

## REGULAR COUNCIL MEETING – AGENDA #27

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Para asistencia, 763-424-8000; Yog xav tau kev pab, 763-424-8000.

***Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.***

### ***Our Brooklyn Park 2025 Goals:***

***• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader***

## **I. ORGANIZATIONAL BUSINESS**

### **1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**

**2. PUBLIC COMMENT AND RESPONSE 7:00 p.m.** Provides an opportunity for the public to address the Council on items which are not on the agenda. Public Comment will be limited to 15 minutes (*if no one is in attendance for Public Comment, the regular meeting may begin*), and it may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Individuals should limit their comments to three minutes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for hearing the citizen for informational purposes only.

#### **2A. RESPONSE TO PRIOR PUBLIC COMMENT**

#### **2B. PUBLIC COMMENT**

**3A. APPROVAL OF AGENDA** (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

### **3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS**

#### **3B.1** Introduction of New Employees

## **II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION**

**4. CONSENT** (All items listed under Consent, unless removed from Consent in agenda item 3A, shall be approved by one council motion.) Consent Agenda consists of items delegated to city management or a commission but requires council action by State law, City Charter or city code. These items must conform to a council approved policy, plan, capital improvement project, ordinance or contract. In addition, meeting minutes shall be included.

**4.1** Temporary Vehicle Donation for Intervention Program

**4.2** Approve a Temporary On-Sale Liquor License for the Church of St. Vincent de Paul for their Harvest Festival to be held September 19, 2021, at 9100 93<sup>rd</sup> Avenue North

**4.3** Consider Authorizing the Brooklyn Park Economic Development Authority to Hold a Public Hearing to Consider the Authorization of a Submittal of a Minnesota Investment Fund Application to the State of Minnesota Department of Employment and Economic Development

#### **A. RESOLUTION**

**4.4** Accept FEMA Assistance to Firefighters Grant Award

#### **A. RESOLUTION**

**B. 2021 CAPITAL IMPROVEMENT PLAN (CIP) – PAGE 6**

- 4.5** Approve a Grant Application for Clear Water Fund Grant Mississippi River Neighborhood Stabilization Project
  - A.** RESOLUTION
  - B.** MAP OF PROJECT SCOPE – MISSISSIPPI RIVER NEIGHBORHOOD STABILIZATION PROJECT

The following items relate to the City Council’s long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker’s form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the council table for action.)

**5. PUBLIC HEARINGS**

None

**6. LAND USE ACTIONS**

None

**7. GENERAL ACTION ITEMS**

None

**III. DISCUSSION – These items will be discussion items but the City Council may act upon them during the course of the meeting.**

**8. DISCUSSION ITEMS**

**8.1** Encroachments on City-Owned Property and Council Recommendation on Priority and Approach to Encroachment Issues

- A.** CITY PROPERTY ENCROACHMENTS PROCEDURES

**IV. VERBAL REPORTS AND ANNOUNCEMENTS**

**9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS**

**9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS**

**V. ADJOURNMENT**

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from city staff and appointed commissions, and decisions are based on this information and past experiences. If you are aware of information that has not been discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.1	<b>Meeting Date:</b>	August 9, 2021
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Marlene Kryder Program Assistant
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Department Directors/Managers
<b>Item:</b>	Introduction of New Employees		

## City Manager's Proposed Action:

Introduction of the City of Brooklyn Park's new employees.

## Overview:

<u>Employee</u>	<u>Start Date</u>	<u>Title</u>
<b>Administration</b>		
McKaia Ryberg	July 7, 2021	Strategic Management Coordinator
Ja'Mon Kimbrough	July 7, 2021	Communications Associate
<b>Recreation and Parks</b>		
Jen Gillard (promotion)	March 1, 2021	Recreation Services Manager
Tim Hoag	May 9, 2021	Building Maintenance Worker – CAC
Micah Gasaway	May 9, 2021	Building Maintenance Worker – CAC
Ai Vang	July 12, 2021	Teen Program Specialist – Zanewood Recreation Center
Tashawna Williams	April 30, 2021	Arts and Engagement (Rec on the Go) Specialist – Zanewood Recreation Center

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.1	<b>Meeting Date:</b>	August 9, 2021
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Police
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Craig Enevoldsen, Police Chief
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A		
<b>Item:</b>	Temporary Vehicle Donation for Intervention Program		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE THE TEMPORARY DONATION OF A USED POLICE VEHICLE TO BISHOP SMITH'S ORGANIZATION, MN ACTS NOW.

## Overview:

As Council is aware, the amount of gun violence in the nation, county, and Brooklyn Park is at a historic level. Law Enforcement agencies across the country are exhausting all options in an attempt to curb the violence. One of the non-traditional methods being employed is the use of civilian gun violence "interrupters."

Hennepin County recently approved a significant amount of dollars that cities could apply for to do this type of work. Brooklyn Park has a long history in working with Bishop Harding Smith and his organization, MN Acts Now (M.A.N.) I have worked with Bishop Smith for the past six years on issues around community/police relations and submitted their name to Hennepin County for possible funding related to gun violence intervention and prevention. Bishop Smith provided the County with his proposal and budget to do this work exclusively in Brooklyn Park. We recently were advised that his proposal was accepted and would be funded by Hennepin County dollars beginning August 1, 2021.

Bishop Smith and I are currently scheduled to provide the City Council with more details around this work on August 23, 2021.

One of Bishop Smith's needs includes the use of a vehicle for him and his staff to commute from location to location here in Brooklyn Park. The Hennepin County grant does not cover the costs of leasing and/or purchasing a vehicle. As part of our annual fleet management, used police vehicles are either completely removed from service or reassigned to non-emergency functions. One such vehicle this year is Squad #1055, a 2015 Ford Taurus.

I am requesting that the city temporarily donate this vehicle to Bishop Smith's organization, M.A.N. Bishop Smith has agreed to register the vehicle in his name and to purchase liability insurance for the duration of this work. At the end of the program, the vehicle would be returned to the city for its use or sale.

## Primary Issues/Alternatives to Consider:

We have explored other options but have concluded that this recommendation is the most cost effective for the city. It also exonerates us from any possible liability with Bishop Smith registering the vehicle and purchasing auto insurance.

**Budgetary/Fiscal Issues:**

As these vehicles cascade through our fleet, ultimately some vehicles are sold or salvaged with a return of roughly \$7,000. We would be deferring this revenue temporarily while it is being used for this program. When this work concludes, we will take back possession of the vehicle and obtain the salvage value as usual.

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.2	<b>Meeting Date:</b>	August 9, 2021
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development Rental and Business Licensing
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A		
<b>Item:</b>	Approve a Temporary On-Sale Liquor License for the Church of St. Vincent de Paul for their Harvest Festival to be held September 19, 2021, at 9100 93 <sup>rd</sup> Avenue North		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE CHURCH OF ST. VINCENT DE PAUL FOR THEIR HARVEST FESTIVAL TO BE HELD SEPTEMBER 19, 2021, AT 9100 93<sup>RD</sup> AVENUE NORTH.

## Overview:

A special event permit has been approved for this annual event. The hours of the event are 11 a.m. to 6 p.m. and activities include kids' games, food booths, inflatables, beer tent, DJ music, raffle, and pull tabs.

The Community Development Department approved the application on August 2, 2021, and the Police Department has completed their investigation of the applicant. There are no known code violations at the property and staff recommends approval of the Temporary On-Sale Liquor license.

Upon approval, the license will be sent to the State of Minnesota, Alcohol and Gambling Enforcement Division, for approval and entry into their database.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.3	<b>Meeting Date:</b>	August 9, 2021
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Daniela Lorenz, Business Development Coordinator
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Daniela Lorenz
<b>Item:</b>	Consider Authorizing the Brooklyn Park Economic Development Authority to Hold a Public Hearing to Consider the Authorization of a Submittal of a Minnesota Investment Fund Application to the State of Minnesota Department of Employment and Economic Development		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2021-\_\_\_\_ TO AUTHORIZE THE BROOKLYN PARK ECONOMIC DEVELOPMENT AUTHORITY TO HOLD A PUBLIC HEARING TO CONSIDER THE AUTHORIZATION OF A SUBMITTAL OF A MINNESOTA INVESTMENT FUND APPLICATION TO THE STATE OF MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT.

## Overview:

Clear Edge Filtration Group, a filtration manufacturer, approached the State of Minnesota's Department of Employment and Economic Development (DEED) and the city of Brooklyn Park about receiving funds through the Minnesota Investment Fund (MIF) program. Typically, the City Council holds a public hearing when considering MIF applications, but Clear Edge has asked the city to consider holding the public hearing at the August 16 Economic Development Authority (EDA) meeting as it better matches Clear Edge's planned project schedule. Per MIF program rules, the City Council can authorize the EDA to hold a public hearing on its behalf to consider the submittal of a MIF application to the State of Minnesota.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

4.3A RESOLUTION

RESOLUTION #2021-

RESOLUTION AUTHORIZING THE BROOKLYN PARK ECONOMIC DEVELOPMENT AUTHORITY  
TO HOLD A PUBLIC HEARING TO CONSIDER THE AUTHORIZATION OF A SUBMITTAL OF A  
MINNESOTA INVESTMENT FUND APPLICATION TO THE STATE OF MINNESOTA DEPARTMENT  
OF EMPLOYMENT AND ECONOMIC DEVELOPMENT

WHEREAS, the city of Brooklyn Park, Minnesota (the "City") desires to assist Clear Edge Filtration Group (the "business"), which is proposing to locate a facility in the City; and

WHEREAS, the city of Brooklyn Park understands that Clear Edge Filtration Group, through and with the support of the Brooklyn Park Economic Development Authority, wishes to apply to the Minnesota Department of Employment and Economic Development's Minnesota Investment Fund Program for project financing; and

WHEREAS, the applicant has requested that the public hearing for the submittal take place at the August 16, 2021 Economic Development Authority meeting to accommodate project timelines and deadlines; and

WHEREAS, the city of Brooklyn Park City Council is authorized to allow the Brooklyn Park Economic Development Authority to hold the public hearing on this matter.

NOW, THEREFORE, BE IT RESOLVED that, after due consideration, the Mayor Pro Tempore and City Council of Brooklyn Park hereby express their approval and authorize the Brooklyn Park Economic Development Authority to hold a public hearing to consider the submittal of a Minnesota Investment Fund program application to the Minnesota Department of Employment and Economic Development.



# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.4	<b>Meeting Date:</b>	August 9, 2021
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Fire
<b>Resolution:</b>	X	<b>Prepared By:</b>	T. John Cunningham, Fire Chief
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	T. John Cunningham
<b>Item:</b>	Accept FEMA Assistance to Firefighters Grant Award		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2021-\_\_\_\_ ACCEPTING A GRANT IN THE AMOUNT OF \$207,358.18 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.

## Overview:

On Friday, July 30, 2021, the Fire Department received official confirmation from the Federal Emergency Management Agency (FEMA) that its Assistance to Firefighters Grant (AFG) application was approved for award. The award provides federal funding of \$207,358.18 for the installation of exhaust removal systems at each of the city's four fire houses. The city is responsible for a \$20,735.82 match.

The existing fire houses will be modified to install exhaust removal systems that will connect directly to vehicles that emit diesel exhaust. The contaminants within the exhaust often include carbon monoxide, carbon dioxide, sulfur oxide, nitrogen dioxide, nitric oxide, and hydrocarbons (e.g., benzene, ethylene, formaldehyde, acrolein, methane, 1,3-butadiene, and polynuclear aromatic hydrocarbons, and phenol). Many of these chemicals have been linked with cancer, COPD, or other illnesses. With firefighters' gear racks in the apparatus bays, our turnout gear is constantly saturated with diesel exhaust. These systems are designed to safely remove the diesel exhaust from the structure.

The installation of these systems will have an immediate benefit to the health, safety, and welfare of firefighters, civilian staff, and visitors to the fire houses. Depending on the final short- and long-range recommendations for fire house renovations and/or reconstruction, most of the components of the systems can be modified and/or reused.

**Primary Issues/Alternatives to Consider:** N/A

## Budgetary/Fiscal Issues:

Most of the project expense of \$207,358.18 will be covered by the AFG. The city is required to contribute a match of \$20,735.82. \$100,000 has been included in the 2021 city's Capital Improvement Plan (CIP) for fire station rehabilitation; there are sufficient funds to cover the city's required match. The grant fund 2021 budget will need to be amended for the \$207,358.18.

## Attachments:

- 4.4A RESOLUTION
- 4.4B 2021 CAPITAL IMPROVEMENT PLAN (CIP) – PAGE 6

RESOLUTION #2021-

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$207,358.18 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

WHEREAS, the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grant (AFG) Program provides federal financial assistance to recognized fire departments to enhance the health, safety, and welfare of firefighters and the community; and

WHEREAS, the city of Brooklyn Park is committed to the health, safety, and welfare of its firefighters, civilian staff, and the general public; and

WHEREAS, the diesel exhaust is known to contain dangerous byproducts such as carbon monoxide, carbon dioxide, sulfur oxide, nitrogen dioxide, nitric oxide, and hydrocarbons (e.g., benzene, ethylene, formaldehyde, acrolein, methane, 1,3-butadiene, and polynuclear aromatic hydrocarbons, and phenol). Many of these chemicals have been linked with cancer, COPD, or other illnesses; and

WHEREAS, the Brooklyn Park Fire Department applied for and received an AFG award in the amount of \$207,358.18 for the purchase and installation of exhaust removal systems in each of the city's four fire houses; and

WHEREAS, the city of Brooklyn Park is required to contribute a match of \$20,735.82, which is funded through the 2021 Capital Improvement Plan; and

WHEREAS, the city of Brooklyn Park will amend the grant fund 2021 budget for these grant funds; and

WHEREAS, the city of Brooklyn Park must formally accept the AFG award from FEMA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Park hereby accepts the Assistance to Firefighters Grant Award from the Federal Emergency Management Agency in the amount of \$207,358.18 and will fund the city's required match of \$20,735.82 through the 2021 Capital Improvement Plan and amend the 2021 grant fund budget in the amount of \$207,358.18.

## City of Brooklyn Park, MN

*Capital Improvement plan*

2021 thru 2025

**PROJECTS BY DEPARTMENT**

Department	Project #	Priority	2021	2022	2023	2024	2025	Total
<b>General Public Buildings</b>								
City Hall: Rehabilitation/Renovation	1001	2	300,000	150,000	100,000			550,000
O&M Rehabilitation	1002	1	160,000				1,200,000	1,360,000
Police Facilities - Rehabilitation	1005	1	150,000	30,000	25,000			205,000
Fire Stations: Rehabilitation	1010	2	100,000	100,000	100,000	100,000		400,000
ADA Improvements	1031	3	50,000					50,000
<b>General Public Buildings Total</b>			760,000	280,000	225,000	100,000	1,200,000	2,565,000
<b>Parks &amp; Recreation Facilities</b>								
Playgrounds /Skate Park Equipment	2001	1	360,000	130,000	210,000	130,000	130,000	960,000
Park Buildings/Shelters and Amenities	2002	2	175,000	70,000	50,000	50,000	50,000	395,000
Parking Lot (Parks)	2003	2	80,000	150,000	80,000	80,000	80,000	470,000
Tennis, Pickleball & Basketball Courts	2004	2	115,000	75,000	75,000	75,000	75,000	415,000
Trail & Pedestrian Bridges	2005	1	150,000	150,000	150,000	150,000	150,000	750,000
Parks Irrigation Systems	2007	2	160,000	190,000	300,000	175,000	50,000	875,000
Northwoods Park Improvements	2009	3		25,000				25,000
Central Park Improvements	2010	3	125,000	35,000				160,000
River Park Improvements	2011	3	1,242,393					1,242,393
Zane Sports Park	2016	5				425,000		425,000
Eidem Homestead Improvements	2025	2	200,000	125,000	1,425,000	275,000	25,000	2,050,000
Environmental Nature Area / Mississippi Gateway	2027	3	880,000	3,069,000	341,000			4,290,000
Brookland Golf Park	2032	2		60,000	20,000	10,000		90,000
Edinburgh USA Golf Course	2033	2	2,300,000	50,000	80,000	75,000	400,000	2,905,000
Edinburgh USA Clubhouse	2035	2	232,000	275,000	325,000	287,000	150,000	1,269,000
Community Activity Center	2040	1	330,000	250,000	125,000	30,000	50,000	785,000
Zanewood Recreation Center	2048	2	50,000		50,000	500,000		600,000
Emerald Ash Borer	2060	1	175,000	175,000	175,000	175,000	175,000	875,000
Natural Resource Management	2061	3	150,000	150,000	150,000	150,000	25,000	625,000
Park Bond: Trails/Wayfinding/Lighting	2071	2	430,000	900,000	950,000	650,000	400,000	3,330,000
Park Bond: Park Reinvestment	2072	2	3,820,000	1,000,000		300,000	3,000,000	8,120,000
Park Bond: CAC Improvements & Senior Facilities	2073	2		400,000	2,800,000	800,000		4,000,000
Park Bond: Field and Court Improvements	2074	2	1,450,000	100,000				1,550,000
Park Bond: Additional Recreation / Teen Center	2075	2		200,000	1,400,000	400,000		2,000,000
Community Aquatics Facility	2077	5			3,150,000	25,200,000	3,150,000	31,500,000
Central Park Redevelopment	2078	5				1,000,000	200,000	1,200,000
<b>Parks &amp; Recreation Facilities Total</b>			12,424,393	7,579,000	11,856,000	30,937,000	8,110,000	70,906,393
<b>Public Utilities Facilities</b>								
Water & Sanitary Sewer: Rehabilitation	3001	3	800,000	1,025,000	375,000	425,000	1,375,000	4,000,000
WTP: Rehab. of Wellhouse Bldgs. & Apparatus	3002	4	50,000	800,000	750,000			1,600,000
WTP: Major Maintenance Improvements	3004	3	425,000	50,000	600,000	400,000	500,000	1,975,000
Trunk Water Main Extensions	3005	3				250,000	250,000	500,000
Water: New Water Supply Wells	3006	4	225,000	100,000	60,000	700,000		1,085,000
Water: New WTP Transmission Watermain(s)	3007	2	50,000		75,000	1,325,000		1,450,000
Water Main Replacement	3008	3					1,000,000	1,000,000

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.5	<b>Meeting Date:</b>	August 9, 2021
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Recreation and Parks
<b>Resolution:</b>	X	<b>Prepared By:</b>	Jody Yungers, Director of Recreation and Parks; LaTonia Green, Director of Finance; Mitch Robinson, Engineering
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Jody Yungers and LaTonia Green
<b>Item:</b>	Approve a Grant Application for Clear Water Fund for Mississippi River Neighborhood Stabilization Project		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2021-\_\_\_\_\_ TO APPROVE A GRANT APPLICATION IN THE AMOUNT OF \$663,000 TO THE 2022 CLEAN WATER FUND FOR MISSISSIPPI RIVER NEIGHBORHOOD STABILIZATION PLAN AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT, IF AWARDED, AND AUTHORIZE STAFF TO WORK WITH HENNEPIN COUNTY AND THE PRIVATE HOMEOWNERS TO DETERMINE WHETHER A PORTION OR ALL OF THE PROJECT COSTS NOT COVERED BY THE GRANT AGREEMENT, IF AWARDED, CAN BE FINANCED BY SPECIAL ASSESSMENTS ON THE PROPERTIES BENEFITED BY THE PROJECT.

## Overview:

For more than six years, property owners along the Mississippi River have been asking the City to work in partnership with them to address the erosion issues occurring along the banks of the Mississippi River. Although we are currently in a drought, property owners are continuing to see increased erosion issues, resulting in the loss of shoreline and trees due to high water, river eddy and ice damage.

Shoreline erosion is not only a property loss issue, but a water quality issue. A planned riverbank stabilization project along the Mississippi River can significantly reduce erosion and keep sediment out of the river.

According to the U.S. Environmental Protection Agency, too much phosphorus in rivers can cause algae to grow faster than the ecosystem can handle, affecting water quality, killing fish and causing other ecological problems within the rivers.

In 2020, the City and Hennepin County, in partnership with the Brooklyn Park riverfront homeowners, conducted a shoreline assessment to determine the severity of the erosion damage of all properties along the Brooklyn Park portion of the west bank of the river. This assessment was completed in September of 2020, and the Assessment Report was used to develop a Shoreline Stabilization Plan. The Plan identifies the severity of individual properties along the river and each property will be prioritized accordingly.

The City, Watershed District, and Hennepin County Energy and Environmental Division applied for a 2021 MN Board of Water and Soils Resources, Clear Water Fund Grant and did not get the award. Staff is interested in once again applying to help support advancement of the Mississippi River Neighborhood Stabilization Project. The goal of the grant is to protect, enhance and restore water quality in the river.

While the project will require multiple phases, the scope of the grant will be for Phase I of the project to include construction administration, design, and stabilization of approximately 715 linear feet of shoreline. Stabilization scope will include installation of riprap (rock or other material used to armor shorelines, streambeds, and other shoreline structures against scour and water, wave, or ice erosion) and bank regrading, installation of

vegetated reinforced soil slope and erosion control blanket with native seed and plugs, and the establishment of vegetation.

According to Hennepin County, erosion is a “severe issue” in the area, and as part of the erosion assessment, the County will identify six to eight properties with the most severe erosion that would be included within the grant request.

As part of the grant, during the project’s 10-year effective life, the City will work with the homeowners to ensure continuation for maintenance and repairs.

#### **Primary Issues/Alternatives to Consider:**

The grant application requires that there be a financial contribution from the property owners and the City and any other partners (Hennepin County and Watershed District) to be rated favorably. Therefore, in order to eliminate the barriers to those homeowners that do not have the ability to pay the cash up front, especially those properties rated as most severe erosion, the City wants to provide an option to the property owners to have the City front the property owner’s contribution to the project and assess their property over a 10-year period.

The City Finance Director has been working with Hennepin County Assessor’s office and the City Attorney to confirm this would be allowable.

#### **Budgetary/Fiscal Issues:**

1. Total Grant Value of the Project is \$884,000 with \$663,000 from FY22 BWSR (grant request) and \$221,000 local contribution (City, County, Watershed and landowners)
2. Total contribution from each of the partners:
  - a. City – \$40,000 is anticipated to be funded out of the 2022 stormwater general fund.
  - b. County – \$40,000 in 2022.
  - c. Watershed District – \$40,000
  - d. Homeowner contribution – approximately 20% of the actual cost of individual project property will be paid by the property owner. It is anticipated that the total value for the homeowners’ contributions would be approximately \$101,100 collectively. Once the shoreline assessment is complete, we will identify the final list of priority properties/landowners to be involved in phase I of this project.
3. Property Assessment – Homeowners that do not pay the cash up front for their portion of the project cost can select the option to have their costs assessed over a 10-year period.
4. The project will be incorporated as part of the 2022 Capital Improvement Plan (CIP) budget process to be funded by special assessments.

#### **Attachments:**

- 4.5A RESOLUTION
- 4.5B MAP OF PROJECT SCOPE – MISSISSIPPI RIVER NEIGHBORHOOD STABILIZATION PROJECT

RESOLUTION #2021-

TO APPROVE A GRANT APPLICATION IN THE AMOUNT OF \$663,000 TO THE 2022 CLEAN WATER FUND FOR MISSISSIPPI RIVER NEIGHBORHOOD STABILIZATION PLAN AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT, IF AWARDED, AND AUTHORIZE STAFF TO WORK WITH HENNEPIN COUNTY AND THE PRIVATE HOMEOWNERS TO DETERMINE WHETHER A PORTION OR ALL OF THE PROJECT COSTS NOT COVERED BY THE GRANT AGREEMENT, IF AWARDED, CAN BE FINANCED BY SPECIAL ASSESSMENTS ON THE PROPERTIES BENEFITED BY THE PROJECT

WHEREAS, for more than six years, property owners along the Mississippi River have been asking the City to work in partnership with them to address the erosion issues occurring along the banks of the Mississippi River; and

WHEREAS, property owners are continuing to see increased erosion issues, resulting in the loss of shoreline and trees due to high water, river eddy and ice damage; and

WHEREAS, a riverbank stabilization project along the Mississippi River could significantly reduce erosion and keep sediment out of the river; and

WHEREAS, in the summer of 2020, the City, Hennepin County, and Brooklyn Park riverfront homeowners conducted a shoreline assessment to determine the severity of the erosion damage of all properties along the Brooklyn Park portion of the west bank of the river; and

WHEREAS, the Assessment Report was used to develop a Shoreline Stabilization Plan that will include installation of riprap (rock or other material used to armor shorelines), bank regrading, installation of vegetated reinforced soil slope and erosion control blanket with native seed and plugs, and the establishment of vegetation; and

WHEREAS, the City, Watershed District, and Hennepin County Energy and Environmental Division are interested in applying for a MN Board of Water and Soils Resources, Clear Water Fund Grant to help support advancement of the Mississippi River Neighborhood Stabilization Project; and

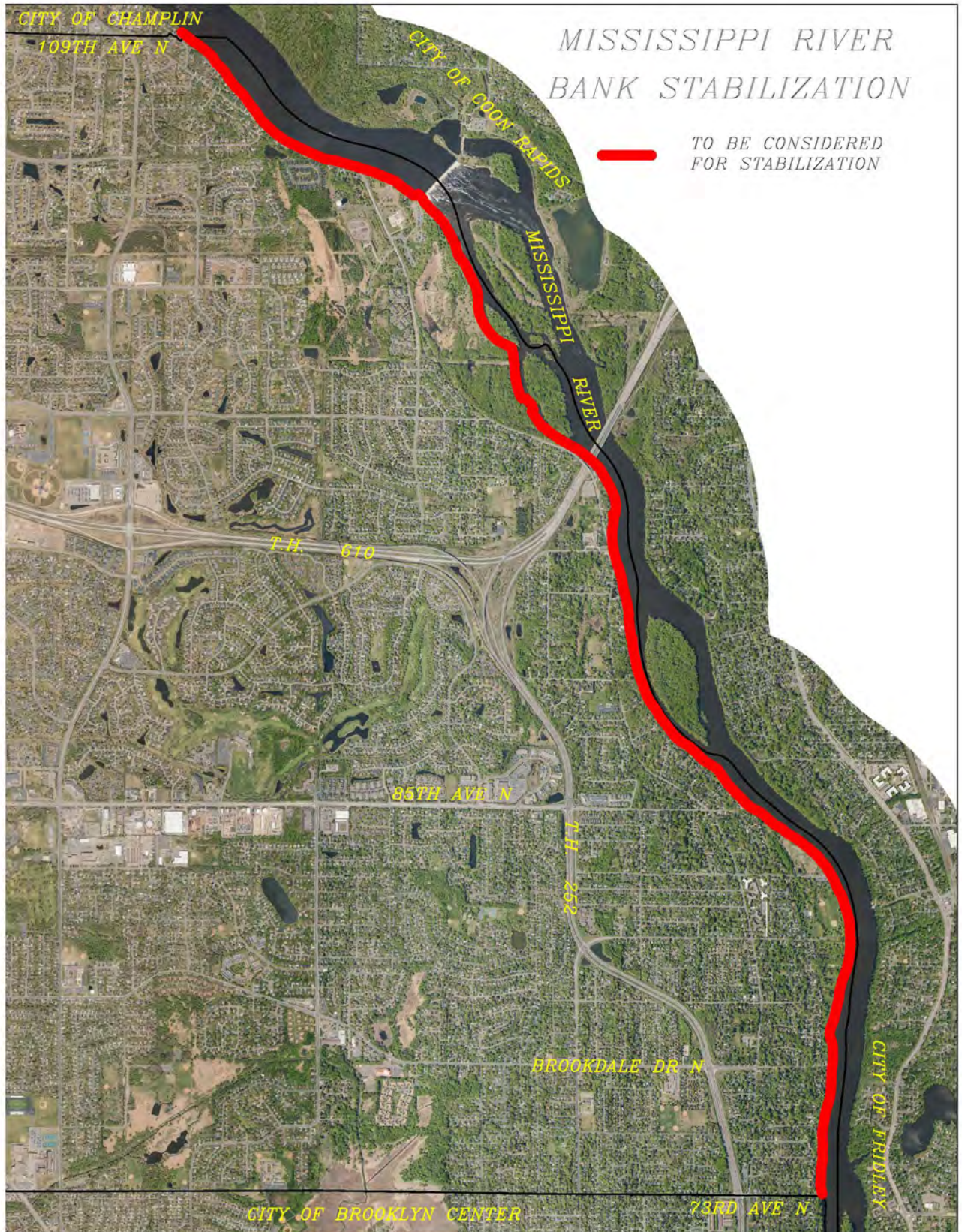
WHEREAS, the total project cost is \$884,000 with the grant request of \$663,000. The City, County and Watershed District contribution is \$40,000 each, and the collective landowners' contribution is approximately \$101,100.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve the grant application in the amount of \$663,000 to the 2022 Clean Water Fund for the Mississippi River Neighborhood Stabilization Plan and authorize the City Manager to execute the grant agreement, if awarded: and

BE IT FURTHER RESOLVED to authorize staff to work with Hennepin County and the private homeowners to determine whether a portion or all of the project costs not covered by the grant agreement, if awarded, can be financed by special assessments on the properties benefitted by the project.



Actual project locations determined based on need and participation interest.



# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	8.1	<b>Meeting Date:</b>	August 9, 2021
<b>Agenda Section:</b>	Discussion Items	<b>Originating Department:</b>	Recreation and Parks
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Jody Yungers, Director of Recreation and Parks; Jason Newby, Inspections and Environmental Health Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jody Yungers, Jason Newby, and Katie Zarembinski, Intern Recreation and Parks
<b>Item:</b>	Encroachments on City-Owned Property and Council Recommendation on Priority and Approach to Encroachment Issues		

## City Manager's Proposed Action:

Staff is looking for Council's feedback on existing practice and level of interest in addressing encroachment on city-owned land (parks).

## Overview:

In April of 2019, a potential buyer of 10214 Regent Avenue North requested to buy a portion of park land adjacent to this property. The prior owner had built a firepit and other amenities on city-owned property and it was assumed by the new buyer this land was part of the private property. The Recreation and Parks Advisory Commission (RPAC) and the City Council took action and approved the sale and conveying of city park property to the new homeowner. It was at this time that the RPAC asked staff to review the current encroachment policy of the city and identified park property encroachment as one of its 2021 Commission priorities to be researched and addressed.

Since April of 2021, staff has reviewed with, and presented the extent of the problem to the RPAC, and has shared how other cities have addressed the issue. The RPAC has requested that staff bring this to City Council for discussion to determine the best approach to getting a handle on the issue, and the level of staff commitment to address the issue more proactively.

Jody Yungers, Director of Recreation and Parks, and Jason Newby, Inspections and Environmental Health Manager in the Community Development Department, will share the existing protocol (attached) used by the Environmental Health Division. For the purposes of this procedure, all parkland and all other property owned or controlled by the city of Brooklyn Park shall be defined as "city-owned property."

Staff has met with the City Attorney's office to give guidance on future actions. City Attorney, Jim Thomson, recommended that staff create a classification of severity of the encroachments to assist in creating a priority for this work. Katie Zarembinski (student intern) will provide an overview of her research on the extent of encroachment issues within the city, which includes 146 known encroachments that are on city-owned property:

- Level 1 – Expansion of property lines with no structures (22)
- Level 2 – Dumping and disposal beyond property lines (5)
- Level 3 – Movable structures and equipment (81)
- Level 4 – Semi-permanent structures (32)
- Level 5 – Permanent structures (6)

Director Yungers will also provide a brief overview of how other cities have tied encroachment to a passing of a Park Property No-Net-Loss Policy.



**Primary Issues/Alternatives to Consider:**

- What is the desire of the City Council as to the level of proactive enforcement for staff to address encroachments in the city?
- Where do we focus our attention regarding encroachments on the different levels?
- Burden of proof and identifying property lines: who will take responsibility?
- What is the desire of the City Council related to a proposed No-Net-Loss Policy?

**Budgetary/Fiscal Issues:**

Staff is concerned about the capacity to include known encroachments into the existing proactive inspection structure.

**Attachments:**

8.1A CITY PROPERTY ENCROACHMENTS PROCEDURES



## Community Development Department

Environmental Health Division

Established: 7/6/20

Revised:

# PROCEDURE FORM

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## Encroachments on City-Owned Property

### Purpose

To set standards and procedures to respond to encroachments on city-owned properties which are from adjacent properties. For the purposes of this procedure, all parkland and all other property owned or controlled by the City of Brooklyn Pak shall be defined as “city-owned property” and shall be in compliance with the requirements set forth in this procedure.

### Objective

- To protect and preserve all property owned or controlled by the City of Brooklyn Park.
- To promote a consistent procedure for responding to complaints and minimizing encroachments on city-owned property.
- To establish consistent and objective criteria for assessing each existing encroachment as well as future encroachments through a proactive strategy in 2022.

### Definitions

What is an encroachment?

- Disturbances of natural features such as digging, plantings, discharging of water or alternating the drainage, mowing or cutting/trimming trees and bushes to extend private property or green space.
- Storage of items including firewood, firepit, composting (leaves, grass clippings, branches, or brush).
- Construction of permanent or temporary structures such as a sheds, retaining walls, decks, fences, gardens, or other private outdoor recreational equipment.

### Procedure

#### **First Inspection:**

- Using the **Code Enforcement Procedure**, the inspector will first verify if a violation exists. If so, staff will attempt contact with the owner/occupant of the property. Place a **“Sorry we missed you”** door hanger on the door if no one answers. If staff is unable to make contact with a property owner to verify the violation, staff may view the area/violation from city property. Staff will utilize additional resources such as Cityview, plats, surveys and other available tools to approximate or verify property line locations.

- Issue a Correction/Abatement Order to the property owner to cease all activity on city property with a compliance date to remove the violation(s). The compliance date will vary based on the type of violation.
- Notify Chris Sullivan, Field Supervisor for Parks Maintenance at x8124 or [Chris.sullivan@brooklynpark.org](mailto:Chris.sullivan@brooklynpark.org) regarding the activity on city property.

**Follow-Up Inspection:**

- If the violation has been corrected, close the case in the inspection software noting that the property is in compliance.
- If the violation has not been corrected, staff will attempt contact with the owner/occupant of the property. Place a **“Sorry we missed you”** door hanger on the door if no one answers.
- Issue a Final Correction/Abatement Order to the property owner with a 7-day compliance date.

**Enforcement Actions**

Enforcement actions will depend on the type of violation and consultation with Park Maintenance Staff. Enforcement may include the issuance of citations and/or abatement of the violation.

**Citation:**

- If the property remains in violation after the final correction order, staff will issue a citation following the fine schedule for the violation type. An additional 7-day compliance time will be given for compliance.
- If the violation remains after the additional compliance time, issue a repeat citation doubling the fine amount. After the issuance of 3 citations, follow the **Formal Complaint Request Procedure**.
- Immediate citations will be issued to property owners that have been deemed a “chronic violator” as defined in the **Code Enforcement Procedure** if this is the 3<sup>rd</sup> documented violation within 12 months.

**Abatement:**

- Park Maintenance staff may choose to remove the violation in lieu of abatement. If an abatement is determined to be the best resolution, follow the established abatement procedure.

**Authorization**

City Code Chapter 95: Park Regulations

City Code Chapter 94: Healthy & Safety; Nuisances