homes difficult and inefficient. The use of townhomes with private

streets provides more room to maneuver and provide buffers to neighboring properties. It also allows for a much more flexible and better physical fit to the available land.

- Market demand – This submarket contains a large amount of existing single-family homes. What appears to be lacking are homes with homeowner's association maintenance. This attribute is very attractive to both empty nesters and a substantial portion of first time homebuyers, both of which struggle to find new housing options in the area.
- Market values – Due to modern regulations, the cost of building new single-family homes is dramatically higher than it was 30 or 40 years ago. It is difficult to build and sell single-family homes for less than $400k. This would result in the value of new single-family homes being much higher than the value of neighboring homes which appear to primarily fall in the range of $180k to $270k. This vast differentiation is undesirable from a land use standpoint and would make it more difficult to sell single-family homes on this property. The anticipated selling prices for townhomes would be from $265k to $350k with an average of about $300k. This would reduce the differentiation to a more acceptable level. The new townhomes will be of greater value than neighboring homes and will be of similar heights, thereby being very compatible with the surrounding properties.
- Freeway – Current buyers of new single-family homes are less tolerant of freeway noise. Townhome buyers historically are more tolerant of an adjacent freeway.
- Schools – The schools serving this property are rated below average on the various rating websites. Typically, new single-family home buyers are more discerning about school districts than new townhome buyers and empty nesters who have no children living with them.
- Purchase price – With the townhome option, we can pay the City more for the land.
- Tax revenue – Oftentimes, while working with cities on infill and redevelopment properties, another city goal is to increase real estate tax revenue. The townhome option will create a much higher level of perpetual tax revenue than the single-family option.

Findings of our broad evaluation indicate that townhomes are the ideal use for this property. We have carefully prepared a concept plan showing how townhomes could fit very nicely on this property.

In our detailed concept plan, it is evident that the ability to use private streets enables the property to be much more efficiently utilized. Here are the key facts and assumptions utilizing typical modern infill development standards:

- 24-foot wide private streets
- 20-foot minimum building separation
- 22-foot minimum driveway length
- 40-foot setback from the north property line
- 40-foot setback to the freeway right-of-way
- 25 to 40-foot setback to the south property line
- 25 to 40-foot setback to the west property line
- 7.98 acres
- 56 total townhomes – It should be noted that our concept plan shows 57 townhomes. However, it is our understanding that the City may wish to construct a cul-de-sac at the east end of 69th Avenue N, which may result in the loss of one townhome.
- Gross density = 7.1 units/acre
- 4, 5, and 6 units per building

- Parking provided
    - 224 stalls within garages and on driveways
    - 27 additional guest stalls

The existing property boundaries make it very difficult to create a new and continuous neighborhood. Our concept plan incorporates an assumption that the City will execute land deals with two exception properties (identification numbers 3611921120037 and 3611921120036). With both properties, we are showing the acquisition of the back half of their properties. There is also some land available to trade back to each of the exception properties to widen their lots.

Our concept plan also assumes that we are not able to use the adjacent excess MnDOT property for storm water retention. All storm water facilities are assumed to be allowed only on the property to be developed as shown in the concept plan.

The Homes

The homes will begin at a size of 1,854 square feet excluding additional structural options. Homes will have 3 or 4 bedrooms, 2.5 bathrooms, and 2 garage stalls.

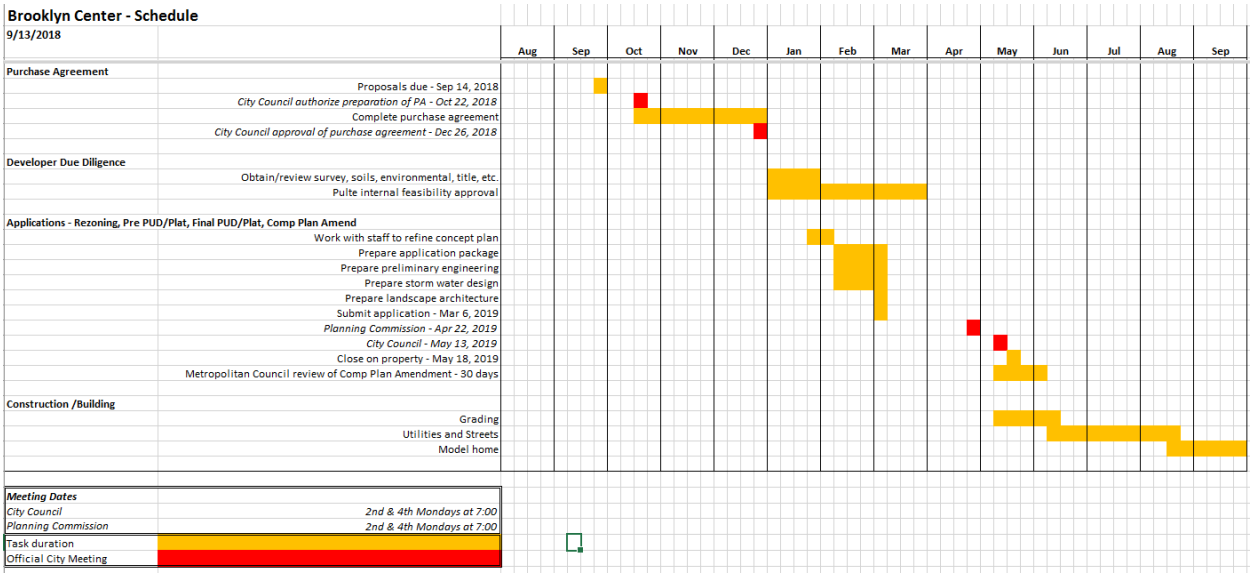
We believe that floor plan versatility and individualization at the scale offered with this design is unmatched in the Twin Cities market. It has certainly broadened the demographic appeal of this product. This versatile and attractive product has been a great success in the Twin Cities since it was originally designed and drawn in 2014.

Example photos are attached. We anticipate that these homes would sell within a range of $265k to $350k with an average selling price of $300k.

<u>Homeowner's Association</u>
We will create a homeowner's association (HOA) and will record all necessary documents against each lot. We will hire a professional management company to handle maintenance contracts and ongoing administrative duties. We will maintain control of the HOA until 75% of the homes are occupied, at which time we will turn the HOA over to the existing homeowners. The HOA will be responsible for lawn care, snow removal, and maintenance of the exterior of the buildings.

Example Schedule

From our experience partnering with other cities on similar projects, a typical schedule is outlined below. We realize that the schedule may vary from what is shown. It primarily shows the process, steps, and intent.



With the assumptions incorporated into the above example schedule, we anticipate beginning to sell new homes in October 2019 with the last home being occupied in the fall of 2021.

Public Improvements

We have not researched public infrastructure in the area. Since the property is an “infill” property, we assume that adequate public infrastructure is readily available.

We anticipate constructing the following public infrastructure improvements:

- Sanitary sewer
- Water main
- Storm water ponding

We anticipate constructing the following private infrastructure improvements:

- Grading
- Storm sewer
- Streets (to be owned and maintained by the homeowner’s association)
- Street lighting presumably owned and maintained by the electric provider
- Cable, natural gas, and phone line installation via joint trench with the electric provider
- Landscaping

Offer and Terms of Purchase

Purchase Price

Based on the findings of our high-level property evaluation, market research and targeted price points, Pulte Homes of Minnesota is proposing to pay the City as follows:

$15,000/unit x 56 townhomes = **$840,000**

Please note that although the attached concept plan shows 57 townhomes, we understand that the City desires to construct a cul-de-sac on the east end of 69th Avenue North. We believe this will result in the loss of one townhome. Ultimately, we may end up with more homes or less homes than assumed in the above calculation, in which case our purchase price will increase or decrease accordingly.

Terms & Assumptions

Proposed Terms

- The City will separately purchase the southern half of the two exception properties off 69th approximately as shown in the concept plan.
- Sewer and water will be publicly owned utilities. Storm sewer and streets will be privately owned.
- Earnest money of $50,000 at execution of purchase agreement, which will apply to the purchase price. This money will be held in an escrow account.
- Due diligence period of 90 days, during which time Pulte can terminate the purchase agreement and have all earnest money refunded.
- Within five business days of preliminary plat and preliminary PUD approval, we will close on the property.

Closing is Contingent Upon

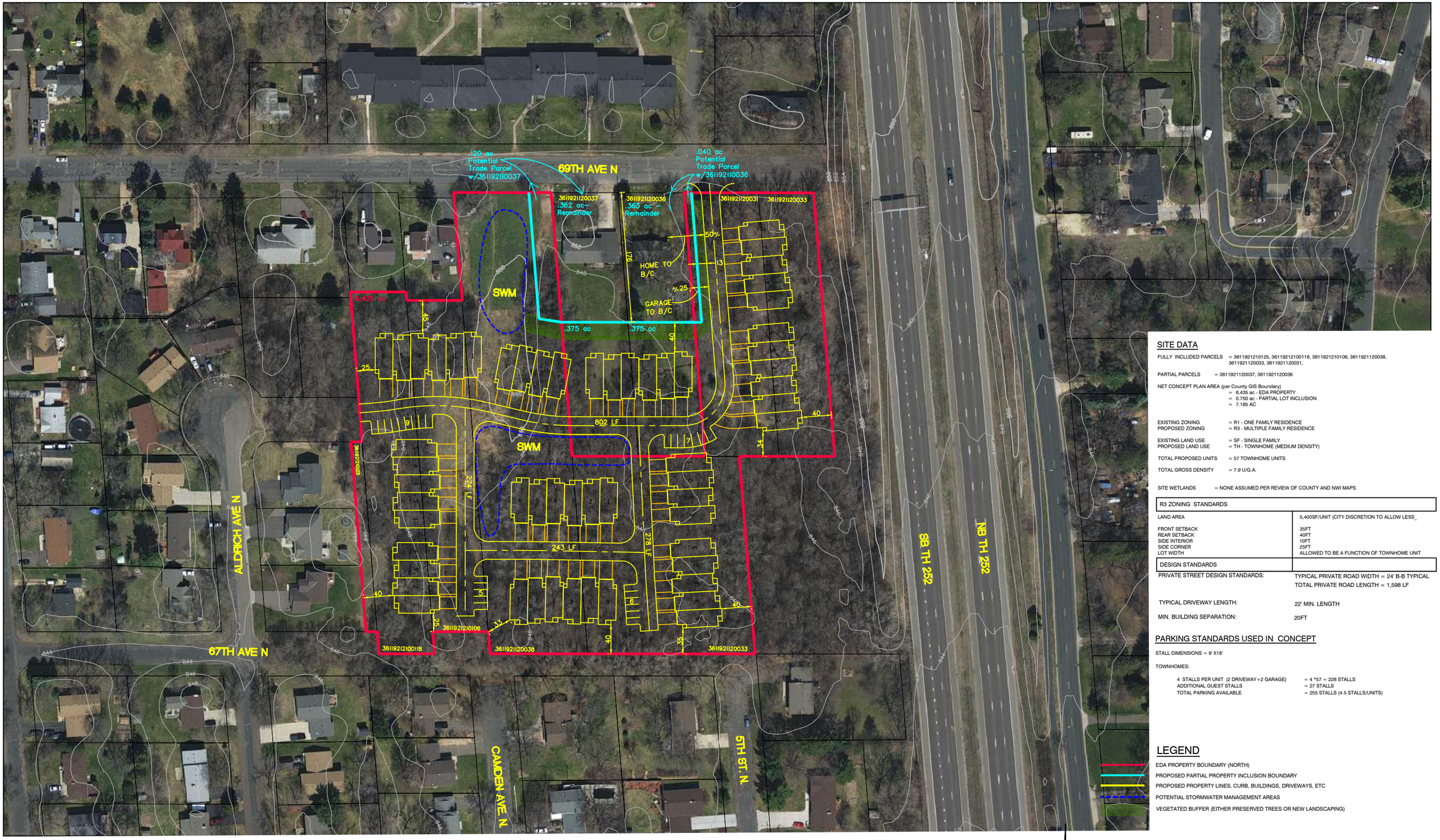
- Approvals and permits granted by all necessary agencies
- Pulte corporate approval.
- Clean title to the land provided by the City.
- Pulte identifying no objections through the due diligence period.

During the 90-day due diligence process, Pulte will undertake both external and internal investigations. External investigations will deal with soils, survey, title work, environmental history, wetlands, and infrastructure issues. Internal investigations will deal primarily with the housing sub-market and whether we can be financially successful at the assumed selling price in this location. Our significant experience in developing and building homes on many infill locations throughout the Twin Cities provides us with a strong “head start” in this area.

Ability to Close

Many cities and land sellers have discovered that Pulte is an ideal partner for infill developments.

1. We are self-financed. The money is readily available.
2. We have demonstrated repeated success in executing on redevelopment and infill projects throughout the Twin Cities. This means we are experienced in understanding what it takes to see such a project through and what it costs. It also means that our corporate office has a high level of comfort that we will continue to execute on similar projects.
3. We are easy to work with. We understand the processes and goals that cities typically have, and we are sensitive to them. We also are very sensitive in dealing with neighbors.
4. We are also adequately staffed and are efficient. We are ready to act right away to ensure that we can develop the property in 2019.



SITE DATA

FULLY INCLUDED PARCELS = 3611921210125, 36119212100118, 3611921210106, 3611921120038, 3611921120033, 3611921120031,

PARTIAL PARCELS = 3611921120037, 3611921120036

NET CONCEPT PLAN AREA (per County GIS Boundary)
= 6.435 ac - EDA PROPERTY
= 0.750 ac - PARTIAL LOT INCLUSION
= 7.185 AC

EXISTING ZONING = R1 - ONE FAMILY RESIDENCE
PROPOSED ZONING = R3 - MULTIPLE FAMILY RESIDENCE

EXISTING LAND USE = SF - SINGLE FAMILY
PROPOSED LAND USE = TH - TOWNHOME (MEDIUM DENSITY)

TOTAL PROPOSED UNITS = 57 TOWNHOME UNITS

TOTAL GROSS DENSITY = 7.9 U/G.A.

SITE WETLANDS = NONE ASSUMED PER REVIEW OF COUNTY AND NWI MAPS

R3 ZONING STANDARDS	
LAND AREA	5,400SF/UNIT (CITY DISCRETION TO ALLOW LESS_
FRONT SETBACK	35FT
REAR SETBACK	40FT
SIDE INTERIOR	10FT
SIDE CORNER	25FT
LOT WIDTH	ALLOWED TO BE A FUNCTION OF TOWNHOME UNIT
DESIGN STANDARDS	
PRIVATE STREET DESIGN STANDARDS:	TYPICAL PRIVATE ROAD WIDTH = 24' B-B TYPICAL TOTAL PRIVATE ROAD LENGTH = 1,598 LF
TYPICAL DRIVEWAY LENGTH:	22' MIN. LENGTH
MIN. BUILDING SEPARATION:	20FT

PARKING STANDARDS USED IN CONCEPT

STALL DIMENSIONS = 9' X18'

TOWNHOMES:

4 STALLS PER UNIT (2 DRIVEWAY +2 GARAGE) = 4 *57 = 228 STALLS
ADDITIONAL GUEST STALLS = 27 STALLS
TOTAL PARKING AVAILABLE = 255 STALLS (4.5 STALLS/UNITS)

LEGEND

EDA PROPERTY BOUNDARY (NORTH)
PROPOSED PARTIAL PROPERTY INCLUSION BOUNDARY
PROPOSED PROPERTY LINES, CURB, BUILDINGS, DRIVEWAYS, ETC
POTENTIAL STORMWATER MANAGEMENT AREAS
VEGETATED BUFFER (EITHER PRESERVED TREES OR NEW LANDSCAPING)

Pulte Homes

69TH AVENUE N PROPERTY - CONCEPT C

BROOKLYN CENTER, MINNESOTA

N

0 30 60 120
SCALE IN FEET

DATE: 8-24-18 MPR

ALLIANT ENGINEERING
733 Marquette Ave, Ste 700
Minneapolis, MN 55402
612.758.3080 MAIN
612.758.3099 FAX
www.alliant-inc.com

Drawing name: P:\Alliant\Pulte\Brooklyn Center – TH 252\BC – 252 Site – Concept C.dwg Aug 24, 2018 – 2:25pm

Mirabel – Maple Grove, MN

Pulte purchased 7.4 acres from the City of Maple Grove in the summer of 2016 to develop 32 villa homes on the northwest corner of Weaver Lake Road and Norwood Avenue. Models opened in March 2017 and the neighborhood received unprecedented demand.

Project Reference:
Dick Edwards
City of Maple Grove
Community Development Director
Phone: 763-494-6045
Email: dedwards@maplegrovemn.gov

This is a typical example of a public/private partnership that Pulte has become skilled at executing. The neighborhood has been a great success for both the City and Pulte. Utilizing innovative site planning, we were able to maximize the land and exceeded the expectations of the City, while meeting community goals of providing a better housing choice for the 55+ demographic including a mix of slab on grade homes and basement options. Note how we oriented the homes in such a way as to protect the living portions of the homes from the busy traffic on Weaver Lake Road.

The Enclave at New Brighton Exchange

Pulte purchased approximately 30 acres from the City of New Brighton in Fall 2014, which was a portion of the New Brighton Exchange area. We developed 89 single family homes and 36 townhomes. The infill project was challenging due to significant environmental remediation requirements due to the property's historical uses including stockyards, an asphalt plant, and other uses that released petroleum-based soil contaminants. Pulte partnered with the City and MPCA to successfully remediate the property and gain all required clearances to allow for the development of the property for single family residential homes. In Fall 2017, the project completely sold out and was one of the top 10 selling communities in the Twin Cities. The project is a great example of Pulte Homes partnering with a City and was awarded the Minnesota Brownfields Rescape Award for Community Impact in 2016. Single family homes were sold in the high $400's to low $500's and the three-story townhomes sold in the high $200's.

Project Reference:
Craig Schlichting
City of New Brighton Exchange
Director of Community Assets
Phone: 651-638-2056
Email: craig.schlichting@newbrightonmn.gov

Brooks Ridge – Chaska, MN

Pulte purchased 17 acres on the northeast corner of Pioneer Trail and Bavaria Road in Fall 2016 and developed the property into 25 villa homes and 52 townhomes and opened for sale in March 2017. This infill project had many complex site development challenges including wetlands, topography, poor soil conditions, an existing railroad and perimeter major roadways. Our site design approach utilized the natural topography of the site, resulting in a very attractive neighborhood serving both the millennial and 55+ demographics with stylized housing products. The villa homes at Brooks Ridge can be built slab on grade on specific lots and lookout and walkout basement conditions on other lots.

Project Reference:
Kevin Ringwald
City of Chaska
Community Development Director
Phone: 952-448-9200
Email: kringwald@chaskamn.com

West Park – Chanhassen, MN

Pulte purchased 11 acres near the northwest corner of State Highway 212 and County Road 101. This complicated infill project had many challenges that resulted in the property lying dormant for years. The property had three different zoning categories. Half of the property also fell within a shoreland district, creating complexities related to density and storm water runoff. The property also required right-of-way vacation and shared a private driveway access with a separate property owner.

We worked diligently with City staff to arrive at a solution to each challenge and to address all neighbor concerns, resulting in a highly successful and very attractive townhome neighborhood with 82 homes.

Project Reference:
Sharmeen Al-Jaff
City of Chanhassen
Senior Planner
Phone: 952-227-1134
Email: sal-jaff@ci.chanhassen.mn.us

WEST PARK
CHANHASSEN, MINNESOTA

Example Photos of Elevations

Example Photos of Elevations

Example Photos of Elevations

Example Photos of Elevations

Townhome example floor plan

Rainier

EQUAL HOUSING OPPORTUNITY

Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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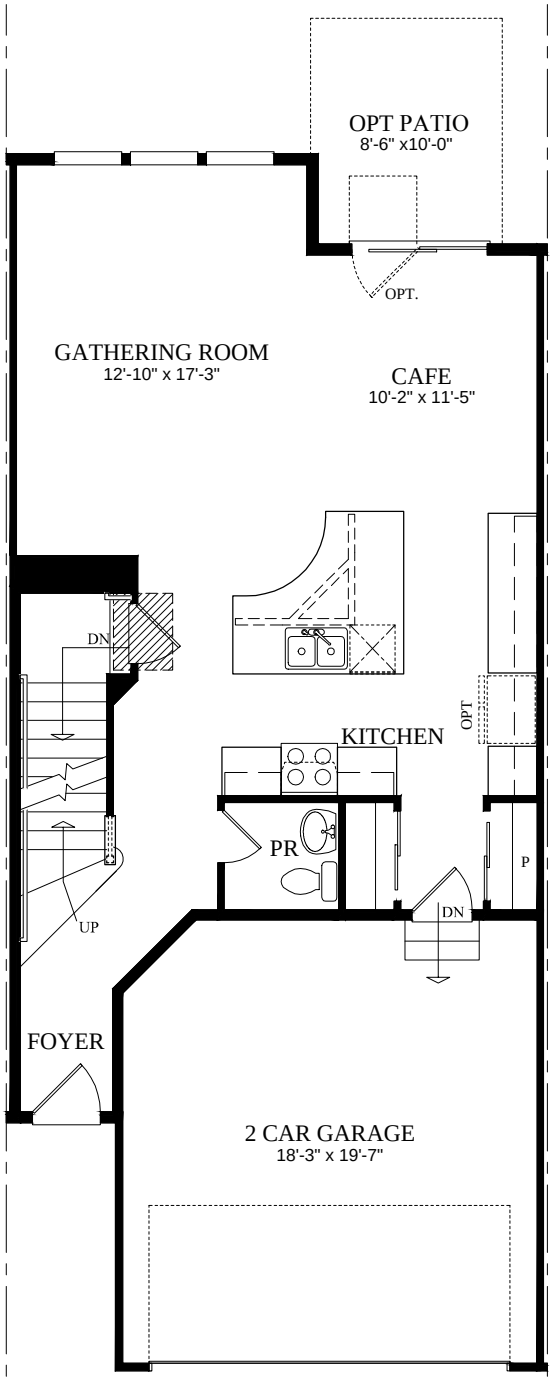
2407.902-Rainier-(FL-GE-KC)-MN-Base-BROC.dwg - BRO COVER

2407.902-Rainier-MN-Base-24' (2 Story) Unit-06152016



First Floor

9'-0" Ceiling

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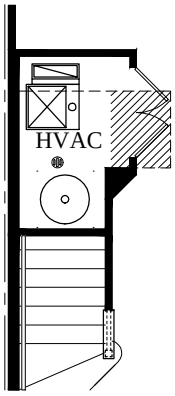
2407.902-Rainier-(FL-GE-KC)-MN-Base-BROC.dwg - 6-FL1-N-L

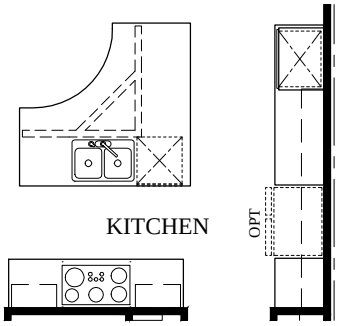
2407.902-Rianier-MN-Base-24' (2 Story) Unit-06152016

EQUAL HOUSING OPPORTUNITY

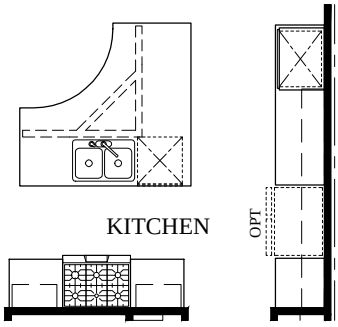


Mechanical on Slab

Fireplace Option



Gourmet Kitchen Option



Chef's Kitchen Option

First Floor Options

9'-0" Ceiling

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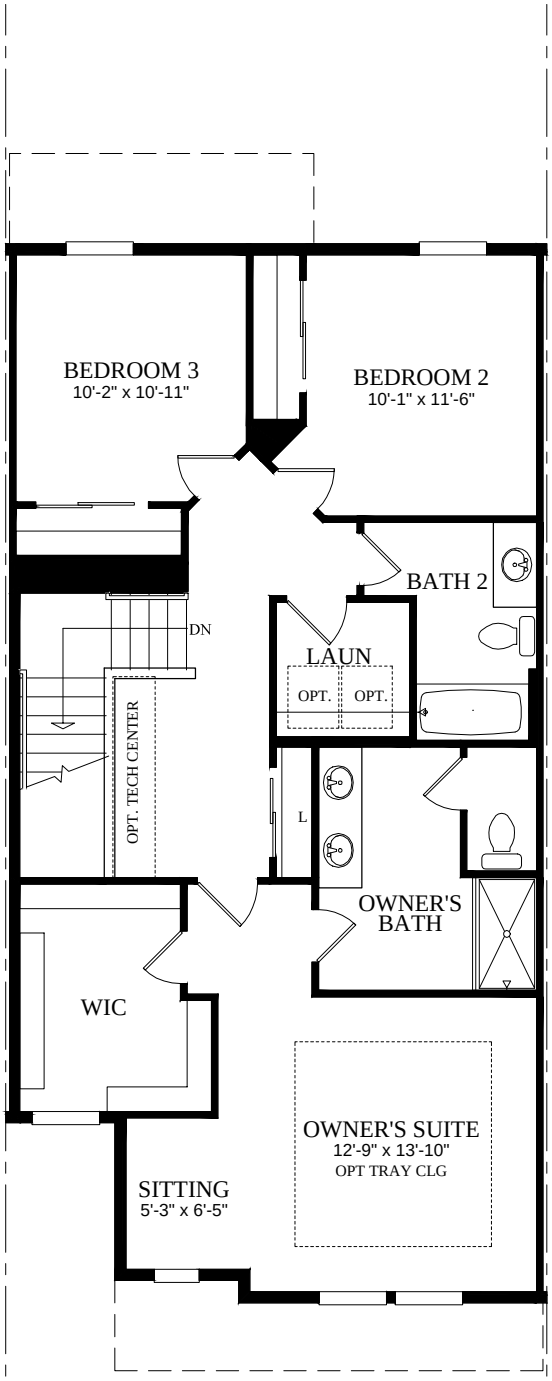
2407.902-Rainier-(FL-GE-KC)-MN-Base-BROC.dwg - 6-OP10-N-L

2407.902-Rainier-MN-Base-24' (2 Story) Unit-06152016

EQUAL HOUSING OPPORTUNITY



Second Floor

8'-0" Ceiling (Opt. 9'-0" Ceiling)

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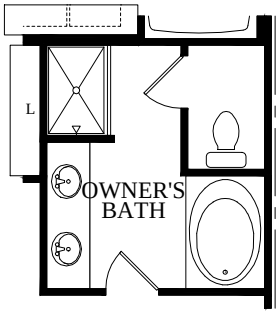
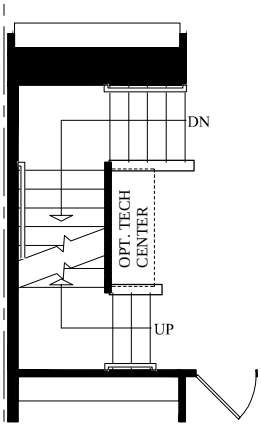
2407.902-Rainier-(FL-GE-KC)-MN-Base-BROC.dwg - 6-FL2-N-L

2407.902-Rainier-MN-Base-24' (2 Story) Unit-06152016

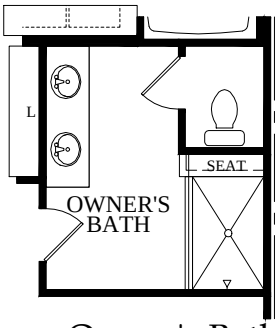
EQUAL HOUSING OPPORTUNITY



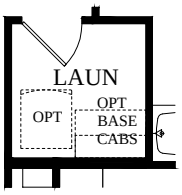
Owner's Bath Option 1



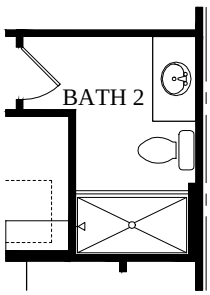
Stairs w/ Habitable Attic Option



Owner's Bath Option 2



Stacked W/D Option



Shower Option at Bath 2

Second Floor Options

8'-0" Ceiling (Opt. 9'-0" Ceiling)

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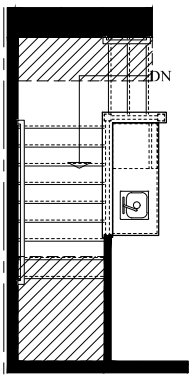
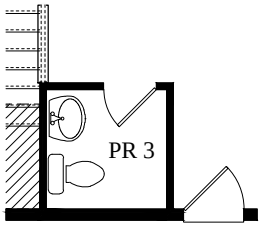
2407.902-Rainier-(FL-GE-KC)-MN-Base-BROC.dwg - 6-OP20-N-L

2407.902-Rainier-MN-Base-24' (2 Story) Unit-06152016

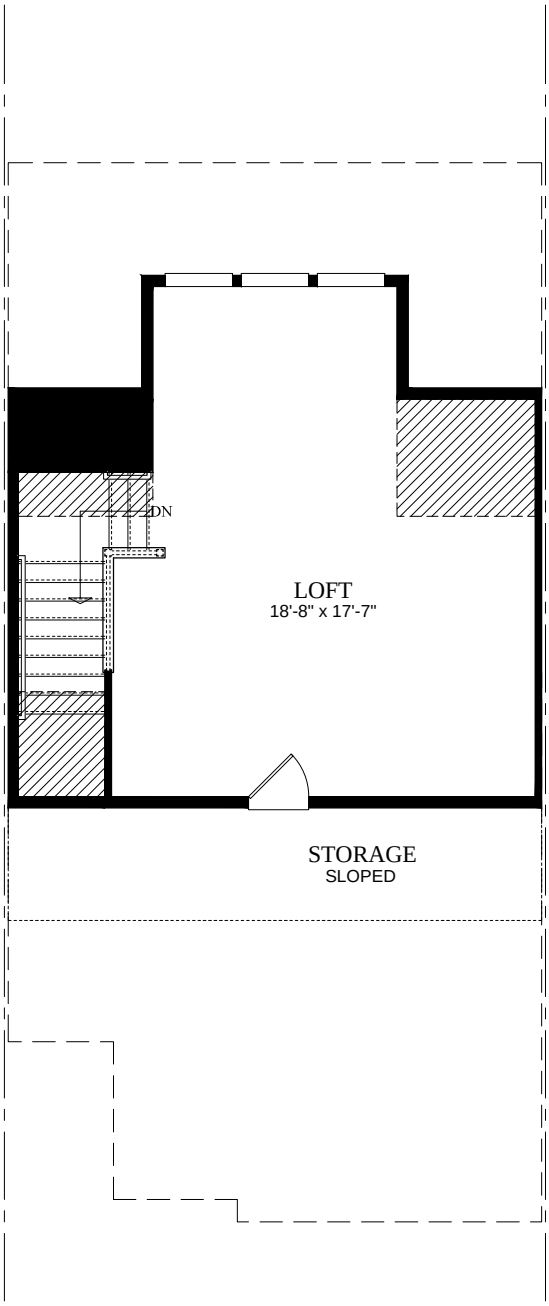
EQUAL HOUSING OPPORTUNITY



Beverage Center 2
Option



Powder Room 3
Option



Habitable Attic Option

8'-0" Ceiling

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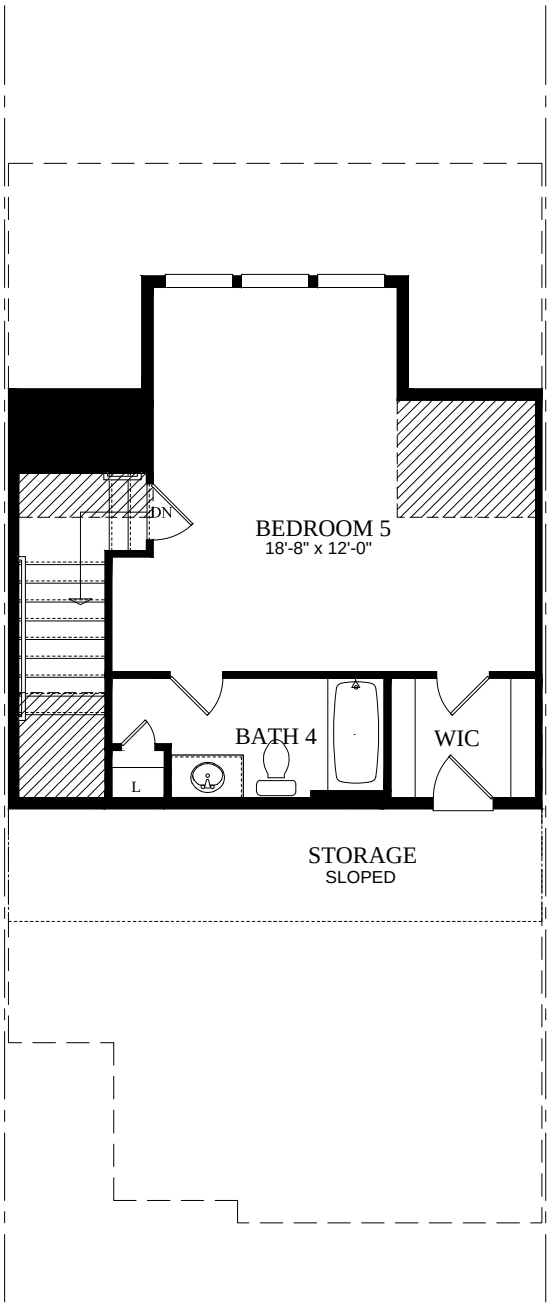
2407.902-Rainier-(FL-GE-KC)-MN-Base-BROC.dwg - 6-OPHA10-N-L

2407.902-Rainier-MN-Base-24' (2 Story) Unit-06152016

EQUAL HOUSING OPPORTUNITY



Habitable Attic w/ Bedroom 5/ Bath 4 Option

8'-0" Ceiling

Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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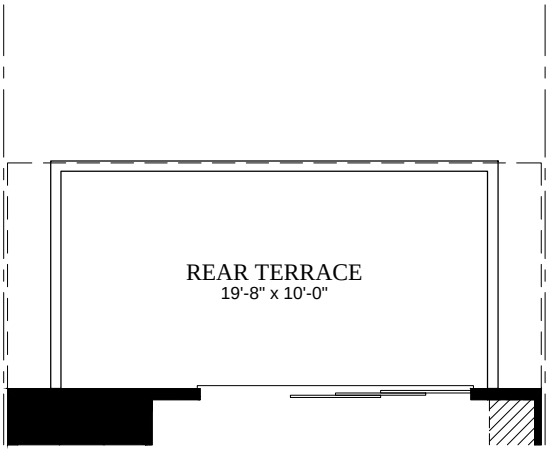
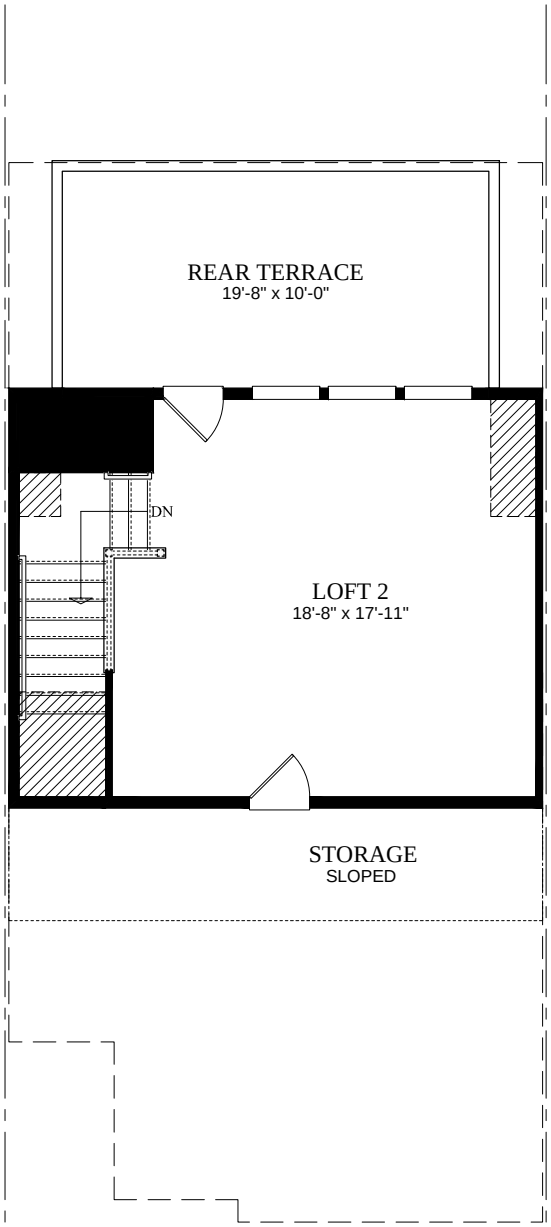
2407.902-Rainier-(FL-GE-KC)-MN-Base-BROC.dwg - 6-OPHA20-N-L

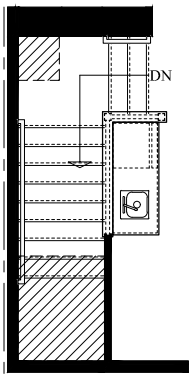
2407.902-Rainier-MN-Base-24' (2 Story) Unit-06152016

EQUAL HOUSING OPPORTUNITY

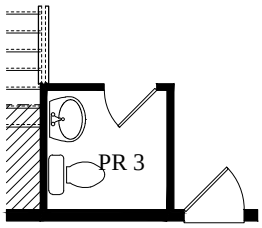


Sliding Glass Door Option





Beverage Center 2 Option



Powder Room 3 Option

Habitable Attic w/ Rear Terrace Option

8'-0" Ceiling

Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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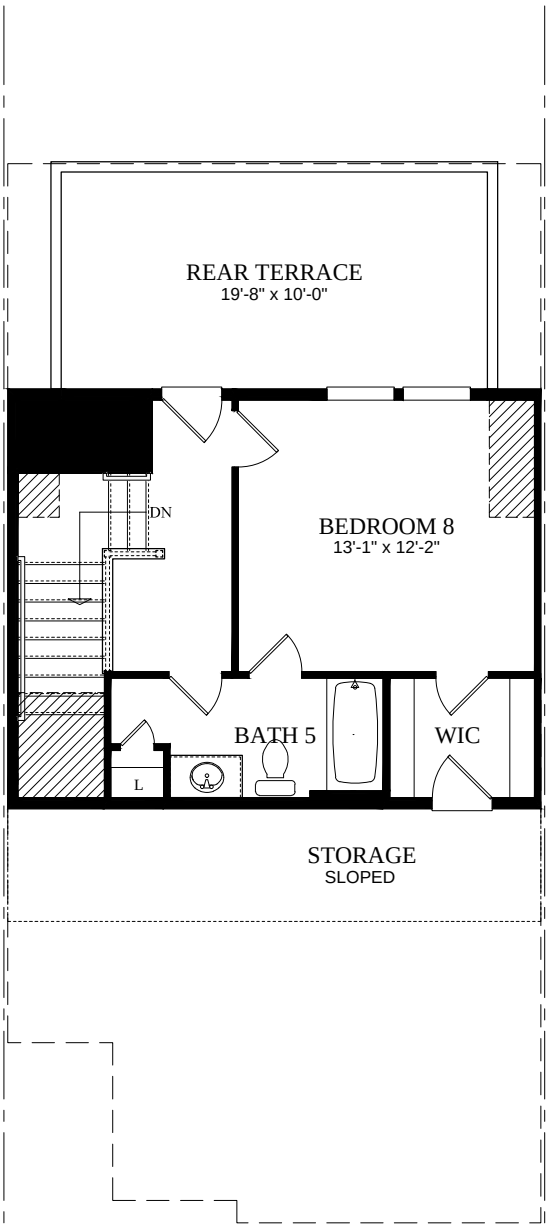
2407.902-Rainier-(FL-GE-KC)-MN-Base-BROC.dwg - 6-OPHA30-N-L

2407.902-Rainier-MN-Base-24' (2 Story) Unit-06152016

EQUAL HOUSING OPPORTUNITY



Habitable Attic w/ Rear Terrace and Bedroom 8/ Bath 5 Option

8'-0" Ceiling

Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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2407.902-Rainier-(FL-GE-KC)-MN-Base-BROC.dwg - 6-OPHA40-N-L

2407.902-Rainier-MN-Base-24' (2 Story) Unit-06152016

EQUAL HOUSING OPPORTUNITY

October 11, 2018

City of Brooklyn Center
Meg Beekman, Community Development Director
Honorable Mayor and City Council
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

RE: Proposal for Eastbrook Estates Land off 69th Avenue North

Dear Ms. Beekman and Honorable Mayor and City Council:

I attended the October 9, 2018 City Council workshop and listened intently to the discussion regarding the Eastbrook Estates land. The purpose of this letter is to provide additional information based on some of the questions and comments offered by City Councilmembers during the brief conversation.

Questions/comments that I heard at the meeting were:

1. **What is the quality of construction of townhomes?** Townhomes of today are very different from townhomes from 40 or 50 years ago. The goal of townhomes from years past was almost entirely focused on affordability. New townhomes are focused on lifestyles that are desired by a broad demographic range. Current floor plans are versatile and filled with finishes equivalent to many single-family homes. In effect, living in a townhome has become very much like living in a single-family home. Regarding the quality of construction, we have a rigorous construction process that has been standardized, resulting in consistently built high quality homes. We hire a third-party firm to conduct surprise inspections during construction to ensure that construction of the homes complies with our rigorous standards. We encourage you to visit some of our homes and see the results for yourself (see below).
2. **Will the homes hold their value?** These homes will hold their value as much as single family homes. The track record of sales values over time are readily available on any County website. Modern townhome neighborhoods are created with a strong homeowner's association. Dues are set at rates that enable the neighborhood to perpetually maintain the yards and exteriors of the buildings. There is a neat and clean appearance to townhome neighborhoods when all mowing and all snow removal are done professionally and at the same time.
3. **We have a need for homes with more bedrooms.** The Centra proposal

indicates that their single-family homes range from 1,850 to 2,377 square feet with 3 and 4 bedrooms. The Pulte townhomes are from 1,854 to 2,380 square feet with 3 and 4 bedrooms. The sizes of these homes are similar as is the number of bedrooms. Both types of homes can be considered “move up” homes.

4. **What types of people would the different housing types attract?** Historically, single-family homes attract families. The modern type of townhome proposed by Pulte attracts a combination of families, singles, and empty nesters.
5. **What type of homes is a better fit for the surrounding area?** The surrounding homes are primarily single family with values between $180k and $270k.The Centra homes are expected to be valued in the range of $315k to $350k. The Pulte townhomes are expected to be valued in the range of $265k to $350k. The single-family homes are more similar in appearance to the surrounding neighborhood. The townhomes are more equivalent in price to the surrounding neighborhood. Both types of new homes will generally exceed the values of the existing surrounding homes. Both types of homes are a good fit for this area.
6. **Are townhomes dangerous since they do not have basements?** Most single-family homes have basements, which can be used for shelter during major storm events. However, this is the exception. Many apartments, villa/patio homes, townhomes, condos, and mobile home parks do not have basements or storm shelters. This is very common. The federal governmental recommends going to basements or the lowest floor and to be in an interior room away from windows during major storm events. An alternate recommendation is to wait out the storm at churches, government buildings, parking decks, office buildings, or malls.

We thank you for your consideration of our proposal and we respect your process. We also thank you for allowing us to answer some of your questions and respond to some of your comments. From our standpoint, the comparison comes down to:

- Providing 30 or 35 Brooklyn Center families the opportunity to move up into a larger single-family home, or
- Providing 56 Brooklyn Center families, singles, and empty nesters the opportunity to continue to live in your City.

Both opportunities are positive news for the residents of Brooklyn Center. However, the townhome option can serve more residents and a broader range of residents.

We invite you to tour our townhomes. We have a model home of this same townhome in Chanhassen at our West Park neighborhood (733 Wildflower Lane). If this is too far, we have a neighborhood in Plymouth (Camelot Nine) that is just finishing up. Although the model home has been sold (as have all the other townhomes), there are four homes that are just being completed and are scheduled to close from October 22nd through November 13th. We would be happy to arrange a tour for you of one of these homes. They may not be completed, decorated, and furnished, but you will certainly be able to see the quality of construction and to envision the way that these homes live. We have attached some interior photos of the sold model home for your reference.

Please call me at 952-229-0722 or email me at paul.heuer@pultegroup.com with any questions with you!

Sincerely,
Pulte Homes of Minnesota, LLC

Paul Heuer
Director of Land Planning & Entitlements

Example Photos of Interiors

Example Photos of Interiors

Example Photos of Interiors

More Life Built In®

INCLUDED FEATURES AT
WEST PARK - Freedom Series
733 Wildflower Lane, Chanhassen | 952-229-0698

INTERIOR
- 9' Ceilings on Main Level
- Sherwin-Williams® Interior Flat Latex Paint
- Stately Raised Panel White Doors
- Pre-finished White Millwork
- Mohawk® Vinyl Flooring in Foyer
- LED Lighting
- Mohawk® Stain Resistant Carpet in Choice of Color
- Schlage® Interior Door Hardware in Satin Nickel
- Naples Textured Ceiling Throughout Home
- Fire Suppression System

KITCHEN
- Aristokraft® 36" Birch Kitchen Cabinets with Crown Molding
- Pantry for Extra Storage
- Whirlpool® Stainless Steel Appliances Including Electric Range, Microwave, and ENERGY STAR Dishwasher
- Whirlpool® Heavy Duty 1/3 HP Disposer
- Mohawk® Vinyl Flooring
- Wilsonart® Laminate Countertops
- Moen® Single Handle Faucet
- Waterline Rough-in for Refrigerator
- Ground-Fault Circuit Interrupter (GFCI) Electrical Outlet
- USB Outlet

BATHS
- Kohler/Sterling® Vikrell® Bath/Shower
- Mohawk® Vinyl Flooring
- Moen® Chrome Faucets
- Cultured Marble Vanity Tops
- Pedestal Sink in Powder Bath

ENERGY SAVINGS
- Low E White Vinyl Windows
- Honeywell® Focus Pro Energy Saving Digital Thermostat
- 50 Gallon Energy Saving Electric Water Heater
- Lennox® Deluxe High Efficiency 92% Direct Vent Gas Furnace
- Lennox® 13 SEER Central Air Conditioning
- Energy Recovery Ventilator

SMART HOME READY
- 30" Structured Wiring Panel with Duplex Outlet to Power Your Equipment
- 1" Flexible Conduit from Structured Wiring Panel to Exterior
- Media Outlet in Gathering Room with CAT6 and RG6 Wiring
- Wireless Access Point Ceiling Pre-Wire Locations at Each Finished Level

EXTERIOR
- Paneled Steel Insulated Entry Door
- Low Maintenance Wood Grain Vinyl Siding
- Low Maintenance Aluminum Soffit & Fascia
- 2 Car, Fully Drywalled, Attached Garage
- 7' Tall Steel Sectional Garage Door
- 1 Exterior Weatherproof GFCI Electrical Outlet
- 1 Exterior Hose Bib
- Fully Sodded, Irrigated and Landscaped Yard
- Asphalt Driveway
- Schlage® Exterior Door Hardware in Satin Nickel
- 1 Garage Door Opener with 2 Transmitters

BEHIND THE WALLS
- Poured Concrete Insulated Foundation Walls
- Structurally Engineered Floor Trusses & Roof Trusses
- Pex Corrosion Resistant Plumbing System
- R-49 Attic Insulation Value
- Spray Foam Rim Insulation
- Typar® House Wrap on Exterior Envelope of Home for Air/Water Resistance
- Sealed Interior Vapor and Air Barrier to Reduce Air Infiltration
- Double Wall Construction on Common Walls
- 2x6 Exterior Walls with R-20 Exterior Wall Insulation Value
- Smoke Detectors on Each Level of Your Home
- Carbon Monoxide Detectors
- 150 Amp Electrical Service Panel
- One-on-one Meetings with Field Manager Including Build Quality Introduction, Build Quality Orientation and Build Quality Celebration
- Professionally Trained Sales Consultant and Field Manager Committed to Exceeding your Expectations
- Independent 3rd Party HERS Index Testing & Rating

PULTE OWNER'S ENTRY
Owner's Entry is an exclusive, web based program that allows you to track the construction progress of your new home! Homeowners who participate will receive:
- Personal Login & Password
- Home Care Guides
- Preferred Partner Discounts
- Automated Construction Progress Updates
- And so Much More!

PROTECTION PLAN
- Workmanship & Material for 1 Year
- Mechanical Systems for 2 Years
- Leak Protection for 5 Years
- Structural Integrity for 10 Years

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MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/13/2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

SUBJECT: Youth Art Contest Update

Recommendation:

- Consider Staff's recommendation to award the Youth Art Contest and to hang the submitted artwork

Background:

The Youth Art Contest asked youth living and attending school in Brooklyn Center to imagine the community in 2040 and create an original work of art to depict what the community would look like. Seven entries were received and the City Council was asked to judge the entries based on a predetermined judging criteria. Winners have been selected and notified. Staff is proposing to hand out awards at the November 26 City Council meeting.

Staff is proposing to move the Brooklyn Center Hall of Fame photos down the wall to make room for the youth art contest submissions. The intent is to hang the youth artwork and then to allow the space to be used for rotating art exhibits that feature local artists in the community. Staff has been in communication with Brooklyn Center Community Schools' staff to create another art contest opportunity for youth that would correlate better with the school year then this last one.

Strategic Priorities and Values:

Inclusive Community Engagement

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/13/2018

TO: Curt Boganey, City Manager

FROM:

THROUGH: N/A

SUBJECT: Pending Items

Recommendation:

- Cities United Membership
- Livable Wages
- Liquor/Public Dance
- Affordable Housing Recommendations
- On-Street Parking Conditions
- Redevelopment Presentation by Thor

Background: