

APPENDIX I:
Resolution and Plan Adoption



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

RESOLUTION NO. 2019-065

RESOLUTION REGARDING THE DECENNIAL PLAN UPDATE AND
AUTHOIZUNG SUBMITTAL TO THE METROPOLITAN COUNCIL

WHEREAS, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans; and

WHEREAS, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their “decennial” reviews by December 31, 2018; and

WHEREAS, on March 22, 2018, the City Council of Brooklyn Center adopted a resolution (Resolution No. 2018-72) requesting additional time within which to complete comprehensive plan decennial review obligations; and

WHEREAS, on May 21, 2018, the Metropolitan Council submitted a letter to the City of Brooklyn Center granting the City’s request to extend the comprehensive plan submission date to May 1, 2019; and

WHEREAS, the City Council, Planning Commission, and the City of Brooklyn Center Staff have prepared a proposed Comprehensive Plan intended to meet the requirements of the Metropolitan Land Planning Act and Metropolitan Council guidelines and procedures; and

WHEREAS, pursuant to Minnesota Statutes section 473.858, the proposed Comprehensive Plan was submitted to adjacent governmental units and affected special districts and school districts for review and comment on October 8, 2018 and the statutory six-month review and comment period has elapsed; and

WHEREAS, the Planning Commission has considered the proposed Comprehensive Plan and all public comments, and thereafter submitted its recommendations to this Council; and

WHEREAS, the City conducted a public hearing on March 21, 2019, relative to the adoption of the proposed Comprehensive Plan; and

WHEREAS, the City Council has reviewed the proposed Comprehensive Plan and those recommendations, public comments, and comments from adjacent jurisdictions and affected districts; and

WHEREAS, Minnesota Statutes section 473.858 requires a local governmental unit to submit its proposed comprehensive plan to the Metropolitan Council following recommendation by the planning commission and after consideration but before final approval by the governing body of the local governmental unit.

Resolution No. 2019-065

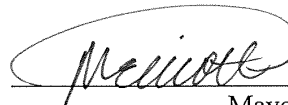
WHEREAS, based on its review of the proposed Comprehensive Plan and Planning Commission and staff recommendations, the City Council is ready to submit its proposed plan to the Metropolitan Council for review pursuant to Minnesota Statutes section 473.864; and

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

The City Planner is directed to distribute said Comprehensive Plan to the Metropolitan Council by May 1, 2019, pursuant to Minnesota Statutes section 473.864.

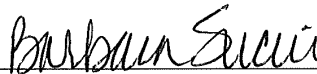
April 8, 2019

Date



Mayor

ATTEST:



City Clerk

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

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

Butler, Elliott, Graves, Ryan

and the following voted against the same: **None**

whereupon said resolution was declared duly passed and adopted.

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
APRIL 8, 2019
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

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

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, and Dan Ryan. Councilmember Kris Lawrence-Anderson was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Fiscal & Support Services Nate Reinhardt, City Engineer Mike Albers, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

Mayor Mike Elliott opened the meeting for the purpose of Informal Open Forum.

No one wished to address the City Council.

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

Motion passed unanimously.

2. INVOCATION

Mayor Elliott read a quote from Nelson Mandela for the Invocation:

“Whether you change the linen or stitch up wounds, cook the food or dispense the medicines, it is in your hands to help build a public service worthy of all those who gave their lives for the dream of democracy.”

3. CALL TO ORDER REGULAR BUSINESS MEETING

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

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, and Dan Ryan. Councilmember Kris Lawrence-Anderson was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Fiscal & Support Services Nate Reinhardt, City Engineer Mike Albers, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Mary Mullen, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Butler seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Study Session minutes of March 25, 2019, and the following consent items were approved:

6a. APPROVAL OF MINUTES

- 1. March 11, 2019 – Special Session
- 2. March 25, 2019 – Study Session
- 3. March 25, 2019 – Regular Session
- 4. March 25, 2019 – Work Session

6b. LICENSES

MECHANICAL

A Airgate Htg. & Air Inc.

Clear Comfort Heating

PO Box 1649
Maple Grove, MN 55311
141 South Street
Foreston, MN 56330

TEMPORARY LIQUOR LICENSE

The Church of St. Alphonsus

7025 Halifax Avenue N
Brooklyn Center, MN 55429

TRANSIENT ACCOMMODATIONS LICENSE

Super 8 Motel

Seth Oliver-Brooklyn Hotel Partners

Motel 6/G6 Hospitality

Quality Inn/American Hotels LLC

6445 James Circle N
Brooklyn Center, MN 55430
6300 Earle Brown Drive
Brooklyn Center, MN 55430
2741 Freeway Boulevard
Brooklyn Center, MN 55430
1600 James Circle N
Brooklyn Center, MN 55430

Country Inn & Suites	2550 Freeway Boulevard
	Brooklyn Center, MN 55430
Norwood Inn & Suites/Perin LLC	6415 James Circle N
	Brooklyn Center, MN 55430

RENTAL

INITIAL (TYPE IV – one-year license)
6430 June Avenue N

Cecelia Weah

INITIAL (TYPE I – three-year license)
5401 63rd Avenue N
6642 Camden Drive
5913 Halifax Avenue N

Gilbert Donovan/N&G Financial
Joby K. John
Douglas Wahl/Cel Monton LLC

RENEWAL (TYPE IV – one-year license)
5325 70th Circle
5332 Lilac Drive N
5313 Northport Drive

Douglas Wahl/Cel Monton LLC
Mark Lundberg
IH2 Property Illinois

RENEWAL (TYPE II – two-year license)
3305 53rd Avenue N
Lake Pointe Apartments
515 62nd Avenue N
1619 73rd Avenue N
5200 Drew Avenue N
5755 Humboldt Avenue N

Lake Pointe Apartments LLC
Wendi Agness
Nancy Yang/Kayo Investments LLC
Morris Matthews
Toan Truong

RENEWAL (TYPE I – three-year license)
4809-11 Twin Lake Avenue
Lake Shore Apartments
5320 Humboldt Avenue N
807 Woodbine Lane

Curtis Erickson
Jackie Smith
Jonathan & Erin Green

6c. RESOLUTION NO. 2019-058 APPROVING COOPERATIVE LANDSCAPING AGREEMENT, AGREEMENT NO. 1033628, MNDOT COMMUNITY ROADSIDE LANDSCAPE PARTNERSHIP PROGRAM

6d. RESOLUTION NO. 2019-059 APPROVING EQUIPMENT LOAN AGREEMENT

6e. RESOLUTION NO. 2019-060 ADOPTING AMENDMENTS TO THE BROOKLYN CENTER CITY COUNCIL CODE OF POLICIES SECTION 2.21 FINANCIAL MANAGEMENT POLICIES – DEBT POLICIES

6f. RESOLUTION NO. 2019-061 ADOPTING POST ISSUANCE COMPLIANCE POLICY FOR TAX EXEMPT GOVERNMENTAL BONDS

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

-None.

8. PUBLIC HEARINGS

8a. BELLVUE AND SOUTHEAST AREA MILL AND OVERLAY IMPROVEMENTS

City Engineer Mike Albers reviewed the proposed Bellvue and Southeast Area Mill and Overlay improvements project. He added two public hearings are scheduled for this meeting to order improvements and accept public comments, and to certify special assessments. He noted public comments already received by City staff have been provided for the City Council's review, including a written objection from a resident at 5328 Irving Avenue.

Mr. Albers stated the proposed project is a continuation of the Capital Improvement Program initiated in the 1990s. He added the City systematically reviews infrastructure and identifies recommended improvements. He noted no improvements are proposed for streetlighting, and no new sidewalks are proposed.

Mr. Albers stated a mill and overlay of existing pavement is proposed, with construction anticipated during summer 2019. He added restricted access to residential properties will be coordinated with residents, and occasional water shut downs are anticipated. He noted costs and funding will be updated and revised in the final design and bidding of the project.

Mr. Albers stated the City's special assessment rates policy was established in 2018. He reviewed the assessment process, including assessment rates, interest rates and payment options. He added any deferment questions can be directed to the City's Engineering Department.

Mr. Albers stated, if approved, bids would be proposed in May or June, with summer construction and project completion in October 2019. The public hearings will be held after which a 4/5 City Council vote is required.

Councilmember Ryan asked why Humboldt Avenue is not included in the project, since it is not in good shape. Mr. Albers stated that is a County road and improvements are being considered for Humboldt Avenue in 2021.

Councilmember Ryan moved and Councilmember Graves seconded to open the Public Hearing at 7:21 p.m.

Motion passed unanimously.

Kim Felton, 5333 Colfax Avenue North, asked when the total amount of the assessment will be available, so he can determine whether he wants to pay it all at once if possible. Mr. Albers stated the total assessment amount is \$1,529.

Carol Hallman, 5501 Irving Avenue North, stated her home is the oldest house in Brooklyn Center, built in 1856, and she has lived there for 28 years. She added she was shocked to find out that she is being assessed twice for her property. She noted she received notification that her lot is sub-dividable, although her property title is for one parcel, and she has one home and one driveway on the property.

Ms. Hallman stated she contacted the Engineering Department and was told that it was a matter of three inches.

Mr. Albers stated City property records do not take into account any existing features on a residential lot. He added this property is a corner lot comprised of two legal sub-dividable lots, with 78.6 feet of frontage on 55th Avenue and 9,823 total square feet.

Councilmember Graves asked what the assessment for a similar property in the R3 multi-family district. She asked whether single family residential property owners end up paying more than what would be assessed for a multi-family property because the property is sub-dividable. Mr. Albers stated it would depend upon the number of units on the property and is based on front footage assessment. He agreed to review November 2018 approvals and report back to the City Council.

Mayor Elliott requested clarification regarding Ms. Hallman's comment that she was informed by City Staff that her property is within 3 inches. Mr. Albers stated Ms. Hallman's property is within three feet of being sub-dividable as the corner lot is 90 feet wide and the midblock lot is 78 feet wide. He added the property would not be legally sub-dividable if the midblock property was 74 feet wide.

Councilmember Butler asked whether City Staff could confirm whether this property was assessed the same way in 1998. Mr. Albers agreed to research the property and report back.

Mayor Elliott recommended that this property be removed from the assessment roll for further review. Mr. Boganey stated that is an option although the special assessment hearing has not occurred.

Jose Morales, 411 Bellvue Lane, asked why everyone pays the same amount when corner properties have more street frontage. He added his street is in good shape and he does not understand why it needs to be repaired.

Mr. Albers stated, based on the City Council-approved special assessment policy, all R1 and R2 properties are based on a unit assessment that does not take total frontage into consideration. He added a corner lot has the same use as a midblock use. He added corner lots are given the option of being assessed for either street frontage.

Mr. Boganey stated, in the interests of fairness, a single parcel is not assessed twice based on its amount of street frontage. He added residents who own a corner lot are not penalized for the location of their property. He noted special assessment law stipulates that assessments shall not exceed the value of the improvement, so that no properties are over-assessed and all properties are assessed the same amount.

Mayor Elliott requested clarification regarding Mr. Morales' question regarding streets that are reconstructed when they are still in good shape. Mr. Albers stated it is more cost effective for the City to conduct street reconstruction projects for an entire project area rather than excluding a small area that will need to be completed in the future, at higher cost. Mr. Boganey agreed, adding the cost of the project would be substantially higher if a single street were to be addressed on its own, rather than as part of a larger project.

Amanda Weise, 5344 Fremont Avenue, asked whether a project budget is available for residents to review. She added her street is also in good condition. Mr. Boganey stated there is a budget for the project, but final costs will not be available until final bids are received. He added the City Engineer can provide that information. Mr. Albers confirmed the preliminary budget is available for review.

Mayor Elliott asked how much it would cost an individual homeowner if a particular street were to be taken out of the project and completed separately. Mr. Albers stated he does not have specific information on that option. He added overall project costs would increase as the entire process would need to be completed twice.

Mr. Boganey stated all assessed property owners were notified, and neighborhood meetings were held. He added it is not possible to know whether other property owners along a specific street would support the delay and additional cost of removing their street from the project.

Councilmember Ryan stressed the importance of making street projects as cost effective as possible in the interests of efficiency and preserving the City's infrastructure.

Councilmember Graves requested clarification regarding how benefit is decided or calculated. She referred to Mr. Boganey's statement that an assessment amount must not exceed the benefit. Mr. Boganey stated the cost of an assessment should not exceed the improved market value of the property.

Councilmember Graves asked about the process, how the preliminary budget is decided and whether assessments determine projected costs. Mr. Albers stated City Staff provides a recommended project budget as part of the CIP process. He added special assessment amounts were established in the 1990s and have increased annually based on construction costs.

Mr. Boganey stated the same policy has been followed for the last 20 plus years, and the City is nearing the end of the assessment cycle. He added it will be reasonable for the City Council to review the assessment process and consider changes or adjustments at the end of the cycle.

Councilmember Ryan stated 18% of the total project cost is paid for by special assessments. He added some communities use special assessments to cover the total project cost. He noted the construction price index has risen at a higher percentage than nominal rates of inflation.

City Attorney Troy Gilchrist stated individual assessment amounts should be considered at the next public hearing. He added comments regarding assessment amounts will be addressed in the second public hearing.

Ms. Hallman stated she lives in the oldest house in Brooklyn Center. She added the concept that her property is sub-dividable would mean that it would be torn down. She noted she does not think a property should be considered sub-dividable when it has a historic home on it.

Councilmember Ryan stated the assessment policy has remained consistent during 26 years of street reconstruction projects.

Councilmember Graves moved and Councilmember Ryan seconded to close the Public Hearing at 8:00 p.m.

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2019-062 Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project Nos. 2018-08 and 2019-05, Bellvue and Southeast Area Mill and Overlay Improvements.

Mr. Boganey requested a friendly amendment to the motion that questions and comments related to special assessments that were presented at the first public hearing will be carried over to the second public hearing. Councilmembers Ryan and Graves agreed to the friendly amendment.

Motion passed unanimously.

Councilmember Graves moved and Councilmember Butler seconded to open the Public Hearing at 8:02 p.m.

Motion passed unanimously.

Mr. Gilchrist stated the first public hearing was a statutory requirement related to the scope of the project, after which the City Council passed a motion to move forward with the project as proposed. He added the second public hearing is an assessment hearing, and comments from the previous hearing were brought forward to this hearing.

Councilmember Ryan moved and Councilmember Butler seconded to close the Public Hearing at 8:05 p.m.

Motion passed unanimously.

Councilmember Butler moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2019-063 Certifying Special Assessments for Improvement Project Nos. 2018-08 and 2019-05, Bellvue and Southeast Area Mill and Overlay Improvements to the Hennepin County Tax Rolls, with the removal of 5501 Irving Avenue N from the assessment rolls pending further review by City Staff.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

-None.

10. COUNCIL CONSIDERATION ITEMS

10a. CONTINUED SPECIAL ASSESSMENT HEARING FOR PROPOSED SPECIAL ASSESSMENTS FOR WEED REMOVAL COSTS

Ms. Beekman reviewed this item related to a special assessment for weed removal reviewed by the City Council at their March 25, 2019 meeting. She added this assessment was appealed by the resident and removed pending further review by City Staff. She noted, after further review, City Staff learned that the new owner closed on the property two weeks after the abatement occurred, and City Staff recommends that the fee of \$240 be dismissed.

Councilmember Graves moved and Councilmember Ryan seconded to approve RESOLUTION NO. 2019-064 Dismissing Special Assessments for Weed Removal Costs at 3300 Lawrence Avenue North.

Motion passed unanimously.

10b. RESOLUTION NO. 2019-065 REGARDING DECENNIAL PLAN UPDATE AND AUTHORIZING SUBMITTAL TO THE METROPOLITAN COUNCIL

Ms. Beekman stated the proposed 2040 Comprehensive Plan has been prepared by City Staff with assistance from Jennifer Haskamp, a consultant with Swanson Haskamp Consulting. She

added the Comprehensive Planning process has included a review of the City's current and future needs. She commended Ms. Haskamp for delivering a robust and thorough document that addresses all the issues identified by City Staff and the City Council, as well as residents of Brooklyn Center.

Jennifer Haskamp, Swanson Haskamp Consulting, provided a brief overview of the Comprehensive Plan process, which began in 2015 with information received from the Metropolitan Council. She added the goal of the Plan update is to review conditions within the community and use them as a baseline for goals and objectives in the 2040 Comprehensive Plan. She noted the process culminated in 2018 with plan preparation and public engagement, including an adjacent jurisdictional review period.

Ms. Haskamp stated feedback and comments received from residents have been appended to the document and included in a table that outlines how resident input was addressed and incorporated into the Plan. She added a large component of the document is the focus on redevelopment, including transit-oriented districts (TOD). She noted another area of focus is economic competitiveness.

Ms. Haskamp stated the City's diverse community, as well as its youth, provide the City of Brooklyn Center with opportunities and experiences that will influence development. She urged the City Council to continue to engage with the City's youth as development moves forward.

Ms. Haskamp requested the City Council's consideration of a resolution approving submission of the 2040 Comprehensive Plan to the Metropolitan Council for their review and approval. She added the process can take approximately 60 days once the document is deemed complete.

Ms. Haskamp thanked City Staff and the City Council. She added the City has been great to work with, and she and her associates are excited for Brooklyn Center moving forward.

Councilmember Graves thanked City Staff and Ms. Haskamp for the hard work that went into this process, and for listening to the City Council's comments and concerns regarding items they felt were important to include in the Comprehensive Plan.

Councilmember Ryan agreed, stating many residents may not understand the purpose of the Comprehensive Plan process, which is to anticipate the future demands and changes that will occur in Brooklyn Center and to plan appropriate policy.

Mayor Elliott stated the Comprehensive Plan is an important and defining document as the City moves forward. He added he hopes it will be used to good effect, especially in the context of the broader region. He noted the Comprehensive Plan must be a living document that can accommodate the City's changing trends related to diversity, population growth, and household sizes.

Mr. Boganey thanked the City Council for their direction, leadership and confidence related to this process. He also thanked City Staff for their extraordinary work and tireless efforts. He added Ms. Haskamp has been instrumental in the success of the process. He thanked her on behalf of the citizens of Brooklyn Center.

Councilmember Ryan moved and Councilmember Graves seconded to approve RESOLUTION NO. 2019-065 Regarding Decennial Plan Update and Authorizing Submittal to the Metropolitan Council.

Motion passed unanimously.

11. COUNCIL REPORT

Mayor Elliott stated he attended the Lions Waffle Breakfast with Councilmember Ryan on Saturday April 6, 2019.

Councilmember Butler thanked City Staff for their hard work on the recent City-wide junk clean-up. She added her block was cleaned that same day.

Mayor Elliott stated Clean-up Day is a service that is in high demand from the City's residents.

Councilmember Ryan stated the Board of Equalization and Appeal will meet Monday April 15, 2019, at 7:00 p.m. in Council Chambers. He added this process gives residents the opportunity to appeal their 2020 property tax assessment.

Councilmember Ryan stated the 29th Annual Police Citizen Award Ceremony will be held on April 16, 2019. He added this is a very inspirational event, at which citizens are honored who have gone above and beyond when helping their fellow citizens in need.

12. ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded adjournment of the City Council meeting at 8:31 p.m.

Motion passed unanimously.