Council Study Session
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 85664318588# Passcode: 997830#
November 8, 2021

AGENDA

1. **City Council Discussion of Agenda Items and Questions - 6 p.m.**
2. **Miscellaneous**
   a. In-Person Meetings
      - Consider the information presented tonight and determine a date to reconvene in-person/hybrid meetings.
   b. Meetings with Common Sense
3. **Discussion of Work Session Agenda Item as Time Permits**
4. **Adjourn**

Council Study Session

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, City Manager

SUBJECT: In-Person Meetings

Background:

At the October 25, 2021, City Council meeting, the council asked how other cities were conducting their city council meetings. Here is a result of surrounding cities and their current process for City Council meetings:

Brooklyn Park – in-person
Columbia Heights – in-person
Crystal – in-person
Fridley – in-person
Golden Valley – in-person/hybrid
New Hope – in-person
Robbinsdale – in-person
Rogers - in-person

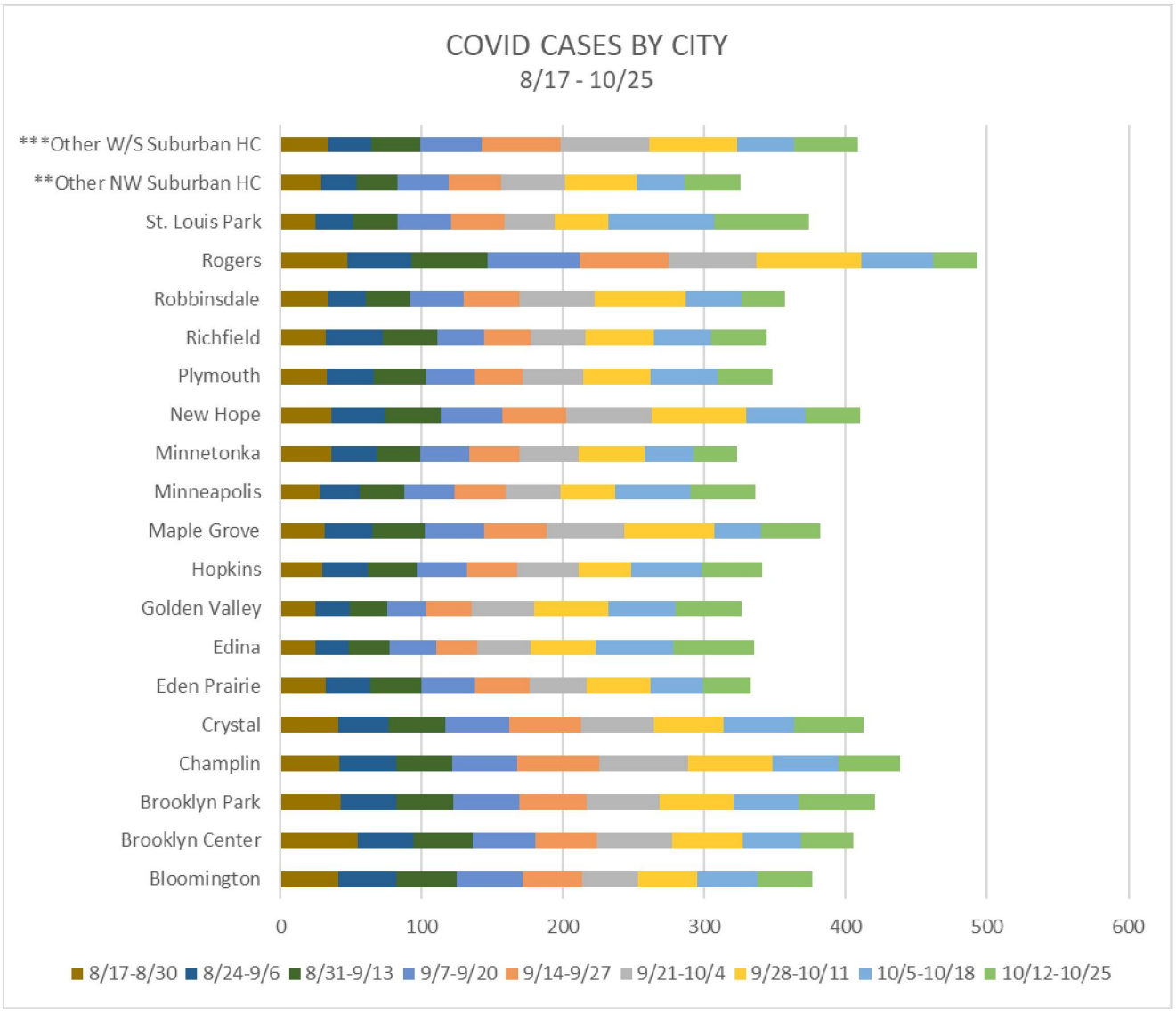
With this survey, here is a stacked chart of COVID cases from 8/17 - 10/25. This chart shows that Brooklyn Center COVID cases has dropped dramatically. Brooklyn Center has not led the county in cases since 8/17 - 8/30. Additionally, the additional equipment has been installed and tested in the City Council Chambers and is ready to go.

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
COVID cases stack chart	11/5/2021	Backup Material
COVID cases spreadsheet	11/5/2021	Backup Material


COVID CASES BY CITY
8/17 - 10/25
***Other W/S Suburban HC
**Other NW Suburban HC
St. Louis Park
Rogers
Robbinsdale
Richfield
Plymouth
New Hope
Minnetonka
Minneapolis
Maple Grove
Hopkins
Golden Valley
Edina
Eden Prairie
Crystal
Champlin
Brooklyn Park
Brooklyn Center
Bloomington
0
100
200
300
400
500
600
8/17-8/30
8/24-9/6
8/31-9/13
9/7-9/20
9/14-9/27
9/21-10/4
9/28-10/11
10/5-10/18
10/12-10/25

COVID Cases by in Hennepin County

City	8/17-8/30	8/24-9/6	8/31-9/13	9/7-9/20	9/14-9/27	9/21-10/4	9/28-10/11	10/5-10/18	10/12-10/25
Bloomington	41	40.8	43	46.6	42.2	39.1	42.3	42.2	39.3
Brooklyn Center	54.4	39.8	41.4	44.3	44	52.8	50.2	41.1	37.5
Brooklyn Park	42.6	39.1	40.9	46.1	47.6	52	52.3	45.6	54
Champlin	41.3	40.4	40	45.8	57.6	63.3	59.6	47	43
Crystal	41	34.9	40.6	44.9	51	51.5	49.7	49.8	49
Eden Prairie	32.1	31	36.3	38.2	38.3	41	44.6	37.1	34
Edina	24.8	23.1	29.1	32.9	29.3	37.9	46.3	54.1	57.7
Golden Valley	24.8	24.3	26.7	27.1	32.3	44	52.4	47.5	47.5
Hopkins	29.5	32.2	35	35.5	35	43.7	37.2	50.1	42.6
Maple Grove	31.2	33.8	36.9	42.4	44.4	54.8	63.2	33.3	41.5
Minneapolis	27.7	28.1	32	35.4	36.2	38.5	39.1	53	46.3
Minnetonka	36.3	31.6	30.8	34.8	35.8	41.3	47	34.5	30.6
New Hope	35.8	37.8	40.1	43	45.4	60.7	66.4	42.4	38.8
Plymouth	32.9	32.9	36.8	35	34.2	42.6	47	47.8	38.7
Richfield	31.7	40.6	38.9	33.1	32.8	38.6	48.6	40.3	39.1
Robbinsdale	33.9	26.3	31.1	38	40.1	53.2	64.3	39.7	30.3
Rogers	47	45.4	54	65.7	62.6	61.8	74.4	51.2	31.1
St. Louis Park	25	26.4	31.4	38.2	37.6	35.5	38.2	74.4	67.3
**Other NW Suburban HC	28.8	24.6	29.2	36.6	36.9	45.4	50.5	34.3	39.2
***Other W/S Suburban HC	33.5	30.7	34.5	44	55.3	62.6	62.6	40.5	44.7
HC Total	32.5	31.7	35	38.7	39.7	44.2	46.9	57.4	49.4

Council Study Session

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, City Manager

SUBJECT: Meetings with Common Sense

Background:

CITY COUNCIL MEETING

VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 85664318588# Passcode: 997830#
November 8, 2021

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 presenter. 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 presenter for informational purposes only.

I will first call on those who notified the Clerk that they would like to speak during open forum, and then I will ask if anyone else connected to this meeting would like to speak. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

2. Invocation - Elliott - 7 p.m.

3. Call to Order Regular Business Meeting

This meeting is being conducted electronically under Minnesota Statutes, section 13D.021 due to the pandemic. For those who are connected to this meeting, please keep your microphone muted. If there is an opportunity for public comment, you may unmute and speak when called upon. Please do not talk over others and anyone being disruptive may to ejected from the meeting. The packet for this meeting is on the City's website, which is linked on the calendar or can be found on "City Council" page.

a. Council Norms

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- Motion to approve the following minutes:

- *10.18.21 - Joint Council/Financial Commission*
- *10.25.21-Study Session Meeting*
- *10.25.21-Regular Session Meeting*
- *10.25.21-Work Session Meeting*

b. Approval of Licenses

- Motion to approve the licenses as presented.

c. Resolution Establishing 2022 Street and Storm Drainage Special Assessment Rates

Motion to approve a resolution establishing the 2022 street and storm drainage special assessment rates for street and utility improvement projects.

d. Resolution Establishing Interest Rate for 2022 Special Assessments

Motion to approve a resolution establishing interest rate for 2022 special assessments.

e. Resolution Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements

- Motion to approve a resolution declaring costs to be assessed and calling for a public hearing on proposed special assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements.

f. Resolution Amending Special Assessment Levy Roll Nos. 21001 and 21002 to Provide for the Deferral of Special Assessments

- Motion to approve the resolution amending Special Assessment Levy Roll Nos. 21001 and 21002 to provide for the deferral of special assessments.

g. Resolution Authorizing the City Manager to Write-off Uncollectible Accounts Receivable and Returned Checks

- Motion to approve a resolution authorizing write-off of uncollectible accounts and returned checks.

h. An Ordinance Amending Chapter 23 to Allow and Regulate Special Events and Resolution Acknowledging the First Reading of the Ordinance

- Motion to approve a first reading of a Special Event Ordinance and authorizing a public hearing and second reading for December 13.

i. Resolution Approving the Contract for the Labor Agreement for Law Enforcement Labor Services, Inc. (LELS Number 86) and the City of Brooklyn Center for the Calendar Years 2022-2024

- Motion to approve the resolution approving the contract between the City of Brooklyn Center and Law Enforcement Labor Services, Inc. (LELS Number 86) for the calendar years 2022-2024

7. Presentations/Proclamations/Recognitions/Donations

a. Highway 252/I-94 Environmental Impact Statement (EIS) Update

Receive a presentation by MnDOT on the current status of the Highway 252/I-94 Environmental Impact Statement (EIS).

b. Market Trends & Demand Overview

- Motion to accept the presentation

8. Public Hearings

The public hearing on this matter is now open. I will first call on those who notified the Clerk that they would like to speak to this matter, then I will ask if anyone else on this meeting would like to speak during this hearing. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

9. Planning Commission Items

10. Council Consideration Items

a. An Ordinance Amending Chapter 12 of the City Code of Ordinance Regarding Tenant Protection and Resolution Acknowledging the First Reading of the Ordinance

- Motion to approve the first reading of an Ordinance Amending Chapter 12 of the city code of ordinances regarding tenant protections and hold a public hearing and second reading to be held on December 13, 2021.

11. Council Report

12. Adjournment

We Agree To

Internal Council Relations – Norms for 2021 – Practiced for next 90 days

- Seek to not repeat or re-iterate points that were already shared
- Engage in discussion and sharing alternate perspectives *without* weaponizing other people's words
- Recognize others with "What I heard you say is _____, with your permission, I'd like to move forward now."
- Call for consensus when it's time to make a discussion
- Allow new solutions in a time of dynamic change, process: (1) name the problem (2) find the process to resolve (3) have the discussion (4) make a decision.
- After open discussion, close down the chat during council chamber discussion (*need to vote on it).

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve the following minutes:*
  - *10.18.21 - Joint Council/Financial Commission*
  - *10.25.21-Study Session Meeting*
  - *10.25.21-Regular Session Meeting*
  - *10.25.21-Work Session Meeting*

Background:

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

Budget Issues:

None

Inclusive Community Engagement:

None

Antiracist/Equity Policy Effect:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
10/18 Jt CC & FC Meeting	11/2/2021	Backup Material
10/25 Study Session	11/2/2021	Backup Material
10/25 Regular Session	11/2/2021	Backup Material
10/25 Work Session	11/2/2021	Backup Material

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

JOINT WORK SESSION
OCTOBER 18, 2021
VIA ZOOM

1. CALL TO ORDER

The Brooklyn Center City Council/Financial Commission Joint Work Session was called to order by Mayor Elliott at 6:35 p.m.

2. ROLL CALL

Mayor Mike Elliott and Councilmembers April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Councilmember Marquita Butler was absent and excused.

Also present were Financial Commission Chair Taneshia Kragness, Taofeek Ishola, Emmanuel Kpaleh (arrived at 6:37 p.m.), and Abate Terefe.

Not present were Financial Commissioners David Dwapu, and Dean Van Der Werf.

Also present were City Manager Reggie Edwards, Acting Finance Director Andy Splinter, Acting Public Works Director Michael Marsh, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

3. APPROVAL OF AGENDA

There was a motion by Councilmember Ryan and seconded by Mayor Elliott to approve the agenda. Motion passed unanimously.

4. CONSIDERATION ITEMS

4a. ENTERPRISE FUNDS

City Manager Reggie Edwards introduced the topic and invited Acting Finance Director Andy Splinter to make the staff presentation.

Acting Finance Director Andy Splinter stated an enterprise fund is a governmental fund that one would expect to pay for its expenses and ultimately break even. He noted they hope for a profit from the liquor stores. The hope for utility funds is to make enough to fund future projects and expenses. Mr. Splinter introduced Liquor Operation Manager Tom Agnes to make the staff presentation.

Liquor Operation Manager Tom Agnes stated the mission of the department is to operate two municipal retail liquor stores to provide for the controlled sale and distribution of alcoholic beverages in the community. Profits from the operations are used to fund projects benefitting the community and avoiding the necessity of larger property tax levies for such projects. He noted that they have had to adapt due to COVID-19 and they received an award recognizing those efforts.

Mr. Agnes explained that liquor operations operate within the Fiscal and Support Services Department and they provide spirits, wine, beer, and related items. They operate two locations, one of which is over 18 years old and the other is only a little over one year old. Mr. Agnes stated they typically do special events such as brewery, distillery, and winery trips when it is safe to do so, and they still have the loyalty rewards program in place. Every year they do a food drive to support Community Emergency Assistance Program, a pet drive for the Hennepin Humane Society, and various other events including military supplies and the Fire Department.

Mr. Agnes stated there are some changes in the staffing levels. He noted there are two liquor store managers and two assistant liquor store managers. They plan to add a full-time lead position to the new liquor store and another part-time lead position as well as decrease the time of a stocker/clerk position.

Mr. Agnes then showed a slide breaking down the financials of the liquor operations. He noted the total amount ends up the same although there has been a decrease in beer sales and an increase in hard alcohol sales. As far as operating expenses, there are two large pieces. The capital outlay will increase from $500,000 to $2.5 million to rebuild Store #2. He explained the plan is to buy land this year and build the store next year.

Mr. Agnes stated the key initiatives for 2022 include staff development, upkeep of stores, and responding to customer needs. They will continue the Greet-Understand-Explain-Suggest-Thank model training with employees, and they will continue to get staff trained on Product Information Training. Mr. Agnes stated the Store #2 will begin the replacement process with a land purchase in 2021. As far as responding to customer needs, they will be upgrading the rewards program to include outgoing communication. He explained they will begin collecting text numbers and emails to send out digital coupons on customer birthdays, special occasions, or if they have not visited the store in a while. They are also working on an e-commerce site through Uncorked.

Mr. Agnes showed a slide with 2022 Performance Objectives. He stated they try to keep inventory variance levels under $10,000. Mr. Agnes stated it was higher in the last couple of years as Store #2 was looted at $21,000 in 2020 and the major looting at $269,000 earlier in 2021. He noted the bottle locks they added a couple of years ago have been very effective in decreasing inventory variance levels. Mr. Agnes stated they hit 14,000 rewards members last year, which was over their goal of 10,000 members. This year they surpassed their goal again with 27,000 rewards members, and they hope to continue growing it next year. He added they are at a 100% rate compliance checks passed, and they plan to keep that record up.

Mr. Agnes stated they surpassed their goal related to a Facebook presence, and their goal is for

900 likes in 2022 and to upgrade the account to a business account. They did not meet their Twitter followers goal, but they have since designated a specific person to run that account and expect that to increase followers. Mr. Agnes stated they did not push the Instagram account very hard last year, but they hope it continues to increase as the staff puts more focus on social media. He noted they are also working on their LinkedIn profile to help with the staffing shortages. Mr. Agnes stated they hope to have a full year of being open in 2022 and can then contribute to the City's Capital Improvement Fund.

Councilmember Ryan asked if the liquor stores scan the back of drivers' licenses during the checkout process. Mr. Agnes confirmed that is how they check identification at their stores. He noted there are a few situations where the barcode doesn't work, but the staff can input the information by hand. Councilmember Ryan asked if the barcode identifies if a customer is not allowed to purchase alcohol due to a previous criminal conviction. Mr. Agnes stated there are instances where there is a note on the back of the ID, but that information is not pulled into the system.

Mr. Splinter stated the next presentation would be on the Earle Brown Heritage Center and introduced Earle Brown Heritage Center General Manager Bruce Ballanger to begin the presentation.

Earle Brown Heritage Center General Manager Bruce Ballanger stated the center has had a tough year with COVID-19, but the recent months have begun to look more like the time before COVID-19. The mission of the Heritage Center is to deliver a high-quality customer experience by providing exceptional customer service and extraordinary food service in an uncommon setting.

Mr. Ballanger stated there are four divisions within the Heritage Center: the convention center, administrative services, catering services, and commercial office rentals. He noted that one of their tenant's leases will be ending this year and the management agreement with Flik International for the food and beverage portion of the operation has been renewed and is in place through 2026.

Mr. Ballanger stated they budget for 25 staff, but they are currently operating with only 13 staff, 11 of which are full-time and six part-time staff. They plan to slowly bring people back as the revenue returns, but they do not anticipate being fully staffed until the end of 2022.

Mr. Ballanger explained the key initiatives include customer intimacy, community image, inclusive community engagement, and financial stability. Their goal is to increase the current level of 90% repeat corporate clients by reviewing feedback from event evaluations and growing their creative team. He noted they have been in business for 32 years, and they are proud of the business they bring to the City. As for inclusive community engagement, they hope to host a community experience in 2023 or 2024 once funding becomes available. In 2022, they already have $2 million booked, which is higher than the $1.7 million figure they have reached in the last two years. Mr. Ballanger noted they are hoping to transfer $150,000-$200,000 to the Capital Improvements Fund in 2022.

Mr. Ballanger stated they have a marketing firm assisting them in their marketing efforts, and they

hope to add a minimum of 20 new corporate clients in 2022. Another annual goal is to build interpersonal relationships with clients and showcase food and beverage services. Mr. Ballanger stated they aim to be responsible for the environment by reducing resource use and food waste. They are working on reducing their electrical consumption by upgrading light figures, and they are a part of the Trim Trax program for food waste reduction.

Mr. Ballanger showed a slide on annual operating goal performance measures and noted they hope to increase revenue, number of corporate clients, miscellaneous catering sales, and customer satisfaction rating. He then showed a slide on capital outlay. They have a planned budget transfer of $0 as they do not have the funds to do so, and the 2021 projects have been adjusted to 2022-2024. Mr. Ballanger explained their 2022 projects include the Carriage Hall roof and a camera security system server.

Mr. Ballanger noted some highlights of 2021 include being a COVID vaccine clinic for the State of Minnesota, Hennepin County, and several community groups. In October and November, they returned to pre-COVID rentals, and they received a Minnesota Convention Center Relief Grant from MN DEED for $300,000. He stated the 2022 budget includes moving a name change to an American Rescue Plan funding request, repairing the Inn flat roof, purchasing a small man-lift, and doing general maintenance for coffee machines. Mr. Ballanger stated they will continue to recognize residents by offering a discount for Brooklyn Center businesses and couples.

Councilmember Ryan asked if the Minnesota Convention Center Relief Grant from MN DEED had any constraints on the use of its funds. Mr. Ballanger stated they had to use the money for labor, building repair, and door accessibility. Councilmember Ryan asked if there are still other needs that have gone unmet because of the loss of cash flow. Mr. Ballanger stated that it has mostly affected the Capital Improvement Plan as they had a 20-year plan, and they have had to push that. Mr. Ballenger stated the roof on the Inn is leaking, and they have been doing whatever they can to maintain the building. The original budget for fixing that was $300,000, but since the cost of rubber has gone up, it will take closer to $425,000 for the entire project. Councilmember Ryan stated he hopes that the Inn repairs can happen sooner than later to prevent any further damage.

Mayor Elliott asked when Mr. Ballanger anticipates having additional information on the name change. Mr. Ballanger stated they are getting a survey together and plan on having a community meeting in November or December. He explained they are starting with three Doing Business As names as they are attempting to balance the corporate market and wedding market. Mr. Ballanger stated as they get feedback, they will present the options to the City Council/Financial Commission.

4b. UTILITY FUNDS

Mr. Splinter introduced the topic and invited Acting Public Works Director Michael Marsh to make the staff presentation.

Acting Public Works Director Michael Marsh stated the mission of the Public Works Department

is to responsibly provide for the maintenance and operations of the City's infrastructure and facilities in a quality, cost-effective manner. Mr. Marsh showed a slide detailing the numbers of various public works items they oversee. He then showed a slide about the strategic function of public utilities including water, sanitary sewer, storm drainage, and street light utility. Mr. Marsh said the staffing levels have remained constant with one supervisor, one engineering technician, nine maintenance positions, and part-time/summer temporary employees that total to two full-time positions for a total of thirteen employees.

Mr. Marsh stated the annual goals and strategies include meeting or exceeding the safe drinking water standards of the State of Minnesota and managing stormwater runoff in an efficient and environmentally sensitive manner. They manage and enforce the City's Wellhead Protection Plan goals and implement Best Management Practices that support the City's and Watershed's impaired waters Total Maximum Daily Load plans. Mr. Marsh added another annual goal and strategy is to initiate improved, streamlined management strategies and techniques by the use of refund methods and technologies. They plan to update process flow charging for the utility department and emergency management and automate the monthly well pumping records and reporting to the Minnesota Department of Health.

Mr. Marsh showed a slide detailing utility performance measures. They have a goal to have greater than 60% of millable engineering project staff time and overtime, complete four Citywide rounds of street sweeping and ten rounds of targeted secondary areas, to have one-fifth of the City's sanitary sewer televised, cleaned, root-sawed, lined, and newly piped, have zero private sanitary sewer backups and have no violations of drinking water. Over the past year, they met or exceeded each of the goals.

Mr. Marsh showed a slide listing the key initiatives for the Public Works Department which included a list of projects they plan to complete in 2022. These projects include woodbine area improvements, Well 7 rehabilitation, Lift Station 4 rehabilitation, I-94, and Dupont 24-inch steel water main replacement, water treatment plant redundant water main connection, freeway, and highway utility crossing replacements, stormwater pond rehabilitation, storm pickup plow addition, Public Works facility needs survey and a forklift purchase.

Mr. Splinter showed a slide competing utility rates of various cities based on a quarterly billing cycle of 18,000 gallons usage, which is standard for a residential home. In 2021, a Brooklyn Center resident would receive a bill of $178.93. He explained the quarterly bill for 2022 would be $190.32, which is approximately $12.00 more per quarter due to a 9% increase in the water fund, a 5% increase in the sewer fund, and a 7% increase in the storm fund. He then showed a slide with a bar graph to compare cities and pointed out Brooklyn Center's rates are lower than all comparable cities except for White Bear Lake. He noted that Brooklyn Center has lower rates because they chose to build a water treatment facility rather than contract with Minneapolis for water.

Mr. Splinter stated they have anticipated debt issues on water, sanitary sewer, and storm sewer in several of the next upcoming years. They assumed a 3% annual increase in personal services and a 2% annual increase in operating expenses. He showed a slide reflecting the water utility rate and cash for 2020-2025. They hope to maintain a cash balance amount similar to what it was at the

end of 2020, which was $3.1 million, and they project a cash balance of $2.5 million at the end of 2025. Mr. Splinter then showed a water utility cash flow bar chart through 2031 and noted they want to have enough set aside for capital outlay.

Mr. Splinter showed a slide of a bar chart comparing the water utility rate to nearby cities. He pointed out that in 2022, Brooklyn Center would surpass Fridley in the water utility rate category. The proposed debt issuance for water is $3.8 million for infrastructure improvements as identified in the Capital Improvement Plan. He noted there are annual payments of approximately $400,000 beginning in 2023 and the proposed bond issue for water would allow the City to smooth rate increases over a period of time.

Mr. Splinter showed a chart detailing the sanitary sewer utility rate and cash flow from 2020 and projected through 2025. He noted the projected cash balance at the end of 2025 would be just under $3 million. Mr. Splinter then showed a slide with a bar chart reflecting the sanitary sewer utility cash flow through 2031 and noted they have some larger projects in 2029-2031 that might require bonding. He explained the proposed debt issue for sewer is for $1.6 million of infrastructure improvements identified in the Capital Improvement Plan. The annual payments would be approximately $170,000 beginning in 2022 which would allow the City to smooth rate increases over a period of time. Mr. Splinter showed a slide comparing the sanity sewer utility rates to nearby cities and noted Brooklyn Center is more in the middle of the pack for this category.

Mr. Splinter showed a chart detailing the stormwater utility rate and cash flow from 2020 and projected through 2025. He added the projected cash balance at the end of 2025 would be about $1.8 million. Mr. Splinter then showed a slide with a bar chart reflecting the sanitary sewer utility cash flow through 2031 and noted the cash balance will dip down a bit in 2023. He stated they are proposing debt issuance of $940,000 of infrastructure improvements as identified in the Capital Improvement Plan which equates to annual payments of around $100,000. While displaying a bar chart comparing the stormwater utility rate to nearby cities, he mentioned Brooklyn Center is in the lower end.

Dr. Edwards clarified that the comparison charts include the City's proposed 2022 numbers and neighboring cities' 2021 numbers.

Mr. Splinter showed a slide depicting a chart with street light utility rate and cash flow through 2025 and explained they do not have a bond issuance projected. He noted it is higher in 2021 and 2022 because of phase two of the Brooklyn Boulevard project. They are working on decreasing the cash balance of the fund because there is not as much capital outlay, but the projections follow the minimum targeted balances. Mr. Splinter stated they are not proposing a rate change in 2022.

Mr. Splinter showed a slide with details on the recycling utility rate and cash flow through 2025. He noted there is not much change there since the city of Crystal handles their pickup. They have a current balance of about $200,000 and will potentially use the extra cash to have a community-wide cleanup day.

Councilmember Ryan asked when the next scheduled curbside pickup is. Dr. Edwards stated that

staff would follow up with that information. Councilmember Ryan stated he has heard that initiative has widespread support from the community. Dr. Edwards stated staff will look at the budget further and noted they hope to have an annual curbside pickup.

Mayor Elliott mentioned some residents put items on their curb for other community members to take and salvage. He stated they should educate the community on this issue. Councilmember Ryan stated he sees items on the curb that are usable and marked as "free" which is fine. Councilmember Ryan noted the ordinance enforcement personnel are still facing issues so the City should further educate the community.

Commissioner Kpaleh stated he regularly sees only one of the metal streetlights lining Brooklyn Boulevard and asked why that is.

Dr. Edwards stated the City Engineer is not on the call, but he will get an answer for Commissioner Kpaleh. Mr. Marsh added those should be working, so he will also follow up with the City Engineer.

5. FUTURE BUDGET DISCUSSIONS

5a. DECEMBER 6, 2021 – PUBLIC HEARING AND BUDGET PRESENTATION

Noted.

6. ADJOURN

There was a motion by Mayor Elliott and seconded by Councilmember Ryan to adjourn the meeting. Motion passed unanimously. The Brooklyn Center City Council/Financial Commission adjourned at 7:45 p.m.

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

STUDY SESSION
OCTOBER 25, 2021
VIA ZOOM

CALL TO ORDER

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

ROLL CALL

Mayor Mike Elliott and Councilmember Marquita Butler (arrived at 6:05 p.m..) and April Graves (arrived at 6:07 p.m.), Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Fire Chief Todd Berg, Interim Police Chief Tony Gruenig, and City Clerk Barb Suciu.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

City Manager Reggie Edwards requested a revision to the agenda to consider Item 3 Snow Emergency Discussion before Item 1 in the interest of guest attendees.

The Council approved reordering the agenda.

Councilmember Lawrence-Anderson asked if they were going to give final recommendations for Commission applications that evening.

Mayor Mike Elliott stated those will have to be at the next meeting as there was no time to get the applications before this meeting.

Councilmember Lawrence-Anderson requested the following change to the Regular Session minutes of October 11, 2021: on page 16, to reword "Paul Oman does bring experience with unique housing" to "Paul Oman does bring unique housing experience."

The Council agreed with this revision.

MISCELLANEOUS

IN-PERSON MEETINGS

Dr. Edwards noted the Council ended the local emergency, but they did not address the issue of Council to return to meeting in person. He asked if Council had an anticipated time frame to return to in-person meetings.

Mayor Elliott stated it is an evolving situation, and it is difficult to forecast. He stated it depends on how the virus proceeds, the rates of infection, and how things improve.

Councilmember Ryan stated he would feel more comfortable receiving clearer guidance from the Minnesota Department of Health before deciding as it would be a professional assessment of risk.

Councilmember Lawrence-Anderson stated she would defer to her colleagues. She noted she is curious about what other cities are doing and that some residents would like a return to in-person meetings.

Mayor Elliott stated that some cities are entirely remote while others are using a hybrid approach. He noted Brooklyn Center has a higher infection rate than other neighboring cities.

Dr. Edwards stated Staff can provide information on how the virus is affecting the community and compare it to when they transitioned to virtual meetings. He invited Fire Chief Todd Berg to share his insight on the matter.

Fire Chief Todd Berg stated he does not have an idea of what other cities are doing, but last week he saw that Brooklyn Center moved to the middle of the pack for Hennepin County cities. He confirmed that the City was often the highest early on, but they have stabilized in the last couple of weeks.

Councilmember Lawrence-Anderson asked if Staff could find out how many cities are doing a hybrid model and if Brooklyn Center has the technology to do a hybrid model whenever they do return to in-person meetings.

Dr. Edwards stated they anticipate being able to have meetings in a hybrid format going forward.

City Clerk Barb Suciu stated the tentative installation date for that technology is November 1.

NOVEMBER 1 WORK SESSION ON PUBLIC SAFETY RESOLUTION

Mayor Elliott clarified that the session would be held on November 8 as November 1 is the start date for a couple of relevant positions.

Councilmember Ryan stated he is fine with a November 8 Work Session as long as Dr. Edwards sets the agenda for that session. He stated he wants to hear from the City Manager because there are issues on how the Staff can support this Resolution.

Mayor Elliott stated this particular presentation is the responsibility of the Mayor as he is the chair of the Implementation Committee. He stated the City Manager is going to be on the agenda to provide any relevant information, but for Councilmember Ryan to demand Dr. Edwards to create the agenda is deeply undermining the process they set up.

Councilmember Butler stated that most of the Council gave input on what they would like covered

at a Work Session on the Public Safety Resolution.

Councilmember Graves asked when they would receive the agenda. Mayor Elliott stated Council would receive the agenda on Thursday before the meeting.

Ms. Suciu asked if the November 8 meeting would be a special Work Session. Mayor Elliott confirmed it would be a special Work Session as it was not an originally planned Work Session. Ms. Suciu noted November 8 is a regularly planned Council meeting.

Mayor Elliott stated there is no agenda on that day, so there will be an agenda focused on the Resolution and its implementation.

Councilmember Graves stated she thought the extra meeting was on November 1. Councilmember Lawrence-Anderson noted that was her understanding as well.

Ms. Suciu stated they do have a special Work Session scheduled. At the beginning of the year, they scheduled extra Mondays which would have been on November 1. She explained November 8 is a regularly planned Council meeting.

Councilmember Graves stated she was under the impression that they would be meeting on November 1, and it is not a good idea to squeeze this topic into a regular meeting.

Councilmember Lawrence-Anderson agreed as did Councilmember Ryan.

Mayor Elliott stated the issue with the November 1 date is that is the first date they have the Community Engagement Specialist Fellow and the Data Analyst. Therefore, having the meeting on November 1 would not allow for them to have time to speak to some of the items identified by the Council on their first day of work. He stated if they cannot have the meeting on the 1st or the 8th, then he would suggest having it during the week.

Councilmember Butler stated she believes they had decided to cover what they could on November 1 and then have another follow-up meeting to include the FUSE fellows. She noted she would rather have just one meeting, but she does not believe it is a good idea to have during a regular Council meeting.

Mayor Elliott stated he is proposing November 11 and added that is the 180-day deadline to report back on their progress.

Councilmember Lawrence-Anderson added she would like to maintain the November 1 date. She noted November 11 is Veteran's Day, which is a staff holiday. She understands the FUSE fellows would be new, but she believes they will need multiple sessions as there is a lot to discuss.

Mayor Elliott stated as long as they have the understanding that there may be some information that the Council is seeking that may not be available on November 1, then they can move forward with the November 1 date. He noted he does think that a later meeting would be more fruitful.

Councilmember Graves stated they should move forward with the November 1 date and offered the idea to get to know the FUSE fellows better at the date. From there, they could identify some action items and topics for future meetings.

Councilmember Ryan stated he would advocate for the November 1 Work Session and a follow-up session considering the amount of time this topic may take.

Mayor Elliott stated they would move forward with a Work Session on November 1.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

SNOW EMERGENCY DISCUSSION

Dr. Edwards stated that this was a conversation the Council had a couple of meetings ago on the possibility of doing away with the snow emergency. He stated Staff has prepared information to address the inequalities and towing issues that Council had brought up earlier. He introduced Chief Berg to present on the topic.

Chief Berg noted the policy was developed with an emphasis on public roadway safety for residents and visitors. Through careful and purposeful planning, they developed this plan that was approved by Council on November 4, 2018. He noted they were careful to make this as easy as possible and launched a public education campaign so that a majority of the community was aware of the change. They asked their Community Service Officers to use superior customer service when approaching parked car owners during snow emergencies. He noted they aimed to have maximum roadway safety with as little impact on residents.

Chief Berg showed a slide with some pictures of snowplows navigating the streets after a snowfall. He noted the plows are extremely wide and do require as much use of the road as possible.

Chief Berg stated additional signage addressing the snow emergency regulations was added throughout the City with orange flags marking the new signage. The police performed 'knock and talks' asking owners to move vehicles and informing them of the ordinance asking them to move cars before writing citations or towing vehicles. Vehicles were released if the owner appeared before completing the tow, unlike other snow emergency cities. He added they encouraged vehicle owners and citizens to visit the website and utilize the City's 'Notify Me' platform, which is Now Code Red and advertised the snow event on community social media pages and other information outlets.

Chief Berg showed a slide detailing snow event data. In the 2018-2019 season, there were eight snow events, and in the 2019-2020 and 2020-2021 seasons there were four events each season. The tows decreased over the years.

Chief Berg noted some benefits of having a snow emergency ordinance include making it easier for Public Works Staff to maintain roadways, keeping the streets clean and open for emergency personnel, making it easier for law enforcement to identify suspicious vehicles in neighborhoods, decreasing hazardous plow-around, and addressing citizens' complaints about plow-around.

Chief Berg stated they would like to start a pilot program to allow for public parking at 16 parks that have 20 different parking lots available. He noted they would ask the cars to be moved within 24 hours after the snow emergency is lifted, which is pretty standard for surrounding communities with snow emergencies.

Councilmember Lawrence-Anderson stated this is a step in the right direction and she would like a pilot program implemented for the upcoming season.

Councilmember Ryan asked if Staff had approached churches to ask if their lots could be used for additional parking. Dr. Edwards stated they have not had the time to do that yet. Councilmember Ryan stated he agrees with the program and noted the City needs to retain the ability to tow cars.

Chief Berg stated the ordinance was not created to penalize people but to have safe roads in Brooklyn Center.

Mayor Elliott noted the burden towing can be on community members. With the goal of resident economic stability, they need to make sure they do not put residents into a situation that hinders them from going to work or doing what they need to do. He stated he would consider the option of ticketing rather than towing so that people could still use their cars to get to work. Mayor Elliott noted a neighboring city stopped enforcing their ordinance due to the inequality it caused in their community.

Dr. Edwards stated they have taken every measure to eliminate towing and the parking options are ultimately an incentive for residents.

Councilmember Butler noted she appreciates the 'knock and talks' that law enforcement performed and asked if the Police Department's current capacity can continue to support that initiative.

Interim Police Chief Tony Gruenig stated he believes they can continue that service with their current staffing levels. He noted they are trying to add staff to their Department. Chief Gruenig noted they did not have a towing ordinance before this, and that led to frustration with noncompliance. They could have written a citation, but that doesn't create compliance from the community. He added they do not want to tow vehicles, but they need to maintain roadway safety.

Councilmember Butler stated another way to get the information out would be to distribute information to apartments and local businesses in the community and to post a sign if they would allow it. She added she is okay with moving forward with the pilot program as long as they continue the 'knock and talks' and exhaust every option to communicate the program to the residents.

Councilmember Graves stated she agrees they need to keep the 'knock and talks'. She added it could be helpful for people to know when their area would be scheduled to be plowed so residents could have a better idea of when to move their cars. She noted residents that who typically have their area plowed earlier in the day are at a disadvantage, so it could be helpful for them to know

a time frame of when their cars need to be moved. Councilmember Graves stated she would ultimately entertain the idea of the pilot program. Councilmember Graves noted she voted against this ordinance when it first came up, but if they can revisit the pilot program partway through the season and pursue suggestions of the Council then she would be willing to try it out.

Councilmember Ryan stated it should be a priority to make all efforts to avoid towing of cars, but safety is his ultimate concern.

Mayor Elliott stated there is consensus to move forward with the pilot program.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Elliott closed the Study Session at 6:55 p.m.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. That attached hereto is a full, true, and complete transcript of the minutes of a Study Session of the City Council of the City of Brooklyn Center held on October 25, 2021.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its November 8, 2021, Regular Session.

_____ _____

City Clerk Mayor

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 25, 2021
VIA ZOOM

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 Mike Elliott at 6:55 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, City Engineer Mike Albers, Community Development Director Meg Beekman, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

Mayor Mike Elliott opened the meeting for Informal Open Forum.

Ms. Daniels stated she heard that the Police Department is constructing a permanent fence around its Department, and she wanted to confirm if that is accurate.

Dr. Edwards stated he will follow up with her regarding that question.

Mayor Elliott asked Dr. Edwards to follow up with the Council with that information as well.

Mayor Elliott moved and Councilmember Ryan seconded to close the Informal Open Forum at 6:59 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Graves read a poem she wrote in the late 1990s.

"The Battle. Let's stop to think about our history, not just the last five or ten years of our own lives, but the world's history. It's no mystery what we've done to ourselves, to our world. Even the eagle has been shot down, our national bird. And it's been heard, therefore it's been said that all that our world could have had is now dead. We've exhausted the possibilities, unfulfilled our responsibility, ignored our abilities to create a lasting environment of love between people, left the state of communication throughout the state of humanity feeble. Let's sit, recollect, remember

what we destroyed by centuries of neglect. In 1492, Columbus sailed the ocean blue. After a hard month at sea, Columbus and his crew reached land finally. They took over the land, set up trading posts, proving to the Natives that money meant the most. And as mercantilism grew, took out any culture. Survivors were only a few. Fransisco Pizarro invades Peru with lust for riches of fire. So with intense and no regrets, he conquered the Incan Empire. World War II, slaves, inescapable persecution, countries too stuck in their ways to try to find the solutions. The systemic instruction of over six million European Jews, the Salem Witch Trials, hanged, burned, and murdered but all falsely accused. The secret society to establish and maintain white supremacy. How could any man use racism to take away independency? The Berlin Wall, a long-lasting blockade to prohibit individuals. The nonviolent man, the end to the Martin Luther Kingdom. In 1941, the Japanese attacked the Naval Base at Pearl Harbor. 24,000 people murdered in one single hour. The blood and the sickness of the Middle Passage, war and death, choking on gasses. Slavery being called a necessary evil and then a positive good. God, please help the men asked to kill and, without hesitation, could. It goes on forever; there may be no end. But still, we continue to sit and pretend, ignore, push away. But please stop and listen to what I say. Distortions, rape, murder, suicide, a choice between Heaven and Hell, redemption, but still so many refuse to decide. Betrayal, incest, segregation, the whole world is crying because we are dying as a universal nation. We destroy our ozone and beat our wives. Can we please take the time to look at our lives? Stop the madness. It's created so much sadness and left so little room for gladness. Unless we can all join together, through different cultures, race, and status. Together, this universal problem will become less complex. Gathering as one in the fight to bring love back. But do we lack the motivation we need to stand as a unified empire? Or is it just that we are scared to acknowledge the want, the need to aspire. Negativity is dominating our world, and there is nothing more that I alone can do. The truth is whether we win or lose this battle is left up to all of you."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:04 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, City Engineer Mike Albers, Community Development Director Meg Beekman, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Mayor Elliott seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the regular session minutes of October 11, 2021, and the following consent items were approved:

a. APPROVAL OF MINUTES

1. October 11, 2021-Study Session Meeting
2. October 11, 2021-Regular Session Meeting
3. October 11, 2021-Work Session Meeting

b. LICENSES

INITIAL (TYPE IV – six-month license)

2018 54th Avenue N.	Giselle Oo
7243 Emerson Avenue N.	Oscar Martinez Gavina

INITIAL (TYPE II – two-year license)

3101 61st Avenue N.	Ross Herman

RENEWAL (TYPE IV – six-month license)

5301 Russell Avenue N. Sommerset Place	Lee Yan/Midwest GIR met action plan requirements
5356 71st Circle	Xiaoyan Hu
2006 Brookview Drive	MNSF II W1 LLC/GOAL Properties Missing CFH cert
7169 Unity Avenue N.	Soye Chalte

RENEWAL (TYPE III – one-year license)

7015 Brooklyn Blvd. Willow Lane Apartments	Jason Quilling/Nicollet Flats LLC met action plan requirements
3012 51st Avenue N.	Sri Lakshmi Valiveti
5737 Emerson Avenue N.	Nutida Wong - missing CFH cert
5407 Irving Avenue N.	Mark Gonzales – missing CFH cert And CPTED
5350 Logan Avenue N.	Elbrus Mgt./Matthew Forster – Missing CFH cert & CPTED Follow up

RENEWAL (TYPE II – two-year license)

6015 Dupont Avenue N.	Home SFR Borrower / HavenBrook Homes – met requirements
5506 Judy Lane	Xian Lin / Prosperous Property

RENEWAL (TYPE I – three-year license)

2932 69th Lane	Mayerling Rios
5411 22nd Circle	Maya Ly / Majestic – Morning Rental Property
6013 Brooklyn Boulevard	Rosa Chiqui
5201 Drew Avenue N.	Ahmed Omar
5819 Dupont Avenue N.	Tiet Nguyen
5906 Dupont Avenue N.	Bruce Goldberg

5719 Halifax Avenue N.	Paul Zheng / 5719 Halifax Ave LLC
4207 Lakeside Avenue N. #238	Hussein Seman
5924 Washburn Avenue N.	Ryam McLuen

c. RESOLUTION NO. 2021-132 ACCEPTING WORK PERFORMED AND AUTHORIZING THE RELEASE OF FUNDS FOR A CERTAIN FINANCIAL GUARANTEE BEING HELD BY THE CITY OF BROOKLYN CENTER (THE SANCTUARY AT BROOKLYN CENTER/FRANA COMPANIES, INC.)

d. SETTING A PUBLIC HEARING ON PROPOSED UTILITY RATES FOR 2022

e. RESOLUTION NO. 2021- 133APPROVING TRANSFER OF FUNDS TO CREATE BEAUTIFICATION CAPITAL PROJECT FUND

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. PROCLAMATION DECLARING OCTOBER 25, 2021 TO BE DESIGNATED AS RANDOM ACTS OF KINDNESS DAY

Mayor Elliott stated there are several nominees for Random Acts of Kindness Day. He stated this was a program established in 1977, and it is the 25th Anniversary of the Program. He noted the program is meant to recognize residents and organizations that make Brooklyn Center a wonderful place to live and work.

Mayor Elliott stated the first nominee is Tom Green, nominated by Grace Green. Tom has engaged in too many selfless acts to list, so I have chosen just one. Tom spends a generous amount of his time cleaning the city parks and streets. He picks up garbage and cleans graffiti off the sidewalks, buildings, benches, garbage receptacles, fences, light posts, and other public structures. He has been a Brooklyn Center for over 60 years and has always been focused on keeping our city clean and safe. Mayor Elliott added he has seen Tom hard at work cleaning their City.

Kate Green, daughter of Tom Green, stated Tom has been a selfless Brooklyn Center resident for his entire life. He has watched the City go from beautiful and all-encompassing to deteriorating, which has been extremely hard on him. She stated instead of getting angry or bitter, he has turned to improve the community. He takes pride in cleaning up the community and dealing with graffiti on signs. She noted he is so proud to be a Brooklyn Center resident, and that shines through in all that he does.

Mayor Elliott stated Diane Sannes was nominated by Allan Hancock. In July 2021, Diane heard of the process to apply for a grant through Hennepin County for American Rescue Plan Food Insecurity (ARP) funds. Over $15,000 was awarded in the grant to provide food for our school

students. In October, $7,500 of food was delivered to 15 area schools and another 270 cases of food will be delivered to schools in November.

Allan Hancock stated he really appreciates what Diane has been doing for the community and she deserves this recognition.

Councilmember Graves stated Nicosia Wynn was nominated by Denise Anderson. Nicoshia has been Denise's neighbor for 10+ years and has always been a selfless person; this past summer Nicoshia was a need in the community to provide affordable academic and enrichment summer programming for families. Nicoshia started a non- profit called Relentless Academy and implemented a tuition-free 10 week SMART (Science, Math, Art, Reading, Technology) summer program for families in the community. Through her nonprofit, she ensured that families and students were prepared for school by giving away 200 backpacks filled with school supplies. Nicoshia has the drive to make a difference for youth and the entire Brooklyn Center Community.

Councilmember Graves stated Brooklyn Center Mutual Aid Group was nominated by Melissa Carey. The Brooklyn Center Mutual Aid Group and Protestor Safety Group was made up of residents of Brooklyn Center and many folks who are invested in Brooklyn Center but don't live there. The residents were Matt Branch, Adrianne Gould, Alfreda Daniels, and Melissa Carey. Councilmember Graves noted she was personally grateful for these residents in responding to the community and its needs. She saw them in action supporting protesters, serving families, and protecting businesses. She stated their ability to reach across cultures is inspirational and is what their community needs.

Councilmember Butler stated Phillip Musa was nominated by John Solomon. Phillip owns and operates 'The Handz On' barbershop in the Humboldt Square Plaza where he not only provides a service but he uses his location as a connection to a diversity of needs. Many stop in to attain information on important things to know about our community and to advise him of issues and concerns. He assists those in need with food and other resources. Many people stop in just to drop off things that others may need so that they can disperse them to families in need. He has been known to give free haircuts to men who need to look appropriate while going to job interviews. This summer, he collected and gave out free children's books to families and collaborated on a block party to promote safety, resources, and support for businesses in Humboldt Square Plaza. Every day he shows the spirit of what we want to see in Brooklyn Center and what we need to promote unity as a city as we learn to celebrate diversity, inclusion, and the great things we can do together to be even greater as a city.

Councilmember Butler stated Diane and Darryl Sannes were nominated by Allan Hancock. These neighbors have picked up hundreds of pounds of waste in 2021 along the Mississippi River. Diane is also very active in keeping the storm drains clear so only rainwater goes down the drain. Councilmember Butler noted she is also grateful for their hundreds of contributions to the community.

Allan Hancock stated he appreciates what both Diane and Darryl Sannes do for the community and both deserve this award.

Matt Branch from the Brooklyn Center Mutual Aid Group stated he wanted to thank Councilmember Graves for recognizing Melissa Carey and her efforts.

Melissa Carey, a member of the Brooklyn Center Mutual Aid Group, stated after the murder, Adrianne Gould immediately set up community resources. She noted Alfreda Daniels got the word out to her network while being nine months pregnant. They both made it a priority to care for the children in the community. Melissa Carey added Matt Branch was key to decreasing the violence. She stated another concerned resident went door-to-door to find translators to reach out to folks.

Adrianne Gould, another member of the Brooklyn Center Mutual Aid Group, thanked Melissa Carey for the nomination and Alfreda Daniels for all of the coordination efforts and modeling resiliency and self-efficacy.

Councilmember Butler stated she wanted to thank Brooklyn Center Mutual Aid Group and others who were not listed in the award. She added Melissa Carey has always been a great community member.

Alfreda Daniels stated she wanted to thank Adrianne Gould and Matt Branch for answering the call in the middle of the night. She also wanted to thank the folks that showed up to answer the call to be out in the community. Alfreda Daniels stated she wanted to thank her daughter as she came five weeks early due to the stress she faced at that time.

Councilmember Lawrence-Anderson stated Kathy and Don Winn were nominated by Ginny Exel. Kathy and Don Winn have helped many friends, neighbors, church members, and anyone who has special needs. When Ginny hurt her back, they brought over a cane, walker, and food. At church, they serve on the council, choir, and in the kitchen for funerals. When people are ailing, the Winns have run errands to help out. Councilmember Lawrence-Anderson noted she does not personally know Kathy and Don Winn, but they embody what being a community member means.

Councilmember Lawrence-Anderson Darryl Sannes was nominated by Allan Hancock. Over Labor Day weekend, the planters in front of City Hall were freshened up by Darryl Sannes. He has since been watering them daily so residents, visitors, and city employees can enjoy these flowering plants as they are welcomed to our Brooklyn Center City Hall. Councilmember Lawrence-Anderson stated that is a beautiful gesture.

Allan Hancock stated it is wonderful to see the plants and he appreciates the time Darryl has put into that.

Councilmember Ryan stated Lucinda Kircher was nominated by Danna Mickelson. The three big planters to the entrance to the Community Center needed major attention. Lucinda not only took the time to remove all the weeds that had taken over the planters, but she also planted a variety of flowering plants to beautify the sidewalk to the entrance.

Councilmember Ryan stated Prophetess Victoria Toure was nominated by Jacqueline Kofa Swen. Victoria Toures always donates food and clothes to shelters and the homeless on the roadside. She not only gives food, but she also donates blankets and hygiene supplies as well. Jacqueline Kofa

Swen believes Prophetess Victoria Toure deserves this award because she has left an impact on the people around her.

Jacqueline Kofa Swen stated she has done Prophetess Victoria Toure several things to help the community and thought this was a great opportunity to shine a light on her service. She added she appreciates that the Council recognizes community members in this way.

Councilmember Graves stated Diane Sannes was nominated by Alan Hancock. Diane saw the need to appreciate teachers and school staff in the 15 area Brooklyn Center schools. Funds were raised and, in May 1400 teachers and school staff were served a pizza lunch for the hard work these individuals do every day to help the community's children. Councilmember Graves noted she agrees the school staff deserves a pizza lunch at the very least for all that they do.

Diane Sannes noted it was the efforts of Walmart and Luther Toyota and other community people for those funds.

Councilmember Graves stated Lois Purdham-Kidane was nominated by Diane Sannes. Garden City Elementary School in the Osseo School District needed face masks for young children, and members of the Brooklyn United Methodist Church immediately offered 125 homemade masks. The sewers at church were Lois, Alice, Carol, Diane, Jill, Kathy, Ann, and others who kept making masks and were able to deliver another 100 masks fall of 2021. Councilmember Graves added she appreciates this work to keep their youth safe in their return to school.

Lois Purdham-Kidane stated there was a team of 17 people that go together as far back as April of 2020 to sew masks, and they produced over 3200 masks. She explained they are closer to providing 260 masks to Garden City Elementary School. They have also given masks to West African Family Services, Maranatha, Prairie Home Care, Community Emergency Assistance Programs, and other places outside of Brooklyn Center. She noted they can make more masks as needed.

Diane Sannes noted that Lois Purdham-Kidane and other community members have donated their fabric, thread, elastic, and filters for the projects.

Councilmember Butler stated Apostle Samuel Toure was nominated by Chinto Cooper, Maureen Watson, and Georgia Toe. Mr. Toure has fed and clothed the homeless for years. He cares for everyone around him and he is willing to go above and beyond for anyone at any time. Mr. Toure has helped residents when folks' cars broke down multiple times. He would jump-start their cars multiple times, assist them in moving into their new apartment, and always puts others' needs before his own.

Chinto Cooper stated Apostle Samuel Toure has done so much to support and serve youth in the community. She noted not all of his efforts are listed in the nominations, but he always puts others before himself and helps people to come together. Chinto Cooper stated she sees him as a father figure, and he has done so much to turn people's lives around.

Apostle Samuel Toure stated he appreciates Brooklyn Center and thanked Chinto Cooper for the nomination. Apostle Samuel Toure added he always wants to be someone available to help others and he gives God the glory for the opportunity.

Councilmember Butler Leon Shannon was nominated by Ken Shallbetter. Ken Shallbetter was out in front of his house using a 5- gallon bucket to assist me kneeling onto a cushion to pull some weeds. While getting up, either his hand slipped or the bucket twisted, and Ken Shallbetter fell headfirst into a wooden flower box. His glasses went flying as a result of my face hitting the edge of the planter. He tried to get up but to no avail. His wife noticed and ran and got Mr. Shannon, their neighbor, who helped lift Ken Shallbetter back into his walker and stayed with him until he was able to move on his own.

Councilmember Lawrence-Anderson stated Allan and Darnell Hancock were nominated by Darryl Sannes. Allan and Darnell helped remove litter from the banks of the Mississippi River in Brooklyn Center. Cleaning the riverbank is hard work as there is much trash and litter during the springtime high water. Diane Sannes stated they picked up a large amount of trash and thanked Allan and Darnell Hancock for their efforts.

Councilmember Lawrence-Anderson stated Pastor Moore was nominated by Diane Sannes. In April 2021, Pastor Moore led the community in the "Prayer for Healing" event. Diane Sannes stated she was grateful for Pastor Moore's efforts.

Councilmember Ryan stated Brooklyn Center Cub Foods was nominated by Friends of the Brookdale Library. Over 270 cases of food funded by Hennepin County American Rescue Plan Act (ARP) Funds were ordered from the Brooklyn Center Cub with the assistance of Store Manager Jamar Hester and Assistant Store Director Dave Boudin. The Brooklyn Center Cub Foods staff provided food items at the best price so more products could be purchased. Cub Foods staff also helped deliver the food cases to areas schools. Councilmember Ryan added Cub Foods is an excellent store and is always clean, and this is just one example of how Brooklyn Center benefits from a business like Cub Foods being in the community.

Councilmember Ryan stated Brooklyn Center Lions Club was nominated by Friends of the Brookdale Library. Over 270 cases of food were delivered to six area schools by Brooklyn Center Lions Club. Councilmember Ryan noted he was very happy to read this nomination due to his 13-year membership with the Lions Club.

Bud Sorenson, a member of the Brooklyn Center Lions Club, stated the Brooklyn Center Lions Club has been serving the community for over 60 years. They have had various donations and programs for several years.

Councilmember Lawrence-Anderson stated Brooklyn Center Liquor Store Employees was nominated by Bobby LaRose. This summer the employees at the Brooklyn Center Liquor Stores raised money from kind donations from customers for the Brooklyn Center Fire Department. Donations will go to outfitting firefighters with bulletproof vests. Employees were able to raise $1,671.60 and other local businesses donated a total of $32,500 for a total of $34,171.60. This

will buy 38 vests to keep their firefighters out there. Councilmember Lawrence-Anderson noted her appreciation for the fundraising and contributions from other businesses.

Mayor Elliott stated Einstein Bagels Store Manager Reece Gopaul was nominated by Diane Sannes. Einstein Bagels Store Manager Reece Gopaul donates its end-of-the-day bagels to local nonprofits.

Mayor Elliott read the in full Proclamation Declaring October 25, 2021, to be Designated as Random Acts of Kindness Day.

7b. BROOKLYNK PROGRAM UPDATE AND ANNUAL OVERVIEW

Dr. Edwards introduced the topic and invited Community Development Director Meg Beekman to continue the presentation.

Community Development Director Meg Beekman stated one of the strategic priorities is resident economic stability. Some of the components to address include workforce development and creating pathways. BrookLynk is a partnership program between Brooklyn Park and Brooklyn Center and is housed under Brooklyn Park that addresses such components. Ms. Beekman introduced BrookLynk Program Manager Catrice O'Neal to continue the program overview and update.

BrookLynk Program Manager Catrice O'Neal stated the mission of BrookLynk is to coordinate partnerships that prepare employers to engage the next generation of workers and to connect young people in the Brooklyns' facing barriers to employment with the skills, experiences, and professional social networks needed to develop their pathway to college and career. She added there are four staff members.

Ms. O'Neal stated in 2021, they provided Get Ready! Youth Work Readiness Training that serves youth 14-24 who live in suburban North Hennepin. They also provided supervision training, coordinated summer internships, maintain an alumni network, and launched a six-week online training series in response to the pandemic.

Ms. O'Neal stated BrookLynk youth is the future workforce. Together the cities of Brooklyn Center and Brooklyn Park are committed to achieving economic health, equity, and well-being of the community ensuring prosperity for all. BrookLynk ignites the aspirations of youth and attracts employers to grow their business in the Brooklyns. She noted 93% of the youth were students of color, 50% identified as low-income, 6% were opportunity youth, meaning homeless, pregnant to parenting, in foster care, or juvenile justice-involved, and 21% were first-generation high school or college graduates.

Ms. O'Neal stated they launched a new program and partnered with Construction Career Pathways, a state-wide nonprofit supported by trade unions, construction companies, Minnesota school districts, and Minnesota's Department of Employment and Economic Development to coordinate Minnesota Trades Academy at Brooklyn Center High School. The program ran for ten weeks from June through August introducing youth and young adults ages 16-20 from Brooklyn Center

to hands-on projects in the field of construction with an introduction to careers in the trades and apprenticeships. She noted interns work 20-30 hours per week earning $15 per hour. In partnership with Brooklyn Center community schools, BrookLynk created ten internships. Over the summer, the interns received 1:1 support from BrookLynk job coaches, transportation support, training stipends, and access to the BrookLynk Job Board and Alumni Network. Ms. O'Neal stated she was excited to share that two interns were hired into full-time permanent positions that started at the end of their summer internship through Minnesota Trades Academy.

Ms. O'Neal showed a slide detailing the 2021 program impact. She stated the youth participation increased in 2021 despite the pandemic. She stated 80 youth completed a summer internship, and 350 youth were engaged throughout the year. They added 104 internships were pledged through 18 businesses and have connected a total of 49 youth to alumni for jobs. Ms. O'Neal noted they hosted virtual workshops on LinkedIn and diversity in the workplace as well as a virtual alumni gathering.

Ms. O'Neal stated 33% of BrookLynk interns live or attend school in Brooklyn Center and 25% of youth attend Get Ready! live or attend school in Brooklyn Center. She added 3 alumni from Brooklyn Center was hired into permanent jobs and there are six employer partners are located in Brooklyn Centers which pledged 32 summer internships.

Ms. O'Neal stated one of their expansion objectives is the re-employment of individuals in the community impacted by the pandemic with emphasis on connecting Black Indigenous Person of Color job seekers to local jobs. Another objective is local coordination with the continued collaboration of community organizers to provide training, certifications, internships, and jobs. They also want to re-imagine public safety by creating opportunities for higher barrier youth and young adults ages 16-24. Ms. O'Neal stated they will be expanding business coordination by connecting local businesses to talent, supporting recruitment and retention, and providing workshops and training to enhance diversity, equity, and inclusion in the workplace.

Ms. O'Neal noted they are launching some new programs in 2022. The Youth Entrepreneurship Program just launched which provides work readiness training, small business development, mini-grants, and participation stipends. They are launching a sub-grant to community-based workforce development programs, focusing on establishing new partnerships and opportunities for adults ages 18 and up, and expanding career pathways into construction, public works, parks and recreation, information technology, and nursing assistants.

Ms. O'Neal stated to support the new efforts, they will be moving from four to six staff, one of which would be funded by the American Rescue Plan, if approved. They will continue to be a partnership between Brooklyn Park and Brooklyn Center, provide opportunities for work readiness to youth and young adults in the Brooklyns, advisory council oversight, and budget managed by the Brooklyn Park Economic Development Authority. They are looking for funding through two federal grants, American Rescue Plan funds, a state grant, one pending state grant, two pending partner grants, a United Way pending partner grant, and the unchanged annual contributions from Brooklyn Park and Brooklyn Center.

Councilmember Ryan asked how they can continue to build capacity so they can reach all of the young people that need it. He also asked if they had been in touch with the District County Commissioner. Ms. O'Neal stated she has not been in contact with the District County Commissioner, but she regularly works with Ms. Beekman and Dr. Edwards to coordinate partnerships and opportunities.

Councilmember Ryan stated District County Commissioner Jeff Lunde is a very strong supporter of BrookLynk, so he may be a good resource. Ms. O'Neal clarified they are working closely with Mr. Lunde to identify partnerships and youth internships particularly focused on small businesses in Brooklyn Center.

Councilmember Graves stated she is excited to see that the work and expansion of the initiative are continuing despite the pandemic. She noted her son participated in the program during his junior year of high school. Councilmember Graves encouraged Ms. O'Neal to reach out to the Council if she needs any further support or connections.

Mayor Elliot moved and Councilmember Ryan moved to accept the BrookLynk program overview and update presentation from Catrice O'Neal, BrookLynk Program Manager.

Motion passed unanimously.

8. PUBLIC HEARINGS

8a. RESOLUTION NO. 2021-134 ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS OFR IMPROVEMENT PROJECT NOS. 2022-01, 02, 03, AND 04, WOODBINE AREA STREET AND UTILITY IMPROVEMENTS

Dr. Edwards introduced the item and invited City Engineer Mike Albers to make the staff presentation.

City Engineer Mike Albers stated the proposed resolution includes local public improvements to the City's infrastructure based on State of Minnesota Statute Chapter 429. Mr. Albers explained the proposed project includes roadway, storm drainage, and utility improvements for the residential neighborhood area commonly referred to as the Woodbine Area. The project was previously established by the City Council on July 12, 2021, by Resolution 2021-85. On September 27, 2021, the City Council received the project feasibility report and called for a public hearing to be held on October 25, 2021, to consider these improvements. He noted all relevant parties were notified.

Mr. Albers stated public comments received before the approval of the feasibility report were included in the Feasibility Report (Appendix A). Subsequently, additional public comments were received, including a letter from 7201 Halifax Avenue. He noted the information was attached as amended Appendix A-Resident Comments and included all additional comments received after the September 27, 2021, council meeting. Mr. Albers stated if a project is ordered, then a special

assessment hearing to consider certifying the special assessment will be held in December of 2021 and a separate notice will be sent to property owners in the area.

Mr. Albers showed a slide with a map depicting the proposed street and utility improvements. He added the improvements were included in the City's Capital Improvement Program, which was started in 1993 as a systematic way to review the City's street and utility infrastructure. The Capital Improvement Program has about $187.5 million planned spendings.

Mr. Albers stated their project evaluation would include root intrusion, infiltration, sags, and broken pipe. For water main evaluation, they would look at corrosion, leaks, frozen water services, water quality, and pipe material. He noted storm draining evaluation assesses local flooding and pavement preservation and the streets, sidewalks, and trails portions look at pavement deterioration, curb and gutter condition, and sidewalk and trail system gaps. As for street lights, they evaluate the condition of the lighting system.

Mr. Albers stated part of the project is to improve the sanitary sewer system. It was originally installed between 1956 and 1959 mainly with clay pipe, and, in 1995, 25% of it was replaced with PVC pipes. He stated approximately 50% of the system requires root sawing to maintain conveyance capacity, and they anticipate spot repairs on tank sanitary sewer mains, line clay pipe trunk sanitary sewer mains, and replace sanitary sewer castings. He noted the project will not improve privately owns lines.

Mr. Albers added they also plan to improve the water distribution system. The proposed improvements include replacing valves and hydrants throughout the project area, replacing curb stops throughout the project area, and insulating services with previous freezing history.

Mr. Albers stated the existing sewer system was installed between 1958 and 1995 and is in relatively good condition. They have noticed there is some standing water in gutters in intersections, so they want to replace storm castings as needed.

Mr. Albers stated the project area includes 29 street lights, which are a combination of multi-use poles and free-standing fiberglass poles. He noted most of the lights that have been converted to LED have already been converted, and there is only one street light on a free-standing wood pole. The proposed improvement is to replace the freestanding light with a fiberglass pole and LED light fixture.

Mr. Albers stated the roadway in the area was reconstructed in 1995. He stated there are minor draining issues and pavement material deterioration. Therefore, the recommended street improvements include a full-depth pavement replacement and spot repairs for curb gutters and sidewalks as needed. As for sidewalk improvements, Mr. Albers proposed minor spot repairs on existing sidewalks, reconstructing pedestrian curb ramps at all cross streets, and creating a new six-foot concrete sidewalk on the north side of 71st Avenue from Halifax Avenue to France Avenue, which was an identified gap part of the Safe Route to School Plan. He added they are considering and coordinating two other sidewalks with Brooklyn Park. Mr. Albers noted driveways that are disturbed due to the street and utility repairs will be replaced and disturbed

boulevard areas will be restored with topsoil and sod. He added they do work closely with residents as they are impacted throughout the construction.

Mr. Albers showed a slide detailing the preliminary project budget. He noted the amounts are estimates and include multiple funding sources. The total estimated cost would be about $7 million. Mr. Albers explained the assessment area includes both residential areas and church properties. In looking at the special assessments, they follow the City's assessment policy, and the tentative assessment for R1 properties is $3,777 per property. He noted the tentative 2022 interest rate is 3.5%, which is up 0.5% from 2021. If the special assessments are approved, there are three different payment options. For the first time, partial prepayments can be accepted.

Mr. Albers expects the 2021 assessment rates to be established at the November 8 meeting and an assessment public hearing on December 13 of this year. From there, they anticipate plans approved in January 2022, they will accept bids in February or March of 2022, construction will begin in the spring or summer of 2022, and substantial completion by October 2022.

Mayor Elliott asked if the partial payments are a policy change. Mr. Albers stated they have worked with the county to allow for partial payments.

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

Motion passed unanimously.

Andrew T. stated he lives near a newly proposed sidewalk. He stated they have a fence and a line of pine trees on the property line and asked how those would be affected by the proposed sidewalk. Mr. Albers stated they will be evaluating the right of way before installing a sidewalk, and they try to work within the right of way. He added they could work with Andrew T. to minimize the impact on the trees, but they will have to evaluate that in the field. Mr. Albers stated Andrew T. could reach out to himself or the engineering staff with more specific questions.

Andrew T. asked if Brooklyn Center ever considers franchise fees in place of the assessments for properties. He noted he had heard of neighboring cities adopting franchise fees successfully. Mayor Elliott stated they have had that discussion, though not in-depth, as a Council. Mayor Elliott stated they may be in a position to consider that once they go through the current street improvement plan. Andrew T. asked if that would be discussed at the assessment hearing. Mayor Elliott stated the policy, for now, is to go through the assessments, and when the Capital Improvement Plan has run its course, then they will have the discussion as a City Council to move to franchise fees.

Councilmember Graves moved and Mayor Elliott seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2021-134 to approve ordering the Woodbine Area Street and Utility Improvements, Improvement

Project Nos. 2022-01, 02, 03, and 04 and authorizing the preparation of project plans and specifications.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2021-XX BROOKLYN CENTER BEAUTIFICATION AND PUBLIC ART MASTER PLAN

Dr. Edwards introduced the item and stated Brooklyn Center is known as a place where is known as a place where diverse community members can see themselves in the art that's part of their daily lives and work together to build their shared home, a home where residents and businesses thrive, actively engage in cultural activities and enjoy their quality of life. The City hosts an inclusive, equitable, people-powered beautification program focused on improving health, wellbeing and thoughtful design throughout the city.

Dr. Edwards stated the plan was created to inform and guide cultural development throughout the city, starting with public art, beautification, public space development, and environmental stewardship, and noted the arts give them a forum to display our differences and similarities and the opportunity to learn about each other. He added this is especially important coming out of the pandemic and civil unrest.

Dr. Edwards stated they needed a plan to recreate a sense of identity, enhance the community's image, and grow civic pride. He explained beautification is the process of identifying and enhancing existing aesthetic conditions, public art is publicly accessible original art that enriches a city and evokes meaning; it can tell their stories, improve the look and feel of one's built environment, and enhance the quality of life and improve the health of communities. Dr. Edwards invited Recreation Supervisor Janelle Crossfield and Recreation Coordinator Shea Lawrence to continue the staff presentation.

Recreation Coordinator Shea Lawrence stated the Beautification and Public Art Master Plan includes an overview of the City and highlights from the Comprehensive Plan. She noted there have been 1030 "touchpoints" through meetings, interviews, tabling, on-site surveys, and online surveys. Another piece of community engagement and research was promoting the plan through the City newsletter, social media, and local media, as well as demonstration projects. She added the Master Plan includes key findings such as strengths and challenges in the cities, opportunities for project locations, and values of community members, and an implementation plan.

Recreation Supervisor Janelle Crossfield showed a slide listing a few values and principles that are guiding the Master Plan. She highlighted that residents should be able to see themselves in

their public art. Some guiding principles include accessibility, diversity, equity, inclusion, sustainability, regional mindfulness, and the history of the place and those who came before.

Ms. Crossfield stated the long-term goals are to foster civic pride and community health, grow the number of residents who become active stewards of Brooklyn Center, increase the number of volunteers in beautification projects, grow the number of residents desiring engagement in public art, increase participation and leadership by locally-based artists, residents, and businesses, leverage private investment and partnership support, and build a professionally-managed program.

Ms. Crossfield noted some short-term operational strategies include overseeing the launch of the plan, establishing the Cultural Arts Commission, building the capacity of City staff to manage projects, considering a range of funding mechanisms, referencing map and focal areas for opportunities, facilitating informed decision making, retaining a City team to assist with program incubation, considering incentives to grow interest, hosting educational events and forums, growing community engagement skills and effectiveness, and developing community education strategies. She then showed a slide with pictures of projects they completed in the past year and ones they hope to complete in the future.

Councilmember Graves stated it would be very cool to have a map for residents to tour the various art features. She added it is very exciting to see tangible results of efforts in the community.

Dr. Edwards stated they will be having electronic art displayed throughout the community with contributions from the community schools. He added that is a way to engage youth and allow them to express what they are going through. There is also new art hanging in the hallway outside of Council chambers that he expects the Council will enjoy.

Councilmember Butler stated she appreciated the presentation and noted her excitement for the Master Plan to launch.

Councilmember Graves noted she would love to be a part of any future open mic nights that they host.

Mayor Elliott stated he would like to see another arts organization look at the plan. He noted the plan has important cultural elements, but he would like to see an organization like Juxtaposition Arts offer some comments and point out any potential blind spots.

Dr. Edwards stated Staff will work on that and bring it back to the Council. He added the plan is a living document so there will be ongoing changes as the City and its people evolve.

Councilmember Graves stated she used to work at Juxtaposition Arts and asked how they could continue to support local artists and build up their talents.

Diane S. stated several residents volunteered to serve on the Public Arts Task Force, and she noted she hopes some of those members would be able to serve on the new art commission.

Councilmember Ryan moved and Councilmember Graves seconded to approve the Beautification

and Public Art Master Plan.

Motion passed unanimously.

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Mayor Elliott moved and Councilmember Graves seconded adjournment of the City Council meeting at 9:16 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. That attached hereto is a full, true, and complete transcript of the minutes of a Regular Session of the City Council of the City of Brooklyn Center held on October 25, 2021.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its November 8, 2021, Regular Session.

_____ _____

City Clerk Mayor

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
OCTOBER 25, 2021
VIA ZOOM

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 9:16 p.m.

ROLL CALL

Mayor/President Mike Elliott and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Community Development Director Meg Beekman, and City Clerk Barb Suciu.

CITY HALL FACILITY ASSESSMENT

City Manager Reggie Edwards introduced the topic and invited Community Development Director Meg Beekman to make the presentation.

Community Development Director Meg Beekman stated the City has begun a planning process for the Community Center by reviewing current facilities and recreation services and identifying opportunities to expand. The initial analysis of the work was presented to the Council/EDA along with preliminary schematic plans. She noted some of the plans would alter the City Hall size. In light of this work, the staff decided to conduct a facility assessment of City Hall. Ms. Beekman noted City Hall is undersized and unwelcoming. The City contracted with an architecture firm that specializes in city facilities, and staff asked them to review City Hall and create options for a facility that would better serve staff and the overall community. The architecture firm explored three potential options: a renovation, a new standalone building on a different site, and a relocation of City Hall to a mixed-use facility. Their exploration included costs, feasibility, and pros and cons of each of the options.

Ms. Beekman stated the presentation will not require any voting from the Council/EDA in the current special Work Session, but staff had wanted to gauge Council/EDA's level of interest in a project. She stated it is a starting point of discussion rather than staff seeking out a consensus from the Council/EDA.

Leo A Daly Project Manager Todd LeVold stated he looked at the project along with Leo A Daly Senior Designer Matthew Keenan and met with each of the department staff to assess the needs of the City.

Leo A Daly Senior Designer Matthew Keenan shared a brief overview of the history of the City Hall. He noted there have been previous studies conducted on the facility, one of which was completed by Leo A Daly in 2013. They sought out to conduct a City Hall space needs assessment with substantive data, confirm square footage requirements and needs to better serve the community both today and 20-25 years into the future, evaluate potential approaches to achieve the established needs, and provide cost estimates.

Mr. Keenan showed a few slides depicting the existing City Hall. He noted the spiral layout is an odd existing building footprint which creates inefficiency, the current facility is lacking some modern efficiencies in movement and wayfinding or public understanding as well as a clear front door, and the connection to the existing Community Center limits potential expansion opportunities.

Mr. Keenan stated they developed a space program and reviewed existing facility spaces and surveyed departments for current and future needs. The existing City Hall, excluding the mechanical rooms and Council Chambers as those spaces do not need renovation, is 19,288 square feet. The first option for a renovation and addition would be 22,908 square feet, option two for a new standalone City Hall would be 27,269 square feet, and the third option for a new City Hall condo tenant build-out would be 23,295 square feet. Mr. Keenan noted the square footage is without optional interior parking garage considerations for 16 vehicles. If they were to add interior parking, option one would not be able to consider indoor parking, and the other two options would include 6000-9000 additional square feet.

Mr. LeVold stated there is also an option to remain in place with no construction. There was a 2016 assessment that concluded the minimum planned cost of remaining in place is $1.4 million over ten years to address current or future concerns. He emphasized that amount would be the absolute minimum to remain in the City Hall as is.

Mr. LeVold stated option one of remodeling the existing City Hall creates a new dedicated public face and lobby area, creates a public entry plaza for the connection back to the community, adds an area for department expansions, creates opportunities for community rooms and dedicated public spaces, and provides better wayfinding for users and conference or meeting spaces. He showed a slide with an image depicting proposed remodeling and additions.

Mr. Keenan stated option two includes creating a new standalone City Hall. For consideration, the review and layout opportunities were conducted using the nearby vacant target property as a site to test fit needs, and considerations were made on how the new facility could blend into a larger high-capacity housing development area. He showed a slide with spatial diagrams depicting a new standalone City Hall which includes an option for indoor parking. A majority of the public services would be on the ground level, and most of the offices would be on the upper level. Mr. Keenan noted the plan would allow for an atrium and community spaces.

Mr. Keenan stated option three is to do a condo tenant build-out. They looked at the same side as option two, but this option would look at occupying a single story of what could be a multi-use development. He noted considerations were made on how this new facility could directly become

a part of a larger high-capacity housing development. This option includes an opportunity for indoor parking and the community to see government at work.

Mr. Keenan showed a slide with a findings matrix based on seven criteria: cost impact, phasing difficulty, functionality, identity or control over city image, community space and engagement, project development complexity, and energy efficiency. For option "zero" to stay in the current facility with no changes would be the lowest cost but provide little to no improvement. Option one to renovate City Hall allows for improvements at a reasonable cost and is a compromise approach. Mr. Keenan noted this option limits the City Hall and Community Center for the future. He added option two for the standalone City Hall is the highest cost, but it provides the greatest longevity and the highest control over identity. Lastly, option three for a condo-type buildout is a moderate cost with high functionality, but it is the most complex and provides the lease control over identity.

Mr. Keenan stated they had local contractors look at the initial images and plans to provide cost estimates. The remodel would cost about $8.1 million, a standalone building would cost $16.3 without a garage, and the condo tenant build-out would cost around $6.8 million without the optional garage. He noted a 5% inflation can be expected per year beyond 2022 based on recent trends.

Mayor/President Elliott asked how they determined the amount of square footage and relevant criteria for the potential spaces. Mr. LeVold stated they met with all of the departments to better understand space use. From there, they maintained square footage or increased square footage depending on the feedback from staff. He explained the firm took this high-level information to local contractors they have worked with before to create cost estimates for the various projects. Mr. LeVold noted they created the seven criteria considerations alongside staff and developed a findings matrix with those criteria.

Mayor/President Elliott stated he noticed the remodel would cost more than the condo build-out, and he asked how those costs are determined. Mr. LeVold stated the renovation costs are on the higher end because they are not looking at a very large addition, and the cost per square footage gets very high when it's a small addition like that. He added the addition encumbers all of the exterior skin such as glass and roof which they don't have in the condo build-out. Mr. LeVold noted the renovation costs also drive up the costs for the project.

Mayor/President Elliott asked which projects are more likely to run into issues of going over budget. Mr. LeVold stated the cost estimates include a 15% design contingency factor because they are at the very early stages of the project. Within that, there is also a 5% contingency in the building portion of the budget. He stated they try to put as much cushion as possible into early estimates to protect against going over budget. Mr. LeVold stated they also overestimated the square footage.

Mayor/President Elliott stated he likes the location of City Hall and its proximity to the Community Center, so he favors the renovation option. He added he does not think they should be a tenant of someone else. Mayor/President Elliott asked if they could have some cost savings by combining the renovations to the Community Center along with the renovations to the City Hall.

Mr. LeVold stated there would likely be some efficiencies there due to the shared space and shared mechanics. He noted he does not know the specifics of the Community Center project, but he expects they could save some money by combining the projects.

Councilmember/Commissioner Graves stated she tends to agree with what Mayor Elliott has said, but she would like to hear from Councilmember/Commissioner Ryan as he has an eye for being fiscally responsible as well as other Councilmember/Commissioners.

Councilmember/Commissioner Ryan stated he is in sticker shock for the various construction costs. He stated for the time being he would prefer the option to remain in place with no construction. If they were farther down the line with the Opportunity Site and receive benefits from the closure of Tax Increment Financing District Three, then they might be in a better position to spend a larger amount of money. He stated they could revisit this in 5-10 years when they are in a more favorable shape in terms of the growing tax base, and he noted they just put money into Council Chambers. Councilmember/Commissioner Ryan noted there are lots of issues to be resolved about how to sustain the capital commitments to the Community Center as requested by members of the community.

Councilmember/Commissioner Butler stated she prefers the option to remain in place with no construction because they have a lot of other projects going on. She noted this project doesn't seem as urgent at this time and added she does not agree with the option of being a tenant of someone else.

Councilmember/Commissioner Lawrence-Anderson stated they need to be careful with spending taxpayer money. She noted her initial interest is to remain in place with no construction, but she stated she is concerned about future staffing levels. She stated this is not a decision they should be making in the next year or two.

Councilmember/Commissioner Graves noted her most intuitive feeling is to go with the renovation of City Hall to increase the space and also save money by doing it at the same time as the Community Center. She added the City has a lot going on, but she does want to give staff what they need to do their job and for them to feel supported by the Council/EDA.

Mayor/President Elliott stated it sounds like the consensus is to remain in the current building with no construction. He added there might be a way to better use space by utilizing the remote world to complete City work.

SALES TAX LEVY DISCUSSION UPDATE

Mayor Elliott suggested that they adjourn the meeting and cover this topic at a later date.

Dr. Edwards noted there are some time limitations on the matter. He asked Community Development Director Meg Beekman to speak to the time-sensitive nature of the process.

Community Development Director Meg Beekman noted the presenters are ready to present this evening as a follow-up to previous conversations and asked Jason Aarsvold, the City's public financial consultant with Ehlers, to speak more about the timing. Jason Aarsvold explained they could do a less-detailed version of the presentation in the interest of time.

Councilmember/Commissioners Ryan, Lawrence-Anderson, Graves, and Butler stated they would be willing to continue the meeting despite the late hour. Mayor/President Elliott concurred and asked for staff to move forward with the presentation.

Ms. Beekman stated the Council/EDA had several questions at a previous meeting, and this presentation is a response to those questions. Mr. Aarsvold showed a slide about how the sales tax would impact residents. He explained a 0.25% annual sales tax would provide $21,000,000, a 0.50% annual sales tax would provide $42,000,000, and a 1.00% annual sales tax would provide $84,000,000. They looked at state research to predict the potential impact on Brooklyn Center residents and used the median income for Brooklyn Center residents. Mr. Aarsvold noted the average household pays around $932 in sales tax throughout the year and Brooklyn Center residents spend around $9,288 in taxable purchases per household. With those numbers in mind, a 0.25% annual sales tax would add $23 to their annual amount paid for sales tax. The 0.5% annual sales tax would add $46, and the 1.00% sales tax would add $93 per year.

Mr. Aarsvold presented a slide with a chart detailing the property tax impact if there were no sales tax implemented. If a median home in Brooklyn Center were taxed to accumulate $21 million in bonds, equivalent to the 0.25% annual sales tax, it would add $133.85 to property taxes. He explained the 0.5% equivalent would equate to $267.70 and a 1.0% equivalent would equal $535.40 for each residential homestead.

Mr. Aarsvold noted another question was regarding the impact on local retailers. A 2017 University of Minnesota Extension Office study that analyzed 11 communities in Minnesota with sales tax in effect for at least eight years showed that in almost all cases taxable sales tax continued to grow without any evidence of a decline in local sales because of the local tax. Any communities that showed a decline in sales were part of greater Minnesota that was already facing a decline in sales.

Mr. Aarsvold showed a chart depicting cities that recently implanted a sales tax project, what they plan to use the funds on, the sales tax percentage, and the bonding authority. He noted this was another question the Council/EDA had regarding the sales tax.

Mr. Aarsvold stated he spoke directly with the Minnesota Department of Revenue to find out what that department would hold back for administrative costs. They would keep 1-2% from monthly collections. He explained it is not a fixed number because the Department of Revenue operates local sales tax on a fixed budget and the fixed cost is spread across all cities with a local sales tax. The amount is variable and different for each community depending on the amount of sales tax collections in each of the communities. The Department of Revenue did mention that there is a "start-up" cost of $15,000-$20,000 for setting up the tax, notifying retailers, and other administrative efforts. Mr. Aarsvold explained this cost would be netted out of the first few settlements to the City.

Mr. Aarsvold stated community engagement is an important topic and explained engagement efforts to date are directing pursuit of the projects under consideration. Additional engagement should occur, but it makes the most sense to wait until after legislative approval if it is granted. He stated there will ultimately be a vote allowing for a significant number of residents to participate directly in the deacon about the enactment of the sales tax, and additional engagement should occur if legislative approval is granted but before the questions go on the ballot.

Mr. Aarsvold stated the next steps are to document that the projects are regionally significant, have a bond attorney draft the legislation, meet with local legislators to garner support for and author the legislation, and then adopt a resolution supporting the legislation and terms of sales tax and projects. He noted they would also have to assemble a team to include the hiring of a lobbyist, with an estimated cost of $30,000-$60,000 plus Brooklyn Center staff time.

Mr. Aarsvold asked for direction from the City Council/EDA in terms of staff proceeding with the next steps, which level of tax should be considered, which projects should be included, and the length of time for the tax to run. Mr. Aarsvold noted the potential projects include the Community Center and the regional whitewater destination park and the best options for tax level are 0.5% and 1.0% given the projects under consideration. He added the recommended length of time for the tax to run is 20 years.

Mayor/President Elliott stated he wants to see a new Community Center. He asked if there has been a study on the distribution of impact on folks of varying incomes.

Mr. Aarsvold stated the best data they can get on that is the study he cited earlier. The State of Minnesota does a study to determine the impact of annual sales tax based on income levels. He noted the table depicting these numbers has a line highlighted to include Brooklyn Center's median income. A 0.25% annual sales tax would add $23 to their annual amount paid for sales tax. The 0.5% annual sales tax would add $46, and the 1.00% sales tax would add $93 per year.

Mayor/President Elliott stated his concern is on people of varying income levels. He stated there was a Bloomberg study done that local sales tax targets the poor and widens the income gap. He added out of the three main types of taxes, those being income, property, and sales tax, that sales tax hurt the poor the most. Mayor/President Elliott explained that sales tax is highly regressive and takes bigger chunks out of those with smaller portions of money. Considering that Brooklyn Center is already lower in the median income range in comparison to other cities, Mayor/President Elliott stated he is concerned about implementing a sales tax in the community. Mayor/President Elliott stated that he does not currently support a sales tax, but he is interested in pursuing other options to fund a Community Center renovation.

Ms. Beekman stated she is familiar with that study, and noted the study was focused on national sales taxes. Ms. Beekman stated local sales tax does have that effect nationally because there are basic things that people purchase regardless of their income level which means that a high proportion of their income is paid to sales tax rather than other types of tax. She explained the repressive sales taxes are largely mitigated in Minnesota because the State does not tax necessities such as clothing, food, shoes, and things of that sort. This allows the sales tax proportion to level

out because it does not require people to pay taxes on basic items. Ms. Beekman stated the Bloomberg study did not take that into account.

Ms. Beekman explained to pay for the Community Center, the City would need to use property tax dollars, sales tax dollars which spreads the expense to people outside of the community, or apply for bonding to use state money which spreads the expenses to people throughout the State; there is also a potential to use a combination of those funding options. She noted the sales tax would be a lower impact on Brooklyn Center residents than property taxes because it spreads out the taxes to people outside of the community.

Councilmember/Commissioner Ryan asked if they wanted to go to the State for bonding, the State would impose a match onto the City. Mr. Aarsvold confirmed Councilmember/Commissioner Ryan was correct. Councilmember/Commissioner Ryan stated they could be looking at tens of millions of dollars with that. He stated for the City to get the gross dollars in an amount similar to what Dr. Edwards pitched to the State for bonding, they would have to impose a sales tax of around 0.75%. He noted this would result in an 8.275% sales tax in Brooklyn Center which would be high. Councilmember/Commissioner Ryan stated for the City to qualify for state bonding is for the project at hand to have regional significance and, therefore, the City would have to present a larger project. He asked if they have been able to assess the potential financial risks to the City and the level of debt.

Councilmember/Commissioner Ryan noted he has more questions, but he will forego them in the interest of time. He stated he understands the community's desire to have improved facilities, but he is concerned with the potential financial burdens there would be subject to. He ultimately wants to find a plan that is in line with the City's equity goals, and he is hesitant to move forward with an increase in the annual sales tax at this time.

Stacie Kvilvang, Ehlers Senior Municipal Advisor, stated the thing for the Council/EDA to remember is they have a request for state bonding. If they are fortunate enough to receive dollars through that process, they need to show they have a project they can finance. She noted the state bonding money is extremely competitive, and if they receive those funds, the City should have a financing plan in place. Ms. Kvilvang stated, if they receive the bonding, the City has to have a plan to finance the rest of the project within one year of receiving those funds. She recommends spreading out the financing for the project beyond the City and its residents, especially considering that the facilities would hold regional significance. If they don't have a plan in place, Brooklyn Center could be at risk of losing bonding dollars due to the amount of time it takes to pass a sales tax or other funding strategies.

Councilmember/Commissioner Graves stated she feels apprehensive, but they have already started the process in a few ways. She noted they don't get a chance to vote on the measure until they hear from the community. She added the staff have been taking this seriously and have been trying to provide funds for the projects in the best way possible. Councilmember/Commissioner Graves stated they should give it a shot to hear from the community though it does seem a bit high in the sky.

Councilmember/Commissioner Butler stated she agrees with Councilmember/Commissioner Graves because they are just getting the process starting at this point. She noted that it is ultimately in the hands of residents to vote on. Councilmember/Commissioner Butler added the community deserves the amenities that other cities get funding for, so she believes they should take a shot at it.

Councilmember/Commissioner Ryan stated he would be willing to go onto the next step after hearing further remarks.

Councilmember/Commissioner Lawrence-Anderson stated she concurs on moving forward. She noted they should proceed and see what the legislature does.

The majority consensus of the City Council/EDA was for staff to move forward with the next steps regarding the sales tax levy.

ADJOURNMENT

Councilmember/Commissioner Lawrence-Anderson moved and Councilmember/Commissioner Butler seconded adjournment of the City Council/Economic Development Authority Work Session at 10:37 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. That attached hereto is a full, true, and complete transcript of the minutes of a Work Session of the City Council of the City of Brooklyn Center held on October 25, 2021.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its November 8, 2021, Regular Session.

_____ _____

City Clerk Mayor

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

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

Gasoline Service Station

Casey's General Stores dba Casey's General Store #3823	2101 Freeway Blvd Brooklyn Center MN 55430
Kabalan Co dba Pump N Munch	1505 69th Ave N Brooklyn Center MN 55430
YD Holdings LLC dba Holiday #3808	5710 Xerxes Ave N Brooklyn Center MN 55430

Mechanical Licenses

Climate Tech LLC	14702 Excelsior Blvd Minneapolis MN 55407
Deschene Enterprises, Inc.	21725 Linden Way Rogers MN 55374
Friendly Home Services Inc.	11792 272nd Ave NW Zimmerman MN 55398
Total Home Solutions	1008 Prospect Pointe Rd Jordan MN 55352

Sign Hangers License

Electro Neon & Design Inc	1680 99th Lane NE Blaine MN 55449 6451 McKinley St. NW, Suite P.

JDI Signs & Graphics, LLC	Ramsey MN 55303

Tobacco Related Products

Burr St Market dba Quick Shop	5808 Xerxes Ave N Brooklyn Center MN 55429
Casey's General Stores dba Casey's General Store #3823	2101 Freeway Blvd Brooklyn Center MN 55430
Kabalan Co dba Pump N Munch	1505 69th Ave N Brooklyn Center MN 55430
Leng Ku dba Sun Foods	6350 Brooklyn Blvd Brooklyn Center MN 55429

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
Rentals 11-8-2021	11/4/2021	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval on November 08, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
5924 Dupont Ave N	Single	Initial	Jonathan Miller	I	II	N/A	II	
5144 Ewing Ave N	Single	Initial	Kofi Yeboah / Gracelands LLC	7	III	N/A	III	
5524 Humboldt Ave N	Single	Initial	Devon Youngblood/Larkin Street Homes LLC	2	II	N/A	II	
6924 Scott Ave N	Single	Initial	Joseph Florczak/HPA US1 LLC	3	II	N/A	II	
6931 Toledo Ave N	Single	Initial	Joseph Florczak/HPA US1 LLC	3	II	N/A	II	
6218 Unity Ave N	Single	Initial	Ishmael Komara	2	II	N/A	II	
5338-40 Queen Ave N	2 Family 2 Unit	Renewal	Thanh Kim Oan	12	IV	0	IV	I
1600 71st Ave N	Single	Renewal	FYR SFR Borrow LLC	6	III	0	III	I
1113 73rd Ave N	Single	Renewal	Mary Ellen Carroll	0	I	0	I	II
6107 Bryant Ave N	Single	Renewal	Daniel Yesnes	6	III	0	III	I
7001 Emerson Ave N	Single	Renewal	Mara Jensen / Moses Gibson	18	IV	0	IV	IV
6424 Girard Ave N	Single	Renewal	Olufemi Sowemimo / Livewell Home Care LLC - missing CFH cert & CPTED	2	I	0	IV	IV
5351 Irving Ave N	Single	Renewal	Douglas Wahl/Cel Monton LLC - missing CFH cert & CPTED	5	II	0	II	I
5636 Irving Ave N	Single	Renewal	Bruce Goldberg	3	II	0	II	II
5739 James Ave N	Single	Renewal	Douglas Wahl/Rifive Investments LLC	13	IV	0	IV	II
4007 Joyce La	Single	Renewal	John Jorgenson	5	II	0	II	I
5310 Knox Ave N	Single	Renewal	Douglas Wahl/Cel Monton LLC	7	III	0	III	I
5642 Logan Ave N	Single	Renewal	MNSFII W1 LLC	9	III	0	III	II
5325 Newton Ave N	Single	Renewal	EE & J Investment Inc	2	I	0	I	II
4734 Twin Lake Ave N	Single	Renewal	Elizabeth Becht	1	I	0	I	I
7156 Unity Ave N	Single	Renewal	Michelle Shaffer - met requirements	17	IV	0	IV	III

* 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

*** Initial licenses will not sho Type 1 = 3 Year Type II = 2 Year Type III = 1 Year

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Establishing 2022 Street and Storm Drainage Special Assessment Rates

Requested Council Action:

Motion to approve a resolution establishing the 2022 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 2021 of 4.6 percent (see Table 1).

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

Year	2014	2015	2016	2017	2018	2019	2020	2021
12-mo avg. annual % change	6.3	3.0	1.4	3.5	5.3	0.9	1.0	4.6

Source: ENR website, October 11, 2021, edition
Note: * 12 month average November 2020 - October 2021

Based on the 2021 information above, staff recommends adjusting the special assessment rates by an increase of 4.6 percent for 2022, which will be an increase of $282 from the 2021 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 2021 special assessment rates for 2022 would result in an assessment amount of $4,924 for

street improvements and $1,477 for storm drainage improvements. The total assessment amount would be $6,401 per R1 single-family residential lots in 2022 compared to $6,119 in 2021. The assessment amount for street improvements on partial street reconstruction projects (full pavement replacement) will be $3,692 per R1 single-family residential lots in 2022. The assessment amount for street improvements on pavement rehabilitation projects (mill and overlay) will be $1,628 per R1 single-family residential lots in 2022. The attached resolution provides the corresponding adjustments for R2 and R3 zoned properties based on the proposed unit assessment rates.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/2/2021	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ESTABLISHING 2022 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 2022 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, 2022, shall be as follows:

Land Use	2022 Assessment Rates
R1 zoned, used as one-family site that cannot be subdivided	$4,924.00 per lot (street) $1,477.00 per lot (storm drainage)
R2 zoned, or used as a two-family site that cannot be subdivided	$65.6533 per front foot with a $4,924.00 per lot minimum (street) $19.6933 per front foot with a $1,477.00 per lot minimum (storm drainage)

Land Use	2022 Assessment Rates
R3 zoned (per unit)	Assessable frontage x $65.6533 (street) Number of residential units Assessable frontage x $19.6933 (storm) Number of residential units

3. The residential assessment rates for partial street reconstruction effective January 1, 2022, shall be as follows:

Land Use	2022 Assessment Rates
R1 zoned, used as one-family site that cannot be subdivided	$3,692.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	$49.2267 per front foot with a $3,692.00 per lot minimum (street)
R3 zoned (per unit)	Assessable frontage x $49.2267 (street) Number of residential units

4. The residential assessment rates for pavement rehabilitation effective January 1, 2022, shall be as follows:

Land Use	2022 Assessment Rates
R1 zoned, used as one-family site that cannot be subdivided	$1,628.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	$21.7067 per front foot with a $1,628.00 per lot minimum (street)
R3 zoned (per unit)	Assessable frontage x $21.7067 (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 8, 2021 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Establishing Interest Rate for 2022 Special Assessments

Requested Council Action:

Motion to approve a resolution establishing interest rate for 2022 special assessments.

Background:

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

City Council policy has been to establish the special assessment interest rate by calculating the sum of the interest rate for the most recent general obligation bond, adding two percent to cover the overhead costs described above and rounding to the nearest one-half percent in accordance with the policy. The most recent improvement bond sale by the City of Brooklyn Center was 2021 General Obligation Improvement Bonds at 1.08 percent which results in a special assessment interest rate of 3.5 percent for 2022. This interest rate is 0.5 percent higher than the 2021 rate.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type

Resolution 11/2/2021 Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ESTABLISHING INTEREST RATE FOR 2022 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 1.08 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 2022 is hereby established at 3.5 percent.

November 8, 2021
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements

Requested Council Action:

- Motion to approve a resolution declaring costs to be assessed and calling for a public hearing on proposed special assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements.

Background:

This project was established by the City Council on July 12, 2021, by Resolution 2021-85, for the area commonly referred to as the Woodbine Area Improvements. This action was taken in accordance with the Capital Improvement Program (CIP), which identifies Woodbine Area for improvements during the 2022 construction season. The feasibility report for this project was accepted on September 27, 2021 and an improvement public hearing was conducted on October 25, 2021.

The attached resolution declares certain project costs to be assessed for the Woodbine Area Street and Storm Drainage Improvements and calls for a public hearing on the proposed special assessments on December 13, 2021.

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

Budget Issues:

The total project cost for the Woodbine Area Street, and Utility Improvements is estimated to be $7,000,000. The total special assessments for this project are estimated to be $937,768 for street improvements.

Funding sources for the project are budgeted from sources as described in the project feasibility report previously accepted by the City Council on September 27, 2021. The special assessment rates were adopted by the City Council on November 8, 2021, and funding source amounts that are included in the feasibility report are amended as follows as a result of minor special assessment revisions:

Feasibility Report (9/27/21) Amended (11/1/21)

Special Assessments	$959,358.00	$937,768.00
Sanitary Sewer Utility Fund	$990,000.00	$990,000.00
Water Utility Fund	$1,700,000.00	$1,700,000.00
Storm Drainage Utility Fund	$850,000.00	$850,000.00
Street Light Utility Fund	$20,000.00	$20,000.00
Street Reconstruction Fund	$2,280,642.00	$2,302,232.00
Municipal State Aid Fund	$200,000.00	$200,000.00
Total	$7,000,000.00	$7,000,000.00

Inclusive Community Engagement:

A questionnaire and letter were distributed to residents and property owners located within the project area as part of the project evaluation process. All public comments have been provided to the City Council in the Feasibility Report (Appendix A). Staff conducted a public informational meeting with residents and property owners on September 16, 2021. An Improvement Public Hearing was held on October 25, 2021 to receive public comments pertaining to the proposed improvements.

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/2/2021	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION DECLARING COSTS TO BE ASSESSED AND CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NO. 2022-01, WOODBINE AREA STREET IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council has accepted the Engineer's Feasibility Report for Improvement Project No. 2022-01, Woodbine Area Street Improvements; and

WHEREAS, the total cost of the street improvement portion of said project is estimated to be $3,410,000; and

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

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

1. That portion of the cost to be assessed against benefited property owners for street improvements included in City Improvement Project No. 2022-01 is declared to be $937,768.

2. Notice is hereby given that an on-line assessment public hearing will be held on the 13th day of December, 2021, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said assessment and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said assessment. The electronic meeting can be accessed by _____ or by dialing _____ Code: _____

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

4. The City Clerk shall cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

RESOLUTION NO. _____

November 8, 2021 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Amending Special Assessment Levy Roll Nos. 21001 and 21002 to Provide for the Deferral of Special Assessments

Requested Council Action:

- Motion to approve the resolution amending Special Assessment Levy Roll Nos. 21001 and 21002 to provide for the deferral of special assessments.

Background:

On December 14, 2020, the City Council by Resolution 2020-127, approved Special Assessment Levy Roll Nos. 21001 and 21002 for the Grandview South Area Street and Storm Drainage Improvements, Project Nos. 2021-01 and 02. The attached resolution amends the respective levy rolls to provide for the deferral of special assessments on a property where the qualifying person is eligible because they are at least 65 years of age or older, or permanently disabled and whose household meets certain financial limitations.

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

The City received an application for deferral of special assessments that met the required standards to qualify under the attached Special Assessment Policy standards. This property is:

5812 Humboldt Avenue N

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

Budget Issues:

The proposed special assessment deferral for said property totals $4,434.75 ($3,411.47 for street and $1,023.28 for storm drainage). The amount to be certified for said property totals $1,684.25 ($1,295.53 for street and $388.72 for storm). The total amount of special assessments previously levied was $1,550,162.69. The net reduction in short-term project revenue of less than one percent due to the proposed deferment does not create a substantial funding concern based on an analysis of the project costs to date.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/2/2021	Cover Memo
Special Assessment Policies	11/2/2021	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

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

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed Special Assessment Levy Roll Nos. 21001 and 21001 for the Grandview South Area Street and Strom Drainage Improvements, Project Nos. 2021-01 and 02;

WHEREAS, Special Assessment Levy Roll Nos. 21001 and 21002 were approved by the City Council on December 14, 2020; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that the following property is eligible to defer a portion of their special assessment for Improvement Project Nos. 2021-01 and 02, therefore amending Special Assessment Levy Roll Nos. 21001 and 21002 as noted below.

Special Assessment Levy Roll No. 21001 is hereby amended to reduce the previous amount of $4,707 from the following assessments to the new amount as noted:

Pid No.	Levy Amount	DeferredAmount	Interest Rate (%)
01-118-21-23-0057	$1,295.53	$3,411.47	3.0

Special Assessment Levy Roll No. 21002 is hereby amended to reduce the previous amount of $1,412 from the following assessments to the new amount as noted:

PID No.	Levy Amount	DeferredAmount	Interest Rate (%)
01-118-21-23-0057	$388.72	$1,023.28	3.0

November 8, 2021 _____
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.

SPECIAL ASSESSMENT POLICIES

2.10 Special Assessment Policy

1. General Policies

A. Initiation of Public Improvement Projects

Public improvement projects may be initiated by petition of affected property owners. Public improvements may also be initiated by the City Council when, in its judgment, such action is required.

The Capital Improvement Program shall detail a program of street improvements based on Pavement Management Program data, street and utility maintenance records, Municipal State Aid Standards, and the Local Storm Water Management Plan.

B. History

In 1964, the Village Council approved a Special Assessment Policy which detailed matters regarding the financing of public improvements as the community developed. This Policy has been periodically amended, and related policies approved by separate resolution. In 1985, a substantial change in policy was approved by resolution, when the City abandoned residential assessments based on frontage to adopt a policy based on residence unit. This policy is intended to incorporate all policies related to improvement project financing. It is understood that this policy cannot anticipate every situation, and that certain circumstances may justify deviations from this policy.

C. Financing and Assessment Policies Applicable to all Types of Improvements

When an improvement is constructed which is of special benefit to properties within a definable area, it is the intent of the City Council that special assessments be levied against the benefited properties within that area to the extent that the costs of such project can be deemed to benefit the properties. The following general principles shall be used as a basis of the City's assessment policy:

1. The "project cost" of an improvement shall be deemed to include the costs of all necessary construction work required to accomplish the improvement, plus engineering, legal, administrative, financing, and other contingent costs.

2. The "assessable cost" of an improvement shall be defined as being those costs, which, in the opinion of the City Council, are attributable to the

need for service in the area served by the improvement. Said "assessable cost" shall be equal to the "project cost" of the current project, minus any credit attributed to remaining useful life expectancy or to that part of the improvement deemed to benefit the community as a whole.

3. Terms of special assessments shall be as follows:

a. Street improvements - 10 years
b. Bituminous alley improvements - 10 years
Concrete alley improvements - 20 years
c. Water and sanitary sewer hookups and improvements - 10 years
d. Storm sewer improvements - 10 years

Interest is charged at a rate established by the City Council at the time of certification of the levy.

2. Surface Improvements

Surface improvements shall include grading and base construction, sidewalks, curb and gutter, surfacing, resurfacing, undergrounding overhead utilities, landscaping, beautification, and street lighting.

A. Standards for Surface Improvements

1. Arterial streets shall be of adequate width to accommodate projected traffic volumes. Sidewalks shall be provided on both sides of all arterial streets unless specifically omitted by the City Council, and shall be of the width approved by the City Council.

2. Collector streets (including commercial and industrial access streets) shall be designed based on anticipated usage, and shall normally be constructed in accordance with state aid standards. Sidewalks may be provided on one or both sides of all collector streets in accordance with the comprehensive plan and shall be at least 5 feet in width, unless otherwise approved by the Council. Wherever feasible, a boulevard at least 7 feet in width shall be provided, measured from the street face of curb to the street face of the sidewalk.

3. Residential streets shall be 30 to 36 feet in width, measured between faces of curbs or edge of street, unless otherwise approved by the Council. The Council may order the construction of sidewalks when such construction is warranted.

4. Alleys, in residential areas, shall be of bituminous construction unless drainage or other conditions require concrete.

5. Street lighting, when installed, shall be installed in accordance with the Council's policy on street lighting. Mid-block lights may be installed when the length of one block from the centerline of one intersecting street to the next intersecting street exceeds 700 feet, or when it is determined that a special public safety benefit would accrue.

B. Assessment Formula for Surface Improvements

The assessments to be levied against properties within the benefited areas shall be distributed to those properties on the basis of the following provisions:

1. Residential Streets

a. For residential properties zoned R1, the assessment to be applied against each non-subdividable property shall be a unit amount established annually by the City Council. Said assessment is intended to represent a specific proportion of the average cost of making a typical improvement, such as the average cost of reconstructing a typical block of residential street. For properties which may be legally subdividable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit assessment. The assessment shall be calculated as follows:

1. For reconstruction or resurfacing of a residential street, the average cost of a typical similar project shall be multiplied by the Council's designated proportion to be assessed. The total assessed shall be divided by the average number of lots to be assessed to determine the unit assessment.

2. Absent any other policy changes, such as an increase in the proportion of cost to be assessed, the unit assessment shall be adjusted annually to reflect cost of living increases as measured by the Construction Index.

b. For residential properties zoned R2, the assessment shall be applied on a front foot basis, said unit being calculated as follows: The R1 unit assessment shall be divided by 75 feet, to determine the front foot rate. The minimum assessment for an R2 property shall be the R1 unit assessment.

c. For residential properties zoned R3, the assessment shall be applied per unit on the following basis. The R2 front foot rate

shall be multiplied by the total feet of frontage to determine the total benefit. The total benefit shall be divided by the total number of units in the development to determine the unit rate.

d. For R4 to R7 properties, commercial, industrial, institutional, or special use properties, the benefits and resulting assessments shall be determined on an individual project basis.

e. For those properties zoned R1 or R2 having frontage on two or more streets, special assessments shall be levied for improvements on only one of those frontages, at the owner's choice. For example, a property on the corner of A street and B Avenue may choose to be assessed when A street is improved, or B Avenue, but not both.

2. Municipal State Aid Streets

a. For properties that are not commercial or industrial in project areas which are primarily residential in character:

1. Benefiting properties abutting a state aid designated street shall be assessed in the same manner as those abutting other residential streets.

2. In those cases where a municipal state aid street improvement project totally removes parking from a residential street where parking was previously allowed, no special assessments shall be levied. Where parking arrangements have been made, special assessments shall be levied.

b. For properties which are commercial or industrial in project areas which are primarily residential in character, and for those properties in commercial areas:

1. Commercial and industrial properties shall be assessed based on an area (acreage) basis. An "A" zone of benefit shall be determined on a project basis, but would typically include that area of all properties abutting the street to be improved, extending to a depth of 200 feet or the property depth, whichever is less. A "B" zone of lesser benefit may be established to identify those properties or portions of properties which do not abut the improved roadway, but which accrue benefit.

2. Unless otherwise approved by the City Council, benefiting properties within this category will be assessed for 70 percent of the total project cost deemed to benefit the properties in accordance with Section 1.C.

3. If there is a combination of commercial, industrial and residential properties, the commercial-industrial rate will be determined by calculating an equivalent footage rate based on assessing 70 percent of the total project cost deemed to benefit the properties in accordance with Section 1.C., while the residential properties will be assessed in accordance with Section 1.C.

3. Other Streets

a. Commercial and industrial properties abutting streets which are not designated as Municipal State Aid routes shall be assessed in the same manner as properties abutting State Aid routes.

b. For owner-occupied residential properties located in a commercially zoned area, where such property is not susceptible to subdivision into more than 2 residential uses with direct street access, the assessment shall be equal to the assessment amount established for residential properties zoned R-1 times the number of lots into which the property is susceptible to subdivision.

4. Alleys

a. The cost of installation, resurfacing, or reconstruction shall be assessed on a unit basis. Forty percent of the cost to be assessed shall be assessed equally to all owners of lots abutting the alley. The remaining 60 percent shall be assessed equally to all owners of lots currently having access to the alley.

b. The cost to be assessed shall include all project costs. For properties where a non-hard surfaced driveway exists, the cost of constructing an asphalt driveway between the paved portion of the alley and property line, minus the cost of sod restoration for an equivalent area, shall be individually computed and added to the uniform assessment for the specific property involved.

3. Subsurface Improvements

Subsurface improvements shall include water distribution lines, sanitary sewer lines and storm sewer lines, ponds, or other drainage improvements.

A. Standards

Subsurface improvements shall be made to serve current and projected land use. All installations shall conform to the minimum standards therefore as established by those state, local, or federal agencies having jurisdiction over the proposed installations. All installations shall also comply, to the maximum extent feasible, to such quasi-official, nationally recognized standards as those of the American Insurance Association (formerly National Board of Fire Underwriters).

Service lines to the property line of each known or assumed building location shall be installed in conjunction with the construction of the mains.

B. Water Mains

All properties shall be assessed their share of the cost of installing water main to serve the property and the cost of installing the water service line between the water main and the property line. In addition, all properties shall be assessed their share of citywide or area improvements such as distribution mains, wells, above ground storage, and elevated storage tanks.

1. For those improvement projects where existing main or appurtenances are repaired or replaced, including service replacement to the property line, no special assessments shall be charged. The full cost of said improvements shall be financed by the Water Utility Fund.

2. For those improvement projects where main or appurtenances are installed to provide new service to previously unserved properties, the full cost of said improvement shall be assessed, with the basis being the Engineer's determination of benefit to each newly served property.

3. All properties connecting to the water system shall be charged a connection charge as per the most current utility rate structure. Properties without services shall be responsible for the full cost of installing service from the main to the building.

C. Sanitary Sewer

All properties shall be assessed their share of the cost of installing sanitary sewer laterals to serve the property and the cost of installing the sanitary sewer service line between the street and the property line. In addition, all properties shall be assessed their share of citywide or area improvements such as interceptors and pumping stations.

1. For those improvement projects where existing lateral or appurtenances are repaired or replaced, including service replacement to the property line, no special assessments shall be charged. The full cost of said improvements shall be financed by the Sanitary Sewer Utility Fund.

2. For those improvement projects where lateral or appurtenances are installed to provide new service to previously unserved properties, the full cost of said improvement shall be assessed, with the basis being the Engineer's determination of benefit to each newly served property.

3. All properties connecting to the sanitary sewer system shall be charged a connection charge as per the most current utility rate structure. Properties without services shall be responsible for the full cost of installing a service from the main to the building.

D. Storm Drainage

All properties shall be assessed their share of the cost of installing storm drainage facilities to serve the property. In addition, all properties shall be assessed their share of city-wide or area improvements such as interceptors and detention ponds.

1. For a project which includes construction of a storm sewer interceptor, detention pond, or other regional facility, an engineering study shall establish the distribution of benefit and determine the assessable portion of the project cost.

   The assessable cost of a storm sewer interceptor or detention pond shall be assessed equally per unit of area (square foot, acre, etc.) over the entire district served by the interceptor or detention pond.

   The assessment is generally levied in the current year of construction of the interceptor storm sewer or detention pond, and it is entirely likely that a large number of properties will be assessed which do not receive immediate and total drainage relief. It is, however, considered that such properties do accrue benefit from the interceptor storm sewer since the interceptor is available to receive lateral storm sewer connections, or the detention pond or other regional facility may provide relief from storm events of greater magnitude than a 5 year storm.

2. For those improvement projects where existing lateral or appurtenances are repaired or replaced, or slightly upgraded, no special assessment shall be charged. The full cost of said improvements shall be financed by the Storm Drainage Utility Fund.

3. For those improvement projects where laterals or appurtenances are installed to provide new service to previously unserved properties, or where service is substantially upgraded, a portion of the cost of said improvement shall be assessed. Said portion shall be the same as the assessable portion of residential street improvement costs.

4. Assessment Deferral Program

There shall exist a program to defer a portion of the special assessments of qualifying persons under the provisions of Minnesota Statutes 435.193 through 435.195. Said program shall defer the payment of a portion of certified special assessments by property owners who are at least 65 years of age or older or who are retired due to permanent and total disability whose households meet certain financial characteristics.

A. Eligibility

1. The property upon which the assessment is deferred must be homesteaded;

2. The property is owned by a person at least 65 years of age on January 1st of the year in which payment of the first installment of the subject assessment levy is due; or is owned by a person who is retired due to permanent and total disability.

3. The applicant must have a "financial hardship" defined as:

a. An annual income for the applicant's household size which is at or below the "Very Low Income" limit established annually by HUD for the Minneapolis and St. Paul Metropolitan Area; and

b. The aggregate total of special assessment installments from previously existing special assessment levies plus the first year of the current levy will exceed 1 1/2 percent of the applicant's annual income.

4. Special assessment deferral applications are typically processed at the time of the actual special assessment being levied. However, an applicant may apply for a special assessment deferral at any time during the term of the special assessment. Additionally, past non-eligible applicants may reapply for reconsideration should qualifying eligibility conditions change in the future.

B. Calculation

1. The portion of the current levy which will be deferred will be that portion of the levy against the applicant's property which requires a first year installment payment which, when added to the applicant's annual payments from previously existing special assessment levies, would result in an aggregate total of special assessment installments totaling more than 1 1/2 percent of the applicant's annual income. The portion of the current levy which can be paid without aggregating total installments above 1 1/2 percent of the applicant's annual income shall not be deferred.

2. Special assessments levied due to the applicant's failure-to-pay charges for City services or failure to comply to City codes (i.e. delinquent utility assessments, assessments for weed removals, assessments for nuisance abatement, etc.) shall not be deferred, and installment payments for existing levies for such services shall not be included in calculating the maximum 1 1/2 percent aggregate payment.

C. Interest

Simple interest at the rate of that particular assessment levy shall be added to the deferred assessment, calculated from the date interest started to accrue on the original levy (usually the October 1 immediately following the certification date) to the date of payment of the deferred portion of the assessment.

D. Termination

The option to defer the payment of special assessments shall terminate and all amount accumulated plus applicable interest, shall become due upon the occurrence of one of the following events:

1. The death of the owner, provided that the spouse is otherwise not eligible for the benefits.

2. The sale, transfer, or subdivision of the property or any part thereof.

3. If the property should for any reason lose its homestead status.

4. The City Council determines that a hardship no longer exists.

Reference: City Council Resolution Nos. 2016-189; 2005-17; 2001-122; 2000-195; 97-214; 97-118; 94-274; 93-49; 90-138; 90-137; 85-34; 84-175; 83-190; 82-226; 81-244; 80-292

2.11 Special Assessment and Internal Loan Interest Rate Policy

1. Policy Objective

The objective of this policy is to establish equitable interest rate charges for special assessments levied against private property and for internal loans between funds. In the case of special assessments, the goal is to not unfairly burden the property owner, but yet recover the cost of borrowing from outside sources, recover the cost of administering the special assessment, and protect the City from the possibility that special assessment prepayments might impair the City's ability to service the bonds. In the case of internal loans, the goal is to prevent the loss of interest income to City funds which would otherwise invest their money.

2. Procedure

A. In January of each year, the staff shall review the previous year's interest rate against the current market and recommend to the City Council an interest rate to be adopted and used for all special assessments levied and all internal loans outstanding for that year.

B. 1. The interest rate that will be used as a standard for setting the special assessment and internal loan interest rates shall be the interest rate from the City's most recent sale of improvement bonds with a ten year final maturity.

2. If interest rates have changed substantially since that last bond sale, a comparable City's bond sale will be used from the listing in the League of Minnesota Cities magazine. Factors in determining comparability shall include: final maturity of the bonds, that they were issued by a City, that they were G.O. improvement bonds, and the City's bond rating.

C. To the interest rate from the most recent bond sale, 2% shall be added to cover the City's cost of administration and protect the City from changes in market interest rates. The resulting interest rate shall be rounded to the nearest half percent.

Reference: City Council Minutes 5/13/96

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Andy Splinter, Interim Finance Director

SUBJECT: Resolution Authorizing the City Manager to Write-off Uncollectible Accounts Receivable and Returned Checks

Requested Council Action:

- *Motion to approve a resolution authorizing write-off of uncollectible accounts and returned checks.*

Background:

This action was last taken at the regular City Council meeting on February 12, 2018. The Council approved write off of 2 uncollectible accounts and returned checks totaling $4,788.12

The following accounts are requested to be deemed uncollectible and written off:

1. A returned check from Kernfield in the amount of $10 from October 2015.

2. A returned check from Dolo in the amount of $10 from October 2016.

3. A returned check from Myers in the amount of $250 from September 2016.

4. An un-assessable mowing charge from Moua in the amount of $25 from October 2020.

5. An un-assessable False Alarm fee from Zenworld Computers in the amount of $250 from May 2017.

The total amount for these uncollectible accounts is $545.00.

Budget Issues:

All items will be removed from receivables in the general ledger in 2021. Total account write-off (loss) is $545.00.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/2/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO WRITE OFF UNCOLLECTIBLE ACCOUNTS RECEIVABLE AND RETURNED CHECKS

WHEREAS, the City Manager has identified the following accounts receivable as unlikely to be collected ; and

WHEREAS, the following accounts have been placed for collection without success and have surpassed the time limits for valid collection; and

WHEREAS, all reasonable efforts have been made to collect on these receivables and returned checks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the City Manager is hereby authorized to write off the following accounts receivable and returned checks from the City of Brooklyn Center's accounts:

Name	**Amount**	**Original Date**	**Department**
Kernfield NSF	10.00	October 2015	Police
Dolo NSF	10.00	October 2016	Police
Myers NSF	250.00	September 2016	Clerk
Moua unassessable mowing charge	25.00	October 2020	BCS
Zenworld Computers False Alarms	250.00	May 2017	Police
TOTAL	**$ 545.00**		

November 8, 2021
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Meg Beekman, Community Development Director

SUBJECT: An Ordinance Amending Chapter 23 to Allow and Regulate Special Events and Resolution Acknowledging the First Reading of the Ordinance

Requested Council Action:

- Motion to approve a first reading of a Special Event Ordinance and authorizing a public hearing and second reading for December 13.

Background:

At present, there is no single process for individuals to inform the City of events that are occurring, whether on public or private property. Depending on the location of an event, and the types of activities occurring at it (food trucks, liquor sales, road closures, etc.), there may be several permits and department reviews that an individual event organizer has to get in order to get approval to hold an event or large gathering. The City receives requests for special events on private as well as public property throughout the year and these requests come to the city through all different departments. This makes the process confusing both for staff, as well as for individuals trying to plan events. Staff has determined that there is not currently an effective process to ensure that all affected departments are aware of events occurring in the city, as well as allowing for a streamlined review and approval for the event holder.

At the October 11 work session, City Council reviewed a draft ordinance for a special event process and directed staff to move forward with a first reading.

After reaching out to organizations in the community that regularly hold special events about the ordinance, staff has included a clarifying provision which allows regular and ongoing events to obtain a single special event permit, which would remain in standing for any future occurrences of the same event.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	11/3/2021	Ordinance
Resolution	11/3/2021	Resolution Letter

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard to consider an ordinance related to tenant protections. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 23 TO ALLOW AND REGULATE SPECIAL EVENTS

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

ARTICLE I. Brooklyn Center City Code Chapter 23 is hereby amended by adding Sections 23-2600 through Section 23-2616 as follows:

SPECIAL EVENTS

Section 23-2600. PURPOSE. The purpose of these Sections 23-2600 through 23-2616 (collectively, these "Sections") is to set forth procedures required to be followed by organizers of special events within the City. Special events can be disruptive to neighboring properties and place a strain on City resources, particularly if they are conducted on City parks or streets. These Sections impose reasonable regulations on special events to address the impacts such events can have on the City and its residents. Persons wishing to sponsor or hold a special event in the City are required to obtain a special event permit from the City and to comply with the requirements of these Sections and the City Code generally.

Section 23-2601. DEFINITIONS. For the purposes of these Sections, the following terms shall have the meaning given them in this section.

A. "Activity" means a parade, event, procession, carnival, community picnic, celebration, dance, promotional or fundraiser event, performance, entertainment or amusement event, party, dance, market, concert, large assembly, or other similar event.

B. "Ancillary activities" means the use or presence of any of the following at a special event: mobile food unit; commercial tent or stand; inflatable device; search or spot light; live music or a band; or sales of food, beverages, or merchandise.

C. "City" means the City of Brooklyn Center, Minnesota.

D. "City property" means any property owned or controlled by the City including, but not limited to, City parks, City rights-of-way, or other real property in which the City has a property interest.

E. "Inflatable device" means an amusement device that employs a high strength fabric or other material that achieves its strength, shape, and stability by tensioning from internal air pressure. The term includes, but is not limited to, bounce houses, slides, obstacle courses, movie screens, pools, and other devices that need to be inflated for proper use.

F. "Event organizer" means any person or entity who conducts, manages, promotes, presents, sponsors, organizes, aids, or solicits attendance at a special event.

G. "Preapproved event" means a special event the City has agreed to provide some support services to without a charge. The preapproved events currently include the following, but the City Council may designate others by resolution:

1. Dudley Softball Tournament;

2. Brooklyn Center Community Celebration;

3. Music in the Park;

4. Movies in the Park; and

5. National Night Out.

H. "Right-of-way" means all portions of a city street, including the traveled surface, parking areas, sidewalks, ditches, and all other portions in which the City has an interest.

I. "Special event" or "event" means a temporary, organized activity sponsored by an event organizer involving the gathering of people to attend, participate in, or observe an activity occurring entirely or partly outside on City property or private property, and which is reasonably anticipated to involve one or more of the following:

1. Support services from the City;

2. Obstruct, delay, or interfere with the free and normal use of a right-of-way;

3. Attendance of 50 or more people;

4. Ancillary activities; or

5. Sound amplification, public address system, loud speaker, or other audio devices likely to result in noise levels that will unreasonably disturb others in the immediate area or that constitutes a nuisance in violation of Chapter 19.

This term does not include activities occurring entirely within an enclosed building.

J. "Special event permit" or "permit" means the permit that must be obtained from the City to conduct a special event in the City.

K. "Support services" means City services or equipment requested by the event organizer or that is otherwise reasonably needed to support the special event that exceeds the normal level of service provided by the City in conducting its regular service duties. Support services include, but are not limited to, additional services provided by the City police, fire, public works, or parks departments to perform activities such as closing streets, crowd control, security, or traffic control. Support services also includes City equipment used to support the event, such as barricades to close streets and related signage.

Section 23-2602. SPECIAL EVENT PERMIT REQUIRED.

A. An event organizer is required to obtain a special event permit from the City at least 45 days prior to holding a special event in the City.

B. If a special event requires more than one permit from the City, the City Manager, or designee, is authorized, but not required, to:

1. Waive the requirement to obtain a special event permit if the other required permit or permits are obtained. The City Manager, or designee, may add conditions to the permits issued for the event to address the purpose of the special event permit.

2. Waive the requirement to obtain one or more other permits if a special event permit is obtained. The City Manager, or designee, may add conditions to the special event permit as needed to address the purpose of the other permits.

The waiver of the requirement to obtain one or more permits is not valid unless the waiver is specifically noted in the permit issued for the event.

C. Special events occurring on the same property shall not extend for more than three consecutive days unless the City Manager, or designee, determines the event organizer has demonstrated as part of the application process that special circumstances exist to justify allowing an event to extend beyond three days. The special event permit must indicate the allowed period of the event. An event exceeding the specifically allowed period shall constitute a violation of the City Code.

D. Special events that are scheduled to occur on a regular basis, or continuously, throughout an entire season or other extended period of time may seek a single special event permit for the entire period, not exceeding 12 months. The event organizer must specifically identify the extended period being requested and the City Manager, or designee, shall determine the actual length of the special event permit. The City Manager is not obligated to grant a special event permit for the entire period requested by the event organizer. The special event permit must indicate the allowed period of the event. An event exceeding the specifically allowed period shall constitute a violation of the City Code.

Section 23-2603. EXCEPTIONS. A special events permit is not required for any of the following, but all such activities shall be conducted in accordance with the City Code and all applicable laws.

A. Expressive Activities. Rallies, marches, demonstrations and picketing which take place on public sidewalks, crossing streets only at pedestrian crosswalks in accordance with traffic regulations and laws applicable to use of public sidewalks.

B. Outdoor Demonstrations on Public Property. Demonstrations on publicly owned property (other than public rights-of-way), unless:

1. The activity is likely to obstruct, delay, or interfere with the free and normal use of such public property or the public rights-of-way; or

2. The activity is likely to result in the need for the City to provide support services in response to or arising out of the special event.

C. Block Parties. A block party occurring with a permit issued pursuant to Sections 25-901 through 25-908 and conducted in compliance with those sections.

D. City Activities. An event conducted by or at the request of the City. The City agreeing to cosponsor an event does not exempt the event from the requirements of these Sections.

E. Funeral Processions. Funeral processions by a licensed mortuary or funeral home.

F. Wedding Processions. Wedding processions conducted on public rights-of-way in compliance with applicable traffic regulations, laws, and controls.

G. Regularly Scheduled Athletic Events. Regularly scheduled outdoor athletic events conducted on property where such events are normally held.

H. Governmental Activities. Activities conducted by a governmental entity acting within the scope of its authority.

Section 23-2604. APPLICATION. An application for a special event permit is available from the City Clerk's office and, if approved, the application shall become a part of the permit. Incomplete applications will be returned without processing.

Section 23-2605. PERMIT FEE. The event organizer is required to pay the permit fee determined by the City to obtain a special event permit for the event. The permit fee includes the administrative costs, support services costs, and the other costs required to be prepaid by the event organizer under these Sections. The City Council shall establish all such rates and costs as part of the City's fee schedule. The City will determine the amount of the required permit fee within 10 business days of the submission of a complete application based on the information provided in the application. The City will provide the event organizer written notice of the permit fee amount, which shall be paid in full to the City within 10 days of the notice. Failure to timely submit the required permit fee shall be deemed an automatic denial of the requested special event permit. The City will provide the event organizer written notice of denial for failure to submit the required permit fee.

Section 23-2606. INSURANCE. Except for marches, demonstrations, and other events protected by the First and Fourteenth Amendments of the U.S. Constitution, the event organizer must secure and maintain in full force and effect throughout the duration of the event the types and amounts of insurance coverages required in this section.

A. Commercial General Liability Insurance. Commercial general liability insurance or equivalent special event coverage protecting it from claims for damages for bodily injury and property damage which may arise from or in connection with the event and the use of any City property. The policy shall be written on an occurrence basis and provide not less than $1,000,000 per occurrence, combined single limits, and $2,000,000 aggregate, unless waived by the City. The insurance policy shall be written on an occurrence basis and shall be written for a period not less than 24 hours prior to the event and extending for a period not less than 24 hours following the completion of the event. The City shall be named as an

additional insured on the policy if any portion of the event is conducted on City property.

B. Automobile Insurance. If automobiles will be used during the event, automobile liability insurance with a minimum combined single limit of $1,000,000 per occurrence. Coverage shall include liability for owned, non-owned, and hired automobiles.

C. Alcohol Liability. If alcohol will be sold or served as part of the event, liquor liability (dram shop) insurance in the minimum amount of $1,000,000 per occurrence.

D. Certificate of Insurance. The event organizer must submit to the City a certificate of insurance showing the required coverages and the additional insured endorsement if applicable. The certificate of insurance shall require written notice be provided to the City for at least the same period of notice required to the insured of cancellation or nonrenewal.

E. Modifications. The City reserves the right to modify these insurance requirements depending on the nature and scope of the event.

Section 23-2607. SUPPORT SERVICES. The event organizer is responsible for identifying in the application materials any support services it is requesting from the City related to its event. The event organizer is strongly encouraged to contact the City prior to submitting an application to help determine the needed amount and availability of support services for a proposed event. The rates for support services are set out in the City's fee schedule. The City shall review the request and determine if it has sufficient resources to provide the requested support services or if the amount of support services actually needed for the event will likely exceed those requested. The City may deny a permit if it determines it does not have sufficient resources available to provide the needed support services for the event. The City will identify the support services it intends to provide and the costs of such services as part of the permit fee notice. The City does not guarantee it will be able to provide the identified support services for the event if those services are needed to respond to an emergency or other incident requiring an immediate response from the City.

Section 23-2608. CITY SUPPORT SERVICES FOR PREAPPROVED EVENTS. The City will provide basic support services to preapproved events without charge. Any additional support services that may be needed, as determined by the City, will be charged as part of the permit fee. The City will notify the event organizer of a preapproved event in the permit fee notice if it determines more than basic support services will be needed for the event and the associated costs.

Section 23-2609. CITY SUPPORT SERVICES FOR CO-SPONSORED EVENTS. The City may agree to co-sponsor certain events with other organizations if the City Council determines the proposed event is in the general interest of the public and

advances the City's public image. The City may provide financial support to these events as determined in the annual budget appropriation. These events must meet the other requirements of these Sections and the event organizer is required to pay as part of the permit fee any City costs in excess of the support level authorized by the budget appropriation. Approval of an event does not require the City to approve similar events or a repeat of the same event. Each event will be reviewed separately.

Section 23-2610. CITY SUPPORT SERVICES FOR NON-PROFIT EVENTS. The City may provide support services to assist a special event conducted by a non-profit organization without charge up to the amount established in the City's fee schedule. The event must comply with the requirements of these Sections and the event organizer is required to pay as part of the permit fee any City costs in excess of this support level. An event organizer submitting an application for a non-profit event submit a current IRS 501(c)(3) statement with its application. Approval of an event does not require the City to approve similar events or a repeat of the same event. Each event will be reviewed separately.

Section 23-2611. CITY SUPPORT SERVICES FOR FOR-PROFIT EVENTS. The City may allow a special event operated by a for-profit event organizer that are beneficial to the City and the public. The event is subject to an additional use charge per day for the use of the public property as established in the City's fee schedule, must pay 100% of all City costs related to the event, and shall comply with all other requirements of these Sections. The costs will be set out in the permit fee notice. Approval of an event does not require the City to approve similar events or a repeat of the same event. Each event will be reviewed separately.

Section 23-2612. FEES FOR SUPPORT SERVICES.

A. Hourly Rates. The event organizer shall be responsible for paying the City for any support services for which it is responsible under these Sections based on an hourly rate associated with the type of support services provided. The hourly rates are established by the City Council in the City's fee schedule and are subject to change without notice. The hourly rates shall include expenses related to the City's employee, including any applicable benefits.

B. Purchased or Rental Materials. The event organizer shall be responsible for paying the City for the actual costs of all materials purchased or rented by the City for use at the event.

C. Equipment Charges. The event organizer shall be responsible for paying the City for all equipment used by the City for the event at the current equipment usage rates as established by the City.

D. Replacement Costs. The event organizer shall be responsible for paying the City for any of its equipment or supplies that end up missing or damaged as a result of the event.

Section 23-2613. ISSUANCE. The City Manager, or designee, shall determine whether to issue a special event permit based on criteria identified in the following section. Approval of a permit is at the City's sole discretion. The City may impose conditions on the permit and the event organizer shall be responsible for ensuring compliance with all such conditions, the requirements of these Sections, and of all other applicable laws, rules, regulations, and ordinances. Issuance of a permit in no way indicates City sponsorship of the event and does not obligate the City to approve similar events in the future. Each application for an event will be reviewed and acted on separately.

Section 23-2614. CRITERIA. The City Manager, or designee, shall consider the following criteria with respect to the proposed special event and any ancillary activities to determine whether to issue a special event permit. The City Manager, or designee, must determine with respect to the special event and any ancillary activities that they:

A. Will not be detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the special event;

B. Will not cause noise, light, or glare which unreasonably impacts surrounding uses;

C. Will not endanger the participants, spectators, or the public;

D. Will not unreasonably interfere with rights-of-way or vehicular or pedestrian traffic flow at the proposed location;

E. Are supported by adequate plans for parking that meet the need generated by the proposed special event;

F. Are supported by adequate plans for sanitation and refuse facilities that meet the need generated by the proposed special event;

G. Are supported by adequate plans to return the area or routes to the same condition or cleanliness as existed prior to the event;

H. Are supported by adequate proof of insurance; and

I. Do not exceed the resources available for the City to provide the support services requested by the event organizer or that the City determines are otherwise needed for the special event.

Section 23-2615. REGULATIONS AND PROCEDURES.

A. Legal Compliance. The event must be conducted in compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances. The event organizer is responsible for obtaining all other permits or permissions that may be required related to the event.

B. Traffic Control Measures. The event organizer is required to pay all costs for traffic control measures and traffic control personnel.

C. Traffic Barricades. The event organizer shall, through a bona fide contractor, provide, install, and remove all equipment required by the City's public works department. The installation and removal of barricades by the public works department is subject to the hourly rates established by the City.

D. Notice to Property Owners. The event organizer may be required to provide notice to surrounding owners about a special event as stipulated by the City Manager or designee.

E. Indemnification. The event organizer shall indemnify, defend, and hold the City harmless against any claims, demands, actions, causes of action, charges, and expenses, including reasonable attorney fees, arising out of the event or by reason of conducting the event. This obligation shall not apply to claims arising solely from the City's own negligence.

F. Damages. The event organizer shall be responsible for reimbursing the City for all damages that may result to any real or personal property of the City as a result of an event.

G. Supervision. The event organizer is required maintain adult supervision of the event at all times. The event organizer shall provide security for the event as stipulated by the City's Chief of Police or designee. Any security provided by the City as part of its support services will be billed at the established hourly rate.

H. Clean-up. The event organizer shall, at no cost to the City, immediately clean up, remove, and properly dispose of all litter or material of any kind, which is placed or left on City property because of the event. If the event organizer neglects or fails to proceed with clean up of City property within a two-hour period immediately following the end of the event, or if the cleanup is done in an inadequate manner, the City may conduct the cleanup and charge event organizer at the established hourly rate.

I. Trash Disposal. The event organizer will provide plans for trash disposal including the company contracted for trash disposal as part of the special event permit application.

J. Restrooms. The event organizer shall provide plans for providing restrooms including the company contracted for supplying restrooms as part of the special event permit application.

K. Use of City Utilities. The event organizer shall not use City utilities for any event, unless permission has been granted by the City.

L. Food Permits. If required, the event organizer shall obtain a Minnesota Department of Health food license and shall comply at all times with the applicable health codes and regulations. Proof of license shall be provided to the City Clerk at least seven days before the event and kept on site for immediate inspection.

M. Mobile Food Units. If one or more mobile food units will be used at the event, the event organizer shall provide a mobile food unit license to the City prior to the event.

N. Alcoholic Beverages on Public Property. The sale of alcohol at an event may only occur if approved as part of the permit and then only if all required liquor licenses are in place. The event organizer shall obtain a temporary liquor license for the sale of any alcohol in accordance with Section 11-111. The event organizer is required to follow the City's procedures and policies regarding the use of City property. All of the following apply to any special events involving the sale of alcohol:

1. Fencing surrounding the defined area for the service of alcoholic beverages will be secured to establish the outdoor event area. All liquor sales and containers used for consumption must remain in the defined space.

2. There should be controlled access to the event with event security personnel to identify and wrist band those of legal age to consume. The gate/emergency exit of the fenced area will need to be continuously staffed to prevent patrons from leaving with alcoholic beverages.

3. Events are "21 and over" after 9 p.m. when alcohol is being served.

4. All alcohol service will cease at 10 p.m. All patrons must exit the defined space by 10:30 p.m.

5. Event security will assist the police department in clearing the event at closing time. The closing time should be prominently displayed throughout so there is no confusion at the end of the evening when patrons are asked to leave.

6. Event organizers may be required to hire uniformed police officers to supplement their security staff. Monitoring of those consuming alcohol will be done by the event organizer and the City's police officers who have been hired to assist with the oversight of the event.

O. Outdoor Music. No outdoor music or amplified sound is allowed during the hours of 10 p.m. and 7 a.m. The City's Police Chief or designee has the ability to direct the event organizer to control the level of noise and/or terminate the event at any time. Any plans for outdoor music or amplified sound must be described in the special event permit application.

P. Outdoor Tents. A building permit must be obtained for any tents exceeding 200 square feet. Erection of tents, canopies, or similar structures as part of the event is allowed; however, the event organizer cannot drive stakes, nails, screws, posts, or otherwise disturb paved City parking lots, or either paved or unpaved surfaces within a right-of-way to secure such features.

Q. Waivers. The event organizer may request a waiver from the strict application of one or more requirements of these Sections. The event organizer shall submit the waiver request in writing, identify the specific requirement to be modified, describe the requested modification, and the factors that the City Manager, or designee, should consider when determining the proposed waiver. The City Manager, or designee, is authorized to deny, approve, or approve with modifications the requested waiver. Waiver requests must be submitted with the special event permit application. Approval of a waiver does not require the City to approve similar waivers for any future events. Each waiver will be reviewed separately.

R. Cancellation. The event organizer may cancel an event by giving at least 10 days written notice to the City. The City will refund the unused portion of permit fee to the event organizer. If less than 24 hours' notice is given to cancel an event that required support services, staff will be compensated for a 2-hour minimum charge. City staff has the authority to cancel or stop an event, or place additional restrictions on the event, in order to protect public health, safety, or welfare. The City will notify the event organizer as soon as is practically possible if it cancels the event or if it modifies the conditions imposed on the event. The City may also immediately terminate an event in an emergency if needed to protect public safety. Any

such cancellation or termination of an event by the City constitutes a revocation of the permit. It is a violation of these Sections to conduct, or continue to conduct, the event once it is cancelled or terminated by the City.

S. Additional Requirements. City staff may place any additional requirements on any event. These requirements may include specific staff levels for police, fire, public works, or other personnel. Expenses for any additional support services will be invoiced to the event organizer as additional costs as provided in these Sections.

Section 23-2616. ADDITIONAL COSTS.

A. Addition Costs. The event organizer shall be responsible for reimbursing the City for any additional costs the City incurs related to a special event. Additional costs are any costs the City incurs that exceed the permit fee and include, but are not limited to the following:

1. Damage to or loss of any City equipment or property related to the event;

2. Support services exceeding the planned for level of support; and

3. Clean up costs if the event organizer fails to clean up and restore City property to its pre-event condition.

B. Invoicing. The City will provide an itemized invoice for the additional costs the event organizer is required to pay the City. The invoice will identify the specific types and amounts of additional costs. The event organizer shall pay the full amount of the additional costs within 15 days of the date of the invoice. Failure to timely pay the additional costs may result in the denial of any future special event permit applications for the same or similar event or submitted by the same event organizer.

C. Collection. All amounts the event organizer is required to pay the City under these Sections shall constitute a service charge collectable by the City under Minnesota Statutes, section 366.012, which is available to the City under Minnesota Statutes, section 415.01, subdivision 1, on any property the event organizer owns in the state. Any portion of the service charge not paid, including collection costs, may be certified for collection on the property taxes of the event organizer. The City may also pursue any other options available to it under law to recover the amounts owed by the event organizer, including the costs of collection.

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

Adopted this ___ day of _____ 2021.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-____

CITY OF BROOKLYN CENTER, MINNESOTA

A RESOLUTION APPROVING THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 23 TO ALLOW AND REGULATE SPECIAL EVENTS

WHEREAS, the City of Brooklyn Center ("City") desires to adopt regulations to establish a comprehensive and uniform method for regulating and permitting special events in the City; and

WHEREAS, City staff developed a proposed ordinance titled "An Ordinance Amending Chapter 23 to Allow and Regulate Special Events" ("Ordinance"), which creates new sections 23-600 through Section 23-2616 to regulate special events, including those which require support services from the City; and

WHEREAS, the City Council considered a draft of the Ordinance at its October 11, 2021 work session and now the final proposed Ordinance is before it to conduct a first reading in accordance with Section 3.04 of the City Charter.

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

1. A first reading of the Ordinance is approved.

2. A public hearing, second reading, and possible action on the Ordinance is scheduled for the regular City Council meeting to be held on December 13, 2021.

3. The City Clerk is hereby authorized and directed to publish the following notice and summary of the Ordinance, which is hereby approved, once in the City's official newspaper at least seven days before the scheduled hearing:

City of Brooklyn Center

AN ORDINANCE AMENDING CHAPTER 23 TO ALLOW AND REGULATE SPECIAL EVENTS

Please take notice that the City Council of the City of Brooklyn Center will hold a public hearing electronically via Zoom on the 13th day of December 2021 at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider an ordinance to amend Chapter 23 of the City Code by adding new Sections 23-2600 through 23-2616 to establish regulations on special events in the City and to require special event permits. The ordinance contains definitions, requires a special event permit be obtained, establishes permitting procedures, provides certain exceptions to the permitting requirement, sets out

requirements for those organizing special events, and provides a process to charge for City supports services requested or needed related to special events. A copy of the full ordinance is available on the City's website. Information for how to connect the meeting is available on the City's website or by contacting the City Clerk.

4. City staff are authorized to take such other actions as may be needed to carry out the intent of this Resolution and to prepare the Ordinance for a hearing, second reading, and action at the December 13, 2021 City Council meeting.

November 8, 2021
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Kim Moore, Interim Human Resources Director

SUBJECT: Resolution Approving the Contract for the Labor Agreement for Law Enforcement Labor Services, Inc. (LELS Number 86) and the City of Brooklyn Center for the Calendar Years 2022-2024

Requested Council Action:

- Motion to approve the resolution approving the contract between the City of Brooklyn Center and Law Enforcement Labor Services, Inc. (LELS Number 86) for the calendar years 2022-2024

Background:

The current contract with LELS 86 (sergeants and commanders) will expire on December 31, 2021. 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 police officers and detectives.

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 2022 - 2024.

The Articles affected by these negotiations include the following:

ARTICLE 27 – Vacation Leave

27.1 Permanent full time employees shall earn vacation leave with pay as per the following schedule:

6 through 10 years of service one hundred twenty-eight (128) hours per year (accrued at 4.92 hours per pay period)

eight (8) additional hours per year of service to a maximum of one hundred sixty (168) hours after fifteen (15) years of service

11 years – 5.23 hours per pay period
12 years – 5.54 hours per pay period
13 years – 5.85 hours per pay period
14 years – 6.15 hours per pay period
15 years – 6.46 hours per pay period

At 20 years of service eight (8) additional hours accrued at 6.77 hours per pay period to a maximum annual accrual of 176 hours.

ARTICLE 29 - Insurance

29.1 Full-time employees

For the duration of this agreement, the City will offer the best of any agreement that we have for any other employee group.

ARTICLE 30 - Wage Schedule

- Three (3%) increase and ($511 Sergeants/$585 Commanders) per month market adjustment effective January 1, 2022
- Three (3% and no market rate adjustments) increase effective January 1, 2023
- Three (3% and no market rate adjustments) increase effective January 1, 2024

ARTICLE 36 – Duration

Three-year agreement January 1, 2019 – December 31, 2021.

Budget Issues:

In 2022, the cost of the wage adjustment is approximately $123,570. The increase in the City's insurance contribution is approximately $66 per employee per month from $1,320 to $1,386, which is the same as offered to all employees.

In 2023, the cost of the wage adjustment is approximately $43,587. The increase in the City's insurance contribution is unknown at this time, but the amount will be the same as offered to all employees.

In 2024, the cost of the wage adjustment is approximately $44,581. The increase in the City's insurance contribution is unknown at this time, but the amount will be the same as offered to all employees.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/4/2021	Cover Memo
Contract	11/8/2021	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION APPROVING THE LABOR AGREEMENT FOR LAW ENFORCEMENT LABOR SERVICES, INC. (LELS NUMBER 86) AND THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEARS 2022-2024

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 NUMBER 82 (Police and Detectives) for a contract for the years 2022-2024 as attached.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Center approves the attached contract with LELS NUMBER 82 (Police and Detectives) for the calendar years 2022-2024; 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, 2022.

_____ _____

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, 2022 - December 31, 2024

TABLE OF CONTENTS

ARTICLE		PAGE
1	Purpose of Agreement	1
2	Recognition	1
3	Definitions	1
4	Employer Security	1
5	Employer Authority	2
6	Union Security	2
7	Savings Clause	2
8	Constitutional Protection	2
9	Seniority	2
10	Work Schedules	3
11	Discipline	4
12	Employee Rights - Grievance Procedure	4
13	Overtime (Sergeant Classification)	6
14	Court Time	7
15	Call Back Time	8
16	Working Out of Classification	8
17	Standby Pay	8
18	Leaves of Absence	8
19	Severance	9
20	Injury on Duty	9
21	False Arrest Insurance	9
22	Training	10
23	Post License Fees	10
24	Uniforms	10
25	Holiday Leave	10
26	Vacation Leave	11
27	Sick Leave	12
28	Insurance	13
29	Wage Rates	13
30	Benefits for Retirees	14
31	Mileage and Expense Reimbursement	14
32	Light Duty	14
33	Tuition Refund	14
34	Retiree Health Savings Plan (RHSP)	15
35	Agreement Implementation	17
36	Waiver	17
37	Duration	17

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 Depa1tment.

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 pe1formed 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 supp01t 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 bya 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 oppo1tunity 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 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 aclmowledged 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 persom1el files at reasonable times under direct supervision of the Employer.

11.5 A single disciplinary action for failure to attend training, comt 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 opp01tunity 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 A1ticle 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 3ct. If the grievance is not resolved at Step 3 of the grievance procedure, the paiiies, 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 - Ove1·time (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 ove1iime 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 ove1time or call backs if requested by the Employerunless 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 ove1time, an employee may annually elect compensat01y time off at a rate of one and one-half (1 ½) time. An employee's compensato1y 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 aboutthe 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 paycheckin December. No compensatory time will be accumulated or used during the month of December. Special ove1time duty assignments made available to all employees by the Chief of Police at the employee's rate of compensation will not be eligible for compensat01y time. Compensat01y 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) hour 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 cou1t 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 salaiy 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 amountpaid 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 Milita1y 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 unifo1med 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 8, 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 (**128**) 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 – **5.23** hours per pay period
12 years - **5.54** hours per pay period
13 years - **5.85** hours per pay period
14 years - **6.15** hours per pay period
15 years - **6.46** 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 cany 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 te1mination 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, 2019.

During 2019, two designated union representatives will work with the Benefits/WellnessCommittee to structure a program and have measures in place to determine success.

ARTICLE 28 - Insurance

28.1 **2019 Full-time Employees**

Effective 1/1/2022 and for the duration of this agreement, the City will will offer the best of any agreement that we have for any other employee group. ~~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 healthplan.~~

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 1/1/2022 (3% plus $511 monthly market adjustment)	**Sergeant Rate**
Start	~~$47.06~~ 51.42/hour
Step **1**	~~$51.02~~ 55.50/hour
After 36 months	~~$52.29~~ 56.81/hour

Date 1/1/2023 (3% increase and no market adjustments)	**Sergeant Rate**
Start	$52.96/hour
Step 1	$57.16/hour
After 36 months	$58.51/hour

Date 1/1/2024 (3% increase and no market adjustments)	Sergeant Rate
Start	$54.55/hour
Step 1	$58.87/hour
After 36 months	$60.27/hour

Commander

Date 1/1/2022 (3% plus $585 monthly market adjustment)	Sergeant Rate
Start	~~$57.39~~ 62.49/hour
Step 1	~~$58.64~~ 63.77/hour
After 36 months	~~$59.89~~ 65.06/hour

Date 1/1/2023 (3% increase and no market adjustments)	Sergeant Rate
Start	$64.36/hour
Step 1	$65.68/hour
After 36 months	$67.01/hour

Date 1/1/2024 (3% increase and no market adjustments)	Sergeant Rate
Start	$66.29/hour
Step 1	$67.65/hour
After 36 months	$69.02/hour

New hires in the Commander classification will be paid at minimum sta1iing 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 tln·ough 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 "satisfact01y" 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.

Evely 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-patty 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. Prog1·am 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 officials ICMA-RC's administration of the RHSP as well as other features of the planare set faith 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 tit is 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 e/ectio11. Employees must make this decision during the open enrollment period prior to the begi1111i11g 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 patties are set fo1th 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 patties at the time this contract was negotiated or executed.

ARTICLE 37 - Duration

This Agreement shall be effective as of January 1, **2022** and shall remain in full force and effect until the thirty-first (31) day of December **2024**, as noted in the contract.

IN WITNESS THERETO, the parties have caused this Agreement to be executed this day of _____, _____.

FOR LAW ENFORCEMENT LABORSERVICES _

_____Business Agent

_____Union Steward

_____Union President

FOR THE CITY OF BROOK.LYN CENTER

_____Mayor

_____City Manager

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Highway 252/I-94 Environmental Impact Statement (EIS) Update

Requested Council Action:

Receive a presentation by MnDOT on the current status of the Highway 252/I-94 Environmental Impact Statement (EIS).

Background:

The City is partnering with MnDOT, Hennepin County, the City of Brooklyn Center and the City of Minneapolis on an Environmental Impact Statement for the Highway 252/I-94 corridor from Highway 610 in Brooklyn Park to 4th Street in Minneapolis.

This project started in 2017 as a Highway 252 corridor study, expanded to an Environmental Assessment (EA) in 2018 to include I-94 and was recently expanded again in 2020 to an Environmental Impact Statement (EIS).

The project partners will use the EIS to gain a better understanding of safety and transportation needs in the area and taking a closer look at how a potential construction project could affect the environment surrounding Highway 252 and I-94. This includes the people, plants, animals, water, air, roadways, buildings and other structures in the area. The EIS will evaluate multiple highway designs to equitably improve the traffic operations, safety, multi-modal connections, health and environmental issues along the corridor.

The EIS process includes four phases (Purpose and Need, Scoping, DRAFT EIS, and Final EIS/Record of Decision (ROD)). The EIS is expected to be completed in late 2024/2025 with the selection of one final design recommendation. The project is currently in the Scoping phase and MnDOT has retained SRF Consulting Group, Inc. (SRF) to provide transportation planning, engineering and environmental expertise. The EIS work is expected to be immediately followed by the preparation of design plans with construction potentially starting in 2026/2027.

The purpose of this presentation is to provide the Council an update on the following items:

- Review project schedule and EIS phases
- Provide community engagement update related to the purpose and need, logical termini, and project elements
- Equity and Health Assessment
- Workforce initiatives
- Interim safety improvements

- Next Steps in EIS process

MnDOT and SRF have provided similar presentations to the other local agencies involved in the study.

EIS Committee Process:
1) The study is guided by the Policy Advisory Committee (PAC), which is comprised of area legislators, city council members, county board members, Met Council representatives and chaired by the MnDOT Commissioner of Transportation. The PAC provides high level guidance on funding, policy issues and goals and objectives to the Technical Advisory Committee (TAC). The PAC also reviews recommendations from the TAC, provides input on public engagement and identify important community issues. The PAC meets approximately quarterly.
2)The TAC is comprised of technical planning and engineering experts from the participating agencies, including Met Council, Metro Transit and the Federal Highway Administration and the study consultant members. The Technical Advisory Committee (TAC) provides leadership and guidance for resolution of technical issues related to project options and refinements considered as part of the EIS. The TAC meets monthly to refine project elements and to prepare materials for review by the PAC and for public engagement.

Budget Issues:

The City financially participated in the EA process, similar to the other local agencies. MnDOT is providing the funding for the EIS. Funding for potential construction projects will be review during the EIS process.

Inclusive Community Engagement:

The EIS process will take several years due to the size and complexity of the corridor. During this time, the project partners will continue to engage with the community and other stakeholders at each step in the process.

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Presentation	11/2/2021	Cover Memo





Highway 252 / I-94 Project Update
Brooklyn Center City Council Meeting

November 8, 2021

Highway 252/I-94
Environmental Review

DEPARTMENT OF TRANSPORTATION

mndot.gov

Presentation and Q/A Team



Chris Hoberg, MnDOT



Craig Vaughn, TC2

Why we are here today

- Follow up on what we've heard from Council
- Review project schedule and EIS phases
- Discuss technical process
- Provide community engagement update
  - Spring months spent reintroducing the project and the EIS Process
  - Early Summer spent talking about and developing Corridor Elements with the public and stakeholders
  - Fall spent working with public on high-level Corridor Alternatives under consideration (37 Alternatives)
  - Next in early Winter, will be discussing access, pedestrian/bicycle crossing locations, transit stations, and physical property impacts with the public and stakeholders
  - Spring of 2022 will be the Official Public Comment Period as part of the Scoping Decision – EIS process
- Equity and Health Assessment
- Workforce initiatives
- Interim safety improvements
- Next Steps in EIS process



What we heard from Council

It's important to Brooklyn Center that any project on 252 directly benefits the City and does not just look at benefits to stakeholders beyond the City's borders.

Requested a presentation on traffic flow in the region around Brooklyn Center to better understand the origin and destinations of traffic and to understand how Brooklyn Center plays a role in the regional transportation system.

Important to hear about health equity and impacts. An important step in the process.

Do specific outreach to the multi-unit housing areas. Go to where they live. Don't invite them to City Hall or a distant venue.

Pop up events are effective. We need to plan for these and assume a day will come when we can meet with the public face to face again.

Multimodal solutions are important.

What we heard from Council

Brooklyn Park is eager to remove stop lights and build interchanges at Brookdale Drive and 85th. Without removal of signals, we will continue to have crashes.

What are the air quality impacts of converting 252 to a freeway?

Safety and functionality of the roadway are of the utmost importance.

Environmental impact is a concern.

Mission statement (purpose statement) – would like to see a statement that reducing emissions, improving health, and improving racial disparities

Success is measured by increased safety and not increasing poor air quality concentrations.

Project Schedule and EIS Phases



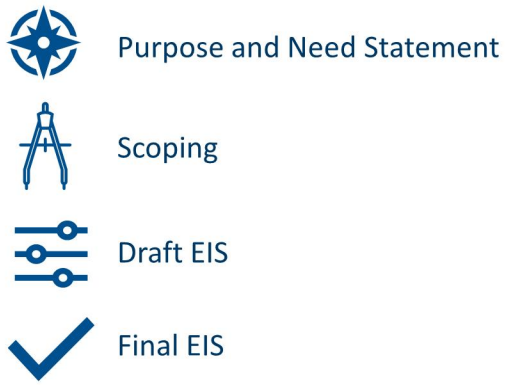
ENVIRONMENTAL IMPACT STATEMENT PHASES



Schedule subject to change

Technical Project Analysis Process

- Step 1 - **Identifies** project improvements
- Step 2 – **Combines** project improvements to develop a list of project alternatives
- Step 3 – **Determines** which alternatives should be studied further in the draft EIS
- Step 4 – **Reviews** draft EIS alternatives and determines if there is a preferred alternative



We are here

Community Engagement Update

- ☑ **Expanded** EIS 101 video library
- ☑ **Two rounds** of open house engagement
- ☑ **Ongoing** Pop-Up meetings where community is everyday
- ☑ **Targeted** outreach to faith-based, African, and African American communities
- ☑ **Equity** and Health Neighborhood Advisors



Expanded EIS 101 Video Library

- Traffic 101: Overview
- Traffic 101: Minneapolis
- Traffic 101: Brooklyn Center
- Traffic 101: Brooklyn Park
- Project History and Overview
- Introduction to the Environmental Impact Statement Process
- Project Alternatives
- Transit Considerations
- Community Connections
- Noise and Air Quality
- Mississippi River Considerations

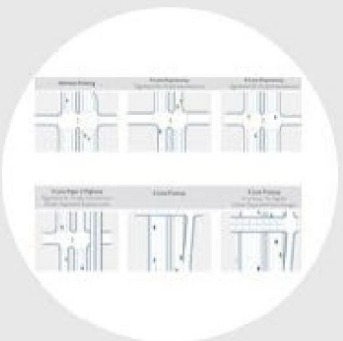
Traffic 101 Series



Why is Hwy 252 and I-94 being studied?



Who uses Hwy 252 and what is the relationship between Hwy 252 and other north/south roadways?



What design changes are being considered for Hwy 252?



What do design changes on Hwy 252 mean for traffic patterns in the communities of Brooklyn Park, Brooklyn Center and Minneapolis?

What did we hear?

June ‘21 Open House Summary – Project Elements

99 Total Attendees

86 Total Live Comments

96 Online Comments

What did we hear?

We can improve the roadway that's there today without building a freeway.

Consider an over/underpass at Hwy 252/66th Ave instead of a full interchange to improve safety.

Will air pollution adjacent to the roadway in Brooklyn Center be measured and measures to reduce pollution be an objective of this project?

Does the project purpose and need get redone when the Draft EIS phase begins?

If traffic increases in the neighborhoods as an outcome, safety will degrade there. Will this be considered in the evaluation?

What did we hear?

October ‘21 Open House Summary – Project Alternatives

177 Total Attendees

134 Total Live Comments +
13 comment cards submitted

What did we hear?

This is being studied a long time. Why is this taking so long?

The freeway and even expressway options are going to negatively effect property values.

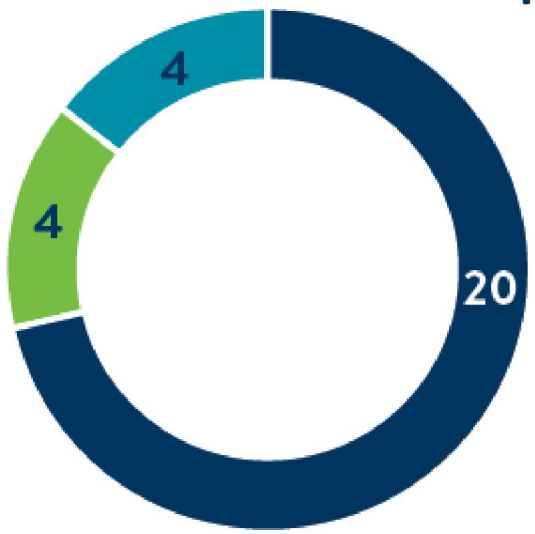
Explain why traffic will shift to local roads with certain alternatives.

Red lights are being ran right now and we need better safety by enforcing that.

Want to see signals removed and freeway options considered but need to figure out interchange locations and traffic shifts to local roads.

What did we hear?

Pop-Up Engagement Summary



962 Total Impressions

Events per Target Audience

African American Hmong Latinx

What did we hear?

Pop-Up Engagement Summary

No more freeway expansion - fund transit + bikeways.

Would like to get rid of signals. Whatever is good for Top Golf and Melrose Gates is good for Brooklyn Center/Park. Really like the 6 lane grade separated freeway.

Good to see the government out at an event like this. Much better than doing focus groups.



What did we hear?



Pop-Up Engagement Summary

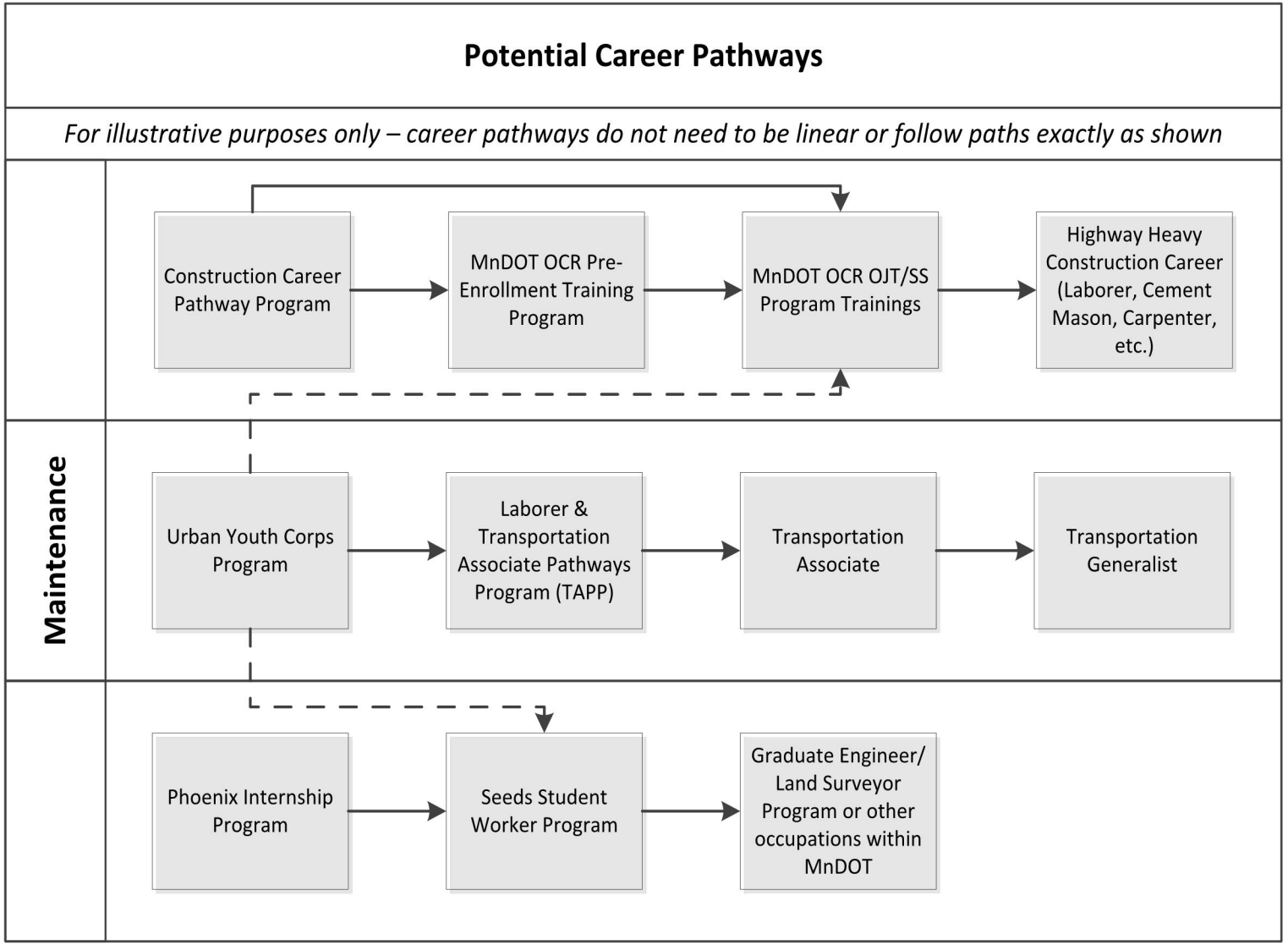
85th Avenue needs a grade separation, that intersection is super busy.

I live in Brooklyn Center - No more traffic lights on 252.

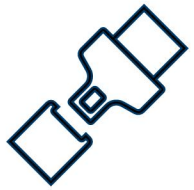
Equity and Health Assessment is Underway

- The Equity and Health Assessment is underway
  - The EHNA (Neighborhood Advisory group) has met twice
- The focus is on Equity, Health & Transportation
  - Community Characteristics
    - Demographic Measures
    - Built Environment
    - Health Status
    - Health Disparities
  - Transportation Systems and Mobility
    - Travel Behavior
    - Pedestrian and Bicycle Infrastructure
    - Public Transit Systems
    - Safety
  - Community Input
    - Engagement

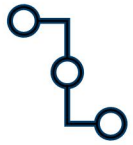
Workforce Initiatives



What can MnDOT do to address safety concerns now?



- The project team has heard from the public at previous engagement events that they would like to see improvements made now to Hwy 252 to address safety concerns.



- MnDOT and its partners are currently investigating interim safety improvements to Hwy 252 that could be implemented before major project construction in 2027.



- MnDOT will release a report summarizing potential interim safety improvements (Winter).

Next Steps

- Next significant community engagement will include:
  - Additional information regarding the relationship between speed & safety
  - Refined set of alternatives with discussion of access, pedestrian/bicycle crossing locations, transit stations, and physical impact considerations
  - Spring of 2022 will be the Official Public Comment Period as part of the Scoping Decision – EIS process
- Continued business stakeholder outreach

How to Stay Involved

Project Website

» **Visit the project website to review background information and find out what's happening next**

tiny.cc/252Project



Share Comments



» **Submit comments by visiting the project website contacts tab**

Stay Connected



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Slides that follow are for information purposes only and use during the Council presentation as questions or discussion merit

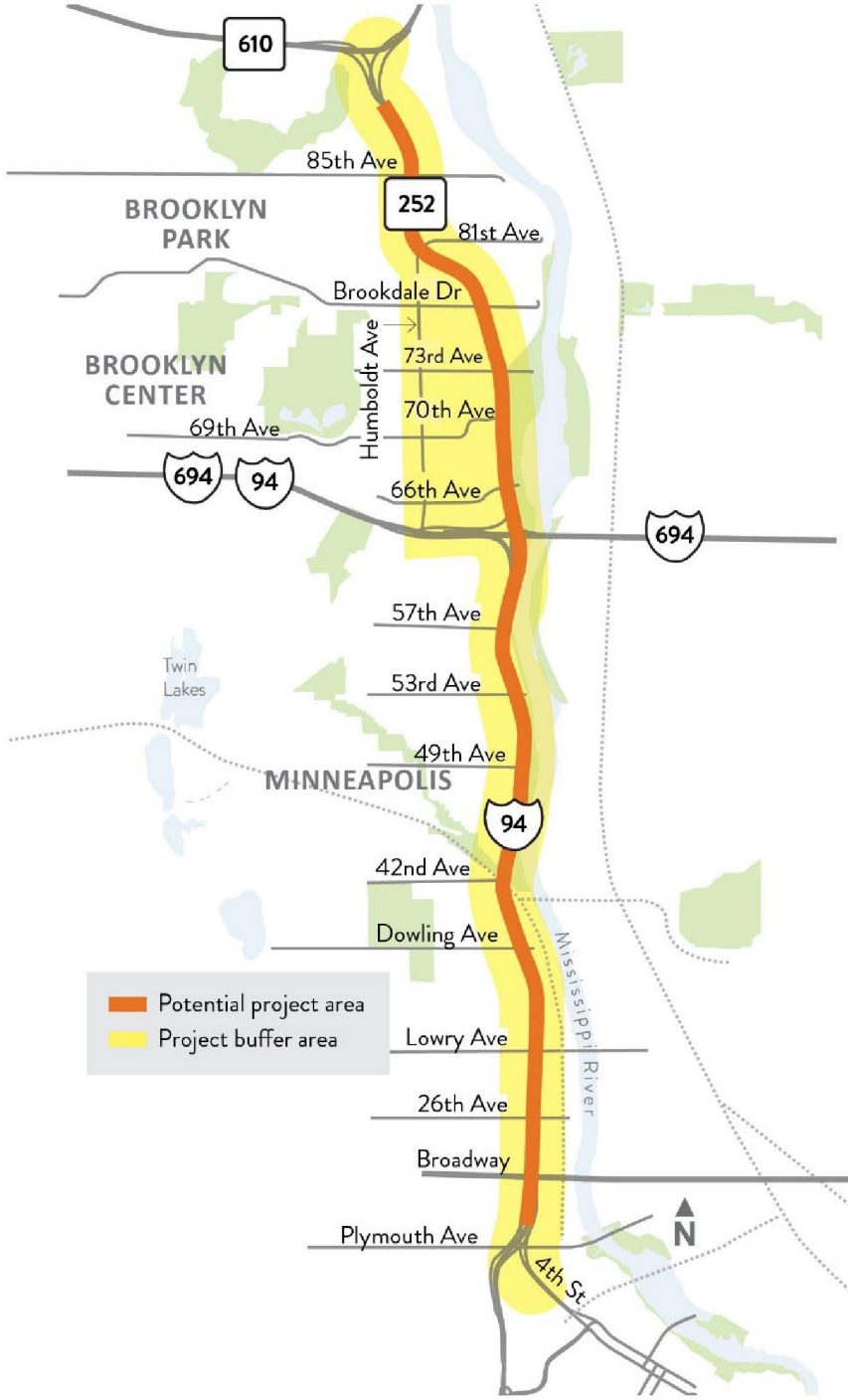
What is the project's purpose and Need?

Purpose

- The purpose of the Hwy 252/I-94 project is to **improve the safe and reliable movement of people and goods** across multiple transportation modes on and across Hwy 252 and I-94 between Hwy 610 in Brooklyn Park and 4th St. N in Minneapolis.

Need

- The cities of Brooklyn Center, Brooklyn Park, and Minneapolis; Hennepin County; MnDOT; and FHWA have identified several factors justifying the need for the Hwy 252/I-94 project. Transportation needs for the Hwy 252/I-94 corridor include **vehicle safety, vehicle mobility, and mobility and safety for people walking/biking (walkability/bikeability).**



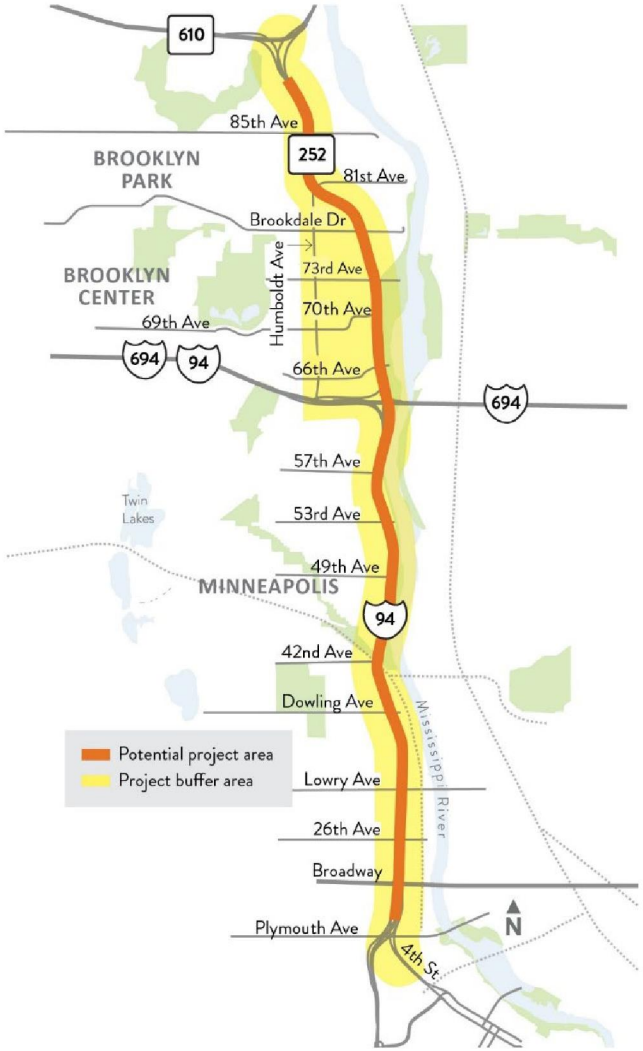
What are the project objectives?

Objectives

- **Achieve equitable social, environmental and economic outcomes.**
- **Reduce injury and fatality** crashes along Hwy 252 and I-94.
- **Promote public health** by improving walkability/bikeability alongside and across Hwy 252 and I-94, and by supporting reliable transit service through operational improvements.
- **Minimize the need to acquire additional property.**
- **Ensure solutions are consistent with local planning** and compatible with the existing roadway network.

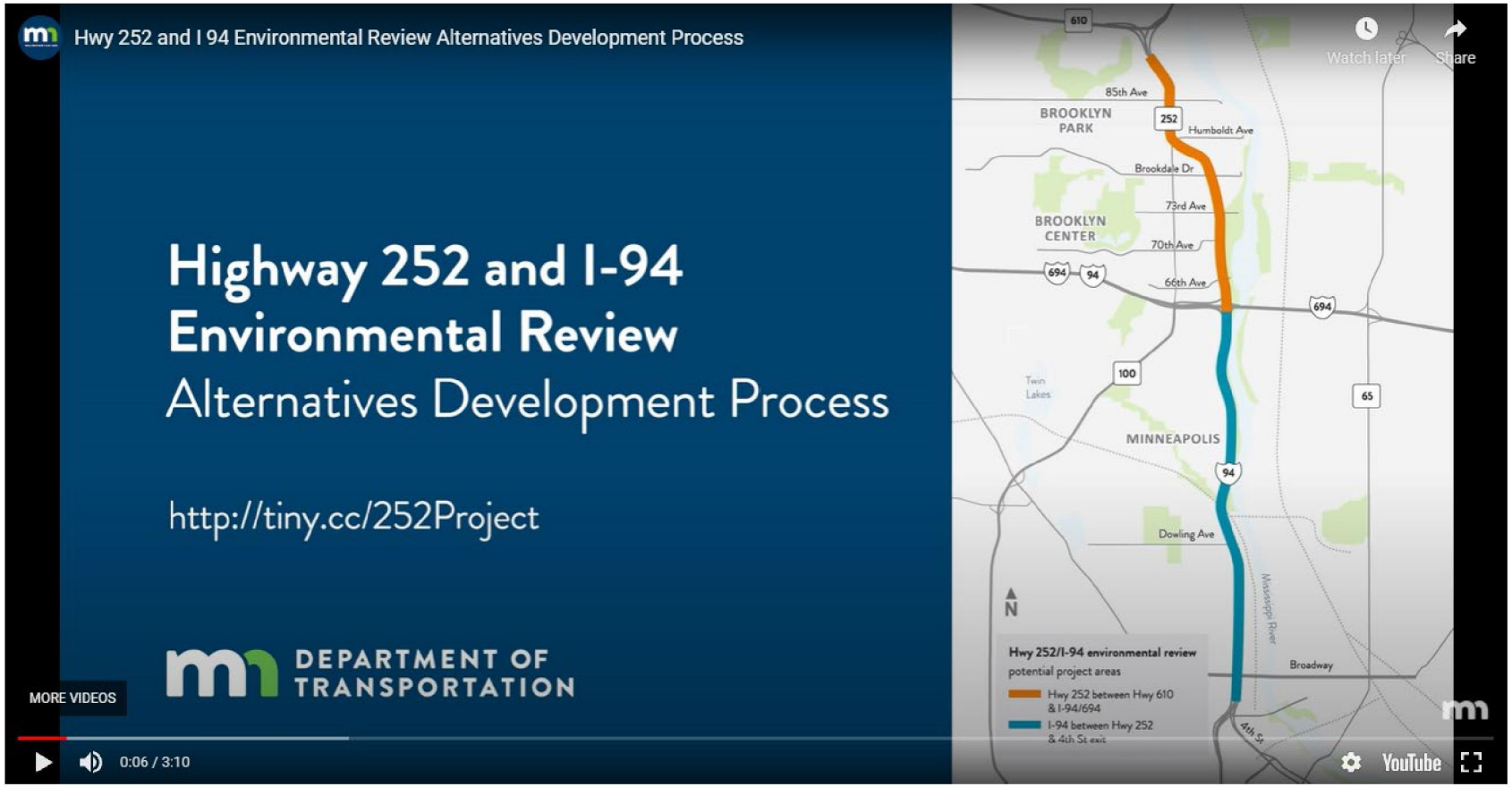


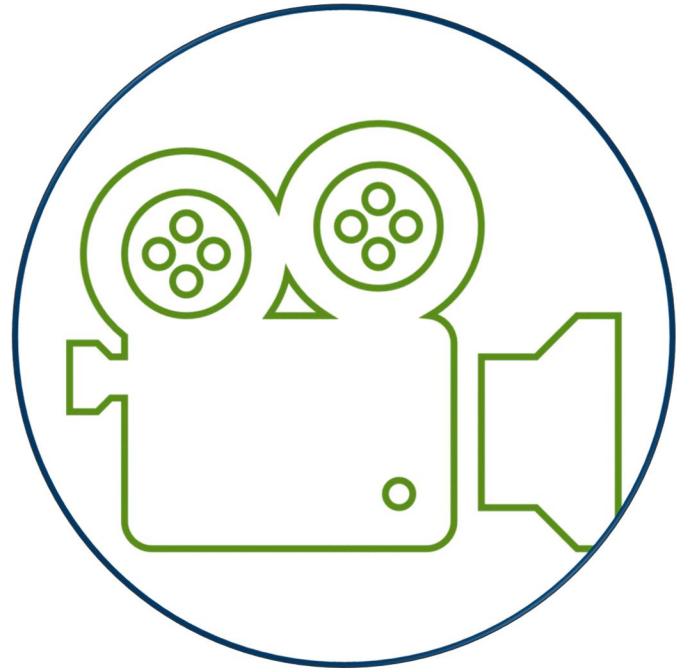
Why is this project focusing on improving Hwy 252 and I-94?



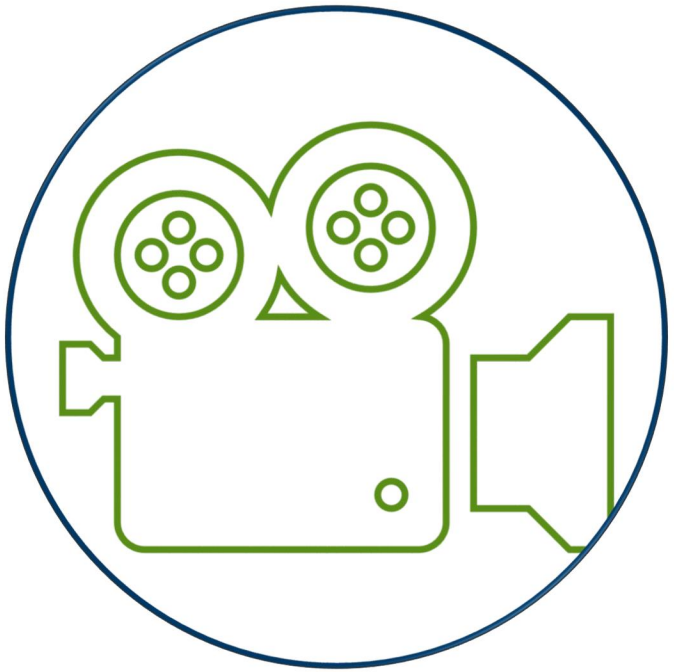
- Improvements for people walking and biking
- Improvements for people using transit
- Providing improved connections to multimodal systems
- Safety for people driving in vehicles
- Mobility for people driving in vehicles

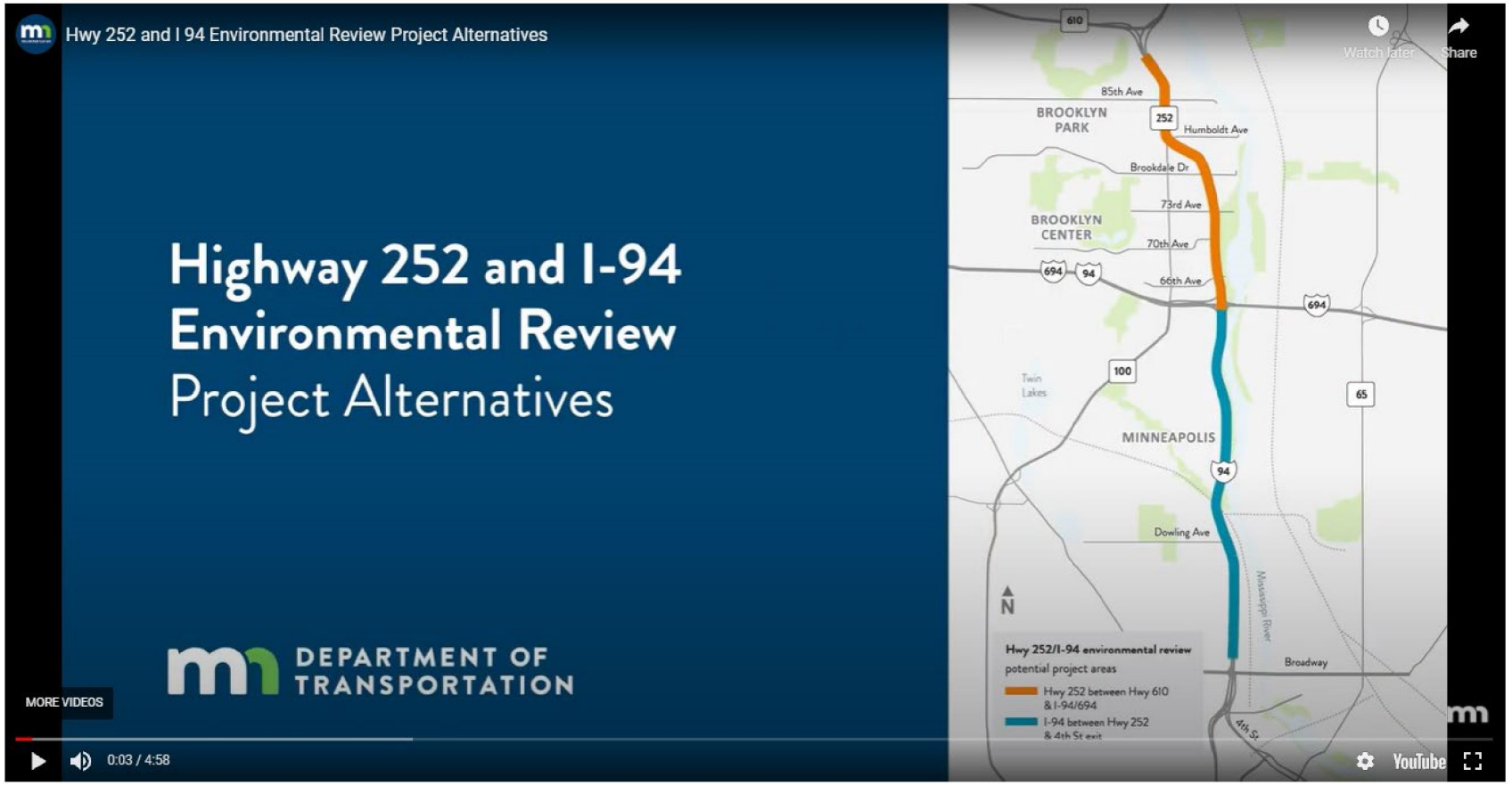
Which Project Elements are moving forward and why?





Which initial alternatives are up for consideration?



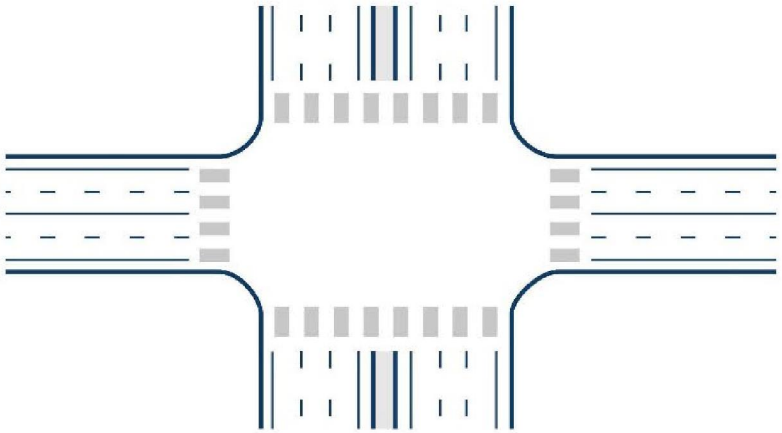


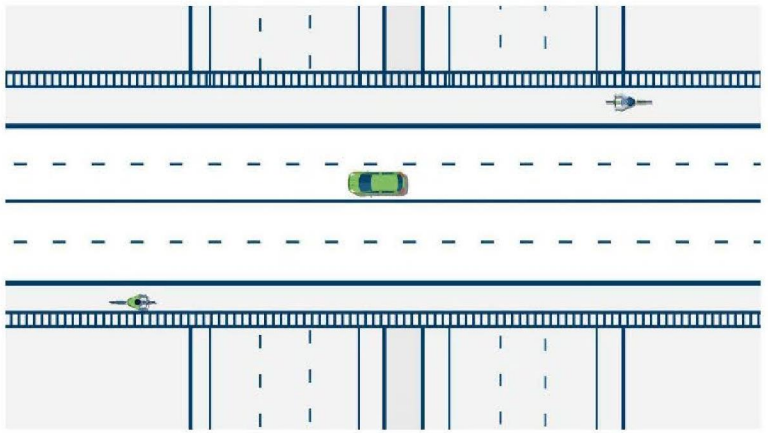
WALKING AND BIKING ELEMENTS MOVING FORWARD

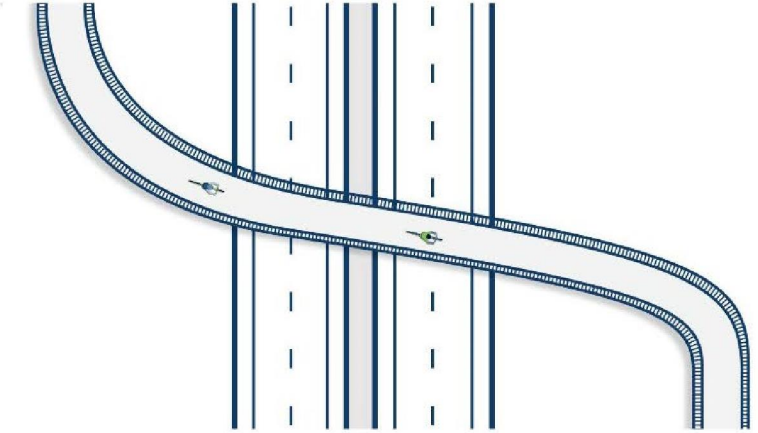
Improve At-Grade Crossings

Construct Multi-Use Bridges with Sidewalks

Construct Dedicated Bridges for Pedestrians and Bicycles











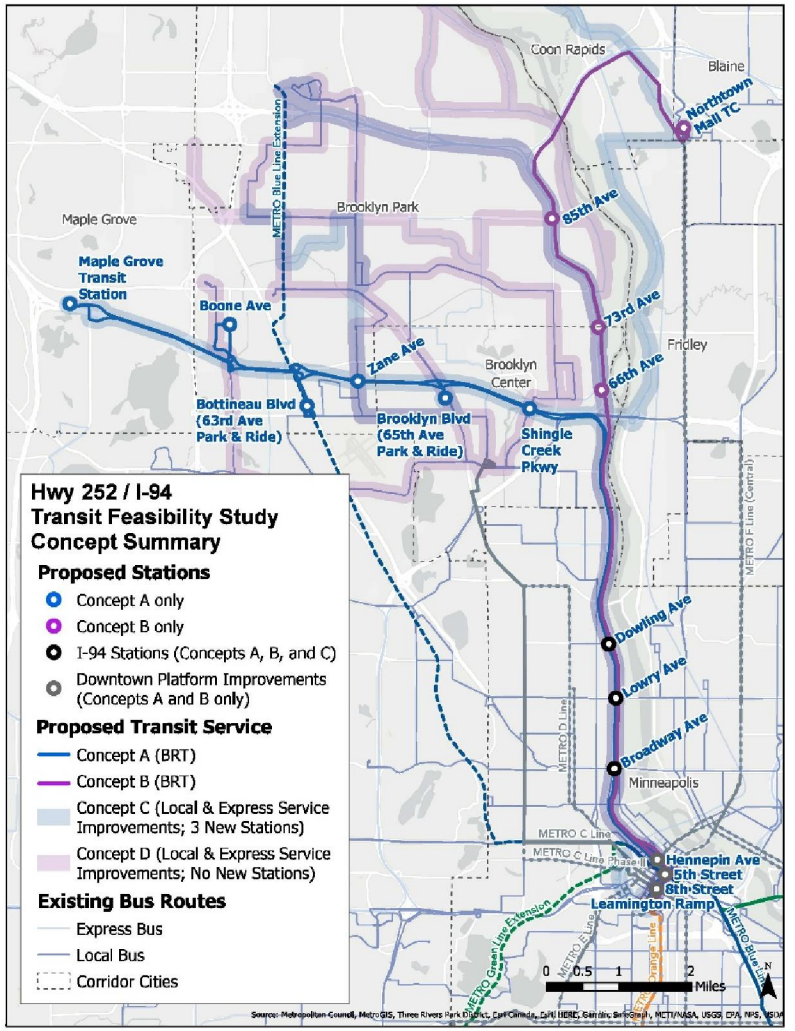


TRANSIT ELEMENTS MOVING FORWARD

Does the concept result in new riders in the 2040 transit system?

Transit Improvement Options	Concepts	Yes/No
	**Concept A** BRT I-94 and I-694 to Maple Grove Transit Station	✗
	**Concept B** BRT I-94 and Highway 252 to Northtown Transit Center in Blaine	✓
	**Concept C** Three stations along I-94; express service improvements	✓
	**Concept D** Local and Express service improvements; no stations/ capital improvements	✓

Concept Maps



EVALUATION RESULTS FOR TRANSIT ELEMENTS

Concept	Change in Regional Transit Trips*	Meets Purpose & Need?	Recommendation
Concept A: BRT on I-94/I-694 to Maple Grove Transit Station	-1,200 to -1,050	No – Negative change in ridership under all highway configurations.	No further study.
Concept B: BRT on I-94/Highway 252 to Northtown Transit Center	+900 to +1,070	Yes – Positive change in ridership under all highway configurations.	Advance to Scoping Decision Document Step 1.
Concept C1: 3 BRT Stations on I-94 in Minneapolis; Existing Local and Express Service	-1,400 to +40	Yes – Positive change in ridership under one or more highway configurations.	Advance to Scoping Decision Document Step 1.
Concept C2: 3 BRT Stations on I-94 in Minneapolis; Improved Local and Express Service	-430 to +160	Yes – Positive change in ridership under one or more highway configurations.	Advance to Scoping Decision Document Step 1.
Concept D1: 2019 Service; No New Stations	-50	No – Negative change in ridership under all highway configurations.	No further study.
Concept D2: Service Improvements; No New Stations	+970 to +980	Yes – Positive change in ridership under all highway configurations.	Advance to Scoping Decision Document Step 1.

*Ridership forecasts prepared using 2019 ridership data

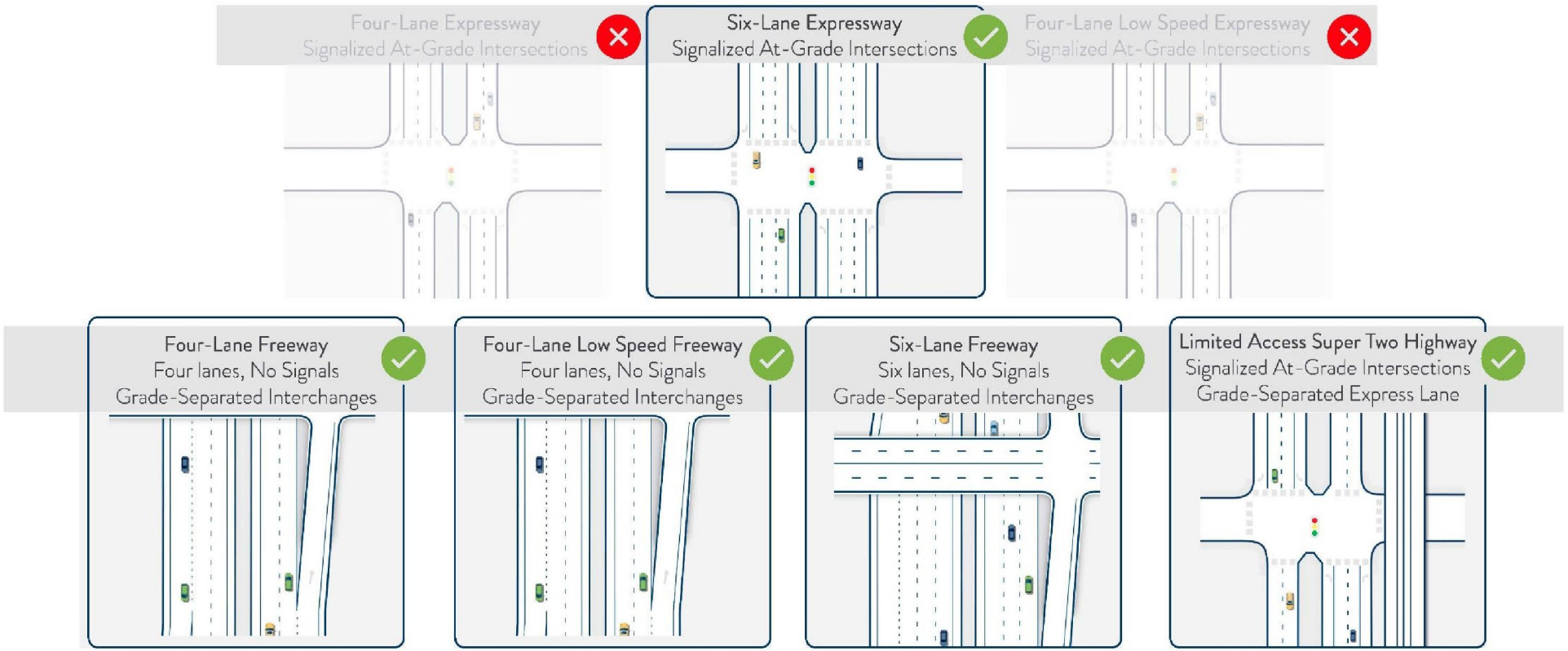
HIGHWAY 252 ROADWAY ELEMENTS MOVING FORWARD

Screening Criteria

Congestion. Would the option increase traffic congestion on Highway 252 or I-94?

Travel Time. Would the option increase general travel time for people driving on Highway 252 or I-94?

Crashes. Would the option increase hazards (frequent starting/stopping, unsafe intersections and access types)?



I-94 ROADWAY ELEMENTS MOVING FORWARD

Screening Criteria

Congestion. Would traffic congestion increase on Highway 252 or I-94?

Travel Time. Would general travel time increase for people driving on Highway 252 or I-94?

Crashes. Would safety hazards increase (frequent starting/stopping, unsafe intersections and access types)?

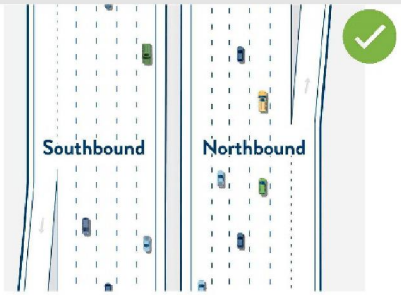
No Change on I-94



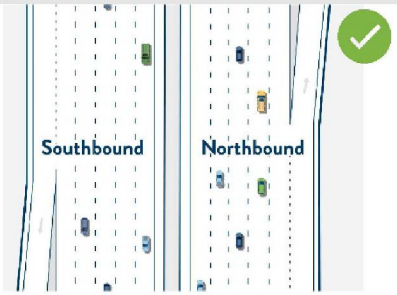
Convert an existing lane from I-694 to 4th Street towards downtown Minneapolis
managed lane with and without direct connection



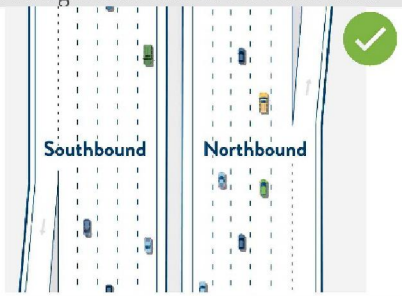
Additional lane from I-694 to Dowling Avenue towards downtown Minneapolis



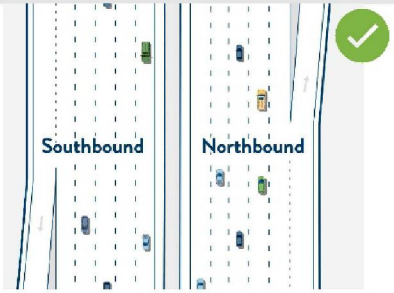
Additional lane from I-694 to Dowling Avenue towards downtown Minneapolis
managed lane with and without direct connection



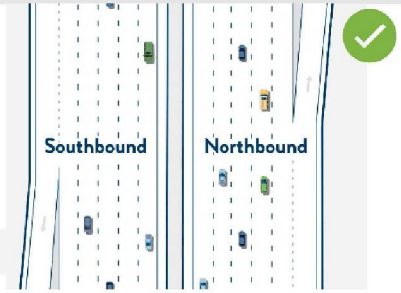
Additional lane from I-694 to Dowling Avenue towards downtown Minneapolis
managed lane with direct connection



Additional lane from I-694 to Dowling Avenue in both directions



Additional lane from I-694 to Dowling Avenue in both directions managed lanes with and without direct connection



Additional lane from I-694 to Dowling Avenue in both directions
managed lanes with direct connection



HIGHWAY 252 ROADWAY ACCESS ELEMENTS MOVING FORWARD

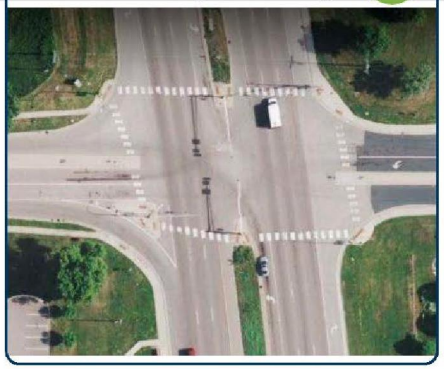
Screening Criteria

Level of service for vehicles, buses, and people walking or biking. Does the access type provide efficient crossing options for people traveling along the corridor while walking, biking, taking transit, or using a vehicle?

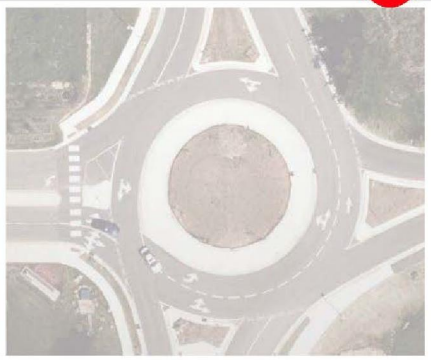
Capacity at busiest travel times. Does the access type adequately move people in cars through intersections efficiently in traffic models?

Annual Estimated Crashes. Does the access type pose concerns for increased numbers of vehicle crashes?

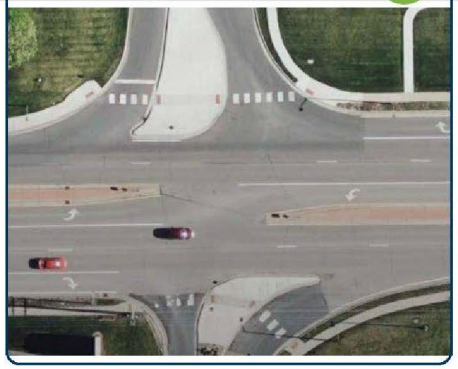
Traffic Signal (Existing) ✓



Roundabout ✗



Right-In Right-Out ✓



Reduced Conflict Median U-Turn ✓



Continuous Green-T ✗



Displaced Left Turn ✓

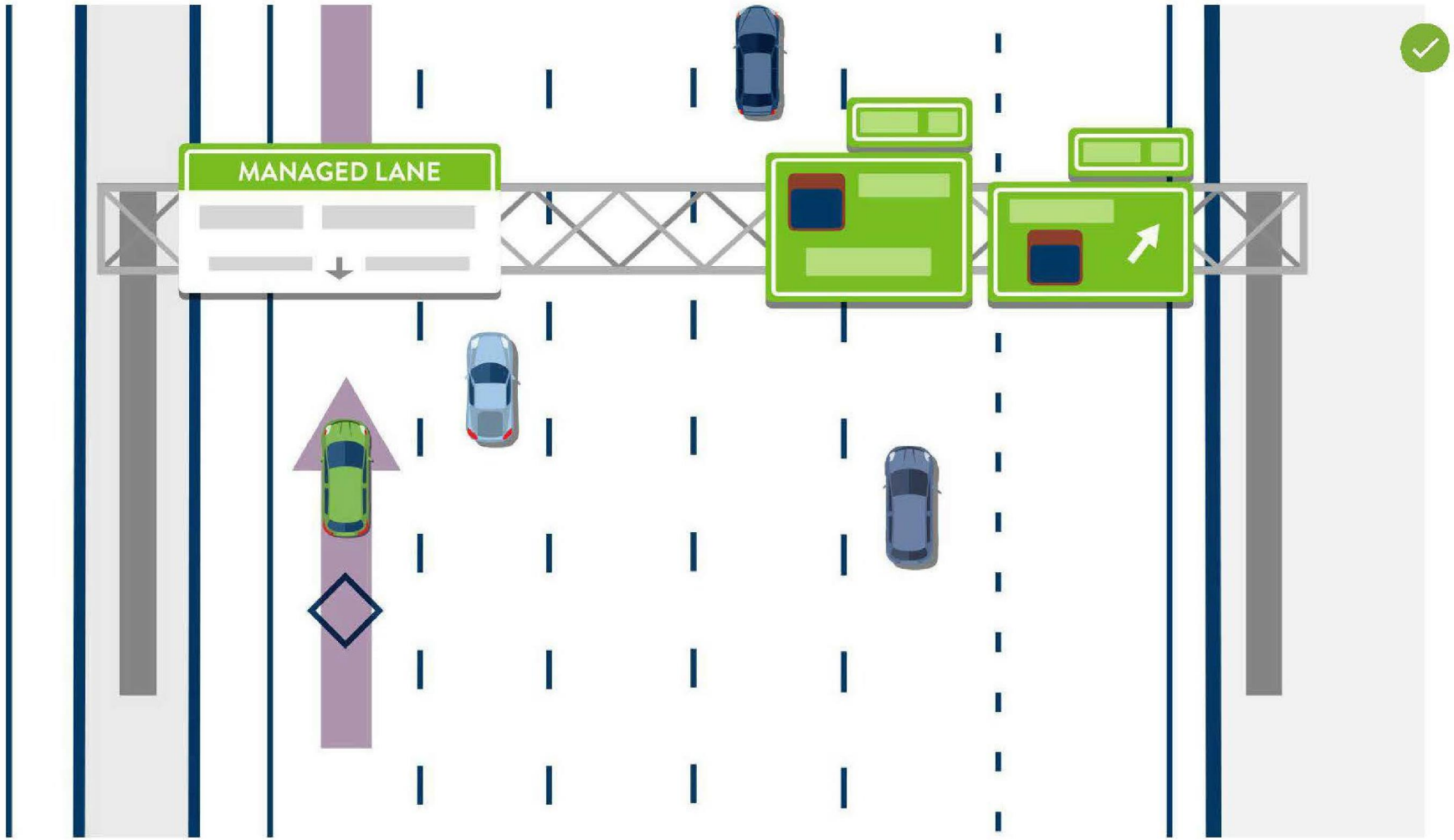


Echelon Interchange ✓



MANAGED LANE CONSIDERATIONS

Convert Existing Lane or Add Additional Lane



PROJECT ALTERNATIVES FOR CONSIDERATION

Alternative Package 1

No change on I-94.

Highway 252 roadway elements include:

1. Six-lane expressway
2. Four-lane lower speed freeway
3. Four-lane freeway
4. Six-lane freeway without managed lane
6. Limited Access Super Two



Highway 252 and I-94 Environmental Review **Project Alternatives**

Note: Direct connection is only looked at under a managed lane scenario. Managed lane can be E-Z pass, high occupancy vehicle, or bus-only.

Note: Each alternative is compatible with all advancing transit concepts.

PROJECT ALTERNATIVES FOR CONSIDERATION

Alternative Package 2

Convert lanes on I-94 to managed lanes from I-694 to downtown with and without direct connection into downtown Minneapolis.

Highway 252 roadway elements include:

⑤ Six-lane freeway with managed lane

LEGEND

Highway 252 Roadway Elements

- Six-Lane Expressway
- Four-lane Freeway
- Six-Lane Freeway
- Limited Access Super Two

I-94 Roadway Elements

- Add Lane
- Lane Conversion
- Direct Connection to Downtown

Highway 252 and I-94 Environmental Review **Project Alternatives**



Note: Direct connection is only looked at under a managed lane scenario. Managed lane can be E-Z pass, high occupancy vehicle, or bus-only.

Note: Each alternative is compatible with all advancing transit concepts.

PROJECT ALTERNATIVES FOR CONSIDERATION

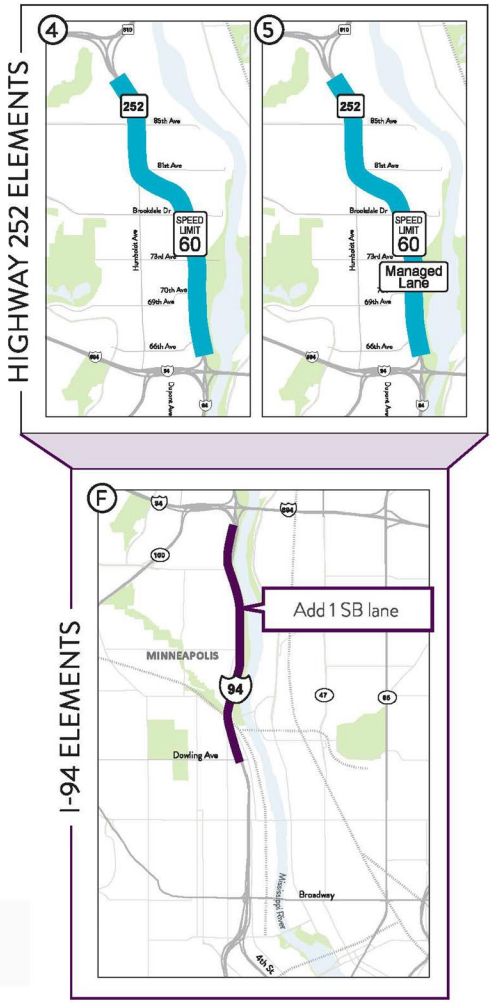
Alternative Package 3

Additional lane on I-94 from I-694 to Dowling Avenue towards downtown Minneapolis.

Highway 252 roadway elements include:

④ Six-lane freeway without managed lane

⑤ Six-lane freeway with managed lane



LEGEND

Highway 252 Roadway Elements

- Six-Lane Expressway
- Four-lane Freeway
- Six-Lane Freeway
- Limited Access Super Two

I-94 Roadway Elements

- Add Lane
- Lane Conversion
- Direct Connection to Downtown

Highway 252 and I-94 Environmental Review **Project Alternatives**

Note: Direct connection is only looked at under a managed lane scenario. Managed lane can be E-Z pass, high occupancy vehicle, or bus-only.

Note: Each alternative is compatible with all advancing transit concepts.

PROJECT ALTERNATIVES FOR CONSIDERATION

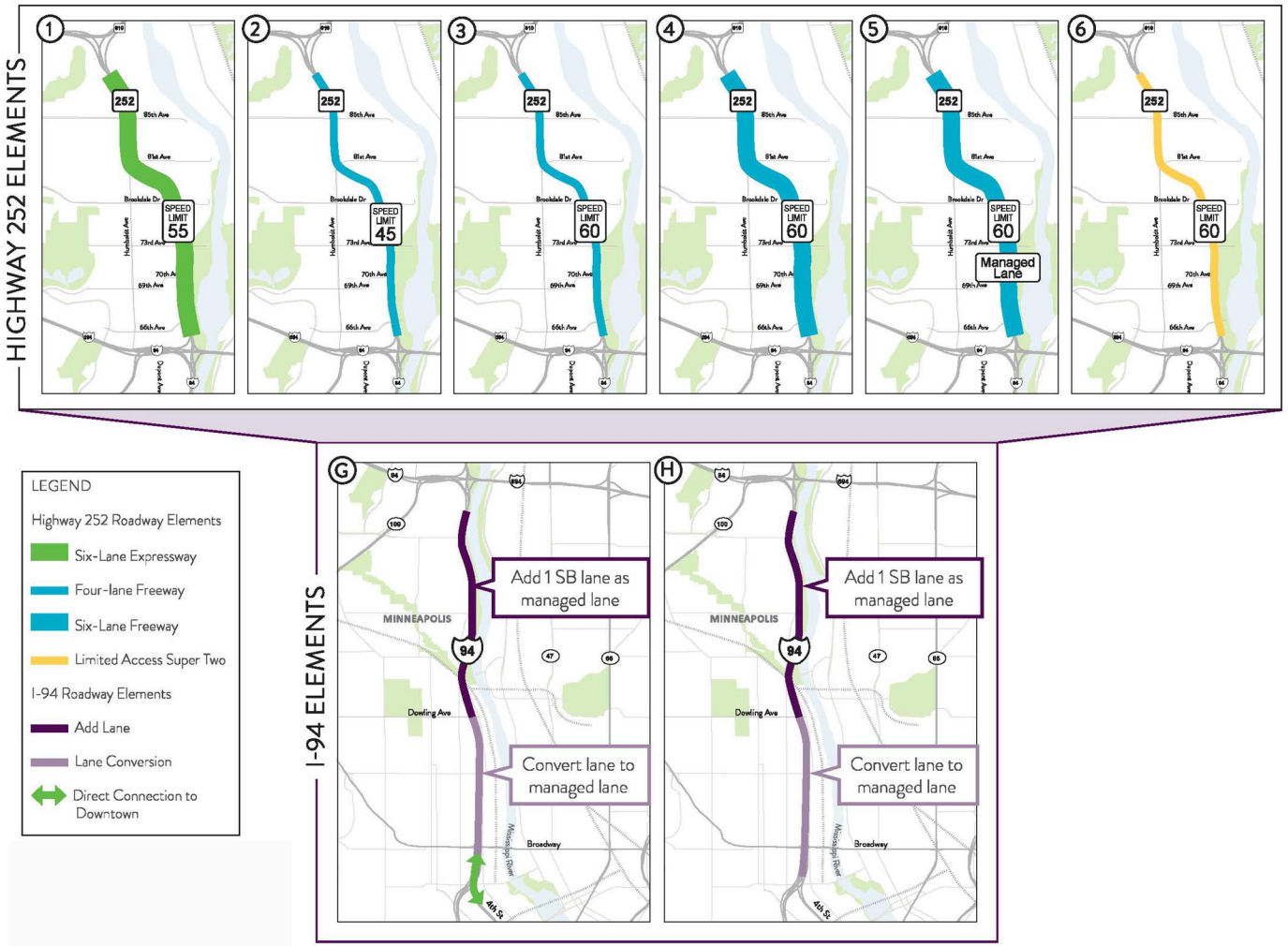
Alternative Package 4

Additional lane on I-94 from I-694 to Dowling Avenue towards downtown Minneapolis as managed lane with and without direct connection into downtown Minneapolis.

Highway 252 roadway elements include:

1. Six-lane expressway
2. Four-lane lower speed freeway
3. Four-lane freeway
4. Six-lane freeway without managed lane
5. Six-lane freeway with managed lane
6. Limited Access Super Two

Highway 252 and I-94 Environmental Review **Project Alternatives**



Note: Direct connection is only looked at under a managed lane scenario. Managed lane can be E-Z pass, high occupancy vehicle, or bus-only.

Note: Each alternative is compatible with all advancing transit concepts.

PROJECT ALTERNATIVES FOR CONSIDERATION

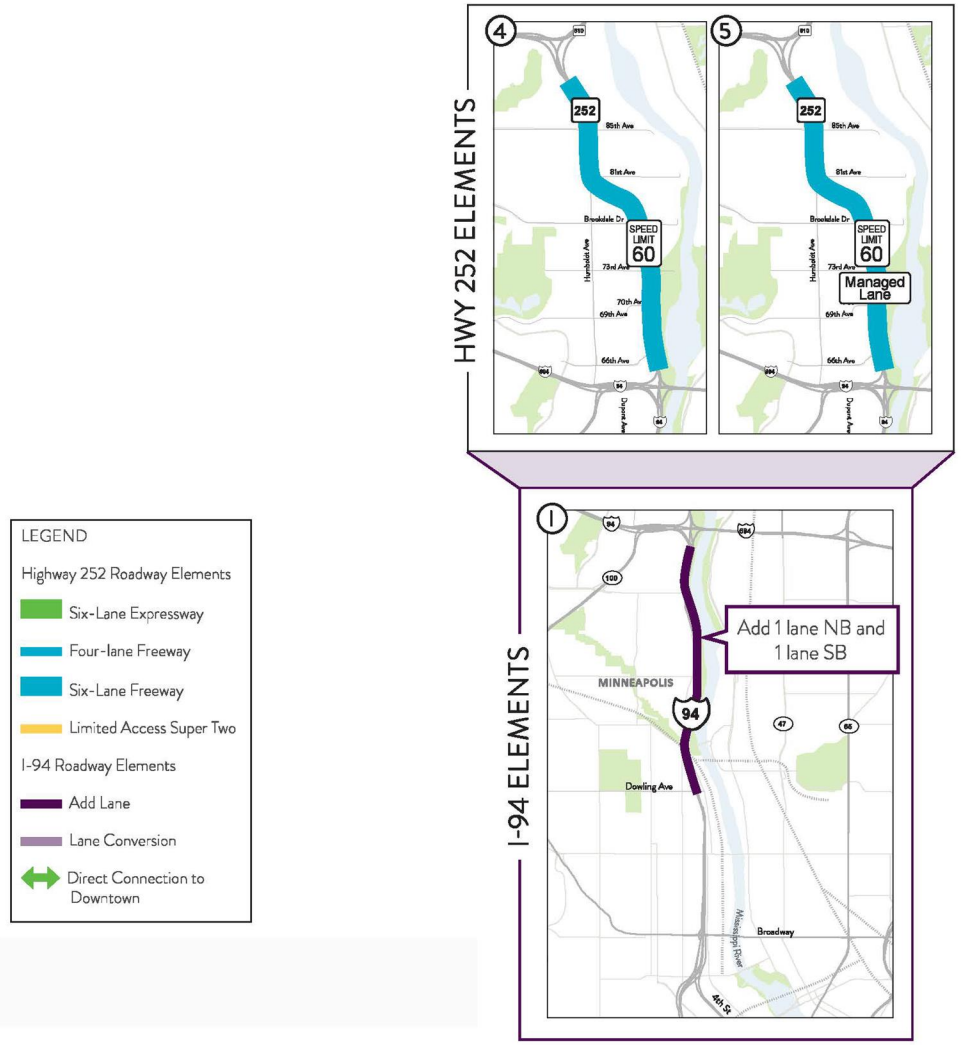
Alternative Package 5

Additional lane on I-94 from I-694 to Dowling Avenue in both directions.

Hwy 252 roadway elements include:

④ Six-lane freeway without managed lane

⑤ Six-lane freeway with managed lane



Highway 252 and I-94 Environmental Review **Project Alternatives**

Note: Direct connection is only looked at under a managed lane scenario. Managed lane can be E-Z pass, high occupancy vehicle, or bus-only.

Note: Each alternative is compatible with all advancing transit concepts.

PROJECT ALTERNATIVES FOR CONSIDERATION

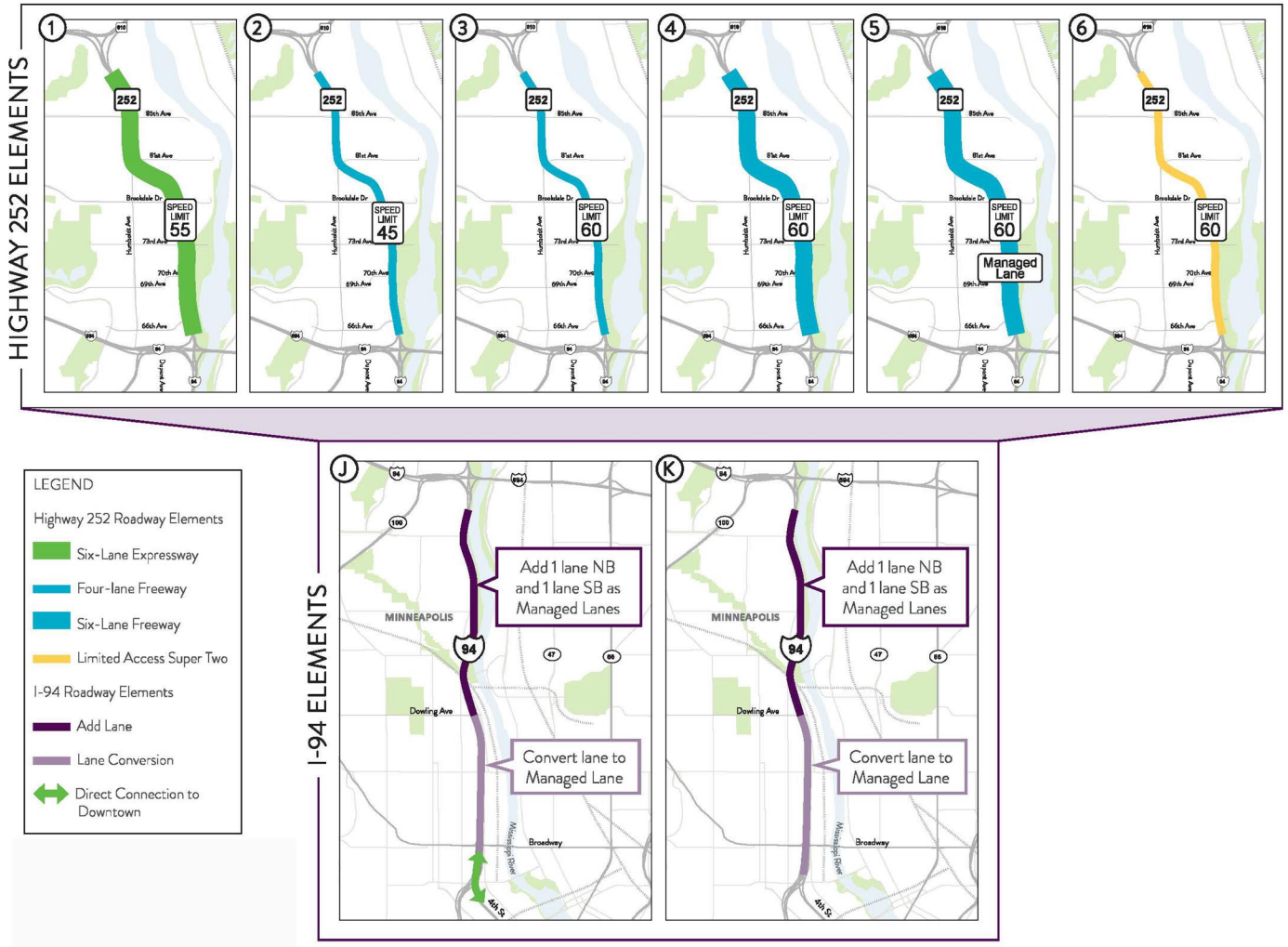
Alternative Package 6

Additional lane on I-94 from I-694 to Dowling Avenue in both directions as managed lanes with and without direct connection into downtown Minneapolis.

Highway 252 roadway elements include:

1. Six-lane expressway
2. Four-lane lower speed freeway
3. Four-lane freeway
4. Six-lane freeway without managed lane
5. Six-lane freeway with managed lane
6. Limited Access Super Two

Highway 252 and I-94 Environmental Review **Project Alternatives**



Note: Direct connection is only looked at under a managed lane scenario. Managed lane can be E-Z pass, high occupancy vehicle, or bus-only.

Note: Each alternative is compatible with all advancing transit concepts.

Business Outreach – A 3-Pronged Approach



Connect

- Outreach to ~165 targeted businesses identified
- Identified additional key businesses with potential for “impact”



Relationship

- Arrange to meet with each business that stated a willingness to connect and hear additional information in-person, over the phone, or by email
- Set-up follow up meeting



Follow-Up

- Follow-up with a meeting with businesses that agreed to meet, plus others that are identified to directly be impacted by a potential Project Alternative after further evaluation

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SLIDES THAT FOLLOW ARE FOR INFORMATION PURPOSES ONLY
THEY ARE FROM A HIGH-LEVEL SPEED AND SAFETY PRESENTATION GIVEN TO THE POLICY ADVISORY COMMITTEE 10/7/21

How is safety incorporated into the Purpose and Need?

VEHICLE SAFETY

The full length of Hwy 252/I-94 within the project area have a demonstrated crash problem.

In 2016-2019, the average annual crash cost on on Hwy 252 was between $500K and $1.7M.

Both Highway 252 and I-94 exceed the critical crash rate.

WALKABILITY AND BIKEABILITY

Safety and mobility for walking, biking, and rolling in the corridor is a top priority. The existing and planned pedestrian and bicycle network within the corridor is fairly extensive.

Crossing Highway 252 can be difficult due to number of lanes, crossing distances, and busy intersections.

I-94 has disproportionate crossing distances and poor quality crossings (i.e. narrow sidewalks and no ADA accommodations).

HIGHWAY 252

Between **2016-2019** there were **654** **reported intersection crashes** along Highway 252 and **790** **reported crashes not at intersections**.

Between **2016-2019** there were **three** **fatal crashes**. Between **2003-2015** there were **six** **fatal intersection crashes**.

Highway 252 **intersections** rank have historically ranked in the **Top 10** for the state of Minnesota in terms of **crash costs**.

Rear end crashes accounted for **two-thirds** of all crashes which indicates congestion at intersections.

The existing posted **speed is 55 mph** and **priority for signals** has been given to vehicles traveling along the corridor. This **increases** the **crash severity.**

Nine **pedestrian/bicycle crashes** were reported between 2011-2019 involving a vehicle including **two** **fatalities**.

INTERSTATE 94

There were **914** reported **crashes** along I-94 between 2016 and 2019.

The **crash rate** for this segment of I-94 **exceeds** **the average** crash rate for freeways of its type.

More than **60%** of the **crashes** along I-94 were **rear-end** indicating congestion.

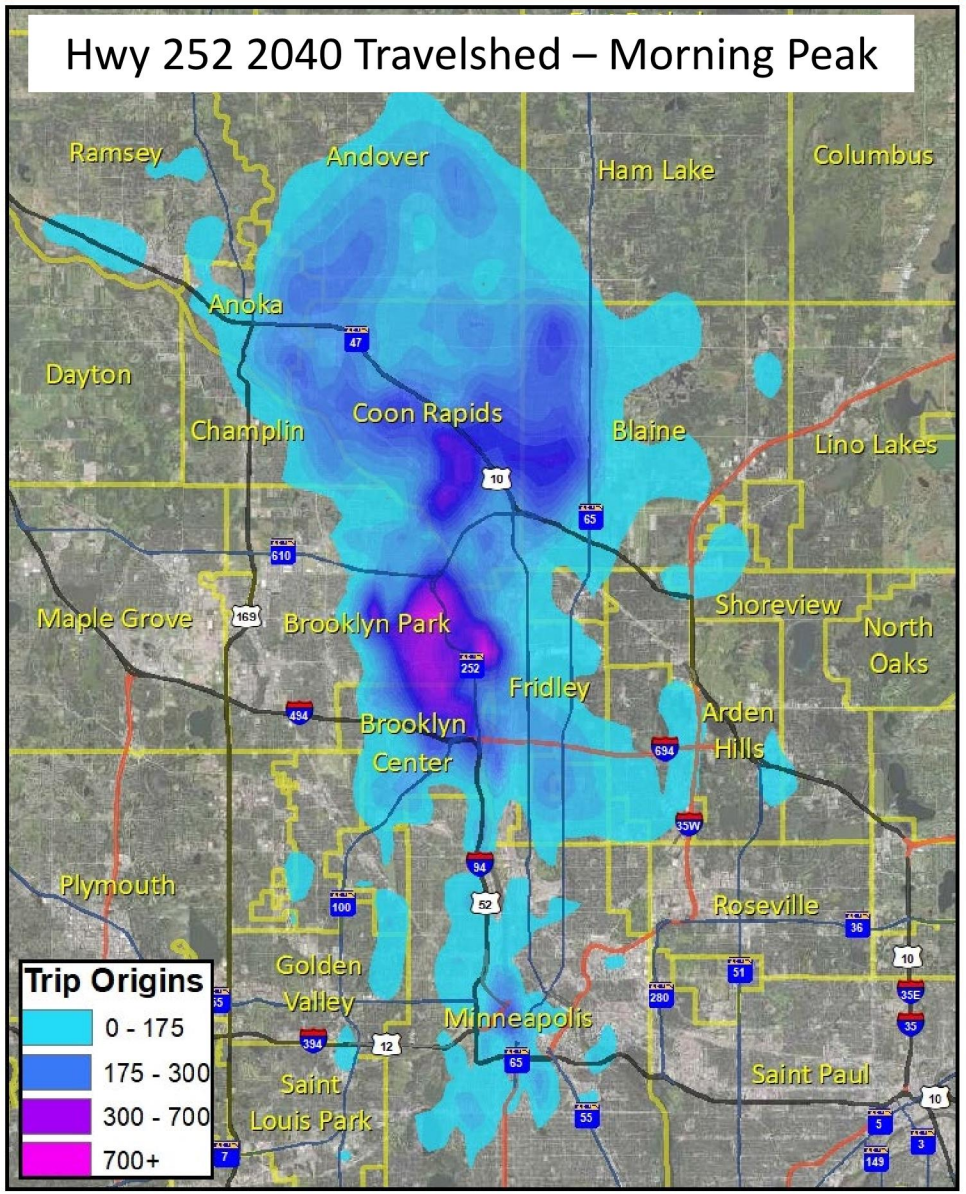
There were **five** **fatal crashes** along I-94 from 2016-2019

EIS Objectives established by the PAC

EIS PROJECT OBJECTIVES

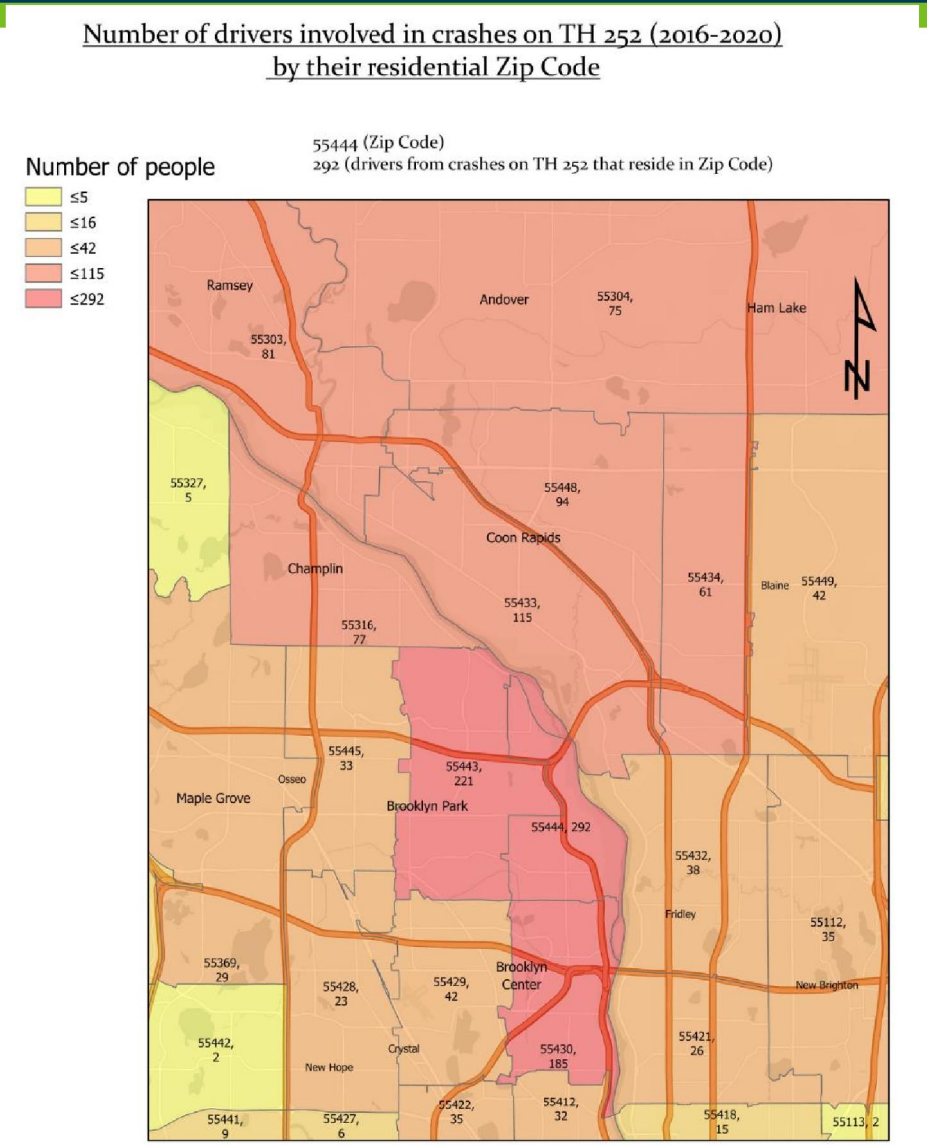
- Achieve equitable social, environmental, and economic outcomes (equity means fair and just, taking into consideration the conditions and needs of persons/communities impacted).
- Reduce injuries and fatalities associated with crashes along Highway 252 and I-94.
- By supporting reliable transit service through operational improvements.
- Minimize the need to acquire additional property.
- Ensure solutions are consistent with local planning and compatible with the existing roadway network.

How the corridor is being used and by who?



>> A high concentration of trips on Hwy 252 originate in Brooklyn Park and Brooklyn Center

How are Brooklyn Center and Brooklyn Park related to the historical crash data?



>> Drivers from Brooklyn Park and Brooklyn Center are involved in the highest number of crashes on Hwy 252

What are the key take-aways from the historical crash data?



>> Distracted driving contributes to over 60% of the crashes on Hwy 252

>> Speeding contributes to approximately 20% of the crashes on Hwy 252

>> Drivers between the ages of 20-39 account for 47% of the crashes on Hwy 252

How are speed limits set in Minnesota?

Setting Speed Limits

Beginning in 2019, state law now allows cities to establish speed limits on certain city streets.

Minnesota State Statute 169.14

Speed limits in Minnesota are:

- 10 mph in alleys
- 30 mph on streets in urban districts
- 55 mph on other roads
- 65 mph on expressways
- 65 mph on urban interstate highways
- 70 mph on rural interstate highways

Engineering and Traffic Investigation

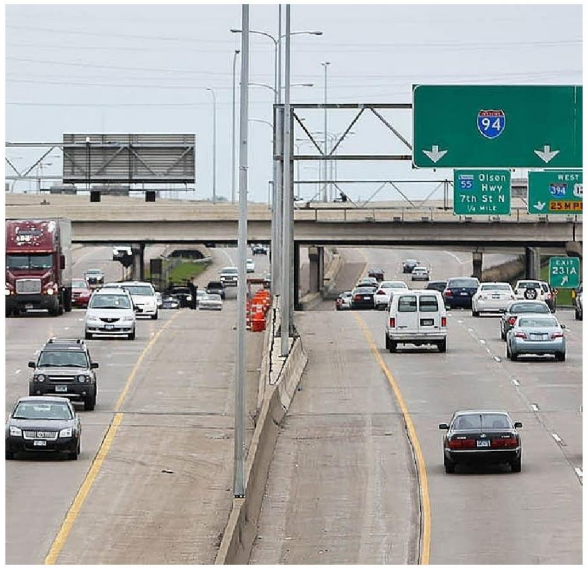
Factors considered:

- Road type and condition
- Location and type of access points
- Sufficient length of roadway (1/4 mile minimum)
- Existing traffic control devices
- Crash history, traffic volume, and sight distance
- Travel speed samples
- Test drive results speed study

What are the existing crash statistics in Minnesota?

According to FHWA, **crash rates** describe the number of crashes in a given period as compared to traffic volume (or exposure) to crashes.

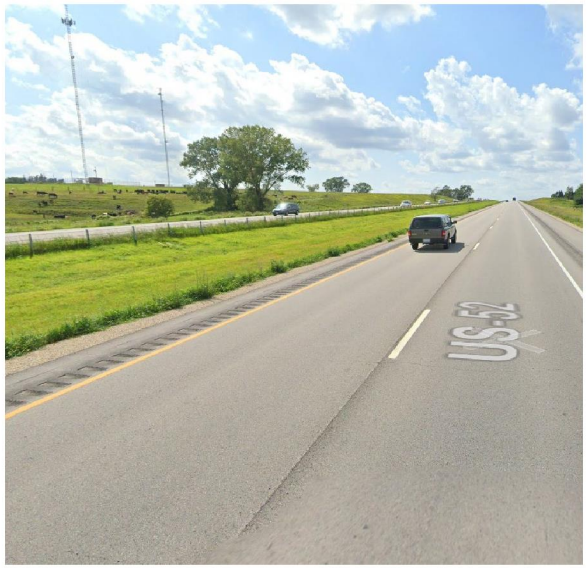
Urban Freeway



I-94, Minneapolis
Speed Limit = 55 mph

Urban and rural freeways have the **lowest fatal and serious injury crash rate**

Rural Freeway



US 52, Rochester
Speed Limit = 65 mph

Rural freeways have the **lowest total crash rate**

Low Volume Urban and Rural 2-lane Undivided Roadways



Hwy 23, Circle Pines Speed Limit = 50 mph
Hwy 73, Hibbing Speed Limit = 55 mph

Urban and rural 2-lane roadways with low volumes have the **highest fatal and serious injury crash rate**

Urban 4-lane Divided Roadway

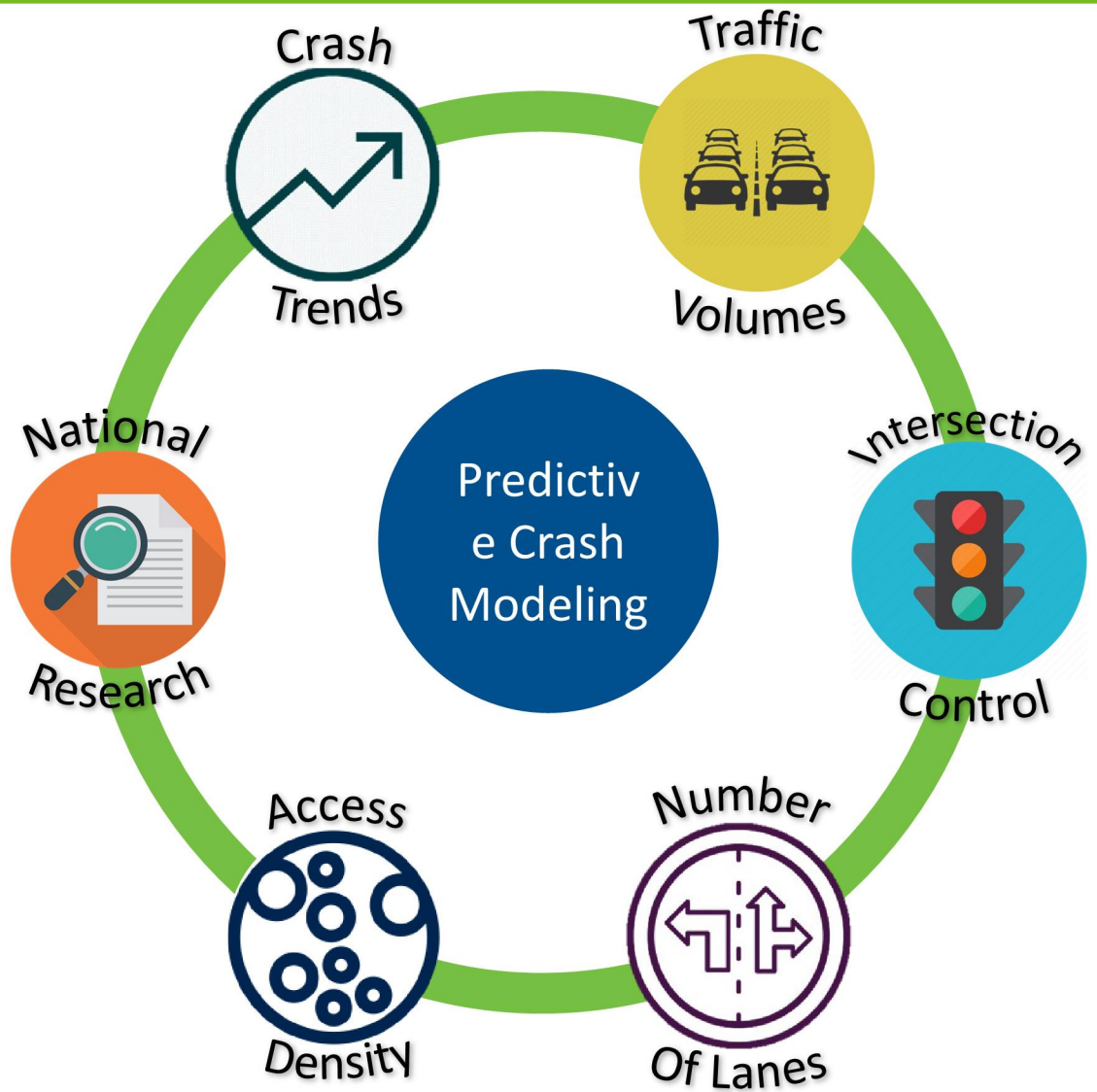


Hwy 55, Golden Valley, Medina
Speed Limit = 55 mph

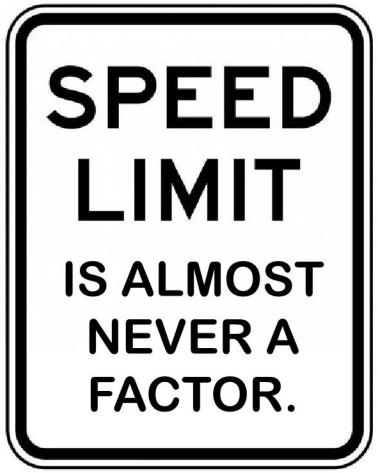
Urban 4-lane divided roadways have the **highest total crash rate**

Urban and rural freeways account for **51% of traffic** but only **47% of total crashes** and only **21% of fatal and serious injury crashes**

What factors are considered in predictive crash modeling?



When predicting the number of future crashes,



The roadway design and conditions determine the speed at which drivers are comfortable driving.

Key Takeaways

>> Speed limits are set by state statute or an engineering study

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>> Freeways typically have lower fatal and serious injury crash rates
>> People drive the speed at which they feel most comfortable based on roadway conditions and design
>> Posting a slower speed limit does not change driver behavior
>> Crashes on freeways are primarily caused by congestion and not speed

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>> Higher travel speeds increase the likelihood of pedestrian and bike fatality or injury for at-grade crossings; however, higher speed grade-separated facilities remove pedestrian/bike conflicts



Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Meg Beekman, Community Development Director

SUBJECT: Market Trends & Demand Overview

Requested Council Action:

- *Motion to accept the presentation*

Background:

In 2019, the City worked with Kimble Company to take a high level look at market demand and regional market trends affecting Brooklyn Center. The study was initiated as part of several initiatives focused on understanding the available land in the City and how best to target development on them. The high level market study considered the Opportunity Site area, the former Sears site, and the Brooklyn Boulevard Corridor.

The study was intended to be presented to the Council in early 2020, but was postponed as a result of the pandemic and and the City pivoted to focus on other areas of concern.

Given a renewed interest from developers on various sites in the City, Kimble Company was asked to update their study and provide their expertise in regard to where the market is currently heading and what types of development is more probable than others.

Julie Kimble will present her findings and be available to answer any questions that the Council may have.

Staff is seeking to provide information to the Council to assist with design making in the future in regards to development sites. The presentation is designed to be fairly high level. The Council will have an opportunity to identify if there is additional information they would like more detail on, which can be provided as part of a future and ongoing discussion.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type

powerpoint	11/8/2021	Presentation

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Commercial Real Estate Market Review

City Council Meeting
November 8, 2021



PURPOSE & AGENDA

Purpose: To provide a summary update of commercial real estate market information to assess realistic opportunities for development and redevelopment throughout Brooklyn Center now and in the near-term.

Presentation Summary

- Consultant Credentials
- Prior Study
- Industrial Market Overview
- Retail Market Overview
- Office Market Overview
- Multifamily Market Overview
- Market Observations, Questions & Recommendations

KIMBLECO SNAPSHOT

- Full-service commercial real estate firm, certified-WBE, founded in 2014
- Principals with over 65 years of diverse real estate experience locally, nationally and globally
- We have developed and leased over 6 million square feet of commercial real estate
- Our work is based solidly on our core values of:

Integrity – **Excellence** – **Transparency & Communication**

Giving Back – **Healthy People. Healthy Business.**

- Services: fee development & consulting **+** leasing & disposition/acquisition **+** investment sales/acquisition **+** project management **+** corporate advisory
- We donate 10% of pre-tax profits to charity and actively volunteer our time and expertise – we are Minnesota Keystone Program member

Certifications: WBE, WOSB, CERT, Targeted Vendor

Brooklyn Center at the Center

Reader Rankings Finance & Commerce

certified WBENC Women's Business Enterprise

Professional Member MNCAR Minnesota Commercial Association of Real Estate/Realtors®

Minnesota Keystone Program℠ Participant

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PRIOR BROOKLYN CENTER STUDY

- KimbleCo was a member of a consultant team in 2019 and 2020 that performed a variety of scope for Brooklyn Center. This work helped to inform this market update.
- KimbleCo assessed the retail, office & multifamily markets in Brooklyn Center resulting in two reports; 1) a Market Review (demographics and real estate review), and 2) a Redevelopment Analysis. The study was focused on redevelopment sites along Brooklyn Boulevard therefore industrial was not included.
- Purpose of Prior Study: To provide a view into opportunities for development that were grounded in market realities. It's easy to create wonderful visions for sites but another to make them happen. The analysis focused on opportunities that supported job and revenue growth in the city –provided resources for residents - developments that could happen now and in the near future based on current market fundamentals.



Retail Market Overview

Northwest Quadrant (multiple suburbs)*

Property Type	# of Buildings	Inventory (SF)	Total Available (SF)	Total Vacant (SF)	Total Absorption (SF)	Asking Rates (NNN)	Vacancy Rates
Neighborhood Center	36	2,190,524	140,809	279,339	(3,816)	$10.50	12.7%
Strip Center	131	2,395,650	253,544	212,873	(20,387)	$20.04	8.9%

*MNCAR Retail Market Report Q1 2020
** Total Available SF – Occupied, but listed for lease
*** Total Vacant SF – Vacant, listed for lease by landlord

Under Construction: 4 projects totaling 232,000 sf
Completed 2019: 2 Projects totaling 44,435 sf.

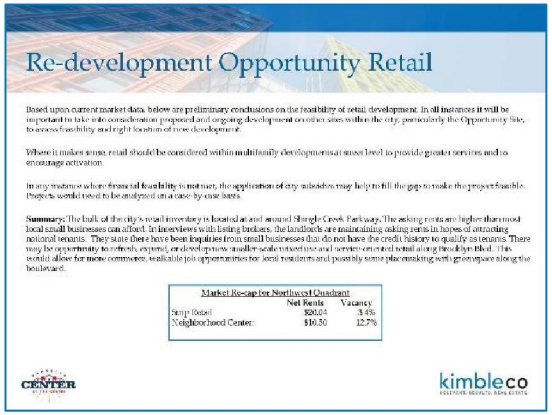
Retail property types that are currently listed for lease in Brooklyn Center are classified as either Neighborhood Center or Strip Center.

Note that The Boulevard Shopping Center, along Brooklyn Boulevard and within the geography of this study sold on March 13, 2018 for $3.1M.

In interviews with local retail leasing brokers, specific to the Shingle Creek retail area of Brooklyn Center, they are collecting lower rents now than they were when Target was in the area. Interest for leasing spaces has been from smaller start-up businesses with no/minimal credit history or experience. Landlords are preferring to keep rents up and in hopes of attracting national tenants.

Where it makes sense, retail should be considered within multifamily developments at street level to provide greater services and to encourage activation.

Property Type	Net Rent	Operating & Tax	Gross Rent
Strip Retail – Brooklyn Center	$21.00	$9.68	$29.68
Strip Retail – NW Quadrant	$19.08	$9.26	$28.34
Neighborhood Center – Brooklyn Center	$12.00	$8.11	$20.11
Neighborhood Center – NW Quadrant	$11.38	$6.47	$17.85



Re-development Opportunity Retail

Based upon current market data, below are preliminary conclusions on the feasibility of retail development. In all instances it will be important to take into consideration proposed and ongoing development on other sites within the city, particularly the Opportunity Site, to assess feasibility and right location of new development.

Where it makes sense, retail should be considered within multifamily developments at street level to provide greater services and to encourage activation.

In any instance where financial feasibility is not met, the application of city subsidies may help to fill the gap to make the project feasible. Projects would need to be analyzed on a case-by-case basis.

Summary: The bulk of the city's retail inventory is located at and around Shingle Creek Parkway. The asking rents are higher than most local small businesses can afford. In interviews with leasing brokers, the landlords are maintaining asking rents in hopes of attracting national tenants. They state there have been inquiries from small businesses that do not have the credit history to qualify as tenants. There may be opportunity to refresh, expand, or develop new smaller-scale retail use and service-oriented retail along Brooklyn Blvd. This could allow for more commerce, realizable job opportunities for local residents and possibly some plaza/seating/green space along the boulevard.

Market Re-cap for Northwest Quadrant

	Net Rents	Vacancy
Strip Retail:	$20.04	8.4%
Neighborhood Center:	$10.50	12.7%



Re-development Opportunity Retail*

Development considerations:

- Parking solutions such as surface parking or shared parking, was assumed to keep costs down
- Cost examples below do not include land cost, deal gap/grant/tax, entitlement, developer fees and office soft costs.
  - Current construction costs range for neighborhood strip/retail center ($2,000 - $0.00 sf); $110.00 sf - $140.00 sf
  - Current construction costs range for façade updates: $20 sf - $35 sf
- There is a wide variety of retail product types.
- Single tenant, net lease or ownership projects can be designed to a budget that fits for client and can continue to be a fit for the right location.
- Developer/owners must be capitalized up-front to fund tenant improvement allowances and transaction fees that are typical in the market.
- Lenders will require substantial pre-leasing for multi-tenant buildings; speculative product will be nearly impossible to finance.
- National credit user transactions continue to present opportunities for development.
- Where it makes sense, retail should be considered within multifamily developments at street level to provide greater services and to encourage activation.
- Generally, retail development will slow down due to the events of 2020 until retailers better understand impacts and buyer behaviors affecting their space needs. Certainly, the restaurant industry has been significantly affected with projected closures resulting in additional vacancies.

Gap financing/subsidy requirements fall contingent upon types and amounts of programs available within the city or other governing authorities or organizations:

- Possible land write-down for non-traditional credit opportunities.
- Possible assistance for façade improvement.
- Incentives for public art/plaza or green connectivity with opportunities for placemaking.
- In-depth analysis should be performed to determine project feasibility, developer experience, financing commitments and all other applicable variables so as certain development success before subsidy is committed.

*Preliminary conclusions are based on current market conditions (rents, costs) and are based on high-level, hypothetical proforma analysis.

Brooklyn Center At the Center

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INDUSTRIAL OVERVIEW

- Industrial space is in high demand. Development potential is high almost anywhere due to the strong underlying real estate fundamentals in the market and the demand for products and services of essential businesses.
- Vacancy is low across the entire Twin Cities market at 4.2% with 15 million square feet of demand in the market. Rents are increasing due to principles of supply and demand.
- Brooklyn Center's current inventory is a mix of traditional office warehouse and flex/R & D and has a slightly higher vacancy than the market overall, possibly due to the fact much of its product is older.
- National institutional investor/owners are interested in the Twin Cities market and some now control large portfolios and are driving rents and annual escalations up.
- Numerous speculative industrial developments have recently been announced and the economics for industrial easily supports new development.
- There is a higher percentage of local owners vs. institutional or national owners of industrial buildings in the Brooklyn Center market. This may change with the development of newer product.
- Industrial likes access to freeway infrastructure. Cities and residents typically prefer that industrial product is not located in proximity to residential and retail centers but planned for areas set aside and zoned specifically as industrial centers due to scale of buildings, truck traffic and general operations.
- Current economics are strong, and incentives should not be necessary unless there are extenuating circumstances such as necessary environmental clean-up.



Typical office/warehouse

Industrial Product Types

Office/Warehouse
Typically, 24' clear height or more
Typical use is 20% office, 80% warehouse

Distribution
Ceiling clear height of more than 28'
Very small office component

Flex/R & D/Office Showroom
Lower clear ceiling heights of 14' to 20'
Closer to 40% office and 60% warehouse use

Other
Truck Terminal/Cross Dock
Cold Storage
Self-Storage

BROOKLYN CENTER AT THE CENTER

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INDUSTRIAL OVERVIEW

To consider:

- Can flex product work in areas with commercial or residential adjacencies? This could drive up the number of new jobs and present smaller scale buildings that can work more easily with commercial and residential adjacencies. If not flex, then developers should commit to a minimum level of office finish to drive jobs.
- Is there an opportunity to target and attract destination entertainment use such as brewery, interactive sporting/with food & beverage, roller-skating, etc.. as a part of the industrial tenant mix and does zoning allow this? Can these uses effectively co-exist? Query whether the Twin Cities is nearing its limit of breweries and distilleries.
- If there is a development agreement be careful to include important items such as:
  - Minimum finish levels or creation of jobs standards.
  - Goals for tenant mix or specific market voids.
  - Pay careful attention to design standards – require minimum standards, especially to commercial, residential and high traffic-facing adjacencies, i.e., materials, color, "2-story" facades.
  - Require buffers as needed.
  - Pay attention to lighting zones, hours of operation if residential and commercial adjacencies.
  - Incorporate good site planning – green space, pedestrian connections to nearby amenities, connections to city trail and or other city amenities as appropriate.
  - Ensure property is well lit to enhance safety and security.



Flex Product

Opportunity	***Challenge***
If a higher office component, then more job creating capacity.	Large footprint and typical facades are a challenge if commercial or residential adjacencies.
Quality of jobs is typically higher than retail/	Need to manage truck traffic, light & noise.
Market demand is strong and industrial is likely to thrive.	If higher warehouse usage (vs. office) job counts are reduced.

BROOKLYN CENTER AT THE CENTER

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RETAIL OVERVIEW

- The current retail vacancy in Brooklyn Center is 8.7% greater than the rest of the Twin Cities. Lease-up of existing space and development of available pad sites in the city has been slow.
- Current rental rates do not support new construction with the exception of single-tenant, stand alone projects.
- Lenders will require substantial pre-leasing for multi-tenant buildings, speculative product will be nearly impossible to finance.
- As always retailers are laser-focused on demographics, now more than ever due to the impact of the pandemic and the competition with online shopping. Daytime population to support retail is key. Retail location efforts are more careful than ever.
- Brooklyn Center cannot just consider city boundaries but must look at larger retail trade areas to understand opportunities. This is especially important as there is considerable competition with relative nearby retail trade centers such as Maple Grove. This is even more important as retailers are reducing the number of bricks and mortar stores placing them further apart than they used to.
- Developers have extensively targeted national retailers including grocery and entertainment venues unsuccessfully. Primary reasons include demographic mix, too close to other operations, and just simply they are not expanding.
- A high percentage of tenants and building ownership are local – there is not a strong track record of investment by national or institutional investor/owners which usually is not a positive signal for developers.
- Some cities, in an effort to attract retail uses have invested in substantial subsidy with no promise of future success.

Retail Product Types

Regional Mall
Strip Center
Neighborhood Center
Big Box
Freestanding (Bank, coffee, etc.)
Restaurant
Entertainment
Daycare



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RETAIL OVERVIEW

To consider:

- How does the city help guide retail zoning such that there is long-term success? Where do retail centers belong and how does this play into the many sites available in the city. What concentration of retail needs to be located in the Opportunity Site to make that a success?
- Is there an opportunity to target and attract destination entertainment use such as brewery, interactive sporting/food & beverage, roller-skating, etc. as a part of the tenant mix, even in a light industrial property and does zoning allow this?
- Is there an opportunity for a project such as a market (small scale, clustered, niche retail) or food hall concept for locally owned retailers? How much of this type of retail can realistically be supported and on what site should it be located? Can it have long-term success? Before any city investment, considerable research should be done. By example, we know that Midtown Market on Lake Street has had ups and downs and has had to pivot numerous times even though it is located in a prime location with good demographics to support the concept and significant day and nighttime population.
- As an alternative to encourage local owned retailers, can vacant and unused storefronts be used as an economic development tool? Possibly city subsidies create a lower barrier to entry such as to "whitebox" the space and assist with tenant improvements? Or to write down some of the rent. This fills existing, vacant space and provides opportunities for new and emerging businesses.
- Incorporate good site planning – green space, pedestrian connections to nearby amenities, to city trail system and or other city amenities as appropriate. Make sure site is well-lit to enhance safety and security.

Opportunity

Possible opportunity for an entertainment-based use as part of the mix in a light industrial product?

Challenges

Current high vacancy rate in the city.

Rents do not support new construction.

Fundamentals of retail site location have changes.

Competition with other retail trade centers.

Most retail jobs are not quality, living-wage positions.

BROOKLYN CENTER AT THE CENTER

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OFFICE OVERVIEW

- Current rental rates do not support new construction with the exception of single-tenant, stand alone projects.
- Brooklyn Center rents and sales over the last five years are below the market averages.
- Known cap rates for sales are 8.0% and above representing market risk and reducing developer returns impacting decisions to invest.
- The pandemic has greatly influenced office use and the future of office is evolving. Because of this as well as increasing vacancies and considerable sublease space on the market, development has paused.
- Build to suit, for lease or ownership can be designed to a budget that fits for a business, however competition is high for these sites, likely requiring city subsidy. However, the pandemic has put almost all thought of this type of development on hold for now due to changing workplace policies such as hybrid and remote work.
- Lenders will require substantial pre-leasing, speculative product will be nearly impossible to finance.
- A smaller footprint, office condo project, carefully designed to meet the market, with a competitive land purchase may be able to be developed with little to no subsidy. Or redeployment of vacant storefronts as suggested in the retail overview.
- Developer/owners must be capitalized up-front to fund tenant improvement allowances and transaction fees that are typical in the market. Emerging developers of small office properties must be well-capitalized and prepared for these costs in order to have long-term success.



Office Product Types

Multi-Tenant

Single Tenant

Office Condo



BROOKLYN CENTER AT THE CENTER

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MULTIFAMILY OVERVIEW

- Along with industrial, multifamily is the current darling of development and investment. Despite considerable new construction over the past four years, market fundamentals remain healthy and there is room for more development in many communities.
- Even with higher construction pricing and delayed access to some materials, the market fundamentals remain strong supporting new development.
- The passing of rent control policies in St. Paul and Minneapolis will likely drive development to the suburbs.
- There continues to be insufficient affordable housing and in many communities a need for "missing middle" housing such as duplex and triplex properties both for rent and for ownership. Brooklyn Center is starting to fill this gap with some of its newer developments along Brooklyn Boulevard. Demand for missing middle housing (60-100% AMI) is high and the regional housing shortage is driving costs up. Brooklyn Center is competing for projects with other suburban communities. Missing middle housing also is a key driver to retain existing residents that are at retirement age and wish to downsize and remain in the community.
- The capital stack for affordable housing continues to be a challenge with limited pools of funding which can cause long delays in development starts and the requirement for local subsidies remains.
- Some communities, such as Brooklyn Center, need to update and add market-rate apartments to diversify and expand their housing mix. Given the lower rents in this market and rising construction costs, subsidy is likely required in the current market, particularly if there is structured parking.
- According to the Met Council, Brooklyn Center will add over 2,200 new households over the next 20 years.

Multifamily Product Types

Market-Rate

Senior

Affordable – various including Workforce

"Missing Middle" - Duplex/Triplex, etc..



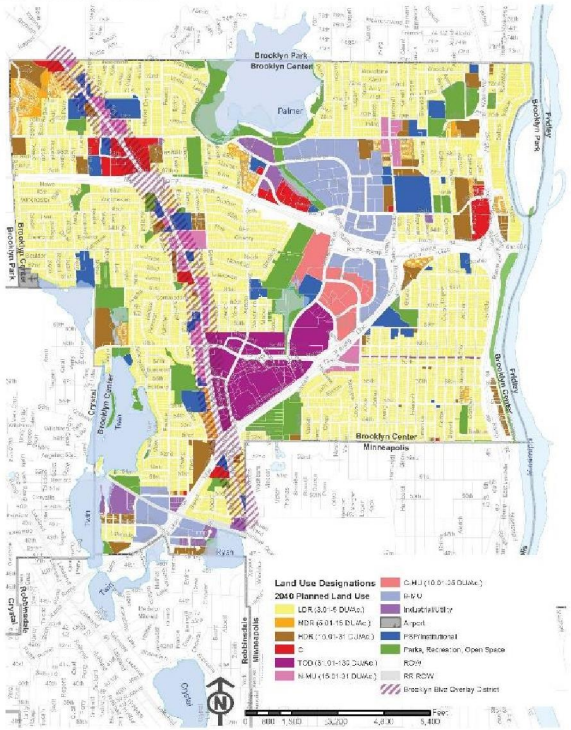
BROOKLYN CENTER AT THE CENTER

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OBSERVATIONS, QUESTIONS & RECOMMENDATIONS

- The city has great sites available for development and redevelopment.
- Yet, the market for development in any one area is not unlimited and there is at some point a finite amount of supply for the demand. Given this, it is possible that development may occur later on some sites as market fundamentals improve for asset classes such as retail and office.
- Where does the city take advantage of current opportunities for development such as the need for industrial product?
- The city plays an important role in guiding land use across the city. Given the available land, the city will need to be strategic about land planning so that developments and sectors can thrive once built. What uses work best for the Opportunity Site and what works best for the Sears site, by example. What works best for Brooklyn Boulevard? Which types of developments have more success being near other types of "like" development, i.e., retail concentrations? How are commercial amenities positioned to provide live-work-play environments?
- Consider guiding industrial uses to one area of the city and concentrate multi-family, service retail and community gathering spots to one area to create vibrancy and a sense of place. As much as possible keep industrial uses away from densities of housing and highly trafficked pedestrian locations. Given current land availability in the city this may mean directing light industrial and jobs-based opportunities to the Sears site and making sure the city has a well-documented agreement with the developer to ensure site and design standards and minimum requirements for job creation.

Map 3-2. Future Land Use

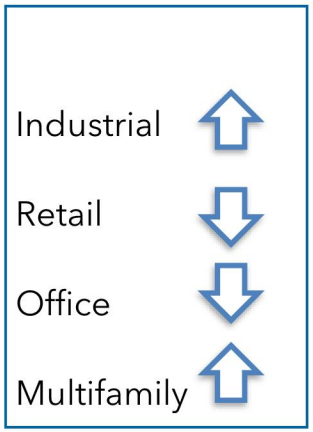


3-14

OBSERVATIONS, QUESTIONS & RECOMMENDATIONS

- How does the city attract and diversify its multifamily mix – a balance of market rate and affordable/workforce and often missing middle housing such as townhomes?
- Office space is currently in tremendous flux due to the pandemic. However, can well-placed office condo product support the incubation of Brooklyn Center's existing and new entrepreneurs? Or can unused and vacant storefronts be used to support local business growth?
- Development of product with healthy underlying market fundamentals should eliminate or greatly reduce the need for city subsidy thereby positively impacting the city's revenue.
- Consider encouraging locally-owned retailers by using economic development tools to fill unused storefronts. This fills existing, vacant space and provides opportunities for new and emerging businesses.
- Be sure to incorporate requirements into developer agreements that ensure you get what was promised and to achieve a project that will enhance the community and meet city goals.

Probability of Development in Current & Near-Term Market



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RESOURCE APPENDIX – CURRENT/PRIOR WORK

- KimbleCo - A WBE-certified, full-service commercial real estate services firm providing fee development, brokerage, project management and consulting. Its principals have developed over 6 million square feet of industrial, office, build to suit and multifamily projects across the United States. KimbleCo was retained for this assignment because of its "in the trenches" experience and knowledge in development and leasing and sales in the Twin Cities.
- Jones Lang LaSalle Brooklyn Center Retail Report
- CBRE 2021 Quarter 3 Industrial Report
- Northstar MLS Infosparks
- MNCAR Catalyst Database
- MNCAR RediComps Database
- National Restaurant Association
- ULI Developer Panel (Twin Cities market)
- Marquette Advisors – Apartment Trends Twin Cities Metro Area – 4th Quarter 2019
- United State Census Bureau - https://www.census.gov/
- Local general contractors for construction pricing information

This study relies on information produced by other parties and KimbleCo does not have knowledge of the research methodology, validation or has actual knowledge that the data has been verified by the parties producing the reports. KimbleCo is relying on information that is generally used within the commercial real estate marketplace.

Council Regular Meeting

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Meg Beekman, Community Development Director
BY: Jesse Anderson, Deputy Director of Community Development

SUBJECT: An Ordinance Amending Chapter 12 of the City Code of Ordinance Regarding Tenant Protection and Resolution Acknowledging the First Reading of the Ordinance

Requested Council Action:

- Motion to approve the first reading of an Ordinance Amending Chapter 12 of the city code of ordinances regarding tenant protections and hold a public hearing and second reading to be held on December 13, 2021.

Background:

Overview

City staff have had multiple discussions with the City Council relating to affordable housing policies and programs. The City is currently working with the Center for Urban and Regional Affairs (CURA) and Research in Action (RIA) on a citywide housing study. That work is completed its engagement phase, and is anticipated to be completed in early 2022. The deliverables from the study will be used to complete a Housing Policy Action Plan to address the housing priorities in the city. Staff is anticipating moving forward with programs and polices based on the results of that study. However, Brooklyn Center and the Twin Cities region are facing continued and extreme low vacancy rates. According to a recent 2020 Census Report (https://www.census.gov/library/stories/2021/08/united-states-housing-vacancy-rate-declined-in-past-decade.html), Minneapolis has the lowest vacancy rate among the 30 largest U.S. cities.

In addition to a significant and sustained housing shortage, the state legislature recently repealed the eviction moratorium. The state has created an off-ramp process to step back from the moratorium, but already Brooklyn Center has seen increased calls about evictions, and is seeing an increased number of filings. With the lifting of the eviction moratorium, landlords can once again get rid of unwanted tenants through non-renewals, avoiding the eviction process altogether.

Staff have been working with the City Attorney's office to draft an ordinance relating to tenant protections. This ordinance was to include multiple areas of concerns from tenants.

- Just Cause Non-renewal
- Pre-eviction Notices
- Maintenance Fees
- Damage Deposits
- Material changes to the lease
- Discrimination relating to public assistance status

Based on the current low vacancy rates and the urgency created by the phasing out of the Eviction Moratorium, staff thought it to be necessary to expedite the ordinance relating specifically to items addressing evictions and non-renewals. Putting anti-displacement measures into effect sooner rather than later is intended to get ahead of

a growing problem, and provide renters with more leverage in negotiations with landlords.
The proposed ordinance amendment summary:

- Pre-Eviction Filing Notice requires an owner of an affordable housing unit to provide a 30 day written notice to a tenant prior to filling an eviction. Evictions would be restricted to non-payment of rent or Material Breach of a Lease
- Just Cause Non-Renewals establishes requirements that prevents a property owner or property manager from non-renewing an existing tenant lease without just cause.
    - Non-Payment of Rent
    - Material Non-compliance
    - Refusal to Renew
    - Occupancy by property owner of family member
    - Building Demolishing or Conversion
    - Rehabilitation or Renovation
    - Complying with a Government order to vacate
    - Occupancy conditioned on employment
- Waiver is not allowed by a tenant to waive their rights under the new ordinance.
- Private Enforcement – A tenant or former tenant of an affordable housing united harmed by an owner in violation of this ordinance may bring and action again the owner in district court.

The Brooklyn Center Housing Commission meet on October 19, 2021 and discussed the proposed tenant protection ordinance. The Housing Commission received feedback from multiple Housing Advocacy Groups including ACER, Homeline, and the Housing Justice Center as well as numerous Brooklyn Center tenants. It was strongly recommended from all agencies and tenets to expedite and approve the ordinance specifically relating to evictions and non-renewals.
Further, the Housing Commission unanimously approved a recommendation to approve the proposed ordinance.

Background

Housing and the policy issues related to housing have become some of the most pressing and important matters facing communities today. For most suburban communities, housing comprises a significant majority of a cities land use and tax base. Maintaining and preserving a safe, quality, and desirable housing stock is critical to a community's long term economic health and resiliency. Further, a diverse housing stock which offers a wide range of housing choices and price points ensures that a community can be resilient through economic ups and downs as well as provide housing options for a diverse population throughout their lives. In addition to maintaining a quality and diverse supply of housing, communities are more and more becoming focused on concerns regarding livability and accessibility of housing.

Brooklyn Center's Current Rental Housing

The result of the regional trends facing the Twin Cities are being felt in Brooklyn Center. Vacancy rates in the community remain lower than the regional average, hovering around 2 percent. This is common in communities with more affordable rental units.
Thirty-seven percent of Brooklyn Center's housing stock is comprised of rental units. Of the City's single-family housing, about 8 percent are rental. Nearly 100 percent of the multi-family housing in Brooklyn Center are one and two bedroom units built between 1961 and 1971, and nearly all of it is naturally occurring affordable housing (NOAH). Average rents in Brooklyn Center are naturally occurring affordable because the market rents, based on the age and condition of the units make them affordable at around 50 percent AMI in the metropolitan area. Rents in Brooklyn Center are lower than the regional average. Approximately 90 percent of all of the housing units in Brooklyn Center are NOAH.
While NOAH properties are affordable, they can be at risk of being lost as market demand increases and rents continue to go up. They can also experience disinvestment over time, causing deterioration, loss of value, and most importantly poor quality or unsafe living situations if they are not properly inspected and maintained.

The City's 2040 Comprehensive Plan identifies several broad housing goals

2040 Housing & Neighborhood Goals:

- Promote a diverse housing stock that provides safe, stable, and accessible housing options to all of

Brooklyn Center's residents.

- Recognize and identify ways to match Brooklyn Center's housing with the City's changing demographics.
- Explore opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents.
- Maintain the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement.
- Explore opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods.

In addition to these goals, the 2040 Comprehensive Plan identifies implementation strategies as well as resources and tools for achieving its housing goals.

Budget Issues:

There are no budgetary issues to consider at this time.

Inclusive Community Engagement:

Staff has been working closely with housing advocacy groups, and met regularly with residents to gather information regarding the need for this ordinance.

Antiracist/Equity Policy Effect:

Renters in Brooklyn Center are disproportionately more likely to be people of color than home owners. Over 50 percent of Brooklyn Center renters pay more than 30% of their incomes on rent and are considered low income. Low income renters have the fewest housing choices and are more likely to experience retaliation by landlords, evictions and displacement. The purpose of this ordinance is to provide protections for primarily low-income and renters of color in Brooklyn Center.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
10-19-2021 Draft Housing Commission Minutes	10/25/2021	Cover Memo
Ordinance	10/25/2021	Ordinance
Resolution	11/3/2021	Resolution Letter

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

REGULAR SESSION
OCTOBER 19, 2021

CALL TO ORDER

The Brooklyn Center Housing Commission was called to order by Chairperson Goodell at 7:00 p.m. The meeting was conducted virtually.

MEETING ATTENDEES

Chair Mark Goodell
Commissioner Paul Oman
Commissioner Michael Donnelly
Commissioner Zarita Hester
Commissioner Johnson Yang

City Staff present: Staff Liaison Jesse Anderson, Community Development Director Meg Beekman, City Attorney Sam Ketchum, Planning Staff Olivia Boerschinger, and City Council Liaison Kris Lawrence-Anderson.

Also present: Anab; Agnes; Leah DeGrazia; Lana Hamilton; Victoria Karmo; Madeleine Lerner, ACER; Fadumo Mohamed; Lovetee Polahn; Eric Hauge, HOME Line; Samuel Spaid, HOME Line; Tally; Shana Tomenes; Marie Vincent.

APPROVAL OF AGENDA

There was a motion by Commissioner Oman and seconded by Commissioner Donnelly to approve the agenda as submitted. The motion passed.

APPROVAL OF MINUTES

There was a motion by Commissioner Oman and seconded by Commissioner Donnelly to approve the minutes of the Housing Commission meeting on August 18, 2021. The motion passed.

TENANT PROTECTION ORDINANCE DISCUSSION AND DRAFT ORDINANCE REVIEW

Staff Liaison Jesse Anderson gave an overview of the proposed tenant protection Ordinance He added the City Council has held multiple work sessions regarding housing programs, and the City is currently undergoing a City-wide housing study, which will provide recommendations for City housing policies, housing priorities, and a housing action plan.

Mr. Anderson stated there is urgency related to this issue created by the phasing out of the eviction moratorium as well as low vacancy rates. The proposed Ordinance addresses evictions, requiring a 30-day written notice as well as preventing landlords or property owners from not renewing an existing tenant lease without cause. He added some just cause reasons for non-renewal, as listed in the proposed Ordinance, are non-payment of rent; material non-compliance; refusal to renew;

conversion, demolition, rehab or renovation; compliance with a government order; or occupancy conditional upon employment. He noted the Ordinance also addresses evictions and non-renewal and provides support for tenants who have just cause to bring action against landlords.

Mr. Anderson stated City Staff received feedback and recommendations from ACER, HOME Line and the Housing Justice Center to expedite the proposed Ordinance due to urgency related to evictions and non-renewals. He added representatives of community organizations have joined tonight's meeting. He noted the proposed Ordinance will likely have its first reading at the November 8, 2021 City Council meeting, and second reading and public hearing scheduled for the City Council's December 13, 2021 meeting, with the Ordinance going into effect in January 2022.

Chair Goodell requested feedback and comments from the Housing Commissioners and guests.

Commissioner Oman requested clarification regarding the timing of the Ordinance and actions that can be brought against landlords for something that has already happened. Mr. Anderson stated the Ordinance would go into effect in January 2022, so any violations could not have happened before that.

City Attorney Sam Ketchum agreed with Mr. Anderson's assessment. He added the enforcement provisions would apply to evictions after the Ordinance goes into effect.

A resident requested clarification regarding what control renters have with regard to friendly rental agreements. Chair Goodell stated he believes there has been some investigation into concerns about rental agreements, in terms of changes to a renewal or other limitations.

Mr. Anderson stated the proposed Ordinance amendment relates to non-renewals and evictions. He added there are some areas of the Ordinance that have not been brought forward yet, that could provide limitations on changes to lease agreements, which may be discussed under a future Ordinance amendment.

The resident stated he has been living at Georgetown for 11 years, and management does whatever they want, and imposes restrictions. He added he got a letter that they will not renew his lease and put him on a month-to-month lease. He added he is concerned and hopes the Commission can make some changes. He asked whether the Commission could go into people's homes and find out how they live and how they are being treated.

Chair Goodell thanked the resident for his comments. He added the Commission is interested in hearing about the issue of lease agreements, although tonight's amendment relates to evictions and non-renewals. He added City Staff is researching these other important issues, and he appreciates the resident bringing his concerns to the Housing Commission's attention.

A resident, Tally, stated retaliation by landlords at Georgetown is not fair to tenants, and they are not allowed to have visitors. She added they are not being treated as though Georgetown is their home. She noted they have been towing cars and not giving any information about restrictions or when they can park their cars.

Another resident agreed, stating people do not speak up because they are afraid that they will get an eviction notice. She added she was given an eviction notice because she did not apply for rental assistance. She noted she told them her application was pending.

Tally stated it is not fair to Georgetown residents. She said the landlord does not fix anything, but no one asks questions or asks for help. She added they are taking cars.

Lovetee stated she has been a Georgetown tenant for 2-3 years. She added she is concerned about tenant protections. She asked what it will protect. She noted she has 6 living children, and the Ordinance cannot protect her from being evicted. She added her lease has not been renewed for no reason, and the landlord gave her 3 months to find a new home.

Lovetee stated she went to the office to ask about why her lease cannot be renewed, and she was told she could not enter the office and she was not welcome. She added she is a tenant, and they have no reason for not renewing her lease. She noted this is an emergency and she asked the City for help. She noted the Ordinance needs to be passed now so their leases can be renewed.

Lovetee tasked whether something can be added to the Ordinance about lease renewal. She added the only reason a lease should not be renewed is if a tenant does something crazy. She noted landlords should not be able to renew leases without a reason.

Chair Goodell stated there are some serious issues with renewal of leases and evictions, and it is his understanding that this Ordinance amendment will address both lease renewals and evictions. He added the Ordinance would put restrictions on evictions and eviction notices, and a limit list of reasons why a lease cannot be renewed. He noted the Ordinance will directly affect the residents' situations when it is passed.

Chair Goodell stated the Housing Commission will not be passing the Ordinance, but rather making a recommendation to the City Council. He added the Commission is a board of volunteer citizens, and their job is to provide feedback and recommendations to the City Council. He noted he truly appreciates everyone's comments and feedback.

Sam Spaid, staff attorney for HOME Line, stated his organization supports the proposed Ordinance. HOME Line is a state-wide nonprofit organization providing free, confidential legal advice to residential tenants in Minnesota. He added the personal statements that are being expressed tonight are the same things that HOME Line staff hear on a daily basis from tenants in Minnesota. He noted the proposed Ordinance will address many of these issues – preventing non-renewal without cause and giving tenants time to solve the problem when there are eviction threats, and to seek legal advice to protect their interests.

Mr. Spaid stated there are tenant protections under State law, but they fall short of providing solutions and do not help tenants as much as they should. He added tenant protections are extremely important especially now that Covid restrictions are being lifted.

Madeleine Lerner, Organizing Manager at ACER, thanked the Housing Commission for the opportunity to address this issue. She added the proposed Ordinance is a critical first step in

instituting more comprehensive tenant protections in the City of Brooklyn Center. She noted ACER staff continuously hears these same stories about evictions without notice, no direct contact from landlords, and insufficient notice period for eviction or non-renewal.

Commissioner Zarita Hester stated she fully supports the Ordinance as there should be protection for renters, because there is protection for landlords. She asked whether the Ordinance addresses non-renewal of a lease if the property changes hands. She asked whether the Ordinance addresses leases that are reduced to month-to-month leases.

Mr. Anderson stated there is an existing Ordinance on the books adopted 2 years ago that has a notification requirement of 120 days before the landlord can make any changes to a lease.

Mr. Anderson stated the issue of month-to-month leases is not addressed and could be reviewed in a different revision of this Ordinance, and a future policy change.

A resident asked whether there must be a specific cause for a landlord to change to a month-to-month lease. He added landlords are using month-to-month leases as a form of retaliation.

Mr. Anderson stated just cause for non-renewals is included as a requirement in the Ordinance. The proposed Ordinance will make it more enforceable.

Marie Vincent stated she has lived in Georgetown for 2 years. The lease renewal and eviction issues are very serious, and reasons for eviction should be revealed to the tenant. One neighbor stated that she could not go to the office and speak her mind because she was afraid of being evicted. Brooklyn Center should be a free place for people to live and speak their minds, but they are not able to do so at Georgetown. She asked for the Commission's help with these issues.

Chair Goodell stated the proposed Ordinance includes a limited list of items that could be a reason for eviction or non-renewal of lease, but notice needs to be given to the resident, and there must be facts to support it.

Tally asked if the agreement could include information about when cars are going to be towed in Georgetown. She asked whether the City has anything in place for people with a low credit score to help them get a home, so they don't have to go through this anymore.

Chair Goodell stated he is unsure about the towing regulations at Georgetown. He added the proposed Ordinance being reviewed tonight does not address towing in particular.

Mr. Anderson agreed, adding further discussions can be initiated with the City Attorney for this issue under future Ordinances, regarding regulations and enforcement.

Mr. Anderson stated the City of Brooklyn Center has a down payment assistance program that provides up to $10,000 assistance for current Brooklyn Center renters who want to buy a home in Brooklyn Center.

Chair Goodell agreed to post a link for the down payment assistance program in the chat function.

A resident asked what the Commission is doing to support townhomes and rental complexes as homes that people live in. He added people should not have their cars towed. He asked whether the Commission plans to do something to see how people are living.

Chair Goodell stated he understands the resident is interested in having the Commission or City do a survey of rental properties to find out what conditions tenants are living in, and what their lives are like. He added there are concerns about towing. He noted the proposed Ordinance is related to evictions and just causes for lease changes, but there are many other areas that the City is looking at and these items can be included.

Chair Goodell stated the Housing Commission is a volunteer board that makes recommendations to the City Council, with input from City Staff. He added the City will continue to look into these issues and he appreciates everyone sharing their stories and concerns.

Eric Hauge, HOME Line, stated his organization has provided suggestions and recommendations regarding policies for immediate response to the end of the eviction moratorium. He added his organization hears about these kinds of issues regularly, and there has been inadequate response from the State legislature to address tenant and landlord issues. He noted HOME Line is committed to working with the City of Brooklyn Center to address these issues, recognizing that the majority of tenant/landlord law is at the State level, but cities like Brooklyn Center are taking important roles in regulating the businesses that operate in their City.

Community Development Director Meg Beekman stated the City began a Housing Study in January 2021. An Advisory Council was formed, and the City contracted with CURA and Research in Action to provide quantitative and qualitative analysis regarding housing stock and housing gaps. The Advisory Council, made up of residents, will provide recommendations focused on housing needs in the community, including anti-displacement and tenant protections, as well as housing choice and diversity. The recommendations of the Advisory Council are expected to be received by the City Council early in 2022. These recommendations will form the basis of City-wide Housing Policy Action Plan.

Ms. Beekman stated tenant protection issues are important and extremely urgent, and some housing topics have been tabled until the Housing Study is completed, to form recommendations and implement solutions, so tenant protections can move forward more rapidly. She added City Staff have met with tenants of Georgetown multiple times, as well as ACER and HOME Line, to identify a broad collection of regulations pertaining to tenant protections, and to address concerns that have been voiced this evening, including repairs and maintenance, towing policies, and safety and security.

Ms. Beekman stated, as part of this review, the City has looked at how other cities, particularly St. Paul, have addressed these issues. The City of St. Paul adopted a broad tenant protection Ordinance last year, which covers many of the provisions proposed in the draft Ordinance, including non-renewal without just cause. St. Paul was promptly faced with a lawsuit brought by landlords, and the city rescinded the Ordinance due to an injunction. This situation has been part of the City of Brooklyn Center's consideration and discussions, and the provisions addressed in

the proposed Ordinance that is being reviewed tonight address urgent anti-placement concerns driven by the ending of the eviction moratorium.

Ms. Beekman stated there will be many more discussions, and City Staff will continue to work with residents and community organizations. She added she wants to underscore that the City Council takes these issues very seriously and they have directed City Staff to focus on actively pursuing solutions.

Chair Goodell stated, to underscore the urgency of the situation, the eviction moratorium ended on October 12, 2021.

Sam Spaid, HOME Line, stated most protections ended October 12, but there is still protection for tenants who are behind on rent but have already applied for financial assistance through Rent Help. He added protection for tenants with pending applications is extended through June 2022.

Meg Beekman stated these issues are not unique to Brooklyn Center. She added it has been a failing of the State legislature to leave cities to deal with these concerns. She noted no other cities have adopted a non-renewal without just cause Ordinance, and this is new territory, so the City wanted to be fairly cautious about how it is brought forward to address concerns within the authority of the City.

Mr. Hauge stressed the importance of understanding that there is nothing that automatically stops an eviction from happening, which is why this Ordinance is so critically important. He added housing instability can happen even when there are protections in place. He expressed his agreement with Ms. Beekman that this is a unique and important protection that no other city in Minnesota has ever done and that the State of Minnesota has not provided support in these areas.

Chair Goodell requested feedback from the Commissioners.

Lovetee asked how strong the Commission is in its relationship with the City. She added the Commissioners have said they are a group of volunteers. She asked how much influence the Commission has over the City. She asked whether the City could have a meeting with landlords and tenants, to create a safe environment for renters and keep people safe in their homes. She added she wants the City to create an atmosphere in which landlords and tenants can be friendly and cooperative, so that non-renewals and evictions will stop. She noted she has lived in Brooklyn Park and Crystal where meetings were held with landlords to evaluate leases.

Chair Goodell stated the Housing Commission is an advisory body comprised of citizens of Brooklyn Center, whose job it is to review issues related to housing and provide recommendations to the City Council. He added the Commission will provide a recommendation to the City Council regarding this Ordinance, and that will be part of their consideration, but the Commission does not pass Ordinances. He noted there have been questions in the past about improving relationships between landlords and tenants.

Ms. Beekman stated the State law related to landlord/tenant relations is vague and untested, and what cities can and cannot do has not been addressed in State statute. She added some cities are

considering measures, including Minneapolis, which is looking into a Charter amendment via referendum that would circumvent State statute with regard to addressing these issues. She noted it is difficult to regulate mutual respect and common decency in landlord/tenant interactions, especially when there are underlying factors, although many landlords and property owners have positive relationships with their tenants.

Ms. Beekman stated City Staff is exploring ways to clarify expectations for how residents should be treated, and what regulations are within the City's authority to impose. She added the City does not regulate private contracts but has some leverage with rental housing licensing. She noted Type 3 and Type 4 rental license properties are required to enter into a mitigation plan, which includes demonstrating communication with tenants.

Commissioner Oman stated the Ordinance should be passed as soon as possible, as it is well-written and concise, and addresses concerns raised by the community.

There was a motion by Commissioner Oman and seconded by Commissioner Hester to recommend City Council approval of the Tenant Protection Ordinance. The motion passed.

Chair Goodell stated he supports expediting this Ordinance as much as possible.

Commissioner Donnelly asked whether the lawsuit regarding the St. Paul Ordinance affects this Ordinance in any way, and whether the City should be concerned about lawsuits.

Ms. Beekman stated the City Attorney's office drafted the proposed Ordinance and followed the proceedings in St. Paul very closely, although no decisions were made in that case.

Mr. Spaid stated the proposed Ordinance is quite different from St. Paul's Ordinance, as it focuses on two items – notice for non-renewal and evictions. He added there is always a risk for a lawsuit in this arena, but this Ordinance is taking a more targeted approach toward anti-displacement.

Chair Goodell thanked everyone for their input, and for sharing their stories and concerns. He added it has been very moving and he appreciates all the comments. He noted the issue of tenant rights and protections is of primary concern to the City Council and Commissions, and there will be many more discussions on this issue.

A resident thanked the Housing Commission for listening to them and expressed her appreciation for everything the City is trying to do for them.

Another resident thanked the Housing Commission for listening. She added she is overwhelmed and hopeful that things will work out. She added the Commission and City Staff explained things well, and she hopes that the City will move as fast as possible so change can come, and they can be happy in their homes.

Lovetee requested a recap of the timetable for the Ordinance. Mr. Anderson stated the first reading of the proposed Ordinance will be at the City Council's November 8, 2021 meeting, at which they will call for a second reading and public hearing, to be held at the City Council's December 13,

2021 meeting. He noted the earliest the proposed Ordinance would go into effect would be mid-January 2022.

NEW NEIGHBOR WELCOME PROGRAM

Chair Goodell stated there have been two deliveries of New Neighbor welcome bags since the Housing Commission's last meeting, and they covered approximately 100 homes. He added there are 139 homes left on the list, and he would like to suggest a few weekend dates for deliveries. He noted, after the last meeting, he sent out a poll with potential dates, and he can do that again. The Commissioners agreed.

City Council Liaison Kris Lawrence-Anderson requested that she be added to the email distribution list. Chair Goodell agreed.

Chair Goodell thanked Commissioners Oman and Yang for delivering bags with him last time. He thanked Mr. Anderson for putting the welcome bags together.

COUNCIL LIAISON REPORT

City Council Liaison Lawrence-Anderson stated City Staff are updating the City calendar with links to Commission meetings. She requested that the Housing Commission meeting information be sent to City Clerk Barb Suciu to be added to the calendar. She added she would like to receive links to the Charter Commission meetings as well.

City Council Liaison Lawrence-Anderson stated the City Council will be finalizing 2022 budgets at their first meeting in December.

City Council Liaison Lawrence-Anderson stated the City is working to secure the safety of residents and City Staff in preparation for the trial of Kim Potter which starts on November 30, 2021.

City Council Liaison Lawrence-Anderson stated she hopes to request a City Council review of the issue of solicitor's licenses in terms of predatory practices. She added this could be related to tenant protections.

Chair Goodell asked whether there has been any movement from the City Council on Commission re-appointments. He stated he received Commissioner Amdahl's resignation recently, so there will be another opening. He added Commissioner Amdahl has been on the Housing Commission since 2008.

City Council Liaison Lawrence-Anderson stated that is very sad, and she will reach out to Commissioner Amdahl.

City Council Liaison Lawrence-Anderson stated the City Council reviewed several applications at our their meeting, and additional appointments will be reviewed at the next meeting in November.

DRAFT

Chair Goodell asked whether that will include re-appointments for Commissioners whose terms have expired. City Council Liaison Lawrence-Anderson confirmed this.

CHAIRPERSONS REPORT

Chair Goodell expressed his appreciation to the Commissioners at tonight's meeting. He thanked City Staff for their hard work on the proposed Ordinance.

OTHER BUSINESS

There was no other business addressed by the Commission.

ADJOURNMENT

There was a motion by Commissioner Oman and seconded by Commissioner Yang to adjourn the meeting. The motion passed. The Brooklyn Center Housing Commission adjourned at 8:41 p.m.

_____

Chair Goodell

DRAFT

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard to consider an ordinance related to tenant protections. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING TENANT PROTECTION

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Legislative Findings. The City Council of the City of Brooklyn Center hereby finds and determines as follows:

a. Tenants of affordable housing units have an income of 80% or less, and in some case much less, of the area median income and so have few resources to fight predatory practices, unjustified repair fees, retaliation, or other practices that exploit tenants within affordable housing buildings;

b. The City Council regularly receives complaints at its meetings from residents of affordable housing units regarding how they are treated by the owners and the resulting negative emotional and financial impacts of those interactions;

c. The City Council previously adopted Section 12-912D to establish certain tenant protections for those living within affordable housing units as an initial step to address the exploitation of these tenants;

d. The City Council determines it is necessary to expand those initial protections in order to promote housing stability and protect the health, safety, and welfare of those living within affordable housing units; and

e. The tenant protections adopted as part of Section 12-912D are intended to be part of the health and safety covenants in Minnesota Statutes, section 504B.161, subdivision 1(a)(4) and as additional conditions provided for by ordinance as acknowledged in subdivision 4 of the same statute.

Article II. Brooklyn Center City Code, Section 12-201 is amended by adding the following definition and renumbering the subsequent definitions as needed:

__. Just Cause – any of the bases listed under Section 12-912D(5) upon which an owner of an affordable housing building may terminate tenancy.

Article III. Brooklyn Center City Code, Section 12-912D is amended by adding subsections 12-912D(4), 12-912D(5), and 12-912(6) as follows, and renumbering the subsequent subsections as needed:

4. Pre-Eviction Filing Notice. Except as provided otherwise in this subsection, an owner of an affordable housing unit shall provide at least 30 days' written notice to a tenant prior to filing an eviction action on the basis of either: (a) an alleged non-payment of rent; or (b) an alleged material breach of a lease.

   a. Notices for Non-payment of Rent. For an allegation of any non-payment of rent, the notice shall, at a minimum, include the following information:

      (1) The name, mailing address, and telephone number of the person authorized to receive rent and fees on behalf of the owner;

      (2) The total amount of money due and owing to the owner by the tenant;

      (3) A specific accounting of the money due and owing to the owner by the tenant, including any past due rents, any late fees, and any other charges; and

      (4) The deadline by which the total amount due and owing to the owner by the tenant shall be paid to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered.

   b. Notices for Material Breach of a Lease. For an allegation of a material breach of a lease, the notice shall, at a minimum, include the following information:

      (1) The name, mailing address, and telephone number of the owner;

      (2) A description of the specific conduct that the owner alleges is a violation of the lease, including the dates of the violations and the persons who committed the alleged violations;

      (3) Identification of the specific clause of the lease alleged to have been violated;

      (4) Notification that the tenant has the right to correct the alleged breach;

      (5) Notification of how the tenant may correct the alleged breach;

      (6) The deadline by which the alleged breach shall be corrected to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered; and

(7) A copy of the lease attached to the notice.

c. Exception for Expedited Eviction Actions. For an expedited eviction action filed pursuant to Minnesota Statutes, section 504B.321, subdivision 2, the owner shall provide the notice required by Section 12-912D(3)(d) at least three days in advance of filing the eviction action.

d. Additional Notice Requirements. All notices under this subsection shall also include the following information:

(1) Notification that the tenant may be evicted if they do not pay the past due rent or correct the alleged breach of lease by the deadline, as applicable;

(2) Information about accessing rental assistance by calling 211 or visiting https://www.211unitedway.org/; and

(3) Information about accessing legal help by visiting the Law Help Website at https://www.lawhelpmn.org/.

e. Delivery of Notice. The owner, or an agent for the owner, shall deliver any notice required by this subsection personally or by first-class mail to the address of the affordable housing unit. Such notice may, in addition to but not in place of personal delivery or delivery by first-class mail, be delivered to any email or other electronic means to the tenant at the tenant's email address or electronic account.

f. Enforcement. In addition to any other remedy available at equity or law, failure to comply with the provisions of this subsection may result in adverse rental license actions, the imposition of administrative fines, or other penalties as provided in law.

g. Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.

5. Just Cause Notice of Nonrenewal of Lease to Tenants.

a. Just Cause Notice. An owner of an affordable housing unit shall not issue a notice of nonrenewal of tenancy, refuse to renew, or issue a notice to quit unless the owner is able to establish one or more of the following grounds for such action:

(1) Non-payment of Rent. The tenant fails to pay all monies owed to an owner after receiving a written notice of non-payment from the owner;

(2) Material Non-Compliance. The tenant fails to cure a material breach of the lease after receiving a written notice from the owner;

(3) Refusal to Renew. The tenant refuses to renew or extend the lease after the owner requests in writing that the tenant do so;

(4) Occupancy by Property Owner or Family Member. The owner, in good faith, seeks to recover possession of the unit so that the owner or a family member may occupy the unit as that person's principal residence;

(5) Building Demolishment or Conversion. The owner either:

(i) Elects to demolish the building in which the affordable housing unit is located, convert it to a cooperative, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B, or convert it to non-residential use, provided that the owner shall obtain all permits necessary to demolish or change the use before terminating any tenancy;

(ii) The owner seeks, in good faith, to recover the unit to sell it in accordance with a condominium conversion, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B; or

(iii) The unit is being converted to a unit subsidized under a local, state, or federal housing program and the tenant does not qualify to rent the unit under that program;

(6) Rehabilitation and Renovation. The owner seeks, in good faith, to recover possession of the unit that will render the unit uninhabitable for the duration of rehabilitation or renovation;

(7) Complying with a Government Order to Vacate. The owner is complying with a government agency's order to vacate, order to abate, or any other order that necessitates the vacating of the unit as a result of a violation of City Code or any other provision of law including, but not limited to, Section 12-911 related to conduct, disorderly activities, or nuisances; or

(8) Occupancy Conditioned on Employment. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated.

b. Owner Responsibilities. Any lease for an affordable housing unit shall include just cause notice language as follows:

"The landlord under this lease shall not unilaterally terminate or attempt to terminate the tenancy of any tenant unless the landlord can prove that just cause exists. The reasons for termination or nonrenewal of tenancy listed in the City of Brooklyn Center's Just Cause Notice (Section 12-912D(5)), and no others, shall constitute just cause under this provision."

c. Nonrenewal Notice Requirements. An owner providing a notice of nonrenewal of a tenancy to a tenant of an affordable housing unit shall: (1) comply with all notice requirements under the lease and applicable law; and (2) include in such notice a written statement of the reasons for the nonrenewal and the facts in support of those reasons.

d. Application. This Section applies to every lease, written or oral, for an affordable housing unit.

e. Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.

6. Private Enforcement of Tenant Protection Ordinance. Any tenant or former tenant of an affordable housing unit harmed by an owner's violation of this Section 12-912D may bring an action against the owner in district court. Such person shall be entitled to all remedies available at law or in equity including, but not limited to, damages and injunctive relief. Any plaintiff that prevails in such action may be awarded reasonable attorney's fees and expenses.

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

Adopted this ___ day of _____, 2021.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-____

CITY OF BROOKLYN CENTER, MINNESOTA

A RESOLUTION APPROVING THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING TENANT PROTECTION

WHEREAS, the City of Brooklyn Center ("City") previously amended the City Code to establish certain protections for tenants of affordable housing units and now desires to expand those protections; and

WHEREAS, City staff developed a proposed ordinance titled "An Ordinance Amending Chapter 12 of the City Code of Ordinances Regarding Tenant Protections" ("Ordinance"), which amends Section 12-912D of the City Code; and

WHEREAS, the City Council discussed this issue at several work sessions and now the proposed Ordinance is being presented to the City Council to conduct a first reading in accordance with Section 3.04 of the City Charter.

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

1. A first reading of the Ordinance is approved.

2. A public hearing, second reading, and possible action on the Ordinance is scheduled for the regular City Council meeting to be held on December 13, 2021.

3. The City Clerk is hereby authorized and directed to publish the following notice and summary of the Ordinance, which is hereby approved, once in the City's official newspaper at least seven days before the scheduled hearing:

City of Brooklyn Center

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING TENANT PROTECTION

Please take notice that the City Council of the City of Brooklyn Center will hold a public hearing electronically via Zoom on the 13th day of December 2021 at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider an ordinance to amend Chapter 12 of the City Code by amending Section 12-912D to expand the protections provided to tenants of affordable housing units. The ordinance establishes new requirements for landlords to provide tenants a notice at least 30 days before filing an eviction action, to

provide notice explaining the basis of a just cause nonrenewal of a lease, and provides for filing a private enforcement action in district court for a violation of the tenant protections under the section, including the seeking of an award of attorney's fees. A copy of the full ordinance is available on the City's website. Information for how to connect the meeting is available on the City's website or by contacting the City Clerk.

4. City staff are authorized to take such other actions as may be needed to carry out the intent of this Resolution and to prepare the Ordinance for a hearing, second reading, and action at the December 13, 2021 City Council meeting.

November 8, 2021
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/EDA Work Session
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 85664318588# Passcode: 997830#
November 8, 2021

AGENDA

ACTIVE DISCUSSION ITEMS

1. Discussion of Permanent Fence

   Staff request the City Council hear and discuss the installation of an addition to the existing permanent fence at police station.

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items

Council/EDA Work Session

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, City Manager

SUBJECT: Discussion of Permanent Fence

Requested Council Action:

Staff request the City Council hear and discuss the installation of an addition to the existing permanent fence at police station.

Background:

During the City Council meeting on Monday, October 25 the issue of an addition to the existing permanent fence located at the police station was raised by a Ms. Alfreda Daniels, resident. The Council asked for information regarding the fence. The City Manager indicated that he would provide information to Ms. Daniels and the Council. On Monday, November 1, the City Council directed staff to add the fence to the work session part of the agenda for upcoming City Council meeting on November 8, 2021.

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

Council/EDA Work Session

DATE: 11/8/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

- Overnight Parking Discussion - 11/22
- Sears Site Discussion - 11/22
- Earle Brown Name Change for Public Property - 1/10/22
- Council Policy for City Charter requirement of Mayor's signature on all contracts
- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Policy
- Tobacco Ordinance
- Emerald Ash Borer Policy Review
- Community-Wide Survey
- Attorney RFP Process - Extension 11/22 and RFP Process 12/13
- Franchise Fees
- Pilot Opportunity Site Concept Review - 12/13

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: