

## REGULAR CITY COUNCIL MEETING – AGENDA #43

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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 6:00 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 residents. 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 residents 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

**3B.2** Mayor's Proclamation of the of November 2023 as "Native American Indian Heritage Month"

**A.** PROCLAMATION

**3B.3** 2023 Resident Survey Results

**A.** 2023 RESIDENT SURVEY RESULTS

## 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** Approve the 2024-2026 Bulky Waste Curbside Cleanup Contract Extension with Republic Services

**A.** MAP

**B.** CONTRACT

**4.2** Set a Public Hearing on November 27, 2023, to Consider the Issuance of an On-Sale Intoxicating Liquor License for Plush LLC, Doing Business as Plush, Located at 8578 Edinburgh Centre Drive North

**A.** PUBLIC HEARING NOTICE

- 4.3 Approve a Tetrahydrocannabinol (THC) and Tobacco Licenses for A1 Smokes BP Corp dba A1 Smokes, Vapes, and Dispensary, Located at 3015 85th Avenue North, Brooklyn Park, MN 55444
- 4.4 Approve a Tetrahydrocannabinol (THC) License for Tobacco for Less LLC dba Tobacco For Less, 9334 Zane Ave N., Brooklyn Park, MN 55443
- 4.5 Set a Public Hearing on November 27, 2023, to Solicit Testimony and Consider Issuance of the Currency Exchange License for Unbank Company, LLP Located at 6319 Zane Avenue North
  - A. PUBLIC HEARING NOTICE
- 4.6 Set a Public Hearing on November 27, 2023 to Solicit Testimony and Consider the Renewal of the Currency Exchange License for SJB Enterprise Inc. dba Your Exchange Located at 7646 Brooklyn Boulevard
  - A. PUBLIC HEARING NOTICE
- 4.7 Approve 2024 Regional Solicitation Application for Federal Funds to Construct Sidewalk Connections to the Future BLRT Project Station Locations
  - A. RESOLUTION
  - B. LOCATION MAP
- 4.8 Decatur North and South Apartments – An Application by Real Estate Equities for a Final Plat at the Northeast Quadrant of Jefferson Highway North and Decatur Drive North
  - A. RESOLUTION
  - B. LOCATION MAP
  - C. PLANNING COMMISSION MINUTES
  - D. PLAT OPINION
  - E. FINAL PLAT
- 4.9 Development Bond Reductions/Releases
- 4.10 Zoning Code Text Amendment: A Zoning Text and Map Amendment Adopting the Mixed Use (MU) Zoning District and Pedestrian Priority Overlay District (PPOD)
  - A. ORDINANCE – REZONING
  - B. ORDINANCE – MIXED USE
  - C. ORDINANCE – PEDESTRIAN PRIORITY OVERLAY DISTRICT
  - D. ORDINANCE – PROCEDURES
  - E. ORDINANCE – SIGNS
  - F. SUMMARY ORDINANCE RESOLUTION 152.601-611
  - G. SUMMARY ORDINANCE RESOLUTION 152.031 and 152.038
- 4.11 Budget Amendment for REDI Division
  - A. RESOLUTION
  - B. 2023 BUDGET AMENDMENT

**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**

- 5.1 Approve City Code Appendix Fee Resolution Table Amendments to Recycling Utility Service Charges
  - A. RESOLUTION
- 5.2 Approve City Code Appendix Fee Resolution Table Amendments to Sanitary Sewer Utility and Street/Signal Lighting System Utility Rates and Charges
  - A. RESOLUTION – AMENDING SANITARY SEWER RATES AND CHARGES
  - B. RESOLUTION – AMENDING STORM SEWER RATES AND CHARGES
  - C. RESOLUTION – AMENDING STREET-SIGNAL LIGHTING RATES AND CHARGES
- 5.3 Authorizing the Issuance, Sale, and Delivery of its Multifamily Housing Revenue Bonds and Note for the Decatur Landing Apartments Project
  - A. RESOLUTION
  - B. LETTER FROM BOND COUNSEL EXPLAINING BOND PROCESS
  - C. JOINT POWERS AGREEMENT
  - D. REGULATORY AGREEMENT

**6. LAND USE ACTIONS**

None.

**7. GENERAL ACTION ITEMS**

- 7.1** Resolution Amending Fee Resolution #2022-121 Adopting a Schedule of Fees and Charges for Various Services, Licenses and Permits for the City of Brooklyn Park, Minnesota
  - A.** RESOLUTION
  - B.** STAFF MEMOS

**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** City Manager's Proposed 2024-2025 Budget, Proposed 2024-2028 Capital Improvement Plan and (CIP) and Capital Equipment Plan (CEP), and Proposed 2024 American Rescue Plan Act (ARPA) Proposed Allocation
  - A.** CIP/CEP REPORTS
  - B.** 2024 PROPOSED ALLOCATION ARPA
- 8.2** Discuss Legislative Agenda for 2024
  - A.** 2023 LEGISLATIVE POLICIES AND POSITIONS

**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>	November 13, 2023
<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>	Katrina Doshier 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>		
Ifrah Hashi	November 6, 2023	Community Engagement Specialist, FT
Chris Xiong	November 6, 2023	Community Engagement Specialist, FT
<b>Community Development</b>		
Matt Hayes-Regan	October 2, 2023	Program Assistant III, Planning Division, FT
<b>Finance</b>		
Allison Yang	September 11, 2023	Finance Assistant I, FT
Wanita Williams	September 25, 2023	Finance Assistant I, FT
Cheryl Keene	October 30, 2023	Finance Assistant I, FT
<b>Police</b>		
Cameron Adams	September 18, 2023	Police Cadet, PT
Hunter Greicar	October 09, 2023	Police Cadet, PT
Asher Kromschroeder	October 09, 2023	Police Cadet, PT
Pablo Centeno	October 11, 2023	Detention Officer, FT
<b>Recreation and Parks</b>		
Wildjy Sunel	September 25, 2023	Program Assistant II, FT

**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>	3B.2	<b>Meeting Date:</b>	November 13, 2023
<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>	Dr. Marcellus Davis, REDI Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Mayor Hollies Winston
<b>Item:</b>	Mayor's Proclamation of November 2023 as "Native American Indian Heritage Month"		

## City Manager's Proposed Action:

The Mayor shall proclaim the Month of November 2023, as "Native American Indian Heritage Month" by one of the following:

1. "I, Hollies Winston, Mayor of the city of Brooklyn Park, Minnesota do hereby proclaim the month of November 2023, to be "Native American Indian Heritage Month" in the city of Brooklyn Park.

OR

2. By reading the proclamation.

## Overview:

There is a deep, rich Native American history in the State of Minnesota going back 10,000 years. Minnesota is home to several Tribal Nations and a resilient and robust urban Native American community. Along with the Dakota people and Anishinaabe people, the Ho-Chunk, Cheyenne, Oto, Iowa, Hidatsa, Arikara, A'aninin, Cree, Blackfeet, Assiniboine, and the Sac and Fox tribes also acknowledge Minnesota as important to their tribal histories.

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

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

## Attachments:

3B.2A PROCLAMATION

# PROCLAMATION

## PROCLAIMING THE MONTH OF NOVEMBER AS “NATIVE AMERICAN INDIAN HERITAGE MONTH” IN THE CITY OF BROOKLYN PARK, MINNESOTA

**WHEREAS**, in recognizing the indigenous peoples of the United States and Minnesota, in 2023, according to the United States Census Bureau, the population of Native Americans is 6.79 million which is 2.09% of the United States population. The area known today as the State of Minnesota is located on ancestral and contemporary lands that have been called home by Indigenous Peoples since time immemorial; according to Minnesota Compass, currently Minnesota is home to about 58,000 (WCCO) Native Americans. The metro area is home to more than 20,000 Native Americans which make up (0.5%) of the state population; and

**WHEREAS**, the City of Brooklyn Park recognizes Native American Indian Heritage Month, the 2023 national theme of **Celebrating Tribal Sovereignty and Identity** is an amalgamation of previous themes **Revitalizing Indigenous Connections** (2022) and **Resilient & Enduring: We are Native People** (2020); and

**WHEREAS**, Minnesota is home to 11 federally recognized American Indian Tribal Nations and a resilient and robust urban Native American community; The seven communities of **Grand Portage, Bois Forte, Red Lake, White Earth, Leech Lake, Fond du Lac and Mille Lacs** comprise the **Anishinaabe** reservations. These reservations are located throughout northern Minnesota from the central lakes region of the state to the northeastern tip; and

In the southern region of the state there are four **Dakota** reservations: **Shakopee Mdewakanton, Prairie Island, Lower Sioux, and Upper Sioux**. Like the reservations in northern Minnesota, these areas of land were set aside by United States government treaties. Source: U.S. Department of the Interior, Office of American Indian Trust; and

**WHEREAS**, Native Americans have made essential contributions to the history, culture, and economy of Minnesota, including traditional knowledge, labor, technology, science, philosophy, industry, and arts; and

**WHEREAS**, the City of Brooklyn Park invites all members of the community to learn more about the rich Native American Indian culture, traditions and history, and celebrate the contributions that have been made to our country and our community by Native American Indians.

**NOW, THEREFORE**, I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim November 2023 to be “Native American Indian Heritage Month” in the City of Brooklyn Park.



5200 85<sup>th</sup> Avenue North

\_\_\_\_\_  
Hollies Winston, Mayor

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.3	<b>Meeting Date:</b>	November 13, 2023
<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>	Zach Kramka, Asst to the City Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Zach Kramka, Peter Leatherman, Morris Leatherman Company
<b>Item:</b>	2023 Resident Survey Results		

## City Manager's Proposed Action:

Presentation of the 2023 Resident Survey Results.

## Overview:

Peter Leatherman of Morris Leatherman Company will be presenting the 2023 Resident Survey results. The survey results are used internally and externally in the following ways:

Survey results are one of the key performance indicators used to measure the progress toward *Brooklyn Park 2025* goals. Respondents are asked to assess how the City is performing in each of the six goals, and perception-based questions are used to assess the quality of life in Brooklyn Park. These data points are coupled with demographic data and economic indicators to track and respond to trends in the community.

The survey also measures resident satisfaction with the delivery of City services. These results are compared with past surveys, using the same scientific methodology, as an indicator for how residents rate staff and service quality.

Policy-related questions are asked in the resident survey to gather community input on high impact projects and potential policy changes. Examples of this in the 2023 resident survey include a series of questions regarding willingness to pay for investments in a Central Fire Station, and changes to the chicken ordinance.

The survey took place during the month of October and sample size of 800 residents was gathered. This allows staff to compare results of different geographic and demographic respondent groups. Since the City has commissioned surveys every two years going back over a decade, comparisons can be made with prior years.

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

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

## Attachments:

3B.3A 2023 RESIDENT SURVEY RESULTS

The Morris Leatherman Company  
3128 Dean Court  
Minneapolis, Minnesota 55416

CITY OF BROOKLYN PARK  
Residential Study  
FINAL SEPTEMBER 2023

Hello, I'm \_\_\_\_\_ of the Morris Leatherman Company, a nationwide polling firm located in the Twin Cities. We've been retained by the City of Brooklyn Park to speak with a random sample of Brooklyn Park residents about the community. This survey is being taken because the City Council and City Staff are interested in your opinions and suggestions about life in the community. All individual responses will be held strictly confidential; only summaries of the entire sample will be reported.  
(DO NOT PAUSE)

- |    |  |  |
|----|--|--|
| 1. | Approximately, how many years have you lived in Brooklyn Park?   | TWO YEARS OR LESS.....10%<br>THREE TO FIVE YEARS...19%<br>SIX TO TEN YEARS.....23%<br>11 TO 20 YEARS.....22%<br>21 TO 30 YEARS.....14%<br>OVER THIRTY YEARS.....12%<br>DON'T KNOW/REFUSED.....0% |
| 2. | How would you rate the quality of life in this community -- excellent, good, only fair, or poor?   | EXCELLENT.....18%<br>GOOD.....67%<br>ONLY FAIR.....13%<br>POOR.....2%<br>DON'T KNOW/REFUSED.....0%   |
| 3. | How often do you have contact with your neighbors -- daily, a few times a week, once a week, a few times a month, once a month, or less often? | DAILY.....11%<br>FEW TIMES A WEEK.....31%<br>ONCE A WEEK.....15%<br>FEW TIMES A MONTH.....22%<br>ONCE A MONTH.....6%<br>LESS OFTEN.....16%<br>DON'T KNOW/REFUSED.....0%                          |
| 4. | Do you feel comfortable discussing neighborhood problems with your neighbors?  | YES.....82%<br>NO.....12%<br>DON'T KNOW/REFUSED.....6%   |

IF "NO," ASK: (n=95)

5. Why don't you feel comfortable discussing problems with your neighbors?

REFUSED, 2%; DON'T LISTEN, 4%; TOO DIFFERENT, 9%;  
MIND OWN BUSINESS, 4%; SOLVE PROBLEMS ON OWN, 14%;  
DON'T KNOW NEIGHBORS, 46%; LEADS TO FIGHTING, 4%; NOT FRIENDLY, 10%; LANGUAGE BARRIERS, 7%.



6. In general, do you think the community is welcoming to residents of all backgrounds and identities? (WAIT FOR RESPONSE) Do you feel strongly that way?
- |                         |     |
|-------------------------|-----|
| STRONGLY YES.....       | 16% |
| YES.....                | 75% |
| NO.....                 | 6%  |
| STRONGLY NO.....        | 0%  |
| DON'T KNOW/REFUSED..... | 3%  |

IF "NO" OR "STRONGLY NO," ASK: (N=53)

7. Why do you feel that way?

NEGATIVE TOWARDS PEOPLE OF COLOR, 15%; NEGATIVE TOWARDS WHITES, 15%; NEGATIVE TOWARDS IMMIGRANTS, 8%; NEGATIVE TOWARDS BLACKS, 19%; UNFRIENDLY PEOPLE, 34%; NEGATIVE TOWARDS LOW-INCOME, 9%.

Over the past few years....

8. How would you rate how you and members of your household are doing financially, mentally and physically -- excellent, good, only fair, or poor?
- |                         |     |
|-------------------------|-----|
| EXCELLENT.....          | 10% |
| GOOD.....               | 63% |
| ONLY FAIR.....          | 26% |
| POOR.....               | 1%  |
| DON'T KNOW/REFUSED..... | 0%  |
9. What do you think is the most serious issue facing the community today?
- |                          |     |
|--------------------------|-----|
| DON'T KNOW/REFUSED.....  | 3%  |
| NOTHING.....             | 9%  |
| CRIME.....               | 23% |
| GANGS.....               | 3%  |
| TOO MUCH LOW-INCOME..... | 6%  |
| HIGH TAXES.....          | 13% |
| TOO MUCH GROWTH.....     | 4%  |
| JOBS/ECONOMY.....        | 22% |
| HOME FORECLOSURES.....   | 2%  |
| SCHOOLS.....             | 3%  |
| DRUGS.....               | 5%  |
| SCATTERED.....           | 7%  |
10. What is the most serious issue facing you personally?
- |                            |     |
|----------------------------|-----|
| UNSURE.....                | 3%  |
| NOTHING.....               | 26% |
| COST OF LIVING.....        | 29% |
| HEALTH.....                | 10% |
| WORK/LIFE BALANCE.....     | 2%  |
| HIGH RENT/MORTGAGE.....    | 3%  |
| HIGH TAXES.....            | 4%  |
| FAMILY ISSUES.....         | 2%  |
| WORK ISSUES.....           | 3%  |
| FEAR OF CRIME.....         | 4%  |
| TRANSPORTATION ISSUES..... | 2%  |
| SCATTERED.....             | 12% |

- 11. All in all, do you think things in Brooklyn Park are generally headed in the right direction, or do you feel things are off on the wrong track?
  - RIGHT DIRECTION.....76%
  - WRONG TRACK.....15%
  - DON'T KNOW/REFUSED.....9%
  
- 12. Would you recommend living in the City of Brooklyn Park to others?
  - YES.....80%
  - NO.....14%
  - DON'T KNOW/REFUSED.....6%

The City has six major goals in the Brooklyn Park 2025 plan which was created through community input. For each of the following goal statements, please tell me if you rate the city as excellent, good, only fair, or poor in achieving the statements.

	STA	SMA	SMD	STD	DKR
13. Brooklyn Park is a united and welcoming community, strengthened by its diversity.	38%	50%	9%	2%	1%
14. Brooklyn Park is a unique destination with beautiful spaces and quality infrastructure.	50%	40%	8%	2%	0%
15. Brooklyn Park has a balanced economic environment where businesses and residents can thrive.	35%	47%	16%	2%	0%
16. Brooklyn Park residents have what they need to feel healthy and safe.	33%	47%	14%	5%	1%
17. Brooklyn Park is working hard to increase racial and economic equity for residents throughout the city.	40%	47%	7%	2%	4%
18. Brooklyn Park city government is a leader in effectiveness and engaging the community.	30%	48%	16%	3%	3%

The City of Brooklyn Park has officially named neighborhoods across the city.

- 19. Are you aware of the name of your neighborhood? (IF "YES," ASK:)
  - DON'T KNOW/REFUSED.....8%
  - NO.....20%
  - NAMED NEIGHBORHOOD....72%

Moving on.....

For each of the following, please tell me whether the City is too tough, about right, or not tough enough in enforcing these city codes in your neighborhood.

	TOO TOU	ABO RIG	NOT TOU	DK/ REF
20. Loud noise after 10pm?	8%	65%	26%	0%
21. Storing of garbage and recycling cans out of sight?	7%	74%	17%	1%
22. No parking on neighborhood streets from 2am to 5am during winter months and during snow emergencies?	16%	58%	25%	1%
23. Commercial vehicles and equipment stored outside in residential areas?	2%	78%	16%	4%
24. Vehicles that do not work?	3%	55%	38%	3%
25. Chipped and peeling paint on homes?	1%	72%	20%	7%
26. Storing of lawn mowers, tools and wood outside?	3%	77%	15%	5%
27. Long grass and weeds?	2%	66%	30%	2%
28. Junk and debris in yards?	2%	69%	27%	3%

Now, I would like to briefly re-read the list.

- 29. Please tell me which one, if any, of those code violations would you place as the top priority?
- 30. Of the remaining, which one would you rank as the second priority?
- 31. Is there any one code violation you are least concerned about? (IF "YES," ASK:) Which one?

	TOP	SEC	OPP
Loud noise after 10pm.....	24%	6%	10%
Storing of garbage and recycling cans.....	8%	5%	23%
No parking 2am to 5am during winter months and during snow emergencies.....	16%	9%	13%
Commercial vehicles and equipment stored outside in residential areas.....	7%	6%	5%
Vehicles that do not work.....	10%	23%	4%
Chipped and peeling paint on homes....	4%	10%	5%
Storing of lawn mowers, tools and wood outside.....	2%	4%	6%
Long grass and weeds.....	15%	7%	11%
Junk and debris on yards.....	8%	18%	6%
NONE/DON'T KNOW/REFUSED.....	6%	13%	18%

32. Would you support or oppose the City allowing up to four female chickens, but not roosters, in residential backyards with proper regulations, such as having a chicken coop? (WAIT FOR RESPONSE)  
Do you feel strongly that way?

STRONGLY SUPPORT.....	10%
SUPPORT.....	58%
OPPOSE.....	17%
STRONGLY OPPOSE.....	5%
DON'T KNOW/REFUSED....	10%

IF "OPPOSE" OR "STRONGLY OPPOSE," ASK: (N=172)

33. Why do you oppose this?

NOISY, 21%; MESSY, 10%, BAD ODOR, 16%; CAN GET LOOSE, 4%; BELONG ON FARMS, 33%; DISEASES, 8%; ATTRACTS WILDLIFE, 4%; SCATTERED, 4%

Changing topics....

I am going to read you a list of some of the current services either directly or partially provided by the city. For each one, please tell me if you feel it is excellent, good, only fair, or poor. If you don't have an opinion, just say so....

	EXC	GOO	FAI	POO	DKR
34. Dependability of city sanitary sewer service?	25%	67%	8%	0%	1%
35. Dependability of city drinking water system?	17%	64%	18%	2%	0%
36. Building inspections and permits?	15%	60%	11%	1%	13%
37. Rental inspections?	19%	52%	12%	2%	15%
38. Neighborhood street lighting?	20%	55%	24%	1%	0%

For the next three city services, please consider only smaller streets. In particular, **DO NOT** consider State Highway 610, County Roads 81, 85th Avenue, Brooklyn Boulevard and Zane Avenue, as these are not maintained by the City of Brooklyn Park.

	EXC	GOO	FAI	POO	DKR
39. City street repair and maintenance?	11%	67%	20%	2%	0%
40. Snow plowing of city streets?	14%	63%	22%	1%	0%
41. Snow plowing of sidewalks and trails?	19%	53%	26%	1%	1%

Turning to city drinking water specifically....

42. How would you rate the quality of drinking water -- excellent, good, only fair, or poor?

EXCELLENT.....	3%
GOOD.....	67%
ONLY FAIR.....	20%
POOR.....	10%
DON'T KNOW/REFUSED.....	0%

IF "ONLY FAIR" OR "POOR," ASK: (N=238)

43. Why did you rate the quality of drinking water as (only fair/poor)?

UNSURE, 1%; BAD ODOR, 11%; POOR TASTE, 58%; CLOUDY, 5%; HARD, 13%; STAINS, 6%; UNSAFE, 5%; SCATTERED, 2%.

Water softening is a process in which hardness causing minerals are removed from the water. This can be achieved through centralized softening by the City or by residents installing their own water softeners. Currently, the City does not have the equipment for softening water but does offer a water softener rebate program for residents purchasing a qualifying water softener for their home.

44. Do you support or oppose the addition of a softening process to the city water treatment facility? (WAIT FOR RESPONSE) Do you feel strongly that way?

STRONGLY SUPPORT.....	10%
SUPPORT.....	71%
OPPOSE.....	10%
STRONGLY OPPOSE.....	3%
DON'T KNOW/REFUSED.....	6%

IF "OPPOSE" OR "STRONGLY OPPOSE," ASK:

45. Would you still oppose if you would save money by not having to purchase a water softener or have to purchase salt and maintain your home water softener?

YES.....	55%
NO.....	40%
DON'T KNOW/REFUSED.....	5%

If the City of Brooklyn Park were to add a softening process to the water treatment facility, an increase in utility rates would be necessary.

46. How much would you be willing to pay in additional utility bill charges to support the addition of a softening process to the city water treatment facility? Let's say, would you be willing to pay an additional \$\_\_\_ every three months? (CHOOSE A RANDOM STARTING POINT; MOVE UP OR DOWN DEPENDING ON RESPONSE)

NOTHING.....	26%
\$20.00.....	40%
\$40.00.....	11%
\$60.00.....	4%
\$80.00.....	2%
\$100.00.....	0%
\$120.00.....	0%
OVER \$120.....	0%
DON'T KNOW/REFUSED....	18%

47. Do you use a home water softener?

YES.....	49%
NO.....	45%
DON'T KNOW/REFUSED....	6%

Changing topics.....

As you may know, the City of Brooklyn Park has been actively working to encourage development. When development projects are proposed....

48. Do you think residents have enough opportunities to provide input about proposed development?

YES.....	78%
NO.....	11%
DON'T KNOW/REFUSED....	11%

IF "NO," ASK: (N=88)

49. Why do you feel that way?

UNSURE, 2%; DON'T LISTEN, 39%; HAVE OWN AGENDA, 18%; DON'T KNOW HOW, 14%; LACK OF INFORMATION ON ISSUES, 13%; INFORMATION AFTER DECISIONS, 6%; UNCIVIL MEETINGS, 6%; DEVELOPERS HAVE CONTROL, 3%.

50. What types of new development do you think would provide the most benefit to current and future city residents?

DON'T KNOW/REFUSED....	12%
NO.....	14%
RETAIL.....	17%
RESTAURANTS.....	15%
INDUSTRIAL.....	9%
JOB PRODUCING.....	30%
SCATTERED.....	3%

Moving on....

51. Do you or members of your household use public transportation?

YES.....	29%
NO.....	71%
DON'T KNOW/REFUSED....	0%

IF "NO," ASK: (N=567)

52. Why don't you use public transportation?	DON'T KNOW/REFUSED.....1%
	NEED CAR.....15%
	PREFER TO DRIVE.....53%
	NOT CONVENIENT.....14%
	NOT SAFE.....10%
	TAKES TOO LONG.....4%
	DOESN'T GO WHERE NEED..2%
	SCATTERED.....2%

Let's talk about park and recreation opportunities in Brooklyn Park....

For each facility or amenity, please tell me if you or members of your household use it. Then for each one you don't use, please tell me if you are aware of the facility in Brooklyn Park.

	USE	NO/ AWA	NO/ NOT	DK/ REF
53. City-owned parks?	80%	19%	1%	0%
54. Athletic complexes, such as Noble, Northwoods and Zane Sports Parks?	33%	60%	7%	0%
55. Brookland or Edinburgh USA golf courses?	36%	49%	15%	0%
56. The Community Activity Center, including the Ice Arena, gymnasiums and meeting and banquet rooms?	27%	60%	13%	1%
57. Historic Eidem Farm?	28%	52%	20%	0%
58. Disc golf course?	14%	59%	27%	1%
59. Environmental Nature Area or Brookdale dog parks?	32%	43%	25%	0%
60. Skate park?	8%	72%	19%	1%
61. Zanewood Recreation Center?	18%	72%	10%	0%
62. Brooklyn Park Sports Dome at Park Center High School?	14%	75%	11%	1%

When you consider park and recreation buildings, such as recreation centers and park shelters....

63. How would you rate maintenance and quality of park and recreation facilities in Brooklyn Park -- excellent, good, only fair, or poor?	EXCELLENT.....15%
	GOOD.....82%
	ONLY FAIR.....2%
	POOR.....0%
	DON'T KNOW/REFUSED.....1%

IF "ONLY FAIR" OR "POOR," ASK: (N=14)

64. Could you tell me one or two reasons why you feel that way?

RUN DOWN, 29%; GRAFFITI/VANDALISM, 29%; LACK OF TRASH BINS, 21%; LACK OF RESTROOMS, 21%.

65. How satisfied are you with the condition and amount of sidewalks and trails in your neighborhood -- are you very satisfied, somewhat satisfied, not too satisfied, or not at all satisfied?

VERY SATISFIED.....	36%
SOMEWHAT SATISFIED....	55%
NOT TOO SATISFIED.....	8%
NOT AT ALL SATISFIED...	1%
DON'T KNOW/REFUSED.....	0%

66. Do you feel the current mix of recreational programs and facilities in the city sufficiently meets the needs of members of your household?

YES.....	92%
NO.....	4%
DON'T KNOW/REFUSED.....	5%

67. Are there any additional programs, facilities, or events you would like to see offered in the city? (IF "YES," ASK:) What programs, facilities or events would you like to see added?

UNSURE, 3%; NO, 80%; COMMUNITY EVENTS, 4%; SENIOR ACTIVITIES, 2%; FITNESS, 2%; TEEN CENTER, 2%; SCATTERED, 7%.

68. Are you aware of the City Recreation and Parks insert in the city newsletter "Park Pages"?

YES.....	75%
NO.....	25%
DON'T KNOW/REFUSED.....	0%

IF "YES," ASK: (N=601)

69. How would you evaluate its usefulness -- excellent, good, only fair, or poor?

EXCELLENT.....	23%
GOOD.....	74%
ONLY FAIR.....	3%
POOR.....	0%
DON'T KNOW/REFUSED.....	1%

IF "ONLY FAIR" OR "POOR," ASK: (N=17)

70. Why did you rate its usefulness as (only fair/poor)?

NOT USEFUL INFORMATION, 24%; LACK OF DETAILS, 35%; NOT CURRENT INFORMATION, 41%.

Moving on....



71. Have you called 9-1-1 in the past twelve months? YES.....15%  
NO.....85%  
DON'T KNOW/REFUSED.....0%

IF "YES," ASK: (N=116)

72. Were you calling for help with an issue that you or someone close to you was directly experiencing? YES.....74%  
NO.....26%  
DON'T KNOW/REFUSED.....0%

73. How satisfied were you by the interaction with the 911 call center -- were you very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied? VERY SATISFIED.....65%  
SOMEWHAT SATISFIED...30%  
SOMEWHAT DISSATISFIED..3%  
VERY DISSATISFIED.....2%  
DON'T KNOW/REFUSED.....0%

74. How satisfied were you with the people and resources that responded to your call - were you very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied? VERY SATISFIED.....72%  
SOMEWHAT SATISFIED....20%  
SOMEWHAT DISSATISFIED..7%  
VERY DISSATISFIED.....2%  
DON'T KNOW/REFUSED.....0%

As I read the following statements about police services in Brooklyn Park, please answer "yes" or "no." (READ LIST)

	YES	NO	DKR
75. I have an overall feeling of safety in Brooklyn Park.	85%	13%	2%
76. I would feel safe being out and about in my neighborhood alone at night.	70%	24%	6%

IF "NO" IN QUESTION #76, ASK: (N=191)

77. Why do you feel that way?

RISING CRIME, 48%; LACK OF STREET LIGHTS, 11%;  
LOITERING YOUTH, 2%; GANGS, 12%; ISOLATED, 3%;  
AGE/HEALTH/MOBILITY, 16%; LACK OF POLICE PATROLS, 2%;  
NOT SAFE ANYWHERE, 3%; HOMELESS PEOPLE, 2%; SCATTERED, 2%.

78. Do you and members of your household feel safe using city parks and trails? YES.....90%  
NO.....6%  
DON'T KNOW/REFUSED.....4%

IF "NO," ASK: (N=49)

79. Is there a specific park or trail you are concerned about?

UNSURE, 4%; NO, 43%; ALL PARKS, 29%; SHINGLE CREEK TRAIL, 4%; RIVER PARK, 6%; CENTRAL PARK, 6%; BROOK OAKS PARK, 4%; SCATTERED, 4%.

80. Why don't you feel safe?

UNSURE, 4%; RISING CRIME, 21%; LOITERING YOUTH, 19%; GANGS, 16%; LACK OF SIDEWALKS, 4%; ISOLATED, 16%; AGE/HEALTH/MOBILITY, 8%; LACK OF POLICE PATROLS, 8%; SCATTERED, 4%

81. Do you feel that crime in Brooklyn Park has increased, decreased, or remained about the same during the past few years?

INCREASED.....	41%
DECREASED.....	9%
REMAINED THE SAME.....	38%
DON'T KNOW/REFUSED....	12%

82. Where do you believe your perception of crime in Brooklyn Park comes from? (READ LIST)

PERSONAL EXPERIENCE.....	11%
NEIGHBORS, FRIENDS, FAMILY OR OTHER RESIDENTS.....	36%
SOCIAL MEDIA.....	16%
PRINT MEDIA, SUCH AS NEWSPAPERS.....	10%
TELEVISION NEWS.....	24%
TIP 411 ALERTS.....	2%
ELSE: ON-LINE CRIME STATISTICS.....	1%
DON'T KNOW/REFUSED.....	1%

83. Have you been a victim of crime in the City of Brooklyn Park during the past two years?

YES.....	9%
NO.....	91%
DON'T KNOW/REFUSED....	0%

84. What do you consider to be the greatest public safety concern in Brooklyn Park?

UNSURE, 8%; RISING CRIME, 11%; GUNS/SHOOTINGS, 9%; GANGS, 6%; CARJACKINGS, 4%; ROBBERY/MUGGINGS, 5%; RETAIL THEFT, 2%; DANGEROUS/RECKLESS DRIVING, 19%; DRUGS, 11%; AUTO THEFT, 2%; NOT ENOUGH POLICE, 3%; VANDALISM, 3%; PROPERTY THEFT, 3%; YOUTH CRIME, 4%; PEDESTRIAN SAFETY, 2%; SCATTERED, 8%.

85. Overall, how would you rate the Brooklyn Park Police Department -- excellent, good, only fair, or poor?

EXCELLENT.....	14%
GOOD.....	75%
ONLY FAIR.....	7%
POOR.....	0%
DON'T KNOW/REFUSED.....	5%

IF "ONLY FAIR" OR "POOR," ASK: (N=53)

86. Why did you rate them as (only fair/poor)?

UNSURE, 4%; RUDE, 7%; RACIAL PROFILING, 6%; DON'T LISTEN, 7%; NOT ENOUGH PATROLLING, 28%; NOT TOUGH ENOUGH, 12%; POOR COMMUNITY RELATIONS, 23%; POOR TRAINING, 7%; FOCUS ON RICH AREAS, 6%.

87. Have you had an interaction with the Brooklyn Park police in the last two years?

YES.....	17%
NO.....	83%
DON'T KNOW/REFUSED.....	0%

IF "YES," ASK: (N=138)

88. What was the nature of the interaction?

REPORT A CRIME, 39%; TRAFFIC ACCIDENT, 12%; TRAFFIC STOP, 6%; NEIGHBORHOOD DISTURBANCE, 15%; MEDICAL ISSUE, 12%; REPORT SUSPICIOUS ACTIVITY, 3%; COMMUNITY EVENT, 4%; CRIME INVESTIGATION, 2%; SCATTERED, 7%.

89. How would you rate your interaction with the Brooklyn Park police -- excellent, good, only fair, or poor?

EXCELLENT.....	33%
GOOD.....	49%
ONLY FAIR.....	12%
POOR.....	7%
DON'T KNOW/REFUSED.....	0%

90. Overall, are you satisfied or dissatisfied with the Brooklyn Park Police Department's service?

SATISFIED.....	86%
DISSATISFIED.....	4%
BOTH (VOL.).....	5%
DON'T KNOW/REFUSED.....	5%

IF "DISSATISFIED," ASK: (N=28)

91. Why are you dissatisfied?

DON'T LISTEN, 7%; NEED MORE POLICE, 43%; RACIAL PROFILING, 25%; NOT TOUGH ENOUGH, 7%; DON'T CARE, 7%; POOR COMMUNITY RELATIONS, 11%.

The Brooklyn Park Fire Department has four core values. As I read the following descriptions, please tell me if it is very accurate,

somewhat accurate, not too accurate, or not at all accurate.  
(READ LIST)

	VRA	SMA	NTA	NAA	DKR
92. Service oriented?	49%	43%	3%	1%	5%
93. Excellence?	51%	33%	4%	2%	11%
94. Trustworthy?	49%	39%	2%	2%	9%
95. Professional?	57%	35%	2%	1%	6%

96. Have you or anyone in your household ever had an emergency which required the Brooklyn Park Fire Department to respond in the last two years?  
 YES.....7%  
 NO.....93%  
 DON'T KNOW/REFUSED.....0%

IF "YES," ASK: (N=53)

97. Were you satisfied or dissatisfied with the Fire Department's service?  
 SATISFIED.....100%  
 DISSATISFIED.....0%  
 BOTH (VOL.).....0%  
 DON'T KNOW/REFUSED.....0%

IF "DISSATISFIED," ASK: (N=0)

98. Why were you dissatisfied?

NOT APPLICABLE.

99. Do you know how to perform CPR?  
 YES.....65%  
 NO.....35%  
 DON'T KNOW/REFUSED.....0%

The City of Brooklyn Park has four fire stations across the city. There have been discussions about updating and improving them over the next few years. Currently, the City is considering updating the Central Fire Station which is projected to cost about \$25 million. The owner of a \$320,000 home would see a property tax increase of about \$4 per month.

100. Would you support or oppose the improvements to the Central Fire Station? (WAIT FOR RESPONSE) Do you feel strongly that way?  
 STRONGLY SUPPORT.....14%  
 SUPPORT.....67%  
 OPPOSE.....6%  
 STRONGLY OPPOSE.....3%  
 DON'T KNOW/REFUSED.....10%

IF "OPPOSE" OR "STRONGLY OPPOSE," ASK: (N=76)

The current fire stations no longer adequately support the efficient delivery of services. They lack equitable restrooms and locker room spaces, proper space for training,

and proper storage for modern equipment and vehicles. Updated facilities are also a critical recruitment and retention tool to maintain full staffing in the department and help minimize the health risks, especially cancer, to the city's firefighters.

101. Does this make you much more likely to support these improvements, somewhat more likely, or does it make no difference to you?	MUCH MORE LIKELY.....11%
	SOMEWHAT MORE LIKELY..20%
	NO DIFFERENCE.....70%
	DON'T KNOW/REFUSED.....0%

Moving on, let's talk about city government in general.....

102. From what you have seen, heard, or experienced, how would you rate the job of the Brooklyn Park City Staff -- excellent, good, only fair, or poor?	EXCELLENT.....13%
	GOOD.....71%
	ONLY FAIR.....13%
	POOR.....1%
	DON'T KNOW/REFUSED.....2%

103. Excluding the Police and Fire departments, have you had any contact with city staff during the past two years?	YES.....40%
	NO.....59%
	DON'T KNOW/REFUSED.....1%

IF "YES," ASK: (N=321)

104. On your last contact with the City, which service area did you contact - Water and Sewer, Department of Motor Vehicles, Utility billing, Assessor's Office, Planning/Zoning, Park Maintenance, Street Maintenance, Building Inspections, Engineering, Recycling, Recreation Services, General Information Desk, Environmental Health/Code Enforcement, Administration or City Council?	WATER AND SEWER.....1%
	DMV.....18%
	UTILITY BILLING.....30%
	ASSESSOR'S OFFICE.....2%
	PLANNING/ZONING.....7%
	PARK MAINTENANCE.....1%
	STREET MAINTENANCE.....3%
	BUILDING INSPECTIONS...3%
	ENGINEERING.....0%
	RECYCLING.....8%
	RECREATION SERVICES....5%
	GENERAL INFORMATION...16%
	ENVIRO HEALTH/CODE.....3%
	ADMINISTRATION.....1%
	CITY COUNCIL.....3%
	DON'T KNOW/REFUSED.....0%

105. How would you rate the customer service you received -- excellent, good, only fair, or poor?	EXCELLENT.....23%
	GOOD.....57%
	ONLY FAIR.....11%
	POOR.....1%
	DON'T KNOW/REFUSED.....7%

IF A RATING IS GIVEN, ASK: (N=298)

106. Why did you rate the customer service as (\_\_\_\_\_)?

UNSURE, 4%; SLOW RESPONSE, 4%; RUDE, 3%; NOT HELPFUL, 3%; FRIENDLY/POLITE, 26%; HELPFUL, 34%; FAST/EFFICIENT, 22%; SCATTERED, 4%.

107. When you consider the property taxes you pay and the quality of the city services you receive, would you rate the general value of city services as excellent, good, only fair, or poor?

EXCELLENT.....	5%
GOOD.....	69%
ONLY FAIR.....	19%
POOR.....	2%
DON'T KNOW/REFUSED.....	6%

108. Would you favor or oppose an increase in city property taxes if it were needed to maintain city services at their current level?

FAVOR.....	69%
OPPOSE.....	17%
DON'T KNOW/REFUSED....	15%

IF "FAVOR," ASK: (N=551)

109. How much would you be willing to pay in additional property taxes to maintain city services? How about \$\_\_\_\_\_ per month? (CHOOSE A RANDOM STARTING POINT; MOVE UP OR DOWN DEPENDING ON RESPONSE) How about \$\_\_\_\_\_ per month?

NOTHING.....	0%
\$4.00.....	44%
\$8.00.....	34%
\$12.00.....	14%
\$16.00.....	3%
\$20.00.....	1%
OVER \$20.00.....	0%
DON'T KNOW.....	3%
REFUSED.....	1%

IF "OPPOSE," ASK: (N=133)

110. What services would you be willing to see cut?

UNSURE, 11%; NONE/CUT WASTE, 34%; ADMINISTRATION, 9%; POLICE, 5%; PARK/TRAIL MAINTENANCE, 9%; RECREATION PROGRAMS, 9%; ROAD REPAIR, 2%; DRINKING WATER QUALITY, 2%; ACROSS THE BOARD, 3%; PLOWING, 4%; SCATTERED, 12%.

111. Would you be willing to pay higher property taxes to improve current city services or offer new city services? (IF "YES," ASK:) What services would those be?

UNSURE, 7%; NO, 73%; POLICE, 5%; DRINKING WATER QUALITY, 4%; SCATTERED, 11%.

112. Compared to neighboring communities, do you feel property taxes in Brooklyn Park are very high, somewhat high, about average, somewhat low, or very low?

VERY HIGH.....	18%
SOMEWHAT HIGH.....	38%
ABOUT AVERAGE.....	32%
SOMEWHAT LOW.....	2%
VERY LOW.....	0%
DON'T KNOW/REFUSED....	11%

113. Do you think you have adequate opportunities to provide input and feedback about issues to the City of Brooklyn Park?

YES.....	84%
NO.....	8%
DON'T KNOW/REFUSED....	8%

IF "NO," ASK: (N=62)

114. Why do you feel that way?

DON'T LISTEN, 57%; LACK OF INFORMATION, 7%; OWN AGENDA, 7%; LACK OF OPPORTUNITIES, 7%; DON'T KNOW HOW, 10%; AGE/HEALTH, 3%; INFORMATION AFTER DECISIONS, 5%; WON'T ANSWER QUESTIONS, 5%.

115. From what you know, do you approve or disapprove of the job the City Council is doing? (WAIT FOR RESPONSE) And, do you feel strongly that way?

STRONGLY APPROVE.....	5%
APPROVE.....	79%
DISAPPROVE.....	8%
STRONGLY DISAPPROVE....	1%
DON'T KNOW/REFUSED....	7%

Turning to communications....

116. What is your main source of information about the City of Brooklyn Park?

DON'T KNOW/NOTHING.....	0%
CITY NEWSLETTER.....	22%
SUN POST/LOCAL NEWSPAPER.....	19%
STAR TRIBUNE.....	3%
CITY WEBSITE.....	17%
EMAIL.....	6%
CABLE TELEVISION.....	2%
WORD OF MOUTH.....	11%
MAILINGS.....	6%
SOCIAL MEDIA.....	12%
SCATTERED.....	2%

117. How would you prefer to receive information about the City of Brooklyn Park?

DON'T KNOW/NOTHING.....	0%
CITY NEWSLETTER.....	25%
SUN POST/LOCAL NEWSPAPER.....	18%
STAR TRIBUNE.....	5%
CITY WEBSITE.....	16%
EMAIL.....	7%
WORD OF MOUTH.....	5%
MAILINGS.....	9%
SOCIAL MEDIA.....	13%
SCATTERED.....	2%

118. Do you recall receiving the City newsletter, titled "Park Pages," during the last six months?

YES.....	76%
NO.....	24%
DON'T KNOW/REFUSED.....	0%

IF "YES," ASK: (N=606)

119. Do you or any members of your household regularly read it?

YES.....	87%
NO.....	12%
DON'T KNOW/REFUSED.....	1%

120. Do you use social media to receive information from the City? (IF "YES," ASK:) Which social media source do you use most often to receive this information?

NO, 61%; FACEBOOK, 26%; TWITTER/X, 6%; NEXTDOOR, 2%; SCATTERED, 5%.

Now, just a few more questions for demographic purposes....

121. Do you reside in an apartment, townhouse or condominium, or a detached single family home?

APARTMENT.....	25%
TOWNHOUSE/CONDO.....	20%
SINGLE-FAMILY HOME....	55%
SOMETHING ELSE.....	1%
DON'T KNOW/REFUSED.....	0%

122. Do you own or rent your current residence?

OWN.....	65%
RENT.....	35%
DON'T KNOW/REFUSED.....	0%

123. What is your age, please?

18-24.....	10%
25-34.....	19%
35-44.....	21%
45-54.....	19%
55-64.....	19%
65 AND OVER.....	13%
REFUSED.....	0%



I am going to read a list of races and ethnicities, please tell me if you identify as....

	YES	NO	DKR
124. African.	10%	90%	0%
125. Asian.	17%	83%	0%
126. African American or Black.	22%	78%	0%
127. Hispanic or Latino.	9%	91%	0%
128. Native American or American Indian.	1%	99%	0%
129. Native Hawaiian or other Pacific Islander.	1%	99%	0%
130. White.	42%	58%	0%
131. Another race or ethnicity.	2%	98%	0%
132. What is the primary language spoken in your home?	DON'T KNOW/REFUSED.....0%		
	ENGLISH.....82%		
	SPANISH.....6%		
	VIETNAMESE.....2%		
	SOMALI.....4%		
	HMONG.....3%		
	LIBERIAN ENGLISH.....2%		
	SCATTERED.....2%		
133. Finally, thinking about your household finances, how would you describe your financial situation, would you say that --	STATEMENT A.....7%		
	STATEMENT B.....41%		
	STATEMENT C.....36%		
	STATEMENT D.....16%		
A) Your monthly expenses are exceeding your income;	DON'T KNOW/REFUSED.....1%		
B) You are meeting your monthly expenses but are putting aside little or no savings;			
C) You are managing comfortably while putting some money aside;			
D) You are on track to meet long-term financial goals, such as mortgage payments, tuition costs and retirement plans?			
134. What is your gender identity?	MALE.....49%		
	FEMALE.....50%		
	NON-BINARY.....1%		
136. REGION OF CITY:	EAST/SOUTH.....15%		
	CENTRAL/SOUTH.....14%		
	WEST/SOUTH.....19%		
	EAST/NORTH.....20%		
	CENTRAL/NORTH.....23%		
	WEST/NORTH.....9%		

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.1	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Operations & Maintenance
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Tim Pratt, Recycling Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Tim Pratt
<b>Item:</b>	Approve the 2024-2026 Bulky Waste Curbside Cleanup Contract Extension with Republic Services		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE THE 2024-2026 BULKY WASTE CURBSIDE CLEANUP CONTRACT EXTENSION WITH REPUBLIC SERVICES.

## Overview:

The contract for the Bulky Waste Curbside Cleanup expired after the 2023 Cleanup. The Cleanup is held in one-third of the city each year. Staff held discussions with various garbage haulers about their interest in conducting the next round of curbside cleanups. Only one hauler indicated that they had the interest and the ability to perform the Cleanup. Note that in 2018 only two haulers expressed interest. It was later determined that one of the haulers did not have the capability to conduct the Cleanup. Conducting the Cleanup requires the hauler to have sufficient rear-loading trucks and available staff. Haulers have been replacing rear-loading trucks with automated side-loading trucks that are incapable of picking up bulky items.

Republic Services has conducted the Cleanup since 2014 and has agreed to a proposed contract extension for the next round of Cleanups.

Feedback from residents has been very positive. Emails and phone calls indicate residents appreciate the convenience of the program because they don't have to haul material to a disposal facility. That can be especially difficult for residents without a vehicle or a vehicle large enough to carry the item(s), and for residents with mobility concerns. Additionally, economies of scale allow residents to pay much less for their entire load of unwanted material as compared to disposing of just one item at a disposal facility or through their garbage hauler. For example, disposing of one couch can cost \$60-\$80. Whereas the portion of the recycling fee dedicated to the Cleanup is \$1.10 per month, or \$39.60 per household for one Cleanup in a three-year period. More than 60% of residents put material out for collection each Cleanup.

Republic Services is proposing to increase collection and disposal costs as shown in the table on the next page. Staff calculates the cost of the program will go from the current \$1.10 per household per month to \$1.40 per household per month for the three-year period. Staff proposes the Council increase the monthly residential recycling fee \$.30 per household per month to cover the increased cost of the program.

<b>Bulky Waste Curbside Cleanup Costs</b>									
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023 est</u>	<u>2024 est</u>	<u>2025 est</u>	<u>2026 est</u>
Cost	\$216,547.92	\$300,290.14	\$302,413.85	\$277,086.74	\$329,157.65	\$318,282.64	\$385,078.31	\$369,334.48	\$425,179.63
Households	6382 units	7893 units	7985	6382	8394	7985	7755	7648	7772
Trash (tons)	641.15	813	693.47	541.58	468.32	666.81	650	650	650
Appliances	437	965	1060	601	900	1100	843	843	843
Cost per HH	\$33.93	\$38.05	\$38.31	\$35.11	\$41.70	\$40.32	\$48.79	\$46.79	\$53.87

<b>Bulky Waste Curbside Cleanup Charges</b>									
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Fee per HH	\$17.50	\$18.00	\$18.50	\$24.00	\$24.50	\$26.50	\$27.83	\$29.22	\$30.68
Fee per App	\$35.00	\$36.00	\$37.00	\$38.00	\$39.00	\$40.00	\$39.00	\$40.95	\$43.00
Disposal	\$82.00	\$86.00	\$90.00	\$92.00	\$93.00	\$94.00	\$100.58	\$105.61	\$110.89

Following the latest census, maps for future Cleanups have been redrawn to distribute the number of residents more evenly in each zone. By 2020 the previous west zone had about 1,500 fewer homes than the Central and East districts because of housing development in the later zones during the 2010s. Approximately 2,800 homes will be moved up a year for the next collection while approximately 1,700 homes will be bumped back a year. The map is Attachment A.

**Primary Issues/Alternatives to Consider:**

- Approve the 2024-2026 contract extension as presented
- Reject the contract extension and discontinue the Cleanup

Staff recommends approval of the contract extension to continue the cleanup program. Staff recommends increasing the residential recycling fee to pay for the increased cost of the program.

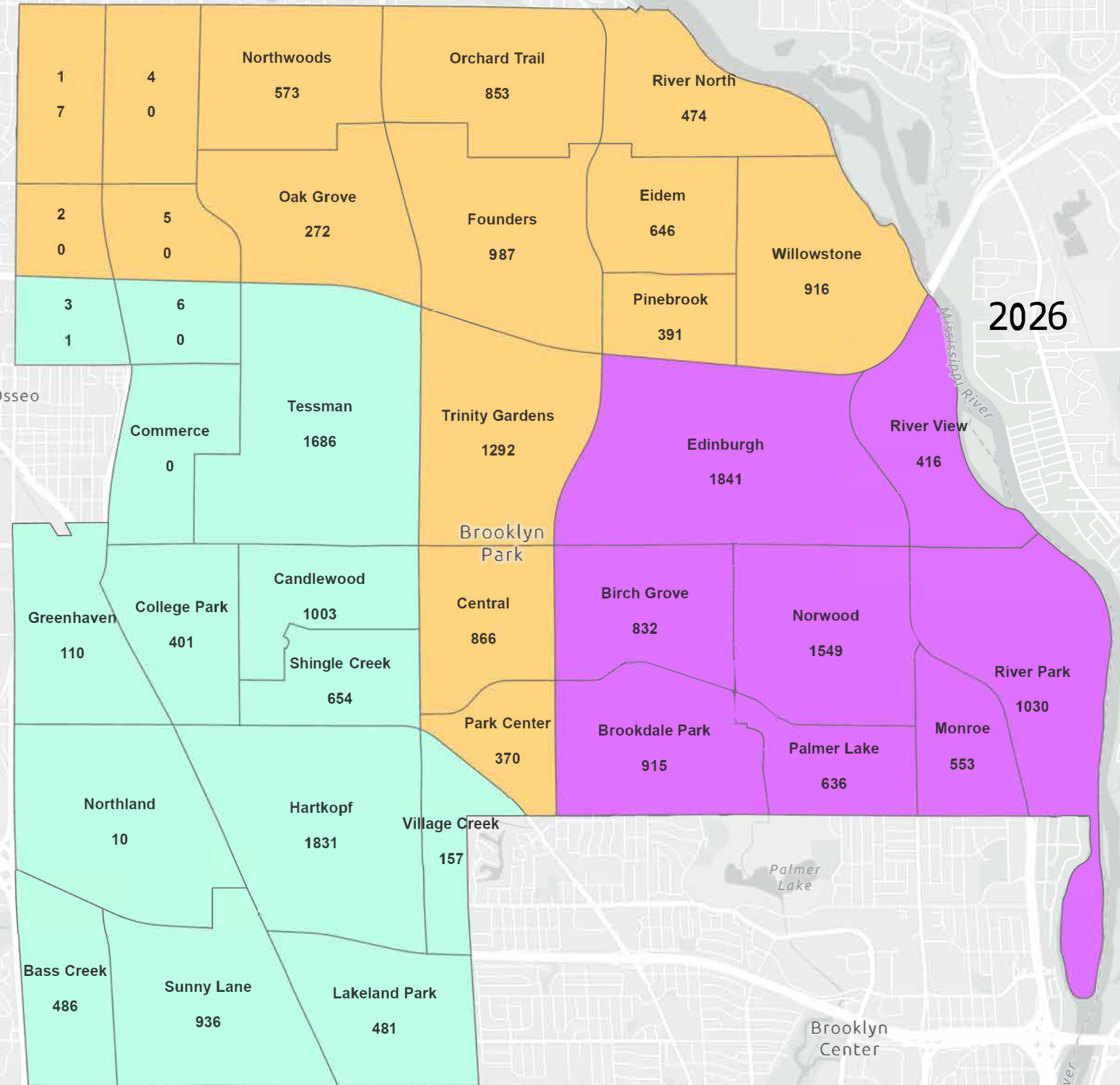
**Budgetary/Fiscal Issues:** N/A

**Attachments:**

- 4.1A MAP
- 4.2B CONTRACT

2025

2026



2024

**AMENDMENT TO AGREEMENT FOR CURBSIDE CLEANUP COLLECTION AGREEMENT**

This Amendment (the "Amendment") to the Agreement for is entered into as of January 1, 2024 (the "**Effective Date**") by and between Allied Waste Services of North America, LLC dba Republic Services of the Twin Cities - Blaine ("**Contractor**"), and City of Brooklyn Park ("**City**") (collectively referred to herein as the "Parties" and individually as a "Party").

**WHEREAS**, the Parties entered into the Agreement For Curbside Cleanup Collection Agreement (hereinafter "Agreement") for collection and disposal dated 27<sup>th</sup> May, 2021.

**AND WHEREAS**, the Parties desire to amend certain terms of the Agreement which shall take effect from 1<sup>st</sup> day of September 2024.

**NOW, THEREFORE**, in consideration of the above premises and of the mutual covenants herein contained and other consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Parties agree as follows:

1. Except as specifically provided in this Amendment, each provision of the Agreement and previously executed amendments, if any, between the Parties remain, and is, in all respects, in full force and effect.
2. **Section 19, Term, Page 3:** The term of the Agreement is hereby extended for an additional period of three years effective from January 1, 2024, to August 31, 2027 ("Renewal Period"). Thereafter, the Contract may be extended for an additional three years subject to mutual consent of the Parties.

**IN WITNESS WHEREOF**, the Parties hereto have signed these presents for the purposes herein contained the day and year stated above:

**Contractor:**

**City:**

**Allied Waste Services of North America, LLC dba  
Republic Services of the Twin Cities - Blaine**

**City of Brooklyn Park**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

## Attachment I 2024 Pricing Sheet

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### THE CITY OF BROOKLYN PARK CURBSIDE CLEANUP COLLECTION AND DISPOSAL OF GARBAGE AND APPLIANCES FROM HOUSEHOLDS AS LISTED BELOW:

Payments of all fees and taxes imposed by Hennepin County and the State of Minnesota will be the responsibility of the Contractor and are included in the estimated price. The Contractor and the City agree to the pricing based on estimated quantities below.

PROPOSAL ITEM			CHARGES
(a) Garbage Collection		Est. # of units	
<b>\$27.83/unit</b>	X	<u>7,755</u>	\$215,821.65 Lump Sum
			\$ 54,494.97 25.25% State/County Tax/Fees Paid by City (Est.)
			\$270,316.62 Total Lump Sum
(b) Garbage Disposal		Est. # tons	
<b>\$100.58/ton</b>	X	<u>650</u>	\$ 65,377.00 Pass Through Cost to City (Est.)
			\$ 16,507.69 25.25% State/County Tax/Fees Paid by City (Est.)
			\$ 81,884.69 Total Pass Through to City (Est.)
(c) Appliance Collection + Disposal		Est. # appliances	
<b>\$39/appliance</b>	X	<u>843</u>	\$ 32,877.00 Lump Sum (Est.)
(d) Total (Est.)			\$385,078.31
(e) Dates of Collection:			

Saturdays in September and October 2024. Collection boundaries to be agreed upon by mutual written consent.

**See Attachment II**

### Attachment I-B – 2025 Pricing Sheet

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#### THE CITY OF BROOKLYN PARK CURBSIDE CLEANUP COLLECTION AND DISPOSAL OF GARBAGE AND APPLIANCES FROM HOUSEHOLDS AS LISTED BELOW:

Payments of all fees and taxes imposed by Hennepin County and the State of Minnesota will be the responsibility of the Contractor and are included in the estimated price. The Contractor and the City agree to the pricing based on estimated quantities below.

PROPOSAL ITEM			CHARGES
(a) Refuse Collection <b>\$29.22/unit</b>	X	Est. # of units <u>7,648</u>	\$223,474.56 Lump Sum \$ 56,427.33 25.25% State/County Tax/Fees Paid by City (Est.) \$279,901.89 Total Lump Sum
(b) Refuse Disposal <b>\$105.61/ton</b>	X	Est. # tons <u>650</u>	\$ 68,646.50 Pass Through Cost to HRG (Est.) \$ 17,333.24 25.25% State/County Tax/Fees Paid by City (Est.) \$ 85,979.74 Total Pass Through to City (Est.)
(c) Appliance Collection + Disposal <b><u>\$40.95/appliance</u></b>	X	Est. # appliances <u>843</u>	\$ 34,520.85 Lump Sum (Est.)
(d) Total (Est.)			\$369,334.48

(e) Dates of Collection:

Saturdays in September and October 2025. Collection boundaries to be agreed upon by mutual written consent.

**See Attachment II**

### Attachment I-C – 2026 Pricing Sheet

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#### THE CITY OF BROOKLYN PARK CURBSIDE CLEANUP COLLECTION AND DISPOSAL OF GARBAGE AND APPLIANCES FROM HOUSEHOLDS AS LISTED BELOW:

Payments of all fees and taxes imposed by Hennepin County and the State of Minnesota will be the responsibility of the Contractor and are included in the estimated price. The Contractor and the City agree to the pricing based on estimated quantities below.

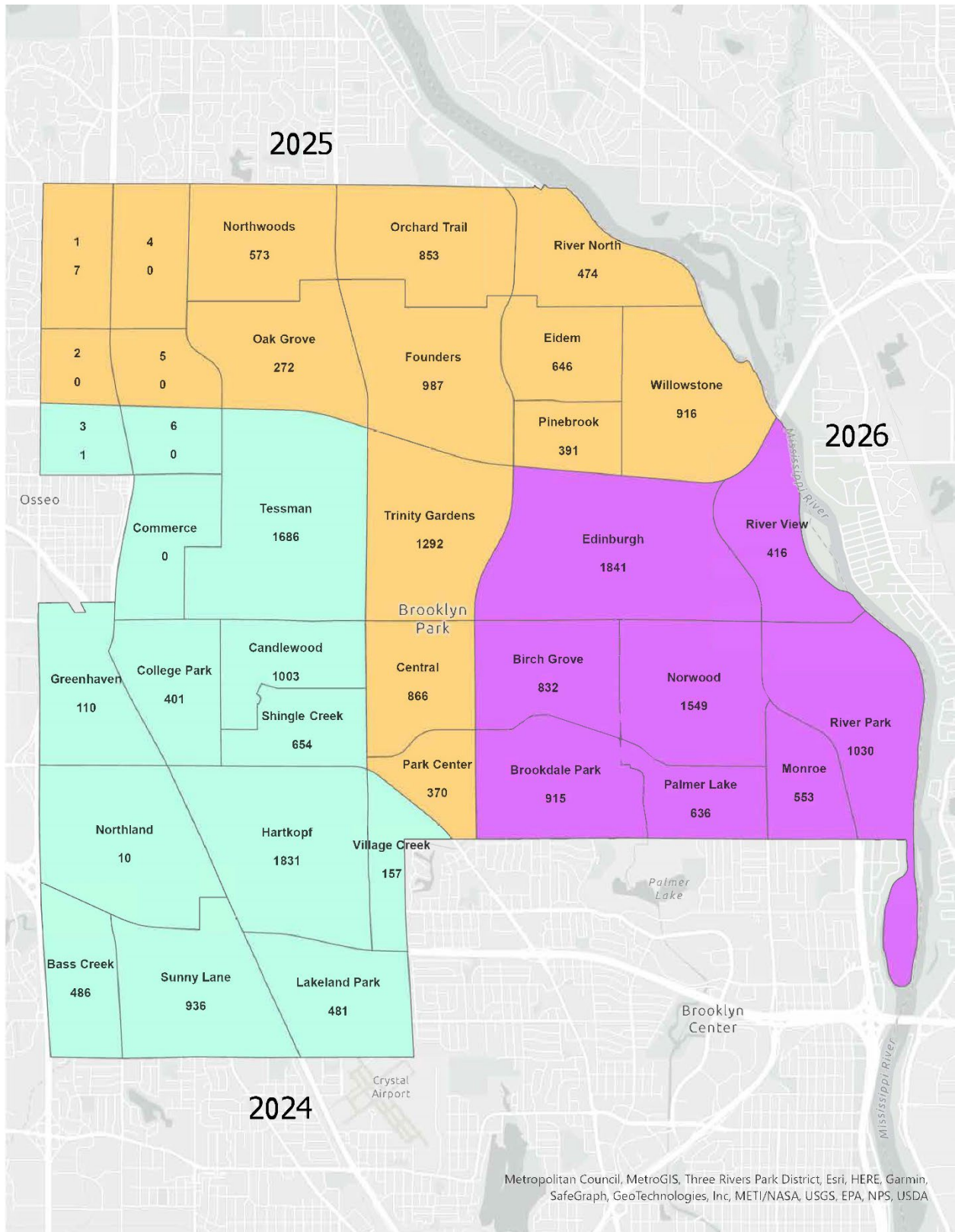
PROPOSAL ITEM		CHARGES
(a) Garbage Collection	Est. # of units	
<b>\$30.68/unit</b>	X <u>7,772</u>	\$238,444.96 Lump Sum
		\$ 60,207.35 25.25% State/County Tax/Fees Paid by City (Est.)
		\$298,652.31 Total Lump Sum
(b) Garbage Disposal	Est. # tons	
<b>\$110.89/ton</b>	X <u>650</u>	\$ 72,078.50 Pass Through Cost to City (Est.)
		\$ 18,199.82 25.25% State/County Tax/Fees Paid by City (Est.)
		\$ 90,278.32 Total Pass Through to City (Est.)
(c) Appliance Collection + Disposal	Est. # appliances	
<b>\$43/appliance</b>	X <u>843</u>	\$ 36,249.00 Lump Sum (Est.)
(d) Total (Est.)		\$425,179.63
(e) Dates of Collection:		

Saturdays in September and October 2026. Collection boundaries to be agreed upon by mutual written consent.

**See Attachment II**



Attachment II – Collection Map and Dates



Metropolitan Council, MetroGIS, Three Rivers Park District, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.2	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Rental and Business Licensing Division
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Item:</b>	Set a Public Hearing on November 27, 2023 to Consider the Issuance of an On-Sale Intoxicating Liquor License for Plush LLC, Doing Business as Plush, Located at 8578 Edinburgh Centre Drive North		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO SET A PUBLIC HEARING ON NOVEMBER 27, 2023, TO CONSIDER THE ISSUANCE OF AN ON-SALE INTOXICATING LIQUOR LICENSE FOR PLUSH LLC, DOING BUSINESS AS PLUSH, LOCATED AT 8578 EDINBURGH CENTRE DRIVE NORTH.

## Overview:

This is a new On-Sale Intoxicating Liquor License for Plush LLC doing business as Plush located at 8578 Edinburgh Centre Drive North.

Pursuant to state statute, the business must comply with state laws, local laws, and procedures. To comply with state laws, a public hearing must be held prior to City Council approval of the license required. The results of the inspections and investigations will be available at the public hearing on November 27, 2023.

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

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

## Attachments:

4.2A PUBLIC HEARING NOTICE

**NOTICE OF PUBLIC HEARING  
CITY OF BROOKLYN PARK, MINNESOTA**

NOTICE IS HEREBY GIVEN that the Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 85<sup>th</sup> Avenue North, on Monday, November 27, 2023, at 6:00 p.m. or soon thereafter to consider the issuance of an On-Sale Intoxicating Liquor License for Plush LLC doing business as Plush, located at 8578 Edinburgh Centre Drive North.

All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero  
City Clerk

Published in the Brooklyn Park Sun Post on November 16, 2023.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.3	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<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>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Item:</b>	Approve a Tetrahydrocannabinol (THC) and Tobacco Licenses for A1 Smokes BP Corp dba A1 Smokes, Vapes, and Dispensary, Located at 3015 85th Avenue North, Brooklyn Park, MN 55444		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TETRAHYDROCANNABINOL (THC) LICENSE FOR A1 SMOKES BP CORP DBA A1 SMOKES, VAPES, AND DISPENSARY, LOCATED AT 8515 85TH AVENUE NORTH, BROOKLYN PARK, MN 55444.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TOBACCO LICENSE FOR A1 SMOKES BP CORP DBA A1 SMOKES, VAPES, AND DISPENSARY, LOCATED AT 8515 85TH AVENUE NORTH, BROOKLYN PARK, MN 55444.

## Overview:

This is a new THC and tobacco license for this location and has not previously been licensed for THC or tobacco sales.

The first action is for approval of a new THC license at 3015 85<sup>th</sup> Ave N. The THC license application has been approved and the police department has completed their investigation of the applicant.

The second action is for approval of a new tobacco license at 3015 85<sup>th</sup> Ave N. The tobacco license application has been approved and the police department has completed their investigation of the applicant. The Community Development Department approved the application on November 8, 2023. There are no known code violations at this location. The Police and Community Development Departments recommend approval of THC and Tobacco Sales licenses.

## Background:

On July 1, 2022 the Minnesota legislature legalized the sale of limited amounts of Tetrahydrocannabinol (THC), which is the intoxicating component within the hemp plant. THC can be extracted from the plant and added to edibles and beverages for consumption. State law requires that these products contain no more than 0.3% of any THC total, no more than five milligrams of THC per serving, and no more than 50 milligrams of THC per package. The law prohibits the sale of edible THC products to anyone under the age of 21 and contains several requirements regarding labeling and packaging.

## Ordinance Requirements:

The THC ordinance and licensing requirements include regulations from State law and City code including:

- Businesses must have a license approved by the city council to sell THC products effective March 1, 2023.

- Customers must be 21 years old to purchase THC products, and it is a petty misdemeanor violation for anyone under 21 to possess licensed products.
- Customers must provide a valid government issued photo identification for purchase upon request.
- Products must be located behind a counter or in a locked case requiring store employees to access.
- License applicants must pass a background check prior to license approval.
- Compliance checks and business inspections are required to ensure compliance with regulations.
- Annual license fee of \$1,000 and background check fee of \$500
- The total number of THC licenses allowed in the city proposed at 15 per each of three city council districts (east, central, west) and 45 total licenses allowed in the city based on discussion with the city council during the first reading.
- THC licenses are allowed in all retail areas except within 300 feet of a school.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.

THC Business Locations:

Map #	Business Name	Location	Council District	Total in District		
				Central	East	West
1	A&J Tobacco	8058 Brooklyn Blvd	West			X
2	Boone Tobacco	6284 Boone Ave	West			X
3	BP Smoke Shop	7654 Brooklyn Blvd	East		X	
4	Cellar's Wine & Spirits	7944 Brooklyn Blvd	West			X
5	E-Vapor and Tobacco	4658 85 <sup>th</sup> Ave	Central	X		
6	Good Zen	8509 Jefferson Ln	West			X
7	Ike's Wine & Spirits	9682 Colorado Ln	West			X
8	Kush House (remove from list)	3015 85 <sup>th</sup> Ave (never opened, closing store)	East		X	
9	Love is an Ingredient	6276A Boone Ave	West			X
10	Love is an Ingredient	8505 Jefferson Ln	West			X
11	Neighborhood Gas and Tobacco	7416 Brooklyn Blvd	East		X	
12	New Superette	6290 Boone Ave	West			X
13	Speedy Market & Tobacco	7401 Regent Ave	East		X	
14	Winner Gas	1500 Brookdale Dr	East		X	
15	Cub Liquor	7555 W Broadway	West			X
16	Tobacco Plus	1436 - 85 <sup>th</sup> Ave	East		X	
17	Tobacco for Less (on for CC approval for 11/13)	9334 Zane	Central	x		
18	Brooklyn Grocery (app received, waiting for info)	6321 Zane	West			x
19	A1 Smokes and Vapes (on for CC approval 11/13)	3015 85 <sup>th</sup> Ave	East		x	
20	Pixie Liquor (app received, waiting for background check)	1512 Brookdale Dr	East		x	
			<b>TOTALS</b>	1(+1)	5 (+2)	9(+1)
				2	7	10

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

**Budgetary/Fiscal Issues:**

THC License prorated fees totaling \$250 will be added to the general fund.

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.4	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<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>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Item:</b>	Approve a Tetrahydrocannabinol (THC) License for Tobacco for Less LLC dba Tobacco for Less, 9334 Zane Ave N., Brooklyn Park, MN 55443		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TETRAHYDROCANNABINOL (THC) LICENSE FOR TOBACCO FOR LESS LLC DBA TOBACCO FOR LESS, 9334 ZANE AVE N., BROOKLYN PARK, MN 55443.

## Overview:

This is a request for approval of a new THC license of a business at 9334 Zane Ave N. The business owner currently holds a tobacco license for this location and is adding low potency THC to their retail space. The THC license application has been approved and the police department has completed their investigation of the applicants.

There are no known code violations and staff recommends approval of the THC license.

## Background:

On July 1, 2022 the Minnesota legislature legalized the sale of limited amounts of Tetrahydrocannabinol (THC), which is the intoxicating component within the hemp plant. THC can be extracted from the plant and added to edibles and beverages for consumption. State law requires that these products contain no more than 0.3% of any THC total, no more than five milligrams of THC per serving, and no more than 50 milligrams of THC per package. The law prohibits the sale of edible THC products to anyone under the age of 21 and contains several requirements regarding labeling and packaging.

## Ordinance Requirements:

The THC ordinance and licensing requirements include regulations from State law and City code including:

- Businesses must have a license approved by the city council to sell THC products effective March 1, 2023.
- Customers must be 21 years old to purchase THC products, and it is a petty misdemeanor violation for anyone under 21 to possess licensed products.
- Customers must provide a valid government issued photo identification for purchase upon request.
- Products must be located behind a counter or in a locked case requiring store employees to access.
- License applicants must pass a background check prior to license approval.
- Compliance checks and business inspections are required to ensure compliance with regulations.
- Annual license fee of \$1,000 and background check fee of \$500

- The total number of THC licenses allowed in the city proposed at 15 per each of three city council districts (east, central, west) and 45 total licenses allowed in the city based on discussion with the city council during the first reading.
- THC licenses are allowed in all retail areas except within 300 feet of a school.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.

THC Business Locations:

Map #	Business Name	Location	Council District	Total in District		
				Central	East	West
1	A&J Tobacco	8058 Brooklyn Blvd	West			X
2	Boone Tobacco	6284 Boone Ave	West			X
3	BP Smoke Shop	7654 Brooklyn Blvd	East		X	
4	Cellar's Wine & Spirits	7944 Brooklyn Blvd	West			X
5	E-Vapor and Tobacco	4658 85 <sup>th</sup> Ave	Central	X		
6	Good Zen	8509 Jefferson Ln	West			X
7	Ike's Wine & Spirits	9682 Colorado Ln	West			X
8	Kush House (remove from list)	3015 85 <sup>th</sup> Ave (never opened, closing store)	East		X	
9	Love is an Ingredient	6276A Boone Ave	West			X
10	Love is an Ingredient	8505 Jefferson Ln	West			X
11	Neighborhood Gas and Tobacco	7416 Brooklyn Blvd	East		X	
12	New Superette	6290 Boone Ave	West			X
13	Speedy Market & Tobacco	7401 Regent Ave	East		X	
14	Winner Gas	1500 Brookdale Dr	East		X	
15	Cub Liquor	7555 W Broadway	West			X
16	Tobacco Plus	1436 - 85 <sup>th</sup> Ave	East		X	
17	Tobacco for Less (on CC for 11/13)	9334 Zane	Central	x		
18	Brooklyn Grocery (app received, waiting for info)	6321 Zane	West			x
19	A1 Smokes and Vapes (on CC 11/13)	3015 85 <sup>th</sup> Ave	East		x	
20	Pixie Liquor (app received, waiting for background check)	1512 Brookdale Dr	East		x	
			<b>TOTALS</b>	1(+1)	5 (+2)	9(+1)
				2	7	10

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

**Budgetary/Fiscal Issues:**

THC License prorated fees totaling \$250 will be added to the general fund.

**Attachments:** N/A



# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.5	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manger
<b>Item:</b>	Set a Public Hearing on November 27, 2023, to Solicit Testimony and Consider Issuance of the Currency Exchange License for Unbank Company, LLP Located at 6319 Zane Avenue North		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO SET A PUBLIC HEARING ON NOVEMBER 27, 2023, TO SOLICIT TESTIMONY AND CONSIDER THE RENEWAL OF THE CURRENCY EXCHANGE LICENSE FOR UNBANK COMPANY, LLP LOCATED AT 6319 ZANE AVENUE NORTH.

## Overview:

In April 1992, the Governor signed a law requiring the City to conduct a public hearing and to publish a notice regarding the hearing for applications and renewals for currency exchange licenses.

The Commissioner of Commerce issues the license. The application or renewal cannot be approved by the Commissioner without the concurrence of the governing body of the local unit of government.

The Commissioner is required to have the applicant submit to a background investigation by the BCA (Bureau of Criminal Apprehension). As part of the background investigation, the BCA will conduct criminal history checks of Minnesota records and is authorized to exchange fingerprints with the FBI for the purpose of a criminal background check of the national files. The City is in the process of reviewing this application and the reports will be available at the public hearing.

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

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

## Attachments:

4.5A PUBLIC HEARING NOTICE

**NOTICE  
CITY OF BROOKLYN PARK  
5200 85<sup>TH</sup> AVENUE NORTH**

**PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT THE Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 85<sup>th</sup> Avenue North, on Monday, November 27, 2023, to consider the issuance of a Currency Exchange license to Unbank Company, LLP located at 6319 Zane Avenue North.

All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero  
City Clerk

*To be published in the Brooklyn Park Sun Post on November 16, 2023.*

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.6	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manger
<b>Item:</b>	Set a Public Hearing on November 27, 2023 to Solicit Testimony and Consider the Renewal of the Currency Exchange License for SJB Enterprise Inc. dba Your Exchange Located at 7646 Brooklyn Boulevard		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO SET A PUBLIC HEARING ON NOVEMBER 27, 2023, TO SOLICIT TESTIMONY AND CONSIDER THE RENEWAL OF THE CURRENCY EXCHANGE LICENSE FOR SJB ENTERPRISE INC. DBA YOUR EXCHANGE LOCATED AT 7646 BROOKLYN BOULEVARD.

## Overview:

In April 1992, the Governor signed a law requiring the City to conduct a public hearing and to publish a notice regarding the hearing for applications and renewals for currency exchange licenses.

The Commissioner of Commerce issues the license. The application or renewal cannot be approved by the Commissioner without the concurrence of the governing body of the local unit of government.

The Commissioner is required to have the applicant submit to a background investigation by the BCA (Bureau of Criminal Apprehension). As part of the background investigation, the BCA will conduct criminal history checks of Minnesota records and is authorized to exchange fingerprints with the FBI for the purpose of a criminal background check of the national files. The City is in the process of reviewing this application and the reports will be available at the public hearing.

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

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

## Attachments:

4.6A PUBLIC HEARING NOTICE

**NOTICE  
CITY OF BROOKLYN PARK  
5200 85<sup>TH</sup> AVENUE NORTH**

**PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT THE Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 85<sup>th</sup> Avenue North, on Monday, November 27, 2023, to consider the issuance of a Currency Exchange license to SJB Enterprise Inc. dba Your Exchange Located at 7646 Brooklyn Blvd.

All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero  
City Clerk

*To be published in the Brooklyn Park Sun Post on November 16, 2023*

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.7	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Operations and Maintenance – Engineering Services Division
<b>Resolution:</b>	X	<b>Prepared By:</b>	Jeff Holstein, P.E., P.T.O.E. City Transportation Engineer
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Jesse Struve, P.E., City Engineer
<b>Item:</b>	Approve 2024 Regional Solicitation Application for Federal Funds to Construct Sidewalk Connections to the Future BLRT Project Station Locations		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_\_ APPROVING 2024 REGIONAL SOLICITATION APPLICATION FOR FEDERAL FUNDS TO CONSTRUCT SIDEWALK CONNECTIONS TO THE FUTURE BLRT PROJECT STATION LOCATIONS.

## Overview:

The city is continuing to work with multiple agencies to advance the future construction of the Blue Line Extension Light Rail Transit Line (BLRT). The BLRT Project is currently expected to open in the 2028-2030 timeframe. The BLRT work included substantial investigation and public engagement near the five future BLRT station locations in Brooklyn Park to identify sidewalk segments to improve the first and last mile safety and accessibility for BLRT patrons.

Several sidewalk connections were identified near the station locations. Staff have prioritized these sidewalk segments and identified eight higher priority segments for inclusion in a Regional Solicitation grant application. All of these segments are included in the City's 2015 Pedestrian and Bike Plan and the Comprehensive Plan. The construction cost estimate of these segments is \$2,600,000. If successful, the grant could award up to \$2,000,000 in federal funds towards this cost with the remainder (\$600,000) required as local match. The sidewalk segments would be constructed in conjunction with the BLRT Project construction.

Staff recommends the City Council approve applying for 2024 Regional Solicitation Federal Funds to Construct Sidewalk Connections to the Future BLRT Project Station Locations. Applications are due to the Met Council on December 15, 2023.

## Primary Issues/Alternatives to Consider:

The Regional Solicitation funding opportunity occurs every other year. This solicitation is offering funding consistent with the expected timeframe of the BLRT Project construction.

## Budgetary/Fiscal Issues:

The funding source for the estimated local match of approximately \$600,000 has yet to be determined.

## Attachments:

- 4.7A RESOLUTION
- 4.7B LOCATION MAP

RESOLUTION #2023-

RESOLUTION APPROVING 2024 REGIONAL SOLICITATION APPLICATION FOR FEDERAL FUNDING TO CONSTRUCT SIDEWALK CONNECTIONS TO THE BLRT PROJECT STATION LOCATIONS

WHEREAS, the Brooklyn Park City Council is committed to providing and maintaining quality infrastructure that is essential for everyday residential, commercial, industrial, and recreational activities in the City; and

WHEREAS, the City of Brooklyn Park supports the application made to the Metropolitan Council for a 2024 Federal Regional Solicitation Grant Program; and

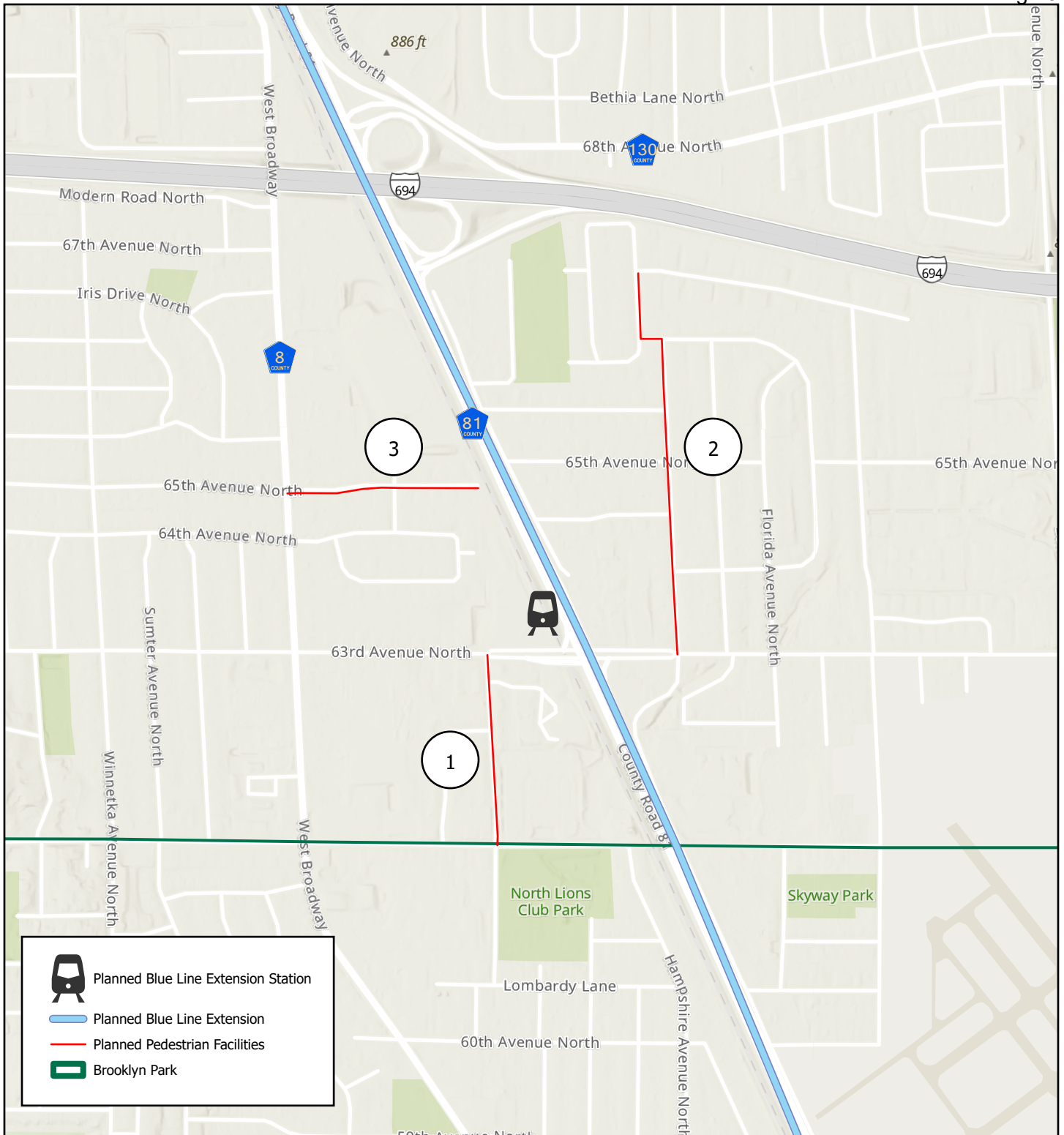
WHEREAS, the application is to obtain funding for constructing eight sidewalk segments connecting to the planned Blue Line Light Rail Extension Station Locations to provide for mobility, safety, and access improvements; and

WHEREAS, the project supports several transportation policies that are consistent with the Brooklyn Park Pedestrian & Bicycle Plan; and

WHEREAS, the City of Brooklyn Park recognizes a 20 percent local match is required and is committed to maintaining these facilities throughout their design lifetimes.

NOW, THEREFORE, BE IT RESOLVED by the City of Brooklyn Park:

1. The City Council hereby approves the 2024 Regional Solicitation Application for Federal Funding to Construct Sidewalk Connections to the BLRT Project Station Location.
2. The Mayor and City Manager are hereby authorized and directed to execute all application documents on behalf of the City of Brooklyn Park.

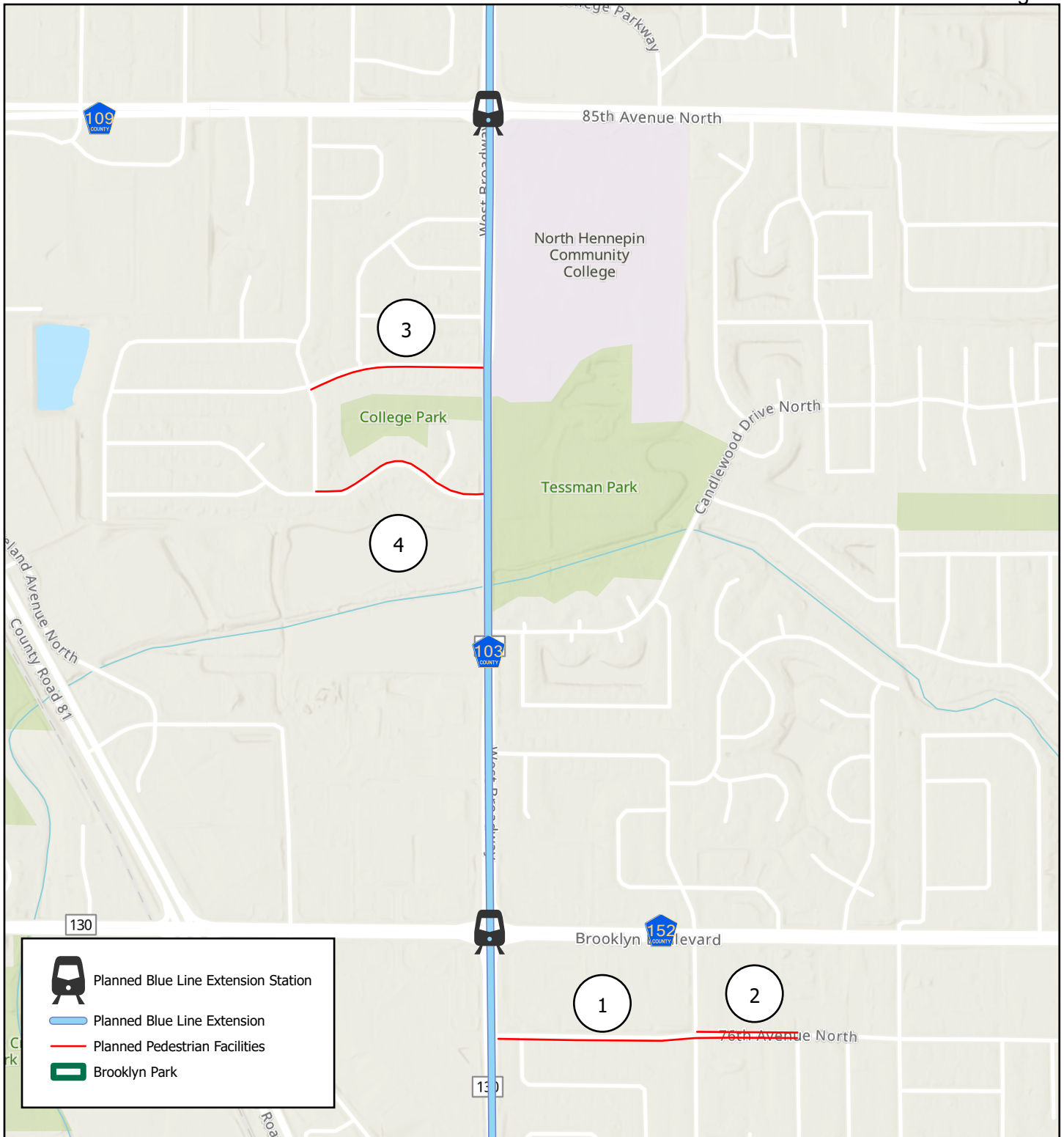


Number	Segment	To	From	Distance
1	Louisiana Ave	63rd Ave	62nd Ave	1230
2	Hampshire Ave	67th Ave	63rd Ave	2850
3	65th Ave	CSAH 81 W Side	W. Broadway Ave	1300



### 63rd Avenue Station

Hampshire Ave, Louisiana Ave, and 65th Ave Pedestrian Facility Updates  
 Blue Line Extension LRT Sidewalk Connection



	Planned Blue Line Extension Station
	Planned Blue Line Extension
	Planned Pedestrian Facilities
	Brooklyn Park

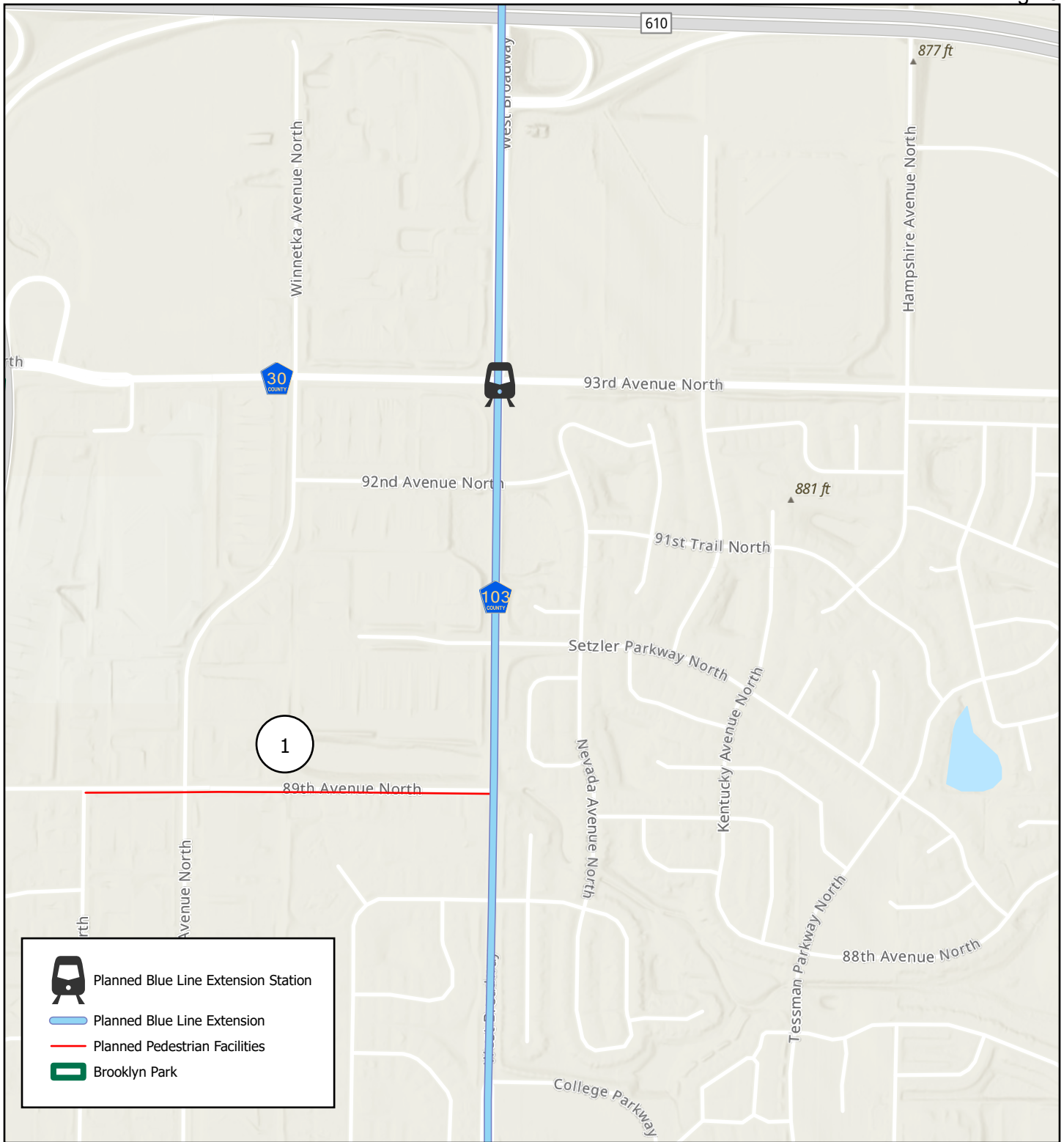
Number	Segment	To	From	Distance
1	76th Ave	Kentucky Ave	W. Broadway Ave	1280
2	76th Ave	Jersey Ave (Both Sides)	Hampshire Ave	1620
3	College Park Dr	Sumter Ave	W. Broadway Ave	1130
4	82nd Ave	Sumter Ave	W. Broadway Ave	1220







### 85th Avenue and Brooklyn Boulevard Stations

76th Ave, College Park Dr, and 82nd Ave Pedestrian Facility Updates  
 Blue Line Extension LRT Sidewalk Connection





-  Planned Blue Line Extension Station
-  Planned Blue Line Extension
-  Planned Pedestrian Facilities
-  Brooklyn Park

Number	Segment	To	From	Distance
1	89th Ave	W. Broadway Ave	Xylon Ave	2250



### 93rd Avenue Station

89th Avenue N Pedestrian Facility Improvements  
Blue Line Extension LRT Sidewalk Connection

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.8	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Amber Turnquest, Principal Planner
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	5	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	Decatur North and South Apartments – An Application by Real Estate Equities for a Final Plat at the Northeast Quadrant of Jefferson Highway North and Decatur Drive North		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_ APPROVING THE FINAL PLAT "GATEWAY 7TH ADDITION" AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH.

## Overview:

### City Council

At the April 10, 2023 City Council meeting, the Council unanimously approved the Preliminary Plat for "Gateway 7<sup>th</sup> Addition."

### Planning Commission

At the November 9, 2022 Planning Commission meeting, the commission unanimously (7-0) recommended approval of the proposed preliminary plat. No members of the public were present to speak at the public hearing.

### Summary

The applicant, Real Estate Equities, has applied for a final plat to subdivide a 7.8-acre lot known as Lot 1, Block 1 Gateway 6<sup>th</sup> Addition and create Lots 1 and 2, Block 1, Gateway 7<sup>th</sup> Addition. The parcels were recently rezoned to the Town Center (TC) District.

### Park Land Dedication

Park dedication determinations are made at the time of preliminary plat. In every plat allowing development, a portion of such land and/or cash must be set aside as open space for park and playground purposes, public open space for park and playground purposes, public open space or public ponds, except where adjustment to lot lines do not create additional lots. The final plat creates two new, buildable lots for a residential use.

The current rate is \$8,000.00 per acre. The money collected is deposited into the Open Space Land Acquisition and Development (OSLAD) fund which is only used for the purchase of new parkland and the development of the parks. The nearest neighborhood park is Brooklyn Acres Park.

## Primary Issues/Alternatives to Consider:

1. Approval of the plat as presented.
2. Approval of the plat with modifications.
3. Denial of the plat based on certain findings.

**Budgetary/Fiscal Issues:**

There are no budgetary or fiscal impacts anticipated by this application.

**Attachments:**

- 4.8A RESOLUTION
- 4.8B LOCATION MAP
- 4.8C PLANNING COMMISSION MINUTES
- 4.8D PLAT OPINION
- 4.8E FINAL PLAT

RESOLUTION #2023-\_\_\_\_

RESOLUTION TO APPROVE A FINAL PLAT FOR "GATEWAY 7TH ADDITION" AT THE  
NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE  
NORTH

Planning Commission File #23-102

WHEREAS, Real Estate Equities has filed an application for final plat for "Gateway 7<sup>th</sup> Addition" at the northeast intersection of Jefferson Highway North and Decatur Drive North, legally described as:

*Lots 1 and 2, Block 1 of Gateway 7<sup>th</sup> Addition, Hennepin County, Minnesota*

WHEREAS, said plat is in all respects consistent with the City plan and the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Chapters 151 and 152.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, Preliminary Plat Request #23-102 "Gateway 7<sup>th</sup> Addition" shall be approved subject to the following conditions:

- A. Title review by the City Attorney and all conditions therein, attached as Exhibit D. All title issues must be resolved prior to plat recording.
- B. Adequate drainage and utility easements shall be provided with review and acceptance by the City Engineer.
- C. Payment of park dedication is required and will be determined at the time of the final plat.
- D. Submission of a CAD copy of the plat.

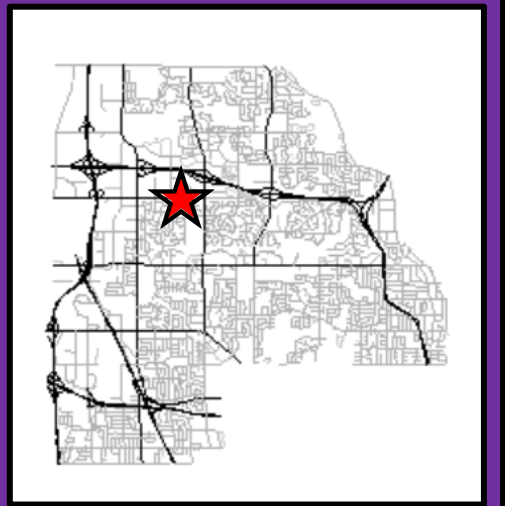
BE IT FURTHER RESOLVED that such execution of the certificate upon said plat by the Mayor and City Manager shall be conclusive showing of proper compliance therewith by the subdivider and City officials and shall entitle such plat to be placed on record forthwith without further formality, all in compliance with M.S.A. 462 and the Ordinance of the City.



**Rezoning, Conditional Use Permit, Plat, and Site Plan**

**Case #23-102 – Decatur North and South Apartments**

Area of Request (Spring 2018 Air Photo)



**UNAPPROVED MINUTES****MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION  
Regular Meeting – March 8, 2023****1. CALL TO ORDER**

The meeting was called to order at 7:01 PM.

**2. ROLL CALL/PLEDGE OF ALLEGIANCE**

Those present were: Commissioners Cavin, Fraser, Husain, Gaye-Bai, Turnham, and Udomah, and Xiong; Council Liaison West-Hafner; Planning Director Mogush; Principal Planner Turnquest; and Associate Planner McDermott.

Those arrived late: None

Those not present were: Commissioner Kiekow (with prior notice).

**3. EXPLANATION BY CHAIR****4. APPROVAL OF AGENDA**

MOTION FRASER, SECOND UDOMAH TO APPROVE THE MARCH 8, 2023 AGENDA.

*MOTION CARRIED UNANIMOUSLY.*

**5. CONSENT AGENDA****A. Minutes – February 8, 2023**

MOTION TURNHAM, SECOND UDOMAH TO APPROVE THE MARCH 8, 2023 CONSENT AGENDA.

*MOTION CARRIED UNANIMOUSLY.*

**6. PUBLIC HEARING****B. Decatur North and South Apartments – Zoning text and map amendment, a preliminary plat, a conditional use permit, and site plan at the northeast quadrant of Jefferson Highway North and Decatur Drive North.**

Principal Planner Turnquest introduced the application for Decatur North and South Apartments, noting the four land use applications that would be required. She reviewed details on the subject property and adjacent properties including the current zoning. She stated that staff finds that rezoning the property to TC would be consistent with the Comprehensive Plan. She stated that the plat would divide the property into two lots, noting that each lot would have a residential building with the same number of residential units. She provided details on trails, fire access, parking, landscaping, and architectural details. She stated that staff recommends approval of the requests subject to the noted conditions.

Commission Chair Husain opened the public hearing.

Seeing no one approach the podium, Commission Chair Husain closed the public hearing.

Commissioner Udomah stated that although this seems to be a good development, he has a concern that the community is saturated with this type of apartment development. He asked if the City is pursuing this type of development.

Planning Manager Mogush commented that the proposal is consistent with the Comprehensive Plan, noting that in the places where housing is designated there are also allowed density ranges. He stated that for the green areas left to be developed, the density range goes up to 50 units per acre for housing. He stated that density is based on a review completed a few years ago which would allow the City to provide the necessary housing on the land it has left for development. He believed that as development continues, they will see a range of housing types, not just apartments.

Commissioner Udomah stated that this would bring a lot of people into this section of the community and asked how public transportation would be addressed to serve this area.

Planning Manager Mogush replied that this is a part of the city that is not yet directly served by public transportation but noted that this parcel is only a few blocks from downtown Osseo, which makes it walkable to amenities. He stated that the site is also relatively close to the light rail station that will be at 93<sup>rd</sup> Avenue.

Commissioner Turnham asked if there is a stoplight at Decatur and Jefferson Highway North.

Principal Planner Turnquest replied that there is not. She stated that the traffic engineer has determined that the traffic generated from this site would not warrant a traffic light at this time.

Mayor Winston commented that the Council is working through a process to guide future development and the topic of apartments will be part of that conversation. He acknowledged that there is a need for apartments but noted that is a strategic decision to meet future needs.

Commissioner Cavin commented that this is a great proposal and asked if there have been any thoughts towards sustainability.

Alex Bisanz, applicant, commented that they will build this project to Minnesota Green Communities standards and provided some examples. He stated that the flat roof will be equipped for solar installation as well.

Commissioner Cavin asked if the appliances would be gas or electric.

Christian Borgan, project architect, commented that all appliances would be electric with the exception of the mechanical system for heating.

Commissioner Cavin commented that there seem to be more developments with the first level enclosed parking, which he likes, but asked how the drainage for that would be handled.

Mr. Borgan commented that the underground garage and surface garage would be connected to the sewer system while the runoff for the site would be handled by retention ponds.

Commissioner Cavin asked if there would be something in the parking levels that would capture oil or other chemical leaks.

Mr. Borgan replied that the retention ponds filter the runoff but noted that he is not the mechanical or civil engineer and therefore cannot speak to that.

Commissioner Cavin noted that he did not see irrigation plans and asked if there would be a recapture system.

Mr. Bisanz commented that there is an irrigation system planned but was not aware of a recapture system.

Commission Chair Husain asked for details on the parking ratio.

Mr. Bisanz replied that the parking ratio is currently 1.8. He stated that they have found that this parking ratio is strong for this type of unit mix and is on the heavy side for parking.

Commission Chair Husain commented that he believes that would seem to be adequate parking for the proposal. He asked for details on the other amenities for the site.

Mr. Bisanz reviewed the outdoor and indoor amenities proposed.

Commission Chair Husain asked for details on the mix of units per level.

Mr. Bisanz reviewed the percentage of different sized units and where those units may fall within the building. He was unsure of the unit mix per floor.

Commission Chair Husain asked if any of the units would be affordable.

Mr. Bisanz provided details on the funding for the project, noting that currently 100 percent of the units would be at 60 percent AMI. He noted that they are currently working with the City to potentially adjust the AMI to include some units at 30 percent and some at 70 percent. He confirmed that they would be requested TIF from the City.

Commissioner Udomah asked for details on the staffing of the building.

Mr. Bisanz replied that they would have a full-time manager and assistant manager, two caretakers, and two full-time maintenance people.

Commissioner Udomah stated that it would be great to see a preference for local Brooklyn Park people and contractors for contract work.

Mr. Bisanz confirmed that they love to work with local businesses throughout the community and have staff that live in the community.

Commissioner Xiong stated that he will be supporting these motions as this does fit within the Comprehensive Plan. He referenced the traffic study and was concerned that there would not be a stoplight. He noted the nearby schools and believed that should be taken into account for safety.



Principal Planner Turnquest stated that staff can ask the traffic engineer to provide a memorandum to the City Council.

Commissioner Fraser asked the rationale in changing the zoning from B3 to TC.

Planning Director Mogush stated that staff advises the applicant on which zoning district to seek based on the available districts within the code. He stated that the Comprehensive Plan was approved in 2019 and staff has been working to update the zoning code and map to match the updated Comprehensive Plan. He stated that the current B3 district does not allow everything the mixed-use designation in the Comprehensive Plan allows. He noted that there is not currently a zoning district that matches that mixed-use designation and that will be addressed in the zoning update.

Commission Chair Husain acknowledged the work the Council is doing to guide future development but noted that this application still needs to be considered at this time. He stated that personally he does not have any concerns with traffic or proximity to the schools.

MOTION CAVIN, SECOND UDOMAH TO RECOMMEND APPROVAL OF A ZONING TEXT AND MAP AMENDMENT ORDINANCE #23-\_\_ FOR PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH.

*MOTION CARRIED UNANIMOUSLY.*

MOTION CAVIN, SECOND TURNHAM TO RECOMMEND APPROVAL OF A PRELIMINARY PLAT FOR "GATEWAY 7<sup>TH</sup> ADDITION" AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH.

*MOTION CARRIED UNANIMOUSLY.*

MOTION CAVIN, SECOND UDOMAH TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING RESIDENTIAL USES AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

*MOTION CARRIED UNANIMOUSLY.*

MOTION CAVIN, SECOND UDOMAH TO RECOMMEND APPROVAL OF A SITE PLAN TWO MULTIPLE FAMILY DWELLINGS AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

*MOTION CARRIED UNANIMOUSLY.*

Commission Chair Husain stated the public hearing item is scheduled to be reviewed at the City Council meeting on March 27, 2023.



Fifth Street Towers  
150 South Fifth Street, Suite 700  
Minneapolis MN 55402  
  
(612) 337-9300 telephone  
(612) 337-9310 fax  
<http://www.kennedy-graven.com>  
Affirmative Action, Equal Opportunity Employer

SAMANTHA C. ZUEHLKE  
Attorney at Law  
Direct Dial (612) 337-9205  
Email: [szuehlke@kennedy-graven.com](mailto:szuehlke@kennedy-graven.com)

September 25, 2023

Sambatek responses:  
November 1, 2023

VIA E-MAIL ONLY

Ms. Amber Turnquest  
Principal Planner  
City of Brooklyn Park  
5200 85th Avenue North  
Brooklyn Park, MN 55443  
[amber.turnquest@brooklynpark.org](mailto:amber.turnquest@brooklynpark.org)

**RE: Plat Opinion for GATEWAY 7TH ADDITION**

Amber:

I have reviewed the title commitment issued by Guaranty Commercial Title, Inc., as issuing agent for Old Republic National Title Insurance Company, their file number 67166, with an effective date of May 15, 2023 (the "Commitment"). I have also reviewed a final plat prepared by Sambatek, Inc., which is titled **GATEWAY 7TH ADDITION** (the "Plat").

The Commitment purports to cover the following legal description:

Lot 1, Block 1, Gateway 6th Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Abstract Property

(the "Property").

Based on my review of the Commitment and the Plat, I have the following comments relative to the proposed Plat:

1. **Plat Execution.** The names and signatures of the following parties in interest must appear on the Plat:

a. **The fee owner as identified by the Commitment: Re-Load Investments, LLC, a Minnesota limited liability company.** I require a **certificate of good standing** from the Minnesota Secretary of State and evidence that the Plat signor is authorized to convey the easements dedicated in the Plat and that the person(s)

Attached

Ms. Amber Turnquest  
September \_\_, 2023  
Page 2

*signing is authorized to execute the Plat on behalf of Re-Load Investments, LLC. I require review of these instruments.*

- b. **The mortgagee, as identified by the Commitment: Alliance Bank, a state chartered bank.** *Either a consent to plat must be executed by the mortgagee or the mortgagee must sign the Plat, for which either require my review prior to the Plat's release for recording.*

Per developer's attorney, no action needed.

2. **Plat Corrections.** The following revisions must be made to the Plat.

- a. Drainage and utility easements do not border the entirety of the new lots created by the Plat. The City should review to determine if it requires public drainage and utility easements to be included along the borders of the lots created by the Plat. *I require review of any revisions.*

Not required of neighboring property. Attorney verifying with City this is not needed to remain consistent.

- b. The legal description of the Property on the Plat must exactly match the legal description on the Commitment. The legal description should be revised to: Lot 1, Block 1, Gateway 6th Addition, according to the recorded plat thereof, Hennepin County, Minnesota. *I require review of this revision.*

Per Hennepin County, do not change this language. Confirmed with City Attorney 11/1/23.

- c. The public dedication language should be revised from “for the public use the drainage and utility easements created” to “for public use the drainage and utility easements as created”. *I require review of this revision.*

Per Hennepin County, do not change this language. Confirmed with City Attorney 11/1/23.

- d. The fee owner acknowledgement should be revised from “20\_\_, by Michael J. Gresser, as Chief Manager, for Re-Load Investments” to “20\_\_, by Michael J. Gresser, Chief Manager of Re-Load Investments”. *I require review of this revision.*

Per Hennepin County, do not change this language. Confirmed with City Attorney 11/1/23.

- e. The headline “COUNTY AUDITOR, Hennepin County, Minnesota” should be revised to “RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota”. *I require review of this revision.*

Per Hennepin County, do not change this language. Confirmed with City Attorney 11/1/23.

3. **Title Commitment Exceptions.** The Plat is subject to the following exceptions, as set forth in the Commitment:

- a. Drainage and utility easements over part of the Land as shown on the recorded plats of Gateway 3rd Addition and Gateway 6th Addition. *The City should review and determine whether it desires to vacate any easements on the prior plats. No further action is required.*
- b. No right of access exists from premises to 97th Ave N (State Hwy No. 610). Right of access was acquired by State of Minnesota as evidenced by Final Certificate filed August 20, 1999, as Document No. 7168461 (Parcel 40). Lot 2, Block 1, appears to still have access to a public road by Jefferson Highway North. *No further action is required.*

Nothing additional  
needed per City  
Attorney 11/1/23.

- c. Drainage easement(s) over part of the Land in favor of State of Minnesota, as created in Warranty Deed dated October 23, 2009, filed December 21, 2009, as Document No. 9456675. Easement location shown on Minnesota Department of Transportation Right of Way Plat No. 27-189 recorded as Document No. 9383290. The public drainage and utility easement should be depicted with reference to Document No. 9456675. *I require review of this revision.*

Nothing additional  
needed per City  
Attorney 11/1/23.

- d. Terms and conditions of a Drainage and Utility Easement Agreement by and between Fischbach Farm, LLC, a Minnesota limited liability company, and Reload Investments, LLC, a Minnesota limited liability company, dated June 12, 2014, filed August 13, 2014, as Document No. 10107356. All of Reload Investments' right, title and interest in that certain Drainage and Utility Easement Agreement assigned to City of Brooklyn Park by Assignment of Drainage and Utility Easement filed August 13, 2014, as Document No. 10107357. The public drainage and utility easement, as assigned to the City of Brooklyn Park, must be depicted on the Plat with reference to Document No. 10107356. *I require review of this revision.*

Nothing additional  
needed per City  
Attorney 11/1/23.

- e. Terms and conditions of Permanent Utility Easement by The Church of St. Vincent de Paul of Osseo, Minnesota, a Minnesota religious corporation, in favor of Reload Investments, LLC, a Minnesota limited liability company, dated August 22, 2014, filed September 17, 2014, as Document No. 10118129. The private easement for public utilities need not be depicted on the Plat. *The City should review the location of the easement to determine whether it interferes with any public utilities dedicated by the Plat.*

- f. Terms and conditions of an Agreement Regarding Traffic Signals Serving Gateway 3rd Addition by and between Reload Investments, LLC, a Minnesota limited liability company, CS Property Noble, LLC, a Minnesota limited liability company and the City of Brooklyn Park, a Minnesota municipal corporation, dated October 07, 2014, filed November 05, 2014, as Document No. 10133581; as amended by Document Nos. 10220146, 10797774, and 11086576 and 11164533. The Agreement relates to the payment for the construction of streetlights, the cost of which is to be assessed against the Property and additional property when the improvements are made. The amendments modify the legal descriptions of various property following platting and modify the apportionment of the proposed assessments. *No further action is required.*

- g. Terms and conditions of an Agreement Regarding Future Roadway and Related Improvements Serving Gateway 3rd Addition by and between Reload Investments, LLC, a Minnesota limited liability company, and City of Brooklyn Park, a Minnesota municipal corporation, dated October 07, 2014, filed November 05, 2014, as Document No. 10133582; as amended by Document Nos. 10220147, 10797775, and 11086577 and 11164534. The Agreement relates to the payment for certain roadway improvements including streetlights, the cost of which is to be assessed against the Property and additional property when the improvements are

made. The amendments modify the legal descriptions of various property following platting and modify the apportionment of the proposed assessments. *No further action is required.*

Nothing additional needed per City Attorney 11/1/23.

h. Terms and conditions of Declaration of Easement by Re-Load Investments, LLC, a Minnesota limited liability company, dated July 29, 2015, filed July 29, 2015, as Document No. 10220148. The Declaration conveys a private easement for the construction and maintenance of a stormwater pond. The easement described in the declaration is not plottable but will only cover the location of the stormwater pond itself once the pond is constructed. *The developer should advise the City as to the location of the easement, whether the stormwater pond has been constructed, and the location of the pond, so that the City may determine whether the easement interferes with any easements to be dedicated to the public by the Plat.*

i. Terms and conditions of Purchase and Development Contract by and between Brooklyn Park Economic Development Authority, a public body corporate and politic, and Re-Load Investments, LLC, a Minnesota limited liability company, dated April 09, 2018, filed August 22, 2018, as Document No. 10585710. *No further action is required.*

Nothing additional needed per City Attorney 11/1/23.

j. Terms and conditions of Shared Driveway Easement and Reciprocal Easement Agreement between Re-Load Investments, LLC, and United Properties Development LLC, dated November 15, 2022, filed November 22, 2022, as Document No. 11164536. The Agreement conveys certain private easements to United Properties Development, including an easement for driveway purposes in the southeast corner of the Property, an emergency access easement located on the eastern boundary of the Property, a watermain easement along the east boundary of the Property, and an easement for stormwater pond piping over the driveway easement area. *It does not appear from the depictions that the easement areas interfere with easements dedicated by the Plat, but the Developer and the Surveyor should provide the City with their locations so that the City may determine whether any of the easements interfere with any easements to be dedicated to the public by the Plat.*

Per developer's attorney, no action needed.

k. Mortgage dated October 29, 2014, filed October 30, 2014, as Document No. 10131878, in the amount of \$3,735,600.00 and any other sums which may become due and payable under the terms thereof, executed by Re-Load Investments, LLC, a Minnesota limited liability company, as mortgagor, to Alliance Bank, as mortgagee; as modified by a Modification Agreement, dated December 04, 2015, filed January 07, 2016, as Document No. 10275000; as modified by a Modification Agreement, dated August 20, 2018, filed August 22, 2018, as Document No. 10585712. *The mortgagee Alliance Bank must either sign the Plat or sign a consent to plat per 1.b., above.*

Ms. Amber Turnquest  
September \_\_, 2023  
Page 3

Noted

4. **Property Taxes and Assessments.** All real estate taxes payable in the year the Plat is recorded (including delinquent taxes plus penalties and interest, if applicable, and any deferred Green Acres taxes) must be paid prior to recording the Plat. Any special assessments against any part of the Property can be reapportioned among the new lots as provided in Minnesota Statutes Section 429.071(3).

Tax parcel number: 07-119-21-32-0006.

Real estate taxes payable in 2023 are \$15,168.52 and are half paid.

There are no prior year taxes due on the property.

The Commitment indicates that there were three special assessments levied against the Property in 2022. I require review of an updated Commitment per Paragraph 6 below, including review of the updated search for any special assessments levied against the Property. Any deferred special assessments must be paid prior to the recording of the Plat.

Noted

5. **Compliance with Minnesota Statutes Section 505.03.** According to the Plat, the Property abuts County State Highway No. 610 and as such, the Plat should be submitted to the County Engineer for review and an opportunity to provide written comments and recommendations, if it has not already been submitted. *Upon recording, the City will be required to also submit a certificate or other evidence showing submission of the preliminary plat to the county engineer.*

Updated Title  
Commitment  
Attached

6. **Title Commitment.** The Commitment is dated May 15, 2023. *I require review of a title commitment that is less than 90 days old.*

This letter does not purport to set forth every matter relevant to a determination of whether title to the Property is marketable, and no one should rely upon it for that purpose. The sole purpose of this letter is to identify required signatories to the Plat and related issues of interest to the City in connection with platting, as evidenced by the Commitment and the Plat.

This opinion is conditioned upon the issuance of a title policy in favor of the City of Brooklyn Park in an amount acceptable to the City, insuring the City's interests as they appear in the plat of GATEWAY 7TH ADDITION.

Please contact me if you have any questions regarding this information. Thank you.

Sincerely,

*Samantha C. Zuehlke*

Samantha C. Zuehlke

SCZ

# GATEWAY 7TH ADDITION

OC. NO. \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS: That Re-Load Investments, LLC, a Minnesota limited liability company, fee owner of the following described property:

Lot 1, Block 1, GATEWAY 6TH ADDITION

Has caused the same to be surveyed and platted as GATEWAY 7TH ADDITION, and does hereby dedicate to the public for the public use the drainage and utility easements created by this plat.

In witness whereof said Re-Load Investments, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

SIGNED: RE-LOAD INVESTMENTS, LLC

By: \_\_\_\_\_, as Chief Manager

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Michael J. Gresser, as Chief Manager, for Re-Load Investments, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, \_\_\_\_\_ County, Minnesota Notary Printed Name  
My Commission Expires \_\_\_\_\_

I Mark R. Salo do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Mark R. Salo, Licensed Land Surveyor,  
Minnesota License No. 43933

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Mark R. Salo.

Notary Public, \_\_\_\_\_ County, Minnesota Notary Printed Name  
My Commission Expires \_\_\_\_\_

CITY COUNCIL, CITY OF BROOKLYN PARK, MINNESOTA

This plat of GATEWAY 7TH ADDITION was approved and accepted by the City Council of the City of Brooklyn Park, Minnesota at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Brooklyn Park, Minnesota

By: \_\_\_\_\_ Mayor By: \_\_\_\_\_ Manager

COUNTY AUDITOR, Hennepin County, Minnesota

I hereby certify that taxes payable in 20\_\_\_\_ and prior years have been paid for land described on this plat, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Daniel Rogan, County Auditor By: \_\_\_\_\_ Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 3838.565 (1969), this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

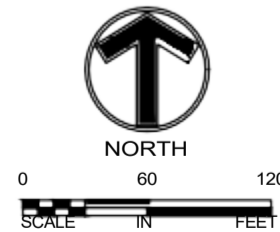
Chris F. Mavis, County Surveyor By: \_\_\_\_\_

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of GATEWAY 7TH ADDITION was recorded in this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

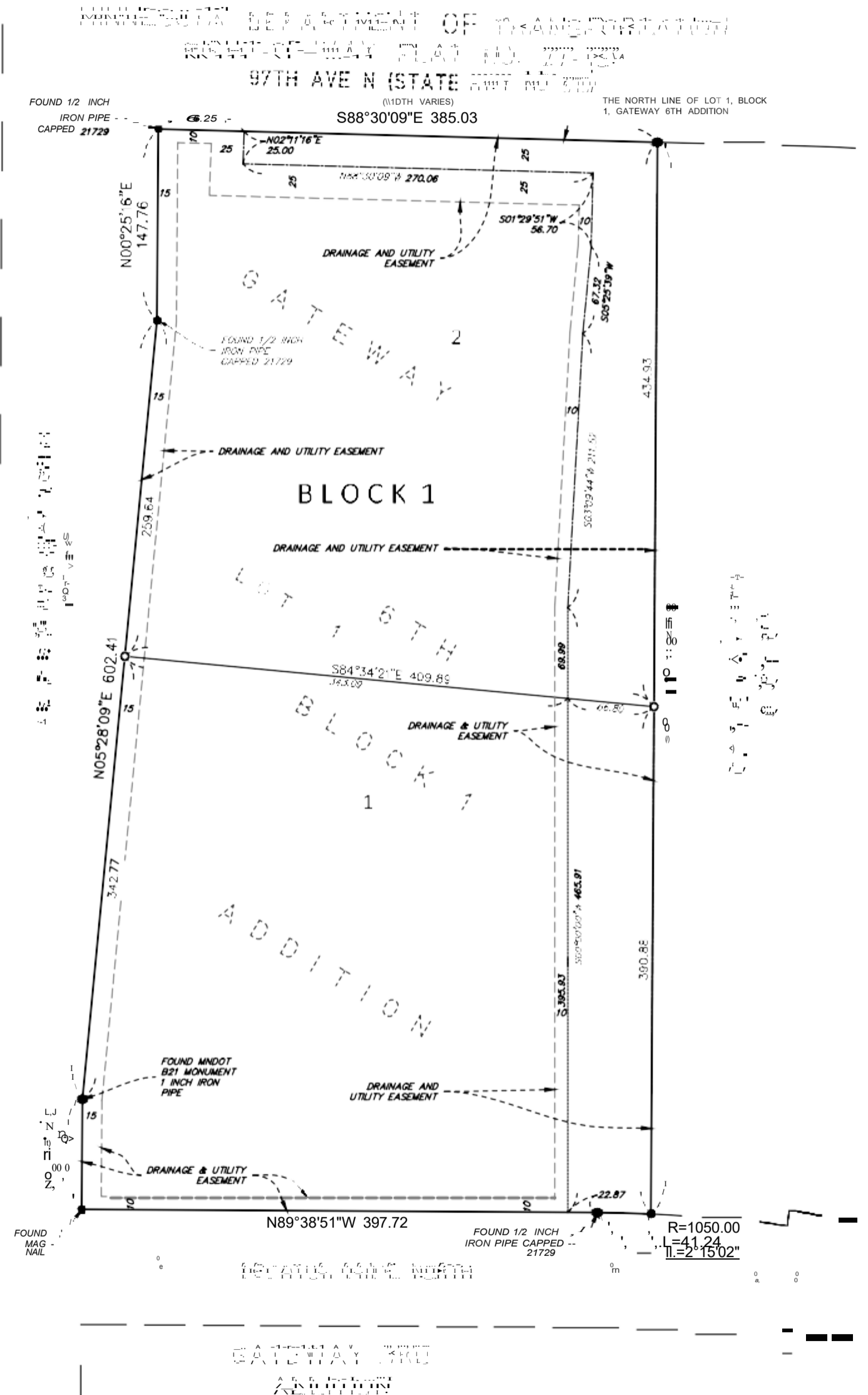
Amber Bougie, County Recorder By: \_\_\_\_\_ Deputy

7  
BROOKLYN PARK



- DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET AND MARKED BY LICENSE NO. 43933.
- DENOTES 1/2 INCH IRON PIPE MONUMENT FOUND MARKED BY LICENSE NO. 43933 UNLESS OTHERWISE NOTED.

THE NORTH LINE OF LOT 1, BLOCK 1, GATEWAY 6TH ADDITION, IS ASSUMED TO HAVE A BEARING OF SOUTH 88 DEGREES 30 MINUTES 09 SECONDS EAST.



# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.9	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Erin McDermott, Associate Planner
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	Development Bond Reductions/Releases		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, FOR A REDUCTION OF \$938,811.00 FOR THE LETTER OF CREDIT #811 (\$1,210,686.00), FOR A NEW TOTAL OF \$271,875.00 FOR SUBSTANTIAL COMPLETION OF THE ONSITE IMPROVEMENTS OF THE "TESSMAN RIDGE" PROJECT #22-117 LOCATED AT 6900 85TH AVE FOR DUFFY DEVELOPMENT.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO RELEASE THE LANDSCAPING ESCROW BY NORBERG HOMES, INC. (\$4,000) FOR SATISFACTORY COMPLETION OF THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE LOCATED AT 6401 EDGEMONT BLVD N.

## Overview:

City Code requires performance bonds and developer's escrows be established as part of the development process. As projects progress, staff works with developers on the release of financial securities. For many large projects the City requires performance bonding as well as escrows be filed with the City. The performance bonds are established at the time of site plan review, and in the case of Tessman Ridge were established for on-site and off-site improvements and include requirements impacting their TIF agreement. The City still has escrow on file for the completion of tasks that have yet to be completed, however, they have satisfied improvements and staff feels it is appropriate to release a portion of the performance bonds at this time.

**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>	4.10	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Erin McDermott, Associate Planner
<b>Ordinance:</b>	SECOND READING		
<b>Attachments:</b>	7	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	Zoning Code Text Amendment: A Zoning Text and Map Amendment Adopting the Mixed Use (MU) Zoning District and Pedestrian Priority Overlay District (PPOD)		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2023-\_\_\_\_\_ REZONING CERTAIN PROPERTY SURROUNDING THE 610 CORRIDOR AT ZANE AVENUE.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2023-\_\_\_\_\_ AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCES ADOPTING THE MIXED USE ZONING DISTRICT THROUGH TEXT AND MAP AMENDMENT TO BE APPLIED TO THE AREA SURROUNDING THE INTERSECTION OF ZANE AVENUE AND OAK GROVE BOULEVARD.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE THE TEXT OF THE SUMMARY OF ORDINANCE #2023-\_\_\_\_\_ DETERMINING THAT IT CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2023-\_\_\_\_\_ AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCES ADOPTING THE PEDESTRIAN PRIORITY OVERLAY DISTRICT THROUGH TEXT AND MAP AMENDMENT TO BE APPLIED TO THE AREA SURROUNDING THE INTERSECTION OF ZANE AVENUE AND OAK GROVE BOULEVARD.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2023-\_\_\_\_\_ AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCES ADOPTING PROCEDURES FOR THE MIXED USE ZONING DISTRICT.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE THE TEXT OF THE SUMMARY OF ORDINANCE #2023-\_\_\_\_\_ DETERMINING THAT IT CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2023-\_\_\_\_\_ AMENDING CHAPTER 150 OF THE BROOKLYN PARK CODE OF ORDINANCES ADOPTING SIGN REGULATIONS FOR THE MIXED USE ZONING DISTRICT.

## Overview:

On October 23, 2023, the Brooklyn Park City Council voted unanimously to adopt on first reading a zoning ordinance amendment in response to interim ordinance (2023-1287) establishing a development moratorium in the northwest portion of the city to maximize the City's tax base. City Council voted unanimously to make a change from the proposed minimum floor area ratio of 1.0 to 0.75 in the proposed Mixed Use zoning district. That change is reflected in the attached ordinance.

**Primary Issues/Alternatives to Consider:**

1. Approve the text and map amendment as presented.
2. Approve the text and map amendment with modifications.
3. Decline to approve the text and map amendment.

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

**Attachments:**

- 4.10A ORDINANCE - REZONING
- 4.10B ORDINANCE – MIXED USE
- 4.10C SUMMARY ORDINANCE
- 4.10D ORDINANCE – PEDESTRIAN PRIORITY OVERLAY DISTRICT
- 4.10E ORDINANCE – PROCEDURES
- 4.10F SUMMARY ORDINANCE
- 4.10G ORDINANCE – SIGNS

**ORDINANCE #2023 –**

**ORDINANCE REZONING CERTAIN PROPERTY SURROUNDING THE 610 CORRIDOR AT ZANE AVENUE**

**WHEREAS**, the Brooklyn Park City Council adopted Interim Ordinance 2023-1287, and directed staff to conduct a planning study to consider the types of developments and land uses that would maximize the City’s tax base; and

**WHEREAS**, the study identified 55 properties within the boundaries of the interim ordinance to be re-guided in the Comprehensive Plan, and subsequently re-zoned to be consistent with the goal specified in the interim ordinance (EXHIBIT A); and

**WHEREAS**, this rezoning is consistent with the approval of Resolution 2023- 96 Approving Comprehensive Plan Amendment #23-112 Consistent with the Goals of Interim Ordinance 2023-1287 (EXHIBIT B); and

**WHEREAS**, the City of Brooklyn Park adopted Ordinance #2023-\_\_\_ establishing the Mixed Use Zoning District; and

**WHEREAS**, in adopting Ordinance #2023- \_\_\_\_, the City Council understood that it would simultaneously be rezoning properties identified in EXHIBITS C and D of this Ordinance; and

**WHEREAS**, the owners of the affected properties that were proposed to be rezoned were notified of the City’s proposed amendments consistent with Minnesota Statute 462.357 Subd. 3; and

**WHEREAS**, this Ordinance supersedes existing overlay districts.

**NOW, THEREFORE, THE CITY OF BROOKLYN PARK ORDAINS** that the properties described in EXHIBIT C, surrounding the 610 Corridor at Zane Avenue, are rezoned as depicted in the map attached as EXHIBIT D.

ORDINANCE #2023-1287

INTERIM ORDINANCE ESTABLISHING A SIX-MONTH MORATORIUM ON DEVELOPMENT  
OF PROPERTY LOCATED NORTH OF 93<sup>RD</sup> AVENUE AND WEST OF REGENT AVENUE  
AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED

THE CITY OF BROOKLYN PARK ORDAINS:

**Section 1. Background.**

1.01 Minnesota Statutes, Section 462.351 states that one of the purposes of municipal planning is to allow a municipality to achieve a more secure tax base.

1.02 The City Council has been discussing various methods to achieve a more secure tax base on property in the northwest portion of the City.

1.03 It is important for the City to study and review its land use and zoning regulations applicable to the northwest portion of the City to ensure that future development maximizes the City's tax base in that area.

1.04 Minnesota Statutes, Section 462.355, Subd. 4 allows the City Council to adopt an interim ordinance for the purpose of protecting the planning process and to promote the health, safety, and welfare of City residents.

**Section 2. Findings**

2.01. The City Council finds that it is necessary to conduct a study to consider the types of developments and land uses in the northwest portion of the City that would be appropriate in order to maximize the City's tax base. The study may also identify appropriate changes, if any, that should be made to the City's official land use controls, including but not limited to the City's Zoning Ordinance and Comprehensive Plan to accomplish that goal.

2.02. While the study referenced in Section 2.01 of this ordinance is being conducted, the City Council finds that there is a need to adopt an interim ordinance imposing a moratorium on development of land in the City located north of 93<sup>rd</sup> Avenue and west of Regent Avenue ("Moratorium Area").

2.03. To ensure that development does not occur within the Moratorium Area that might be inconsistent with any potential future changes in the City's official controls resulting from the study referenced in Section 2.01, the City Council finds that the moratorium established by this ordinance should apply to all land use and zoning applications for property in the Moratorium Area, except for pending planning applications that were considered by the Planning Commission before the date that this ordinance is adopted. The City Council further finds that, except as otherwise provided in this ordinance, no new land use or zoning applications for property in the Moratorium Area shall be accepted for review by City staff after the date that this ordinance is adopted.

**Section 3. Planning and Zoning Study; Moratorium**

3.01. A study is authorized to be conducted under the direction of the City staff to study the matters referenced in Section 2.01 of this ordinance.

3.02. Pending completion of the study and adoption of any amendments to the City's official controls, a moratorium is established on the acceptance, processing, or issuance of any development applications or approvals, including but not limited to preliminary plats, re-zonings, variances, conditional use permits, PUDs, or site plans pertaining to any property located in the Moratorium Area. The moratorium does not apply to any pending applications that were considered by the Planning Commission before the date that this ordinance is adopted or to any planning applications that seek only to allow a new use in an existing building or to make an addition to an existing building.

3.03. During the period of the moratorium, planning applications for any permits or approvals related to land in the Moratorium Area shall not be accepted, processed, or issued by the City nor shall the Planning Commission or City Council consider or grant approval of any such application, unless the application was considered by the Planning Commission before the date that this ordinance is adopted or the application seeks only to allow a new use in an existing building or to make an addition to an existing building.

3.04. The moratorium established by this ordinance does not apply to any development that has obtained preliminary plat approval by the City Council before the effective date of this ordinance.

**Section 4. Enforcement.** The City may enforce this ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.

**Section 5. Waiver.** The City Council may grant a waiver to the moratorium established by this Ordinance for a project or development that the City Council determines maximizes the City's tax base for the parcel of land on which the project or development is located.

**Section 6. Term.** Unless it is repealed earlier by the City Council, this ordinance shall remain in effect for a period of six months after its effective date.

\_\_\_\_\_  
HOLLIES WINSTON, MAYOR

ATTEST:

\_\_\_\_\_  
DEVIN MONTERO, CITY CLERK

Approved as to Form by City Attorney  
Passed on First Reading 03-13-2023  
Passed on Second Reading 03-27-2023  
Published in Official Newspaper: 04-06-2023

RESOLUTION #2023-96

RESOLUTION APPROVING COMPREHENSIVE PLAN AMENDMENT #23-112  
CONSISTENT WITH THE GOALS OF INTERIM ORDINANCE 2023-1287

Planning Commission File #23-112

WHEREAS, the Brooklyn Park City Council adopted Interim Ordinance 2023-1287 and directed staff to conduct a planning study to consider the types of developments and land uses that would maximize the City’s tax base; and

WHEREAS, the planning study has identified 55 properties within the boundary of the interim ordinance to be re-guided in a manner consistent with the goal specified in the interim ordinance (Exhibit A); and

WHEREAS, the planning study has identified changes to the text of the Comprehensive Plan to meet the foal specified in the interim ordinance (Exhibit B); and

WHEREAS, the proposed change is consistent with the land use goals and policy statements of the Comprehensive Plan and is consistent with the Brooklyn Park 2025 goals; and

WHEREAS, the proposed amendment is consistent with the regional development framework.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, the Comprehensive Plan amendment is approved and staff are authorized to work with Metropolitan Council staff to update all necessary forecasts and technical documentation in the Comprehensive Plan and submit a Comprehensive Plan amendment application to the Metropolitan Council.

The foregoing resolution was introduced by Council Member Klonowski and duly seconded by Council Member Morson.

The following voted in favor of the resolution: Lee, Eriksen, Morson, Tran, McGarvey, Klonowski, and Winston.

The following voted against: None.

The following were absent: None.

Where upon the resolution was adopted.

ADOPTED: August 28, 2023

  
HOLLIES WINSTON, MAYOR

CERTIFICATE  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF BROOKLYN PARK

I, the undersigned, being the duly qualified City Clerk of the City of Brooklyn Park, Minnesota, hereby certify that the above resolution is a true and correct copy of the resolution as adopted by the City Council of the City of Brooklyn Park on August 28, 2023.

WITNESS my hand officially as such Clerk and the corporate seal of the city this 29<sup>th</sup> day of August 2023.



(SEAL)



DEVIN MONTERO, CITY CLERK

EXHIBIT A  
Comprehensive Plan Map Amendment

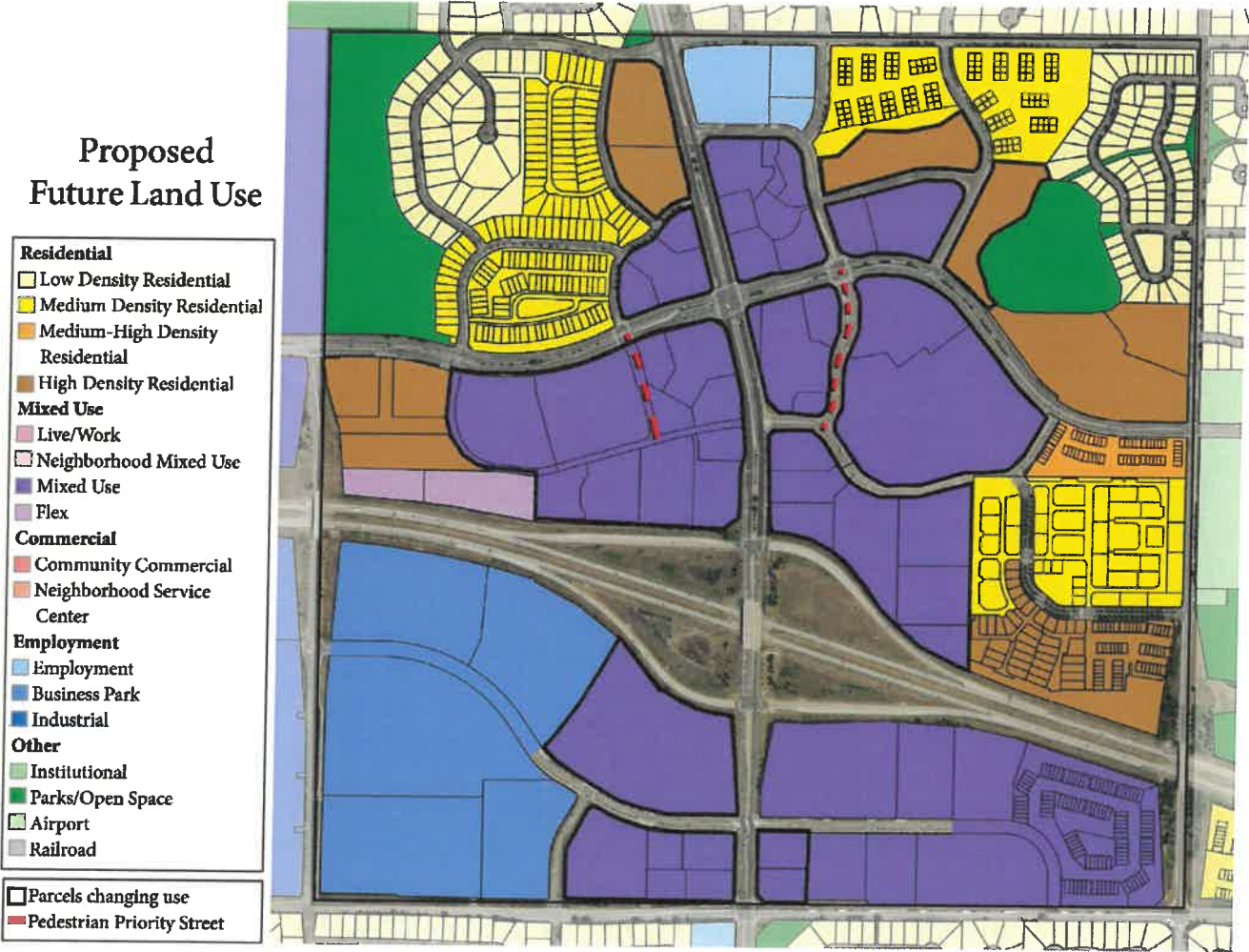




EXHIBIT B

Comprehensive Plan Text Amendment

<p><b>MU</b></p>	<p><b>Mixed Use</b></p>	<p><u>Density:</u> 12-100 units/acre</p> <p><u>Uses:</u> Medium-high-density residential, retail, service, office, restaurants</p> <p><u>Residential Requirement:</u> 30% minimum</p> <p><u>Scale/intensity:</u> Up to 8 stories (12 stories in LRT Overlay)</p>	<p>The Mixed Use District is intended to provide for pedestrian-oriented mixed-use development with a mixture of office, commercial, retail and residential uses. Development in these areas shall follow a traditional neighborhood design where buildings are within a close proximity to the street and pedestrian connections are abundant. The City encourages both horizontal and vertical mixed use, with residential densities between twelve and 100 units per acre. Housing must be an integral component of the overall development and will encompass at least 30% of the land mass of the district.</p> <p>The City will establish minimum development intensity standards to ensure efficient use of land and street design and require block dimension standards to promote walkability. Retail uses are required on properties fronting Pedestrian Priority Streets as designated on the Future Land Use map.</p> <p>The mix of uses may be in a common site, development area, or building. Individual developments may consist of a mix of two or more complementary uses that are compatible and connected to the surrounding area. To ensure that the desired development intensities and connections are achieved, a regulating plan is may be required to guide phased development projects as governed by the Zoning Code.</p>
<p><b>PPS</b></p>	<p>Pedestrian Priority Street</p>		<p>Pedestrian Priority Streets are located in areas designated Neighborhood Mixed Use or Mixed Use and serve as the main public focal points of each designated area. Streets must be designed to promote pedestrian and bicyclist safety and comfort, including ample sidewalk width, landscaping, and street furniture. New development is required to include retail fronting Pedestrian Priority Streets.</p>

EXHIBIT C

Property Descriptions of Properties to be Rezoned

TC – Town Center to High Density Residential (Final Zoning R7)

- 10001 Zane Ave N (09-119-21-22-0014) Outlot I, Liberty Oaks
- 9945 Zane Ave N (09-119-21-22-0015) Outlot J, Liberty Oaks
- Unassigned (09-119-21-21-0005) Lot 2, Block 2, Oxbow Commons
- Unassigned (09-119-21-12-0005) Lot 5, Block 3, Oxbow Commons

PCDD/HO to Mixed Use

- 9314 Zane Ave (09-119-21-34-0009) Lot 2, Block 1, Superamerica 2<sup>nd</sup> Addition
- 9300 Zane Ave (09-119-21-34-0008) Lot 1, Block 1, Superamerica 2<sup>nd</sup> Addition

B3/PD to Mixed Use

- 6001 94<sup>th</sup> Ave N (09-119-21-33-0012) Outlot A, Six Ten Zane Second Addition
- 5931 94<sup>th</sup> Ave N (09-119-21-33-0011) Lot 4, Block 1, Six Ten Zane Second Addition
- 5901 94<sup>th</sup> Ave N (09-119-21-33-0008) Lot 1, Block 1, Six Ten Zane Second Addition
- 5921 94<sup>th</sup> Ave N (09-119-21-33-0009) Lot 2, Block 1, Six Ten Zane Second Addition
- 5941 94<sup>th</sup> Ave N (09-119-21-33-0010) Lot 3, Block 1, Six Ten Zane Second Addition
- 9401 Zane Ave N (09-119-21-33-0006) Lot 1, Block 1, Six Ten Zane

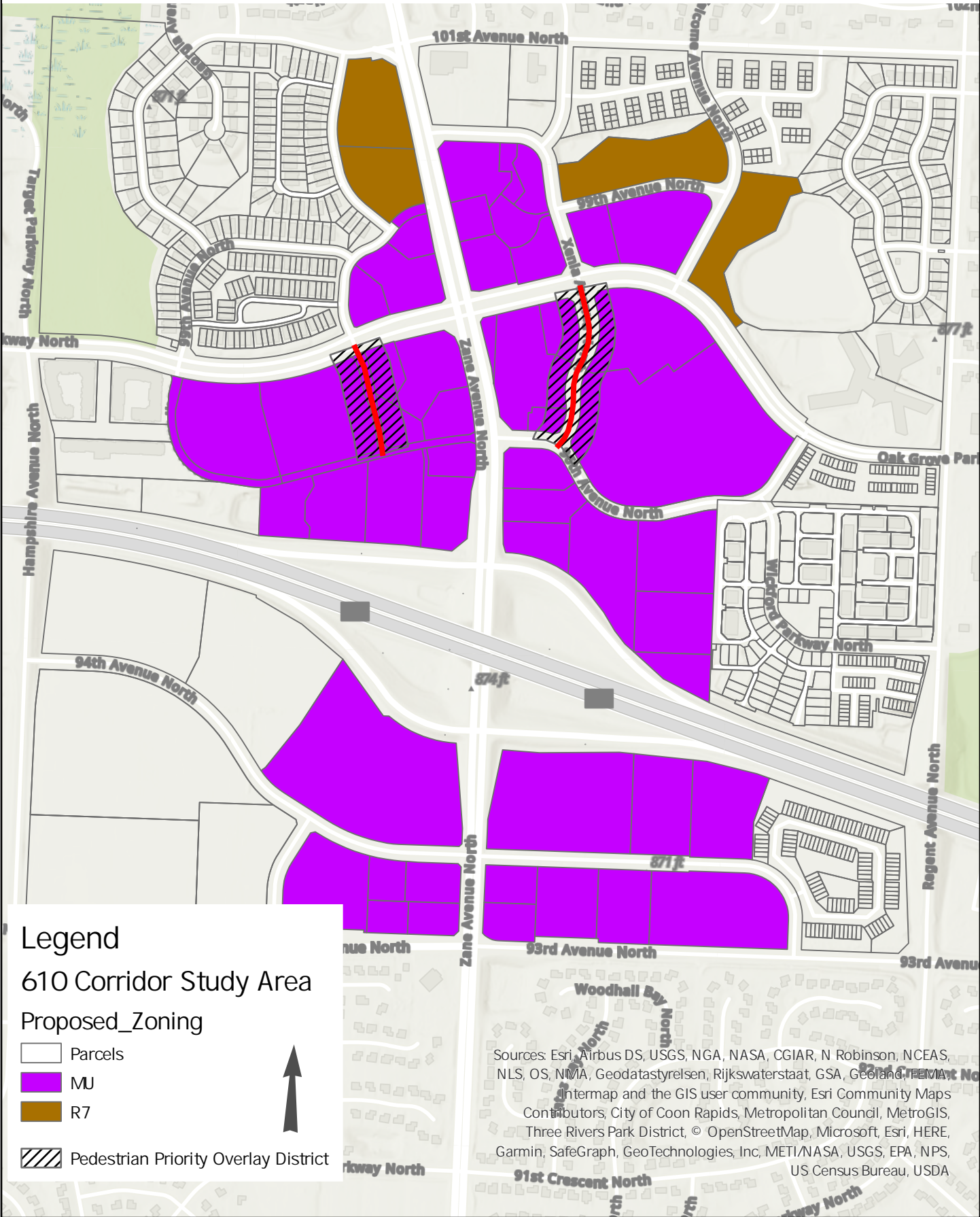
TC- Town Center to Mixed Use

- 9700 Schreiber Ter N (09-119-21-23-0009) Lot 3, Block 1, Park Place Promenade
- 9750 Schreiber Ter N (09-119-21-23-0008) Lot 1, Block 1, Park Place Promenade
- 9790 Schreiber Ter N (09-119-21-22-0017) Lot 2, Block 1, Park Place Promenade
- Unassigned (09-119-21-22-0016) Outlot O, Liberty Oaks
- 9975 Xenia Ave N (09-119-21-22-0068) Lot 1, Block 1, Stone Mountain Addition
- 9985 Xenia Ave N (09-119-21-21-0099) Lot 1, Block 1, Stone Mountain 2<sup>nd</sup> Addition
- 9995 Xenia Ave N (09-119-21-21-0100) Lot 2, Block 1, Stone Mountain 2<sup>nd</sup> Addition

- 9801 Xenia Ave N (09-119-21-21-0101) Lot 3, Block 1, Stone Mountain 2<sup>nd</sup> Addition
- 9725 Xenia Ave N (09-119-21-21-0095) Lot 1, Block 1, Oxbow Commercial Centre
- 9751 Xenia Ave N (09-119-21-22-0070) Lot 4, Block 1, Stone Mountain Addition
- 9901 Xenia Ave N (09-119-21-22-0071) Lot 4, Block 1, Stone Mountain 2<sup>nd</sup> Addition
- Unassigned (09-119-21-21-0006) Lot 1, Block 4, Oxbow Commons
- Unassigned (09-119-21-21-0007) Lot 2, Block 4, Oxbow Commons
- 9680 Xenia Ave N (09-119-21-24-0007) Outlot A, Six Ten Crossings
- 5600 96<sup>th</sup> Ave N (09-119-21-24-0008) Outlot B, Six Ten Crossings
- 9695 Xenia Ave N (09-119-21-24-0004) Lot 1, Block 1, Six Ten Crossings
- 9611 Xenia Ave N (09-119-21-24-0009) Outlot F, Six Ten Crossings
- Unassigned (09-119-21-23-0005) Unplatted 09.119.21
- 9601 Xenia Ave N (09-119-21-24-0006) Lot 1, Block 3, Six Ten Crossings
- 5565 96<sup>th</sup> Ave N (09-119-21-31-0013) Outlot A, Six Ten Crossings 4<sup>th</sup> Addition
- 5555 96<sup>th</sup> Ave N (09-119-21-31-0012) Lot 3, Block 1, Six Ten Crossings 4<sup>th</sup> Addition
- 5505 96<sup>th</sup> Ave N (09-119-21-31-0011) Lot 2, Block 1, Six Ten Crossings 4<sup>th</sup> Addition
- 5601 96<sup>th</sup> Ave N (09-119-21-31-0010) Lot 1, Block 1, Six Ten Crossings 4<sup>th</sup> Addition
- 5625 96<sup>th</sup> Ave N (09-119-21-31-0009) Lot 1, Block 1, Six Ten Crossings 3<sup>rd</sup> Addition
- 5651 96<sup>th</sup> Ave N (09-119-21-31-0007) Lot 1, Block 1, Six Ten Crossings 2<sup>nd</sup> Addition
- 5801 96<sup>th</sup> Ave N (09-119-21-24-0005) Lot 1, Block 2, Six Ten Crossings
- Unassigned (09-119-21-32-0016) Outlot A, Park Place Promenade 3<sup>rd</sup> Addition
- 6201 96<sup>th</sup> Ln N (09-119-21-32-0023) Lot 1, Block 1, Park Place Promenade 8<sup>th</sup> Addition
- 6001 96<sup>th</sup> Ln N (09-119-21-32-0024) Lot 2, Block 1, Park Place Promenade 8<sup>th</sup> Addition
- 5909 96<sup>th</sup> Ln N (09-119-21-32-0021) Lot 1, Block 1, Park Place Promenade 7<sup>th</sup> Addition
- 5901 96<sup>th</sup> Ln N (09-119-21-23-0049) Lot 1, Block 1, Park Place Promenade 4<sup>th</sup> Addition
- Unassigned (09-119-21-23-0015) Outlot A, Park Place Promenade
- Unassigned (08-119-21-14-0051) Outlot A, Park Place Promenade 2<sup>nd</sup> Addition
- 6600 96<sup>th</sup> Ln N (08-119-21-14-0050) Lot 1, Block 1, Park Place Promenade 2<sup>nd</sup> Addition
- 9655 Colorado Ln N (09-119-21-23-0014) Lot 1, Block 3, Park Place Promenade
- 9600 Colorado Ln N (09-119-21-23-0012) Lot 3, Block 2, Park Place Promenade

- 9630 Colorado Ln N (09-119-21-23-0011) Lot 2, Block 2, Park Place Promenade
- 9640 Colorado Ln N (09-119-21-23-0010) Lot 1, Block 2, Park Place Promenade
- 9690 Colorado Ln N (09-119-21-23-0013) Lot 4, Block 2, Park Place Promenade
- 9400 Zane Ave N (09-119-21-34-0014) Lot 1, Block 1, Astra Village 2<sup>nd</sup> Addition
- 5701 94<sup>th</sup> Ave N (09-119-21-34-0017) Outlot A, Astra Village 4<sup>th</sup> Addition
- 5401 94<sup>th</sup> Ave N (09-119-21-43-0006) Lot 2, Block 1, Astra Village 4<sup>th</sup> Addition
- 5500 94<sup>th</sup> Ave (09-119-21-34-0015) Lot 1, Block 1, Astra Village 3<sup>rd</sup> Addition
- 5601 94<sup>th</sup> Ave N (09-119-21-34-0016) Lot 1, Block 1, Astra Village 4<sup>th</sup> Addition
- 5400 94<sup>th</sup> Ave N (09-119-21-43-0009) Outlot B, Astra Village 5<sup>th</sup> Addition

# 610 Corridor Study Rezoning



## Legend

610 Corridor Study Area

Proposed\_Zoning

Parcels

MU

R7

Pedestrian Priority Overlay District



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, City of Coon Rapids, Metropolitan Council, MetroGIS, Three Rivers Park District, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

## ORDINANCE 2023-

**AN ORDINANCE AMENDING SECTION 152.601 THROUGH SECTION 152.610 OF THE BROOKLYN CITY CODE AND ADDING SECTION 152.611 REGARDING TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED USE (MU)**

The City Council of Brooklyn Park Does Ordain:

Section 1. Section 152.601 of the Brooklyn Park City Code is amended to read as follows:

**§ 152.601 PURPOSE.**

- (A) The Transit Oriented Development (TOD) and Mixed Use (MU) zoning districts are established to provide for the creation of mixed use, multi-modal neighborhoods within walking distance of public transit and in other areas where walkable development is desired. These districts enhance walkability by requiring small block sizes, reduced travel lane widths on local streets, and active frontages. These districts may be applied around high frequency transit service stations or in areas designated Mixed Use in the Comprehensive Plan, per district maps.
- (B) Multiple types of development are encouraged, with developments designed to promote walking, bicycling and transit use. The placement of building edges and treatment of architecture, parking, landscaping, sidewalks, and public spaces are to be carefully planned in order to achieve the pedestrian-oriented development envisioned for the districts.
- (C) These districts are developed to generate income from taxes.
- (D) All development must conform to the Comprehensive Plan and to the adopted Brooklyn Park Subarea Stormwater Master Plan.

Section 2. Section 152.602 of the Brooklyn Park City Code is amended to read as follows:

**§ 152.602 TOD AND MIXED USE DISTRICTS.**

- (A) TOD-C Transit Oriented Development Center District.
  - (1) *Purpose.* The TOD-C TOD Center is intended to provide the most intensive mixed-use, transit-oriented zoning district.
- (B) TOD-C.T Transit Oriented Development Center Transition District.
  - (1) *Purpose.* The TOD-C.T TOD Center Transition is intended to provide a transition from-the higher intensity transit-oriented mixed use to other zoning districts.
- (C) TOD-E Transit Oriented Employment.
  - (1) *Purpose.* The TOD-E TOD Employment is intended to provide walkable urbanism with complementary uses in industrial, warehousing, and office park areas.
- (D) TOD-E.T Transit Oriented Development Employment Transition District.
  - (1) *Purpose.* The TOD-E.T TOD Employment Transition is intended to provide large format industrial, warehousing, and office park areas complementary to walkable urbanism, with office and showrooms facing the street.
- (E) TOD-G Transit Oriented Greenfield.
  - (1) *Purpose.* The TOD-G TOD Greenfield - High, Medium, and Low Intensity is intended to provide standards for new walkable, mixed use communities.
  - (2) Additional subdivision standards are applied to this District. Subdivision standards in this chapter supersede those of Chapter 151.
- (F) MU Mixed Use District
  - (1) The MU Mixed Use district is intended to provide standards for walkable, mixed use communities.

(2) Additional subdivision standards are applied to this District.

Section 3. Section 152.603 of the Brooklyn Park City Code is amended to read as follows:

### **§ 152.603 USES.**

The TOD and MU districts are subject to the requirements of §152.604 below, where the use notations have the following meanings in Table 6 through Table 9; Table 16through Table 18; and Table 24 through 25.

- P Permitted subject to standards
- NP Not permitted
- C Allowed with approval of a conditional
- R Permitted with compliance to the conditions of use permit division (B)(1) below
- (A) Multiple uses within a single parcel or building are permitted in TOD and MU districts.
- (B) Uses permitted in sections § 152.606 - § 152.611 are limited for size or intensity as follows:
  - (1) Restrictions per use:
    - (a) Institutional on-site parking may not exceed 50 surface lot spaces.

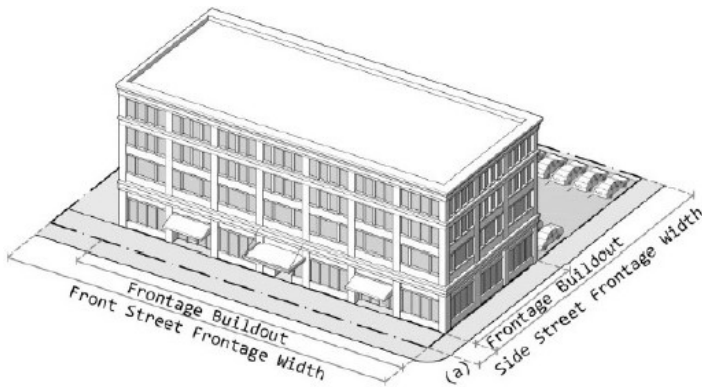
Section 4. Section 152.604 of the Brooklyn Park City Code is amended to read as follows:

### **§ 152.604 BUILDING AND SITE STANDARDS.**

(A) *Purpose.* This section regulates the development and modification of buildings and other elements of the built environment within the private lot, based on the following premises:

- (1) Building regulations should equitably balance the rights of the individual and the interests of the community as a whole.
- (2) Building form individually and collectively defines and supports the public realm.
- (3) Building placement should support walkability, safe streets, and safe public spaces, to create pedestrian-friendly neighborhoods.
- (B) Minimum frontage buildout indicates that lots must contain buildings along the prescribed length of property line.
  - (1) At front streets the minimum frontage buildout is a percentage of the length of the abutting property line.
  - (2) At side streets the minimum frontage buildout is a specified distance along the property line from the corner.
  - (3) Facades must be within the minimum and maximum setback.
  - (4) At corner lots the width of the property, for frontage buildout calculation, may be reduced by the setback of the perpendicular lot line as indicated by (a) in the illustration below.
- (C) Front setback requirements of Table 6 through Table 9; Table 16through Table 18; and Table 24 through Table 25 will be maintained as city easement for right-of- way maintenance.
- (D) Building width must meet the requirements of Table 6 through Table 9; Table 16through Table 18; and Table 24 through Table 25 measured at front setback. The maximum building width does not apply to buildings with a forecourt frontage type where the forecourt is wider than 40 feet.

**Figure 1. Minimum Frontage Buildout Illustration**



(E) Building height is limited in above ground stories according to Table 6 through Table 9; Table 16 through Table 18; and Table 24 through Table 25.

(1) Stories are measured as follows:

- (a) Stories are measured from finished floor to finished ceiling.
- (b) Stories above the ground floor are limited to 14 feet in height.
- (c) Ground floor height is subject to the following requirements:
  - 1. Ground floor height must be no less than 12 feet. Townhouses, single-family, and two-family houses are not subject to this requirement.
  - 2. Ground floor height is limited to 20 feet, above which it counts as an additional story.

(2) Parking structure height is subject to the following requirements:

- (a) Structure height may not exceed the finished ceiling height of the top floor of the tallest primary use building.

(3) Projections not used for human habitation are exempt from building height restrictions, including the following:

- (a) Chimneys, spires, domes, elevator shaft and stair housings, antennae, vents, and flag poles.

(F) Facade types must be assigned along all streets according to the standards of Table 1 and the following requirements:

(1) Buildings may include multiple facade types along their length, each type no less than 30 feet in width.

(2) Functioning building entries must be provided along street frontages as follows:

- (a) The primary building entry must be located along the front street frontage.

(3) Loading docks and service areas are restricted according to the parking and storage setbacks of Table 6 through Table 9; Table 16 through Table 18; and Table 24 through Table 25.

(4) Encroachments into the front street and side street setbacks are permitted as follows:

- (a) Underground parking within the setback is not considered an encroachment provided the structure is not visible from the sidewalk.

(b) Roof overhangs, cornices, window and door surrounds and other facade decorations may encroach up to two feet but not beyond the property line.

(c) Awnings may encroach into the right-of-way to within two feet of the curb. A minimum clearance of 10 feet above the sidewalk is required.

- (d) Porches, stoops, balconies, bay and bow windows may encroach a maximum of three feet, but not beyond the property line.

(5) Facade glazing at street frontages must meet the minimum area requirements of Table 1 and Table 6 through Table 9 and Table 16 through Table 17 and Table 24 through Table 25.

- (a) Percentage glazing is calculated individually for each facade.

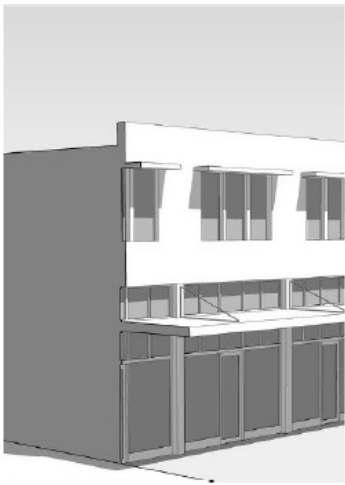
Glazing must be transparent at the first floor, where tinted and reflective glass are prohibited, and must not be blocked by merchandise or other obstructions.



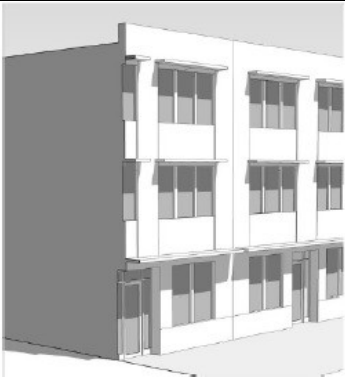
Table 1. Facade Types

Table 1. Facade Types


**SHOPFRONT**

Entry Grade	At sidewalk grade.	
Requirements	A shopfront is required at the primary entrance.	
	Display windows may project into frontage setbacks no more than five feet and not beyond the property line.	
Guidelines	Building entries may be recessed from the facade up to six feet in depth.	
	<p>If ground floor grade is above sidewalk grade, the differential should be accommodated within the building.</p> <p>Awnings may project into the setback 100% of their depth.</p>	


**COMMON ENTRY**

Entry Grade	At sidewalk grade.	
Requirements	A single collective entry to a multi-tenant lobby is required at the primary building entrance.	
	Canopies and awnings are permitted to encroach into frontage setbacks 100% of their depth.	
Guidelines	Canopies and awnings should encroach into the public right-of-way.	

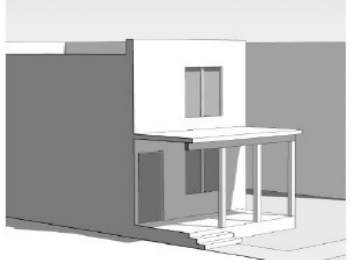
**FORECOURT**

Entry Grade	At sidewalk grade.	
Requirements	Front court facing the street with a maximum area of 1,800 sq. ft.	
	<p>Must be lined with habitable space on three sides, or on two sides at corner lots.</p> <p>Must be 50% paved. Landscaping is permitted at grade or in raised containers.</p>	
Guidelines	May be combined with shopfront or common entry within the court.	

**STOOP**

Entry Grade	18 in. min. from sidewalk grade.	
Requirements	A stoop is required at building entrances, projecting from or recessed into the facade.	

PORCH	
Entry Grade	18 in. min. from sidewalk grade.
Requirements	A porch is required at building entrances, projecting from or recessed into the facade.
	Porches must be a minimum of six ft. deep and ten ft. wide.



(G) Architectural materials.

(1) *Classes of materials.* For the purpose of this section, acceptable exterior materials are divided into Class 1 and Class 2 categories as shown in the following table:

Class 1	Class 2
<ol style="list-style-type: none"> <li>1. Brick</li> <li>2. Natural or cementitious stone</li> <li>3. Glass, or other glazing materials</li> <li>4. Masonry stucco</li> <li>5. Architectural metal panels</li> <li>6. Specialty concrete block (including textured, burnished block or rock faced block)</li> <li>7. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission</li> </ol>	<ol style="list-style-type: none"> <li>1. Architecturally textured concrete precast panels</li> <li>2. Wood</li> <li>3. Tile (masonry, stone or clay), ceramic</li> <li>4. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission</li> <li>5. EFIS in conformance with the ICC ES report</li> </ol>

(2) *Required combination of materials.* Buildings must incorporate classes of materials for each facade in the following manner:

- (a) Front facades and side and rear facades visible from public right(s)-of-way, the public view from adjacent properties, parks, civic areas, or residential uses or districts must be composed of at least two or more Class 1 materials totaling 65% of the facade.
- (b) Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts must use a combination of Class 1 or 2 materials.
- (c) Facades visible from public right(s)-of-way must include windows, doors, canopies, balconies or other visual elements that help mitigate the appearance of blank walls.

(H) Minimum floor area ratio. Minimum floor area ratio requirements of principal buildings are set forth within Table 25. Floor area devoted to parking or loading shall not be counted toward compliance with the minimum floor area ratio. Floor area devoted to any other habitable space, including spaces below grade, may be used for the purpose of determining compliance with the minimum floor area ratio requirement. Minimum floor area ratio regulations shall not apply to the expansion of buildings existing on the effective date of this ordinance. Minimum floor area ratio requirements shall not apply on lots existing on the effective date of this ordinance with less than one acre of area.

Section 5. Section 152.605 of the Brooklyn Park City Code is amended to read as follows:

**§ 152.605 DEVELOPMENT STANDARDS.**

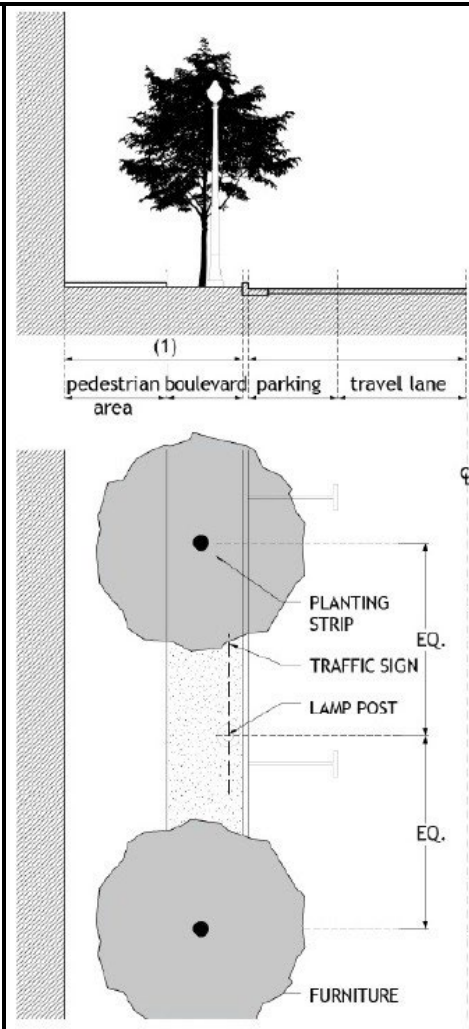
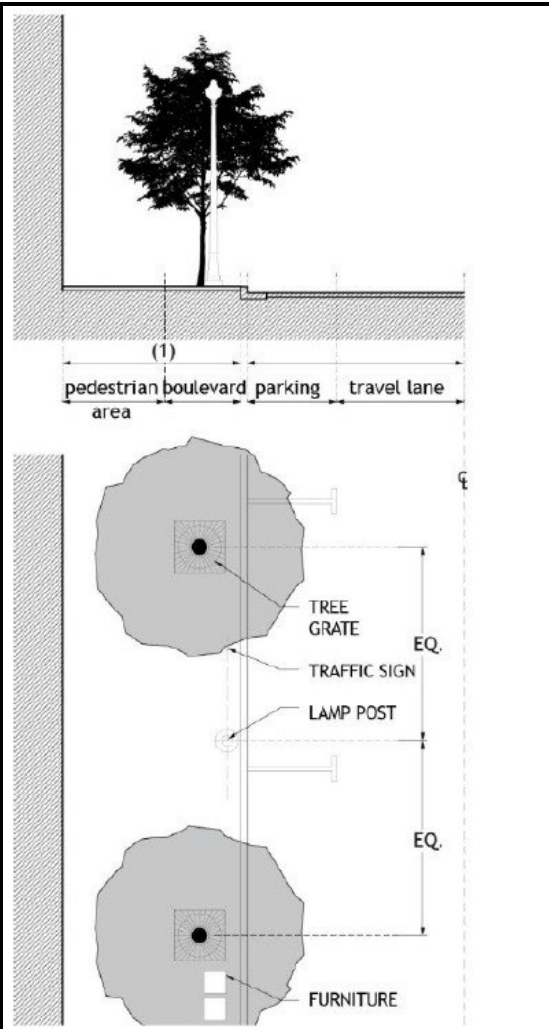
(A) *Parking.* Off-street parking must be set back from frontages according to Table 6 through Table 9 and Table 16 through Table 18 and Table 25, except where parking is located underground.

(1) *Location.* Required vehicular parking may be fulfilled in the following locations:

- (a) Parking spaces provided on-site, or between multiple connected sites with a recorded shared use agreement.
- (b) Parking spaces provided along a parking lane on-street corresponding to the site frontages.
- (2) **Access.** Parking access must meet the following requirements:
  - (a) Driveways are limited to 20 feet in width.
  - (b) Sites with alley access must use the alley for ingress and egress.
  - (c) Pedestrian access to off-street parking must be provided from frontages with walkways a minimum of six feet in width.
- (3) **Screening.** Parking areas must be screened from public streets, sidewalks and paths by a masonry wall or evergreen hedge. The height of the screen must be a minimum of 36 inches and a maximum of 48 inches in height.
- (4) **Structured parking.** The ground floor of any parking structure abutting a public street must have habitable space for a depth of 30 feet facing the street. METRO parking structures may be eligible for a waiver from this requirement if a façade that limits vehicle visibility is provided.
  - (a) Upper floors must be designed and detailed in a manner consistent with adjacent buildings.
  - (b) Entrances must minimize conflict with pedestrian movement.
- (5) **Required parking.** Parking minimums and maximums do not apply to TOD zones. Parking minimums and maximums do apply in the MU district.
- (B) **Streetscape improvements.** The provisions of this section apply to all streetscape improvements in TOD-C, TOD-T, and TOD-E.
  - (1) Streetscape improvements including sidewalks, boulevards, furniture zones, lights and trees must meet the requirements of Table 3.
  - (2) Improvements must transition to existing conditions at adjacent properties to preserve pedestrian access and safety.

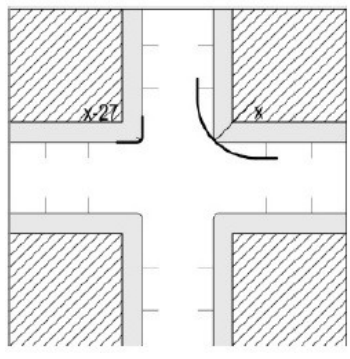
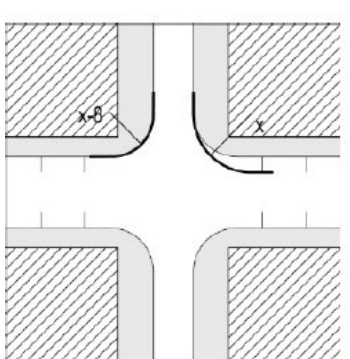
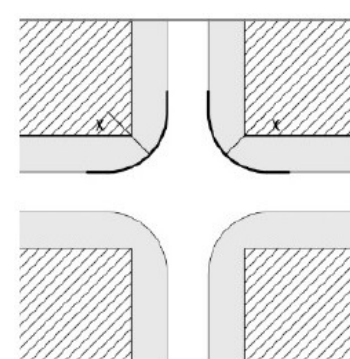
<b>Table 2.3. Streetscape Requirements</b>		
	<b>WITHIN 1/4 MILE OF STATION</b>	<b>GREATER THAN 1/4 MILE OF STATION</b>
Zoning district	TOD-C, TOD-C.T	TOD-C, TOD-E, TOD-E.T

Streetscape illustration



(1) Sidewalk width	10 ft. min. including boulevard width and furniture zone.	6 ft. min. including boulevard width and furniture zone.
Boulevard size	5 ft. min. square or 4 ft. by 6 ft. min.	5 ft. by 14 ft. min.
Tree spacing	Adjusted to accommodate shopfront needs	30 - 40 ft. on center

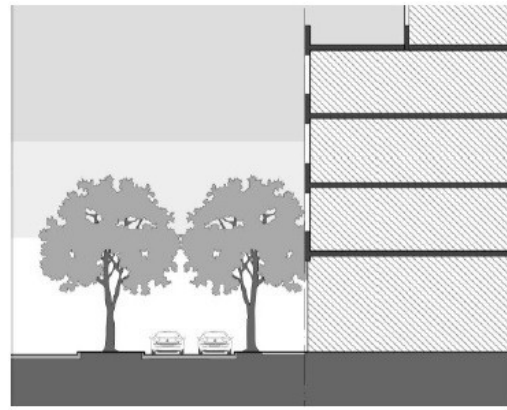
(3) Curb return radius must meet the standards of Table 4.

<b>Table 3 4. Curb Return Radius</b>			
<b>EFFECTIVE RETURN RADIUS</b>	<b>PARKING LANE ON BOTH STREETS</b>	<b>PARKING LANE ON ONE STREET</b>	<b>NO PARKING LANES</b>
<b>Table 4. Curb Return Radius</b>			
<b>EFFECTIVE RETURN RADIUS</b>	<b>PARKING LANE ON BOTH STREETS</b>	<b>PARKING LANE ON ONE STREET</b>	<b>NO PARKING LANES</b>
			
Minimum Required Curb Return Radius			
Local street to local street: 25 ft.	5 ft. min.	17 ft. min.	25 ft. min.
Local street to primary street: 30 ft.	5 ft. min.	22 ft. min.	30 ft. min.
Primary local to primary local: 35 ft.	8 ft. min.	27 ft. min.	35 ft. min.
Primary local to arterial 40 ft.	13 ft. min.	32 ft. min.	40 ft. min.
Arterial to arterial: 55 ft.	28 ft. min.	47 ft. min.	55 ft. min.
Bike lane reduction	Curb return radius may be further reduced by the width of the bike facility when present.		

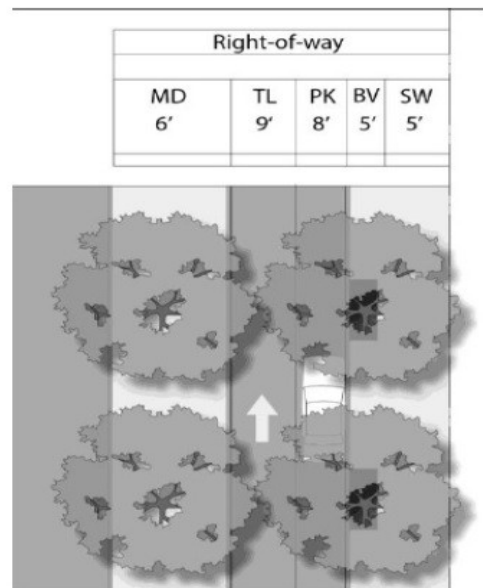
(4) New frontage lanes adjacent to existing arterials may use the Table 5 street sections in TOD zoning districts.

<b>Table 4 5. Frontage Lane Sections</b>	
<b>Table 4 5. Frontage Lane Sections</b>	
<b>FRONTAGE LANE FL 33-17</b>	<b>ILLUSTRATION</b>
Functional class	Local street
Right-of-way	35 ft. min.
Design, target speed	15 - 20 mph
<b>TRAVELED WAY</b>	
(TL) Vehicle lanes	1
Vehicle lane width	9 ft.
Movement	One-way
(Pk) parking lanes	1

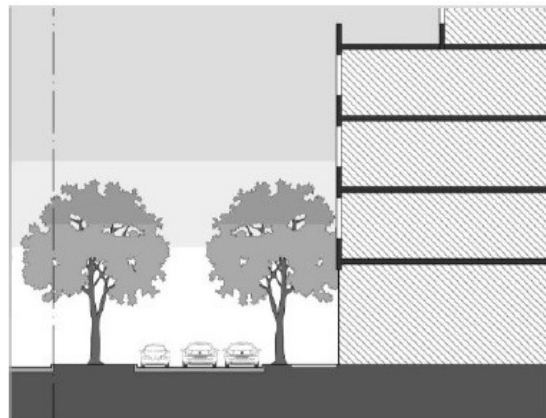
Parking lane width	8 ft.
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(BL) bicycle facility	n/a
Bicycle facility width	n/a
(Md) median	6 ft. min.
Turning lanes	n/a
<b>STREETSCAPE</b>	
(SW) Sidewalk width	5 ft. min.
(BV) Boulevard width	5 ft. min.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



<b>FRONTAGE LANE FL 42-26</b>	
Functional class	Local
Right-of-way	ft. min.
Design, target speed	15 - 20 mph
<b>TRAVELED WAY</b>	
(TL) Vehicle lanes	2
Vehicle lane width	9 ft.
Movement	Two-way
(PK) Parking lanes	1
Parking lane width	8 ft.
(BL) Bicycle facility	n/a
Bicycle facility width	n/a
(MD) Median	6 ft. min.
Turning lanes	n/a
<b>STREETSCAPE</b>	
(SW) Sidewalk width	5 ft. min.
(BV) Boulevard width	5 ft. min.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.



Tree spacing	30 ft. on center	Right-of-way					
		MD	TL	TL	PK	BV	SW
		6'	9'	9'	8'	5'	5'

(C) *Drive-through facilities.*

- (1) Drive-through facilities are prohibited for new construction after date of passage in TOD-G.
- (2) Drive-through facilities and lanes must be located behind the principal building.
- (3) Queuing lanes must not interfere with pedestrian circulation.
- (4) Drive-through canopies and other structures, where present, must be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.

(D) *Outdoor dining areas.* Outdoor seating is permitted within any setback area and temporary seating may be permitted with rights-of-way, provided the sidewalk remains clear to a width of five feet.

(E) *Landscaping requirements.* All open areas of any site, except for that portion used for parking, driveways, and storage, must be landscaped and incorporated in a landscape plan, per the following requirements:

- (1) The required landscaped area must be planted with trees, ground cover, low shrubs or flowering plants.

(F) *Signs.* Signs in TOD-G Medium and High Intensity must comply with the following:

(1) *Type.*

- (a) An establishment may erect wall signs or projecting signs, or a combination thereof as regulated by divisions (2) and (3).
- (b) Roof signs are prohibited.
- (c) Freestanding or pylon signs, permanent or temporary, are prohibited, except for joint or shared parking uses and public transit message center signs and monument signs. Monument signs may not exceed five feet in height.
- (d) Mural scenes or designs painted directly on an exterior building wall that are intended as decorative or ornamental features are permitted with the prior approval of the City Manager. Murals that include text, numbers, trademarks, logos or other forms of business advertisement are considered painted wall signs and must comply with the regulations of this code. Murals that are not painted wall signs are not regulated by divisions (2) and (3).
- (e) Sandwich board signs, one per business establishment, are permitted provided that they are located on the sidewalk in front of the business establishment and do not block pedestrian use of the sidewalk. Each side of the sandwich board sign must not exceed nine square feet. Sandwich board signs are not regulated by divisions (2) and (3).

(2) *Number.* An establishment may erect any number of wall signs provided that the total area does not exceed the total permitted area established in division (3).

(3) *Size and materials.*

(a) The maximum total area of all wall signs must not exceed three square feet per one lineal foot of business establishment frontage. Window signs are not included in the above calculation and may not exceed

one-third of the glazed area of the window. Signs may be illuminated. Signs must be placed on the building as not to obscure architectural features and detail.

(b) The maximum area of any individual wall sign must not exceed two square feet per one lineal foot of business establishment frontage. The maximum area of any projecting sign must not exceed six square feet.

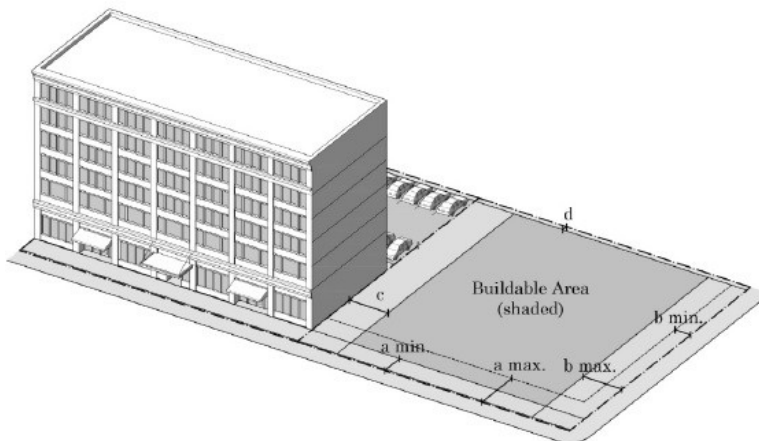
Section 6. Section 152.606 of the Brooklyn Park City Code is amended to read as follows:

**§ 152.606 TOD-C TRANSIT ORIENTED DEVELOPMENT CENTER DISTRICT.**

(A) *Standards.* All parcels in TOD-C must meet the standards of Table 6 below.

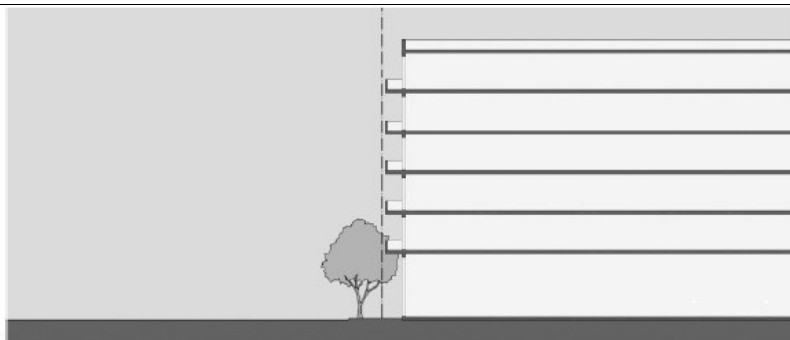
**Table 5-6. TOD-C Building and Site Standards**

**Table 5-6. TOD-C Building and Site Standards**



BUILDING SETBACKS		PARKING AND STORAGE SETBACKS	
a. Front street	1 ft. min. - 12 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min. - 12 ft. max.	Side street	30 ft. min.
c. Side property line	0 ft. min. or 6 ft. max.	Side property line	0 ft. min. if shared; or 5 ft.
d. Rear property line	3 ft. min.	Rear property line	0 ft. min. if shared; or 5 ft.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	80% min.	Lot coverage by buildings	100% max.
Side street	50 ft. min. from front street	Building width	200 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	Stoop
Upper floors	15% min.		





**BUILDING HEIGHT**

6 stories max.	Parking structure height	1 story less than building
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Building height of 8 stories is available with a conditional use permit upon initiation of construction of the METRO station, Building height may not exceed one story more than an adjacent single- family district within 50 ft. of residential parcels.

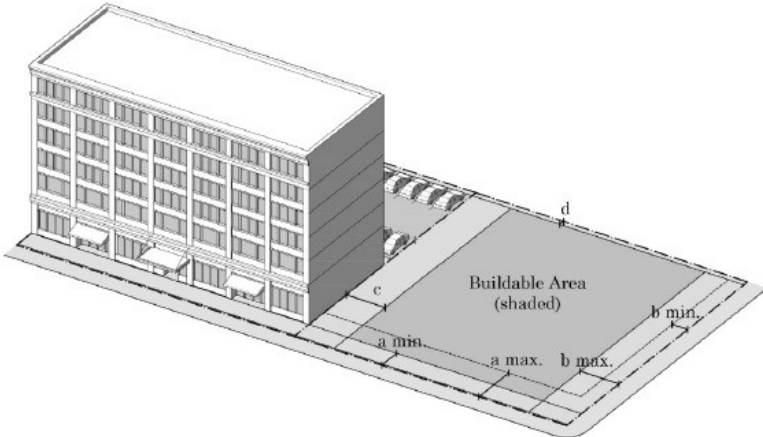
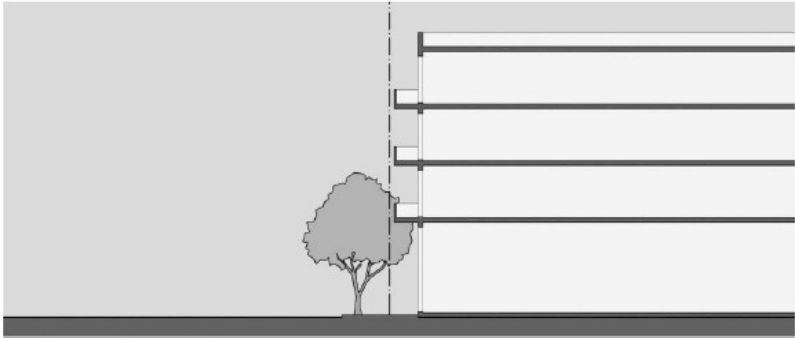
**USES**

<b>RESIDENTIAL</b>		<b>COMMERCIAL</b>	
P	Multiple dwelling	P	Sales and service
		P	Office
P	Care facility, convalescent home	P	Medical and dental clinics
<b>INSTITUTIONAL</b>		P	Veterinary and animal services
P	Religious assembly	P	Child and adult day care
NP	Schools	P	Restaurants, brewpubs, breweries with taprooms, micro-distilleries with cocktail rooms and theatres
<b>OTHER</b>		C	Parking as a principal use
P	Wireless communication facilities as accessory uses located on a building	NP	Fuel stations
		C	Drive-through windows
		C	Entertainment
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, Contractor yards, Bulk firewood sales and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, sexually oriented businesses, impound lots, vehicle sales

Section 7. Section 152.607 of the Brooklyn Park City Code is amended to read as follows:

**§ 152.607 TOD-C.T TRANSIT ORIENTED DEVELOPMENT CENTER TRANSITION DISTRICT.**

(A) *Standards.* All parcels in TOD-C.T must meet the standards of Table 7 below.

<b>Table 6-7. TOD-C.T Building and Site Standards</b>			
<b>Table 6-7. TOD-C.T Building and Site Standards</b>			
			
<b>BUILDING SETBACKS</b>		<b>PARKING AND STORAGE SETBACKS</b>	
a. Front street	1 ft. min. - 16 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min. - 16 ft. max.	Side street	15 ft. min.
c. Side property line	0 ft. min. or 6 ft. max.	Side property line	5 ft. min., 0 if shared
d. Rear property line	3 ft. min.	Rear property line	5 ft. min., 0 if shared
<b>MINIMUM FRONTAGE BUILDOUT</b>		<b>LOT COVERAGE AND BUILDING WIDTH</b>	
Front street	70% min.	Lot coverage by buildings	80% max.
Side street	40 ft. min. from front street	Building width	100 ft. max.
<b>MINIMUM GLAZING</b>		<b>FACADE TYPES</b>	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	Stoop
Upper floors	15% min.		
			
<b>BUILDING HEIGHT</b>			
4 stories max.	Parking structure height	1 story less than building	
Building height of 6 stories is available with a conditional use permit upon initiation of construction of a METRO station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.			
<b>USES</b>			
<b>RESIDENTIAL</b>		<b>COMMERCIAL</b>	
P	Townhouse	R	Retail and service
P	Multiple dwelling	P	Restaurants and brewpubs

P	Care facility, convalescent home	P	Office
<b>INSTITUTIONAL</b>		P	Lodging
NP	Religious assembly	P	Medical clinic
NP	Schools	P	Child care
R	Libraries	P	Adult day care
R	Museums	P	Parking
<b>OTHER</b>		C	Gasoline sales
C	Wireless communication facilities	P	Breweries with taprooms and micro-distilleries with cocktail rooms
P	Drive-through as an accessory use	C	
		NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

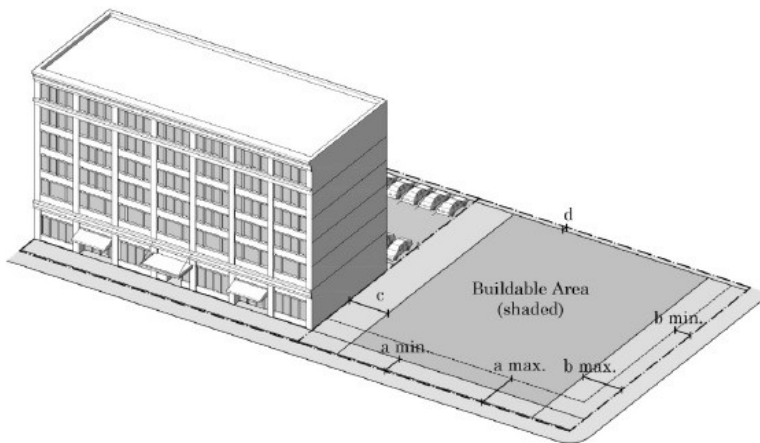
Section 8. Section 152.608 of the Brooklyn Park City Code is amended to read as follows:

**§ 152.608 TOD-E TRANSIT ORIENTED EMPLOYMENT DISTRICT.**

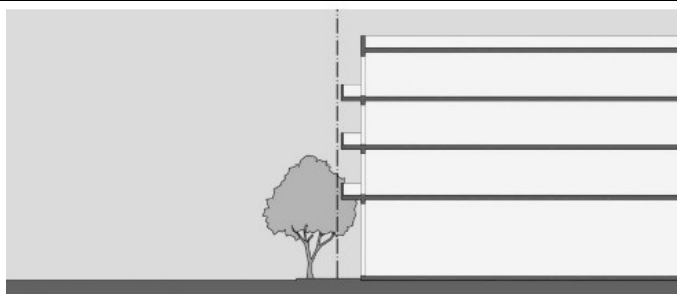
(A) *Standards.* All parcels in TOD-E must meet the standards of Table 8. This district requires buildings to have an urban form to accommodate commercial, retail, office, and accommodations or other general mixed-use activity in the front of buildings where proximity to high frequency transit service stations expects active, pedestrian-oriented streetscapes to occur. TOD-E.T must meet the standards of Table 9.

**Table 8. TOD-E Building and Site Standards**

**Table 7.8. TOD-E Building and Site Standards**



BUILDING SETBACKS		PARKING AND STORAGE SETBACKS	
a. Front street	2 ft. min. - 16 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min. - 16 ft. max.	Side street	12 ft. min.
c. Side property line	0 ft. min. or 6 ft. max.	Side property line	0 ft. min.
d. Rear property line	3 ft. min.	Rear property line	3 ft. min.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	70% min.	Lot coverage by buildings	80% max.
Side street	40 ft. min. from front street	Building width	200 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	
Upper floors	15% min.		



**BUILDING HEIGHT**

4 stories max.	Parking structure height	1 story less than building
Building height of 6 stories is available with a conditional use permit upon initiation of construction of the 93rd Ave. METRO station.		

**USES**

RESIDENTIAL		COMMERCIAL	
NP	Townhouse	P	Sales and service
NP	Multiple dwelling	P	Restaurants and brewpubs

NP	Care facility, convalescent home	P	Office
<b>INSTITUTIONAL</b>		P	Lodging
P	Religious assembly	P	Medical clinic
NP	Schools	P	Parking
NP	Libraries		
NP	Museums	P	Warehousing as an accessory use
<b>OTHER</b>		P	Child care
C	Wireless communication facilities	C	Adult day care
P	Drive-through windows	C	Fuel stations
NP	Distribution as a primary use		
P	Distribution or products produced on site	C	Taprooms and cocktail rooms
		C	Taprooms and cocktail rooms
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractor yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales
		P	Manufacturing, assembly, processing, fabricating, brewing, distilling and accessory sale of the product produced on site

Section 9. Section 152.609 of the Brooklyn Park City Code is amended to read as follows:

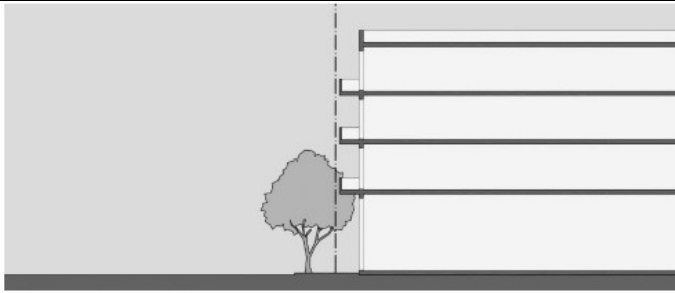
**§ 152.609 TOD-E.T TRANSIT ORIENTED EMPLOYMENT TRANSITION DISTRICT.**

(A) *Standards.* All parcels in TOD-E.T must meet the standards of Table 9. This district is intended to provide transition in building scale from the core area of commercial, retail, office, and accommodations or other general mixed-use activity into large format industrial, warehousing, and office park areas with office and showrooms facing the street.

<b>Table 8-9. TOD-E.T Building and Site Standards</b>			
<b>Table 8-9. TOD-E.T Building and Site Standards</b>			
<b>BUILDING SETBACKS</b>		<b>PARKING AND LOADING SETBACKS</b>	
a. Front street	5 ft. min. - 20 ft. max.	Front street	40 ft. min.
b. Side street	5 ft. min. - 20 ft. max.	Side street	20 ft. min.
c. Side property line	10 ft. min.	Side property line	10 ft. min.

d. Rear property line	10 ft. min.	Rear property line	10 ft. min.
<b>MINIMUM FRONTAGE BUILDOUT</b>		<b>LOT COVERAGE AND BUILDING WIDTH</b>	
Front street	60% min.	Lot coverage by buildings	70% max.
Side street	40 ft. min. from front street	Building width	No max.
<b>MINIMUM GLAZING</b>		<b>FACADE TYPES</b>	
Front street	30% min.	Shopfront	Common entry

Side street	20% min.	Forecourt	
Upper floors	n/a		



**BUILDING HEIGHT**

4 stories max.	Parking structure height	1 story less than building
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**USES**

<b>RESIDENTIAL</b>		<b>COMMERCIAL</b>	
NP	Townhouse	P	Sales and service
NP	Multiple dwelling	P	Restaurants and brewpubs
NP	Care facility, convalescent home	P	
<b>INSTITUTIONAL</b>		P	Office
P	Adult training facilities	P	Lodging
NP	Schools	P	Medical clinic
P	Religious assembly	P	Parking
NP	Museums	C	Child care
<b>OTHER</b>		C	Adult day care
C	Wireless communication facilities	C	Fuel station
NP	Distribution as a primary use	P	Warehousing
P	Distribution of products produced on site	P	Taprooms and cocktail rooms
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles , trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales
		P	Manufacturing, assembly, processing, fabricating, brewing, distilling and accessory sale of the product produced on site

Section 10. Section 152.610 of the Brooklyn Park City Code is amended to read as follows:

**§ 152.610 TOD-G TRANSIT ORIENTED GREENFIELD DISTRICT - HIGH, MEDIUM AND LOW INTENSITIES AND GREENFIELD NEIGHBORHOOD STRUCTURE AND PUBLIC REALM STANDARDS.**

(A) *Purpose and applicability.* The structure of the TOD-G district provides the city and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented TOD. The subdivision regulations in division (D) provide the following:

- (1) A network of connected streets and blocks that reflect an approved station area plan;
- (2) General block sizes and configurations that support zoning and land use goals;
- (3) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site;
- (4) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.

(B) *Regulating plan.* The TOD-G district is implemented through a regulating plan, approved with the rezoning to TOD-G, which includes a combination of at least two of the three intensities described below and regulated by Table 10 and § 152.601. TOD-G areas must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. As the area is subdivided to generate blocks, parcels and individual building sites, the regulating plan assigns intensities that may be refined with approval by the City Manager according to § 152.021. Regulating plans, consisting of one or more maps, must show the following:

- (1) District boundaries;
- (2) Existing infrastructure including streets, parks and open space;
- (3) Thoroughfare network according to division (D) with thoroughfare assignments according to Table 12 or Table 13;
- (4) Civic area according to Table 10, with types and boundaries according to Table 14.

(C) *Intensities.* TOD-G intensities are comprised of:

- (1) *Low intensity.* Consists of medium density residential areas, with a mix of uses, home occupations, and accessory buildings. It contains a wide range of building types - houses, courtyard housing, townhouses, duplexes, triplexes, small apartment buildings, and neighborhood commercial uses. This area must be more than 1,500 feet from a high frequency transit service station.
- (2) *Medium intensity.* Consists of a mix of uses but is primarily medium to high density residential and neighborhood commercial uses.
- (3) *High intensity.* Consists of high density mixed-use buildings that accommodate retail, offices, institutions, and multi-family housing.

<b>Table 9 10. Regulating Plan Requirements</b>				
<b>AREA IN ACRES</b>	<b>CIVIC SPACE</b>	<b>INTENSITY % OF AREA</b>		
40 min.	<b>Percentage of Area</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
	5 - 10%	20% max.	50 - 70%	10 - 30%

(D) *Subdivision regulations.* The provisions of this section will be used upon re-zoning to Transit Oriented Greenfield (TOD-G) and subdivision within any TOD zoning district.

- (1) The thoroughfare network must be laid out according to Table 11 and comply with the standards of division (D)(1)(a) below.

<b>Table 10-11. Subdivision and Block Standards</b>	
<b>BLOCK DIMENSIONS</b>	<b>DIMENSIONS</b>
Block length	400 ft. max
Block perimeter	1,600 ft. max.
Alley width	16 ft. min.
<b>MID-BLOCK PEDESTRIAN PASSAGES</b>	
Pedestrian passage width	12 ft. min., 24 ft. max.

(a) *Thoroughfare standards.*

1. All thoroughfares must connect to other thoroughfares, forming a network.
  - a. New thoroughfares must connect wherever possible to thoroughfares on adjacent sites. Cul-de-sacs may only be permitted by approval of the City Manager to accommodate specific site conditions.
  - b. New thoroughfares must implement the approved Station Area Plan Street Network and use street section options from Table ~~44~~ [12](#).
  - c. A section may be chosen according to right-of-way width and functional classification. New thoroughfare sections may be created using the standards in Table 13.

(b) *Block dimensions.*

1. Block length and perimeter may be adjusted up to 20% with approval from the City Manager due to topography, existing development conditions, or if the block is at the perimeter of the TOD regulating plan. Block lengths up to 800 feet may be approved if a mid-block pedestrian passage is provided.

(c) *Mid-block pedestrian passages.*

1. In areas with adequate vehicular capacity, pedestrian-only connections may be used mid-block and will count as a new edge in block perimeter calculations.

(d) *Parking lot layout.*

1. In addition to the parking regulations of §152.605(A), parking lots in TOD-G must be laid out as blocks per Table 11, with utilities located in the drive aisles. Drive aisles must have adequate width to redevelop with rights-of-way required by one or more of the thoroughfare sections in Table 12.



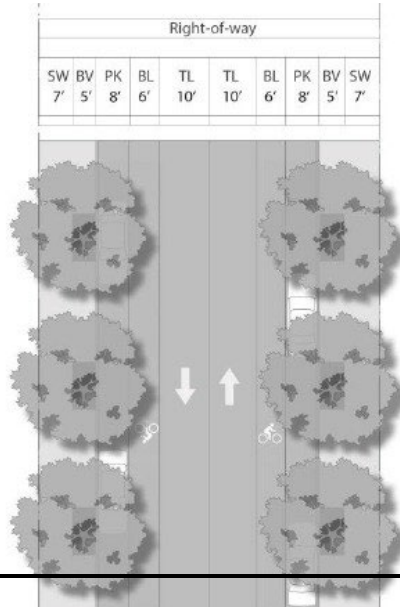
Table 44 12. Thoroughfare Sections

Table 44 12. Thoroughfare Sections

STREET ST 98 - 72		ILLUSTRATION
Functional class	Arterial	
Right-of-way	98 ft. min.	
Design, target speed	30 - 35 mph	
<b>TRAVELED WAY</b>		
(TL) Vehicle lanes	3	
Vehicle lane width	10 ft. <sup>1</sup>	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Buffered lane	
Bicycle facility width	6 ft. + 3 ft. buffer	
(MD) Median	n/a	
Turning lanes	At arterial intersections only	
<b>STREETSCAPE</b>		
(SW) Sidewalk width	8 ft. min.	
(BV) Boulevard width	5 ft. min., 7 ft. max.	
Boulevard type	Long tree well, 5 ft. x 14 ft. min.	
Tree spacing	30 ft. on center	
1 Subject to MNDOT approval.		
STREET ST 70 - 46		ILLUSTRATION
Functional class	Primary, local, local street	
Right-of-way	74 ft. min. primary local 70 ft. min. local street	
Design, target speed	25 mph	
<b>TRAVELED WAY</b>		
(TL) Vehicle lanes	2	
Vehicle lane width	10 ft. <sup>2</sup>	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	

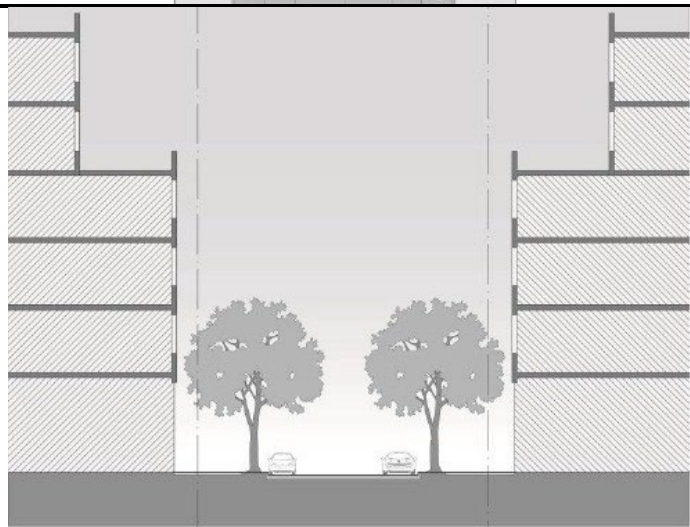
(BL) Bicycle facility	Lane (local street), buffered lane (primary local)	
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Bicycle facility width	6 ft. + 2 ft. buffer (primary local)
(MD) Median	n/a
Turning lanes	n/a
<b>STREETSCAPE</b>	
(SW) Sidewalk width	7 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



2 Subject to MNDOT approval.

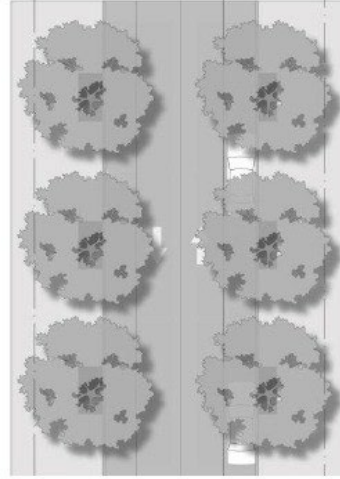
<b>STREET ST 58 - 30</b>	
Functional class	Primary local, local street
Right-of-way	60 ft. min. primary local 58 ft. min. local street
Design, target speed	25 mph
<b>TRAVELED WAY</b>	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft. primary local <sup>3</sup>
Movement	Two-way
(PK) Parking lanes	2
Parking lane width	8 ft.
(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a
<b>STREETSCAPE</b>	
(SW) Sidewalk width	8 ft. min.
(BV) Boulevard width	6 ft. min., 7 ft. max.
Boulevard type	Long tree well, 6 ft. x 14 ft. min.



Tree spacing

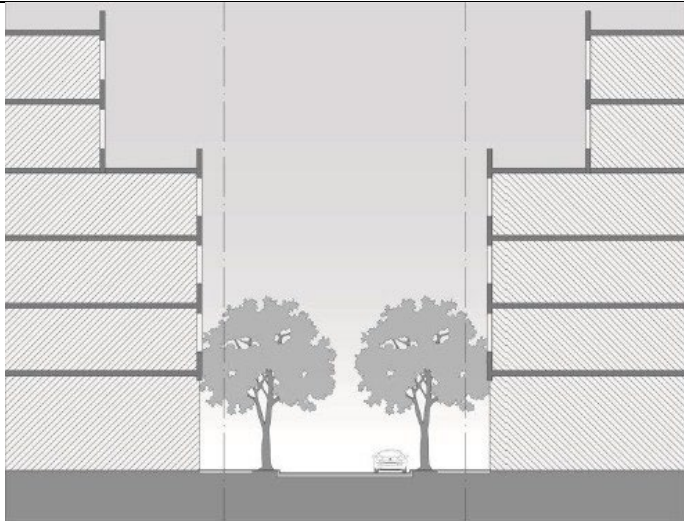
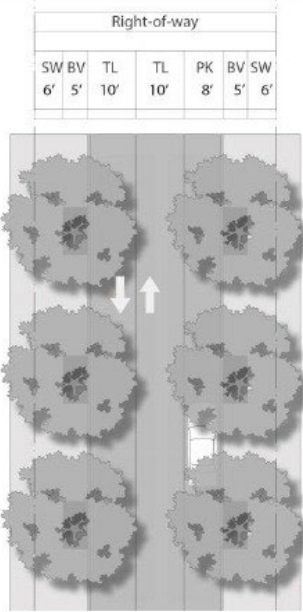
30 - 35 ft. on center

Right-of-way							
SW	BV	PK	TL	TL	PK	BV	SW
8'	6'	8'	10'	10'	8'	6'	8'



3 Subject to MNDOT approval.

STREET ST 49 - 27	
Functional class	Local street
Right-of-way	49 ft. min.
Design, target speed	20 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft.4
Movement	Two-way
(PK) Parking lanes	1
Parking lane width	8 ft.
(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	6 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center

4 Subject to MNDOT approval.

Table 42 13. Street Design Criteria

CRITERIA	LOCAL STREET	PRIMARY LOCAL	ARTERIAL
Sidewalk	5 ft. min. plus boulevard width	6 ft. min. plus boulevard width	8 ft. min. plus boulevard width
Boulevard	6 ft. wide by 6 ft. long min.	7 ft. wide by 14 ft. long min.	7 ft. wide by 14 ft. long min.
Parking lane width	8 ft. min.	8 ft. min.	8 ft. min.
Parking lanes required	0 - 2	2 min.	0 - 2
Travel lane width	9 ft. min., 10 ft. max.	10 ft. min., 11 ft. max.	10 ft. min., 11 ft. max.
Travel lanes required	1 - 2	2 - 4	4+ median
Movement types	one-way, two-way	two-way	two-way
Median	n/a	optional, 8 ft. min	optional, 10 ft. min.
Design speed, target speed	20 mph	25 mph	30 mph
Bike facility required	optional	required	required
Bike facility type	sharrow, lane, route	buffered lane, protected lane	buffered lane, protected lane
Bike lane width	5 ft. min.	6 ft. min.	6 ft. min.
Bike lane buffer	n/a	2 ft. min.	3 ft. min.

(2) Civic standards.

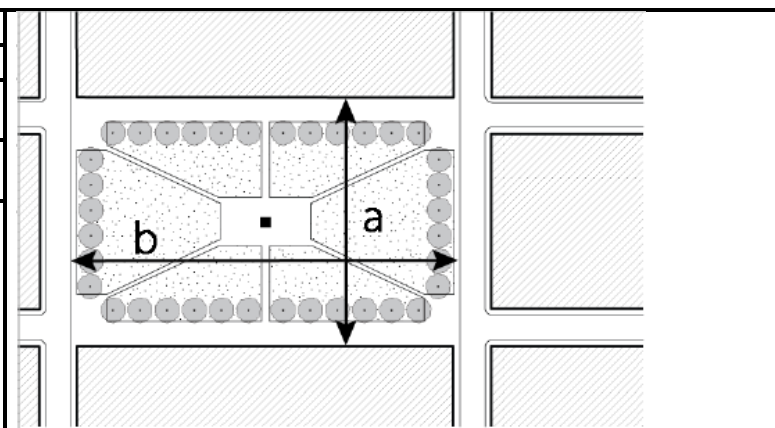
(a) The minimum and maximum percentage of land to be dedicated and deeded as civic space is shown in Table 14. Civic spaces must be designed according to Table 14.

Table 43.14. Civic Space Types

Table 43.14. Civic Space Types

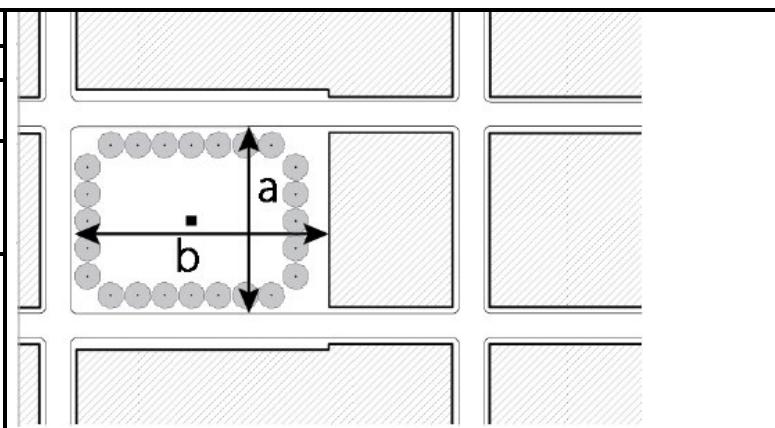
**SQUARE**

Size in acres	0.25 - 2.5
Proportion (a:b)	1:5 max.
Edge condition	Thoroughfares on a minimum of two non-adjacent sides
Surface	50% maximum paved; pervious paving allowed
Landscape	1 tree with mature canopy over 25 ft. per 800 sq. ft. of area min.



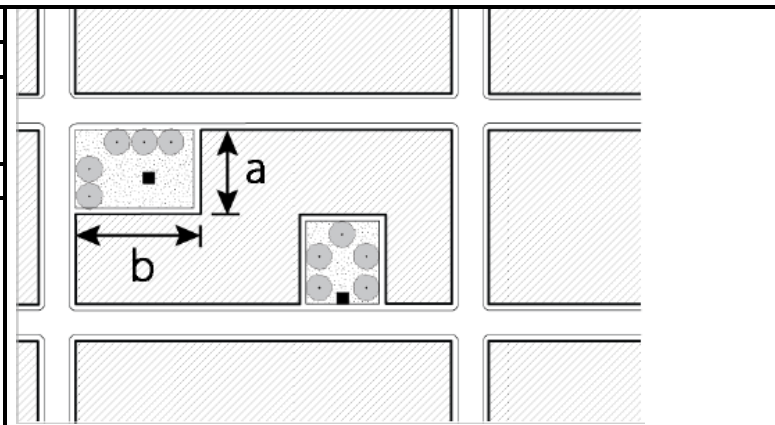
**PLAZA**

Size in square feet	5,000 - 20,000
Proportion (a:b)	1:5 max.
Edge condition	Thoroughfares on a minimum of two sides
Surface	50% minimum paved; pervious paving allowed; bituminous pavement prohibited
Landscape	1 tree with mature canopy over 25 ft. per 1,000 sq. ft. of area min.



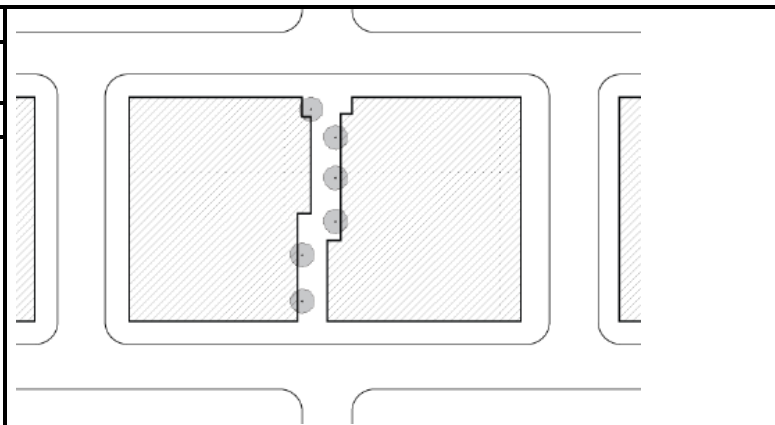
**POCKET PARK**

Size in square feet	1,000 - 5,000
Proportion (a:b)	1:4 max.
Edge condition	1 side minimum along a thoroughfare or pedestrian passage
Surface	May be paved or landscaped
Landscape	1 tree with mature canopy over 20 ft. per 600 sq. ft. of area min.



**PEDESTRIAN PASSAGE**

Width	12 ft. min., 24 ft. max.
Edge condition	Active frontages required in high intensity blocks
Walkway width	6 ft. min.
Landscape	3 ft. minimum landscape edge in medium and low intensity blocks



(3) *Lot standards.*

- (a) Lots must have minimum and maximum widths according to Table 15.
- (b) Each lot must have a primary frontage along a vehicular thoroughfare, except up to 20% of the parcels in a regulating plan may front a civic space or pedestrian passage.

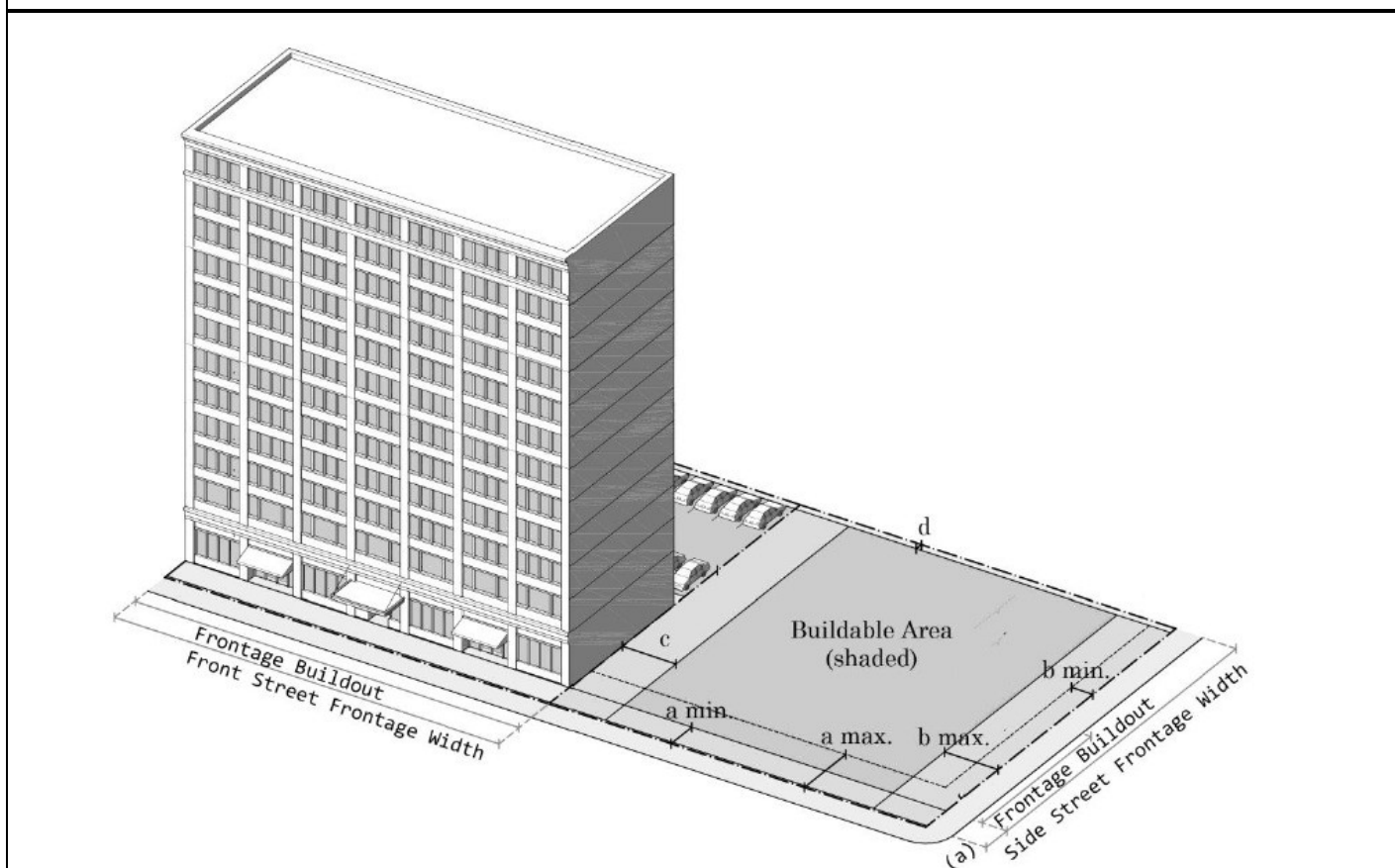


(c) Where lots have multiple frontages, one frontage line must be designated as primary and any other frontage lines must be designated as secondary.

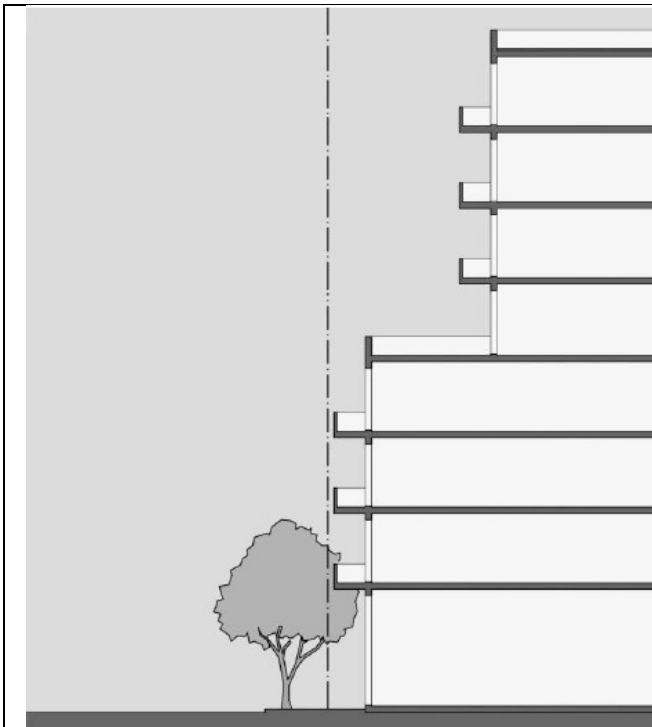
<b>Table 14 15. Lot Width</b>		
<b>LOW INTENSITY</b>	<b>MEDIUM INTENSITY</b>	<b>HIGH INTENSITY</b>
20 ft. min., 100 ft. max. except single-family lots may not exceed 50 ft.	20 ft. min., 180 ft. max.	20 ft. min., 300 ft. max.

(E) **Standards.** All parcels in TOD-G must meet the standards of Table 16 through Table 18 according to the requirements of §152.601.

**Table 15 16. TOD-G High Intensity Building and Site Standards**



<b>BUILDING SETBACKS</b>		<b>PARKING AND STORAGE SETBACKS</b>	
a. Front street	1 ft. min. - 12 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min. - 12 ft. max.	Side street	12 ft. min.
c. Side property line	0 ft. or 6 ft. min.	Side property line	0 ft. min.
d. Rear property line	3 ft. min.	Rear property line	3 ft. min.
<b>MINIMUM FRONTAGE BUILDOUT</b>		<b>LOT COVERAGE AND BUILDING WIDTH</b>	
Front street	80% min.	Lot coverage by building	80% max
Side street	50 ft. min. from front street	Building width	200 ft. max.
<b>MINIMUM GLAZING</b>		<b>FACADE TYPES</b>	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	
Upper floors	15% min.		



**BUILDING HEIGHT**

8 stories max.	Parking structure height	1 story less than building
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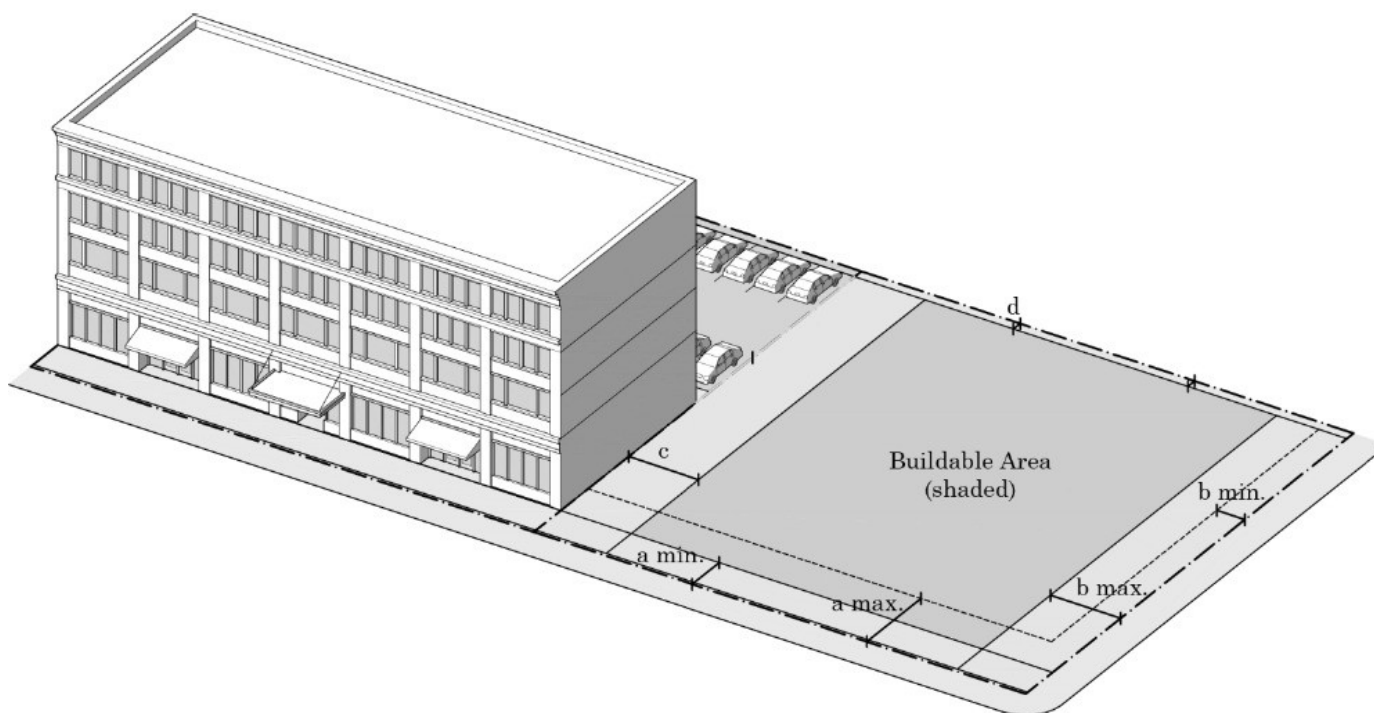
Building height of 12 stories is available with a conditional use permit upon initiation of construction of the Oak Grove METRO station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.

**USES**

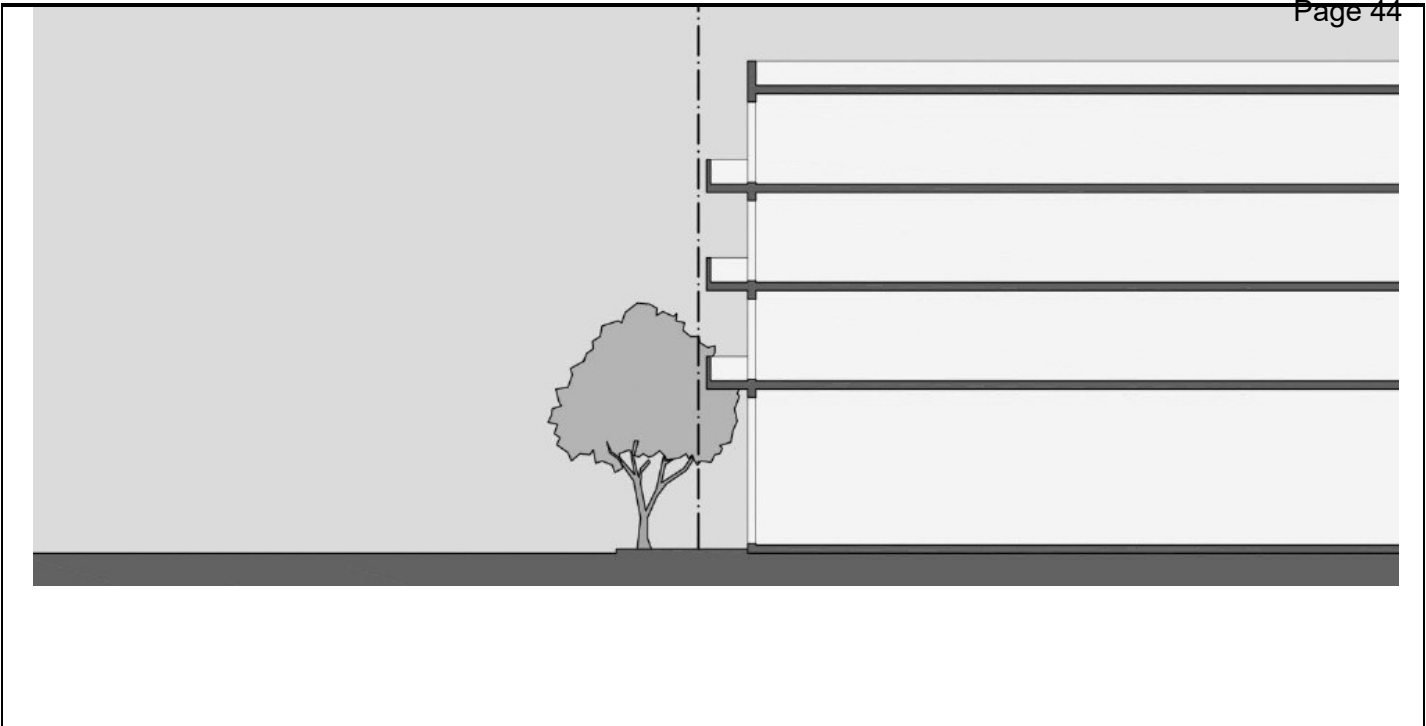
<b>RESIDENTIAL</b>		<b>COMMERCIAL</b>	
P	Multiple dwelling	P	Sales and service
P	Care facility and convalescent home	P	Restaurants and brewpubs
<b>INSTITUTIONAL</b>		P	Office
P	Religious assembly	P	Medical clinics
NP	Schools	P	Child care
P	Libraries	P	Adult day care
P	Museums	P	Parking
<b>OTHER</b>		C	Breweries and micro-distilleries
C	Wireless communication facilities	C	Taprooms and cocktail rooms
		NP	Drive-through window
		NP	Fuel stations
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery, and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

Table 46 17. TOD-G Medium Density Building and Site Standards

Table 46 17. TOD-G Medium Density Building and Site Standards



BUILDING SETBACKS		PARKING AND STORAGE SETBACKS	
a. Front street	1 ft. min - 16 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min - 16 ft. max.	Side street	12 ft. min.
c. Side property line	0 ft. or 6 ft. min.	Side property line	0 ft. min.
d. Rear property line	3 ft. min.	Rear property line	3 ft. min.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	70% min.	Lot coverage by buildings	80% max.
Side street	40 ft. min. from front street	Building width	100 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	Stoop
Upper floors	15% min.		



**BUILDING HEIGHT**

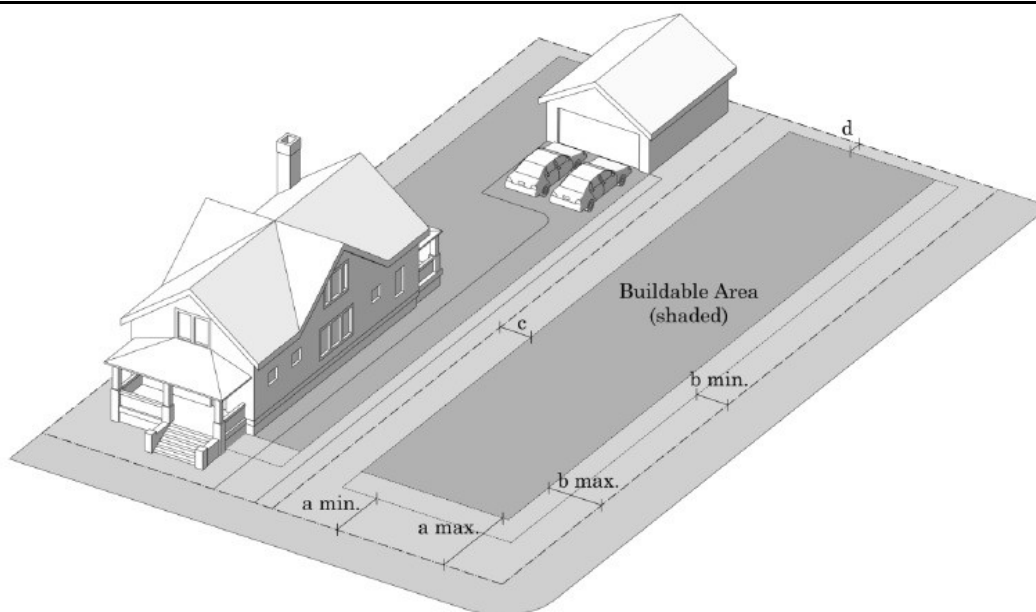
4 stories max.	Parking structure height	1 story less than building
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Building height of 6 stories is available with a conditional use permit upon initiation of construction of the Oak Grove METRO station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.

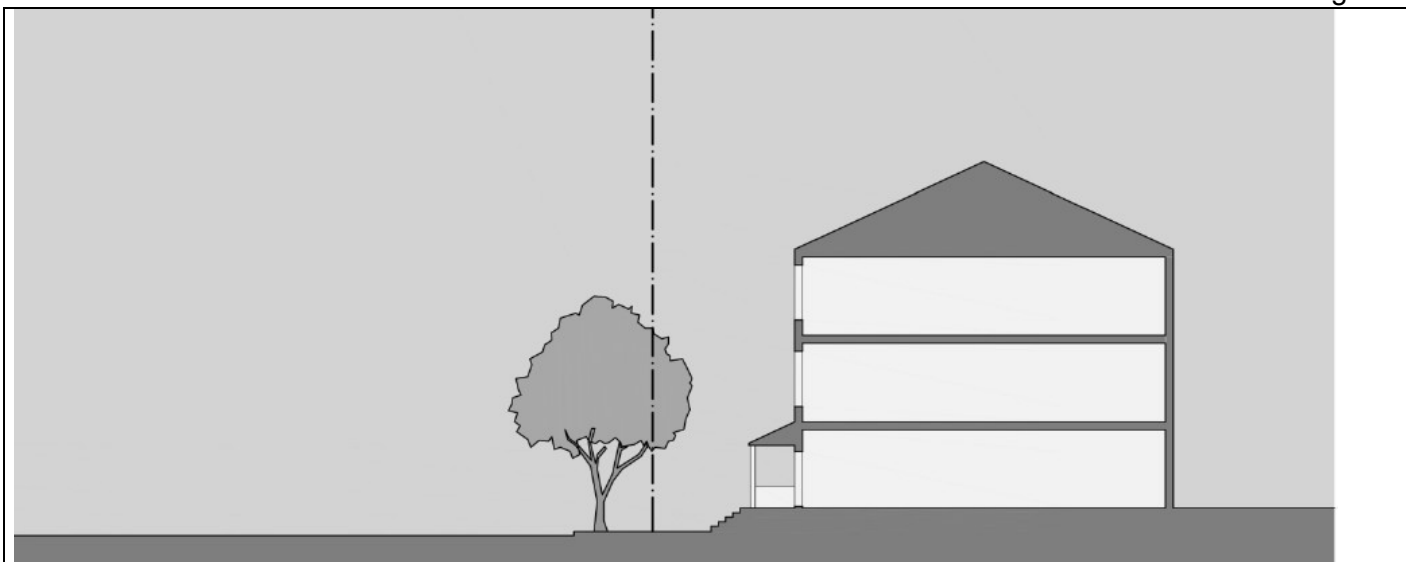
USES			
RESIDENTIAL		COMMERCIAL	
P	Townhouse	R	Sales and service
P	Multiple dwelling	P	Restaurants and brewpubs
P	Care facility , convalescent home	P	Office
INSTITUTIONAL		P	Lodging, not to exceed 50 rooms
P	Religious assembly	P	Medical clinic
NP	Schools	P	Child care
R	Libraries	P	Adult day care
R	Museums	C	Taprooms and cocktail rooms
OTHER		C	Breweries and micro-distilleries
C	Wireless communication facilities	NP	Parking as primary use
		NP	Fuel stations
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

**Table 47 18. TOD-G Low Intensity Building and Site Standards**

**Table 47 18. TOD-G Low Intensity Building and Site Standards**



BUILDING SETBACKS		PARKING AND STORAGE SETBACKS	
a. Front street	8 ft. min. - 20 ft. max.	Front street	24 ft. min.
b. Side street	5 ft. min. - 20 ft. max.	Side street	12 ft. min.
c. Side property line	0 ft. or 6 ft. min.	Side property line	5 ft. min.
d. Rear property line	3 ft. min.	Rear property line	5 ft. min.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	60% min.	Lot coverage by building	70% max.
Side street	40 ft. min. from front street	Building width	80 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	15% min.	Shopfront	Common entry
Side street	15% min.	Stoop	Porch
Upper floors	n/a		



**BUILDING HEIGHT**

3 stories or 40 feet max.

**USES**

<b>RESIDENTIAL</b>		<b>COMMERCIAL</b>	
P	Single-family, two-family	R	Retail and service
P	Townhouse	P	Restaurants, not to exceed 40 seats
P	Multiple dwelling	P	Brewpubs, not to exceed 40 seats
P	Care facility, convalescent home	P	Office, not to exceed 5,000 sq. ft.
<b>INSTITUTIONAL</b>		P	Lodging, not to exceed 12 rooms
NP	Religious assembly	P	Child care
NP	Schools	C	Medical clinic, not to exceed 5,000 sq. ft.
R	Libraries	C	Adult day care
R	Museums	NP	Parking as primary use
<b>OTHER</b>		NP	Gasoline sales
C	Wireless communication facilities	NP	Breweries and micro-distilleries
		NP	Taprooms and cocktail rooms
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

**§ 152.611 MU MIXED USE DISTRICT**

- (A) Purpose and applicability. The structure of the MU district provides the city and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented neighborhood. The subdivision regulations in division (C) provide the following:
  - (1) A network of connected streets and blocks that reflect an approved station area plan;
  - (2) General block sizes and configurations that support zoning and land use goals;
  - (3) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site;
  - (4) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.
- (B) Regulating plan. The MU district is implemented through a regulating plan, to be submitted prior to or in conjunction with other required applications. Areas zoned MU must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. Regulating plans must be recorded against all properties governed by the plan and must show the following:
  - (1) District boundaries;
  - (2) Existing infrastructure including streets, parks and open space;
  - (3) Thoroughfare network according to division (C) with thoroughfare assignments according to Table 21 or Table 22;
  - (4) Civic area according to Table 19, with types and boundaries according to Table 23.

<b><u>Table 19. Regulating Plan Requirements</u></b>	
<b><u>CIVIC SPACE</u></b>	
<b><u>Percentage of Area</u></b>	
5 - 10%	

(C) Subdivision regulations. The provisions of this section will be used upon subdivision within the MU zoning district.

- (1) The thoroughfare network must be laid out according to Table 20 and comply with the standards of division (D)(1)(a) below.

<b><u>Table 20. Subdivision and Block Standards</u></b>	
<b><u>BLOCK DIMENSIONS</u></b>	<b><u>DIMENSIONS</u></b>
Block length	400 ft. max
Block perimeter	1,600 ft. max.
Alley width	16 ft. min.
<b><u>MID-BLOCK PEDESTRIAN PASSAGES</u></b>	
Pedestrian passage width	12 ft. min., 24 ft. max.

(a) Thoroughfare standards.

- 1. All thoroughfares must connect to other thoroughfares, forming a network.
  - a. New thoroughfares must connect wherever possible to thoroughfares on adjacent sites. Cul-de-sacs may only be permitted by approval of the City Manager to accommodate specific site conditions.
  - b. New thoroughfares must implement any approved Small Area Plan Street Network and use street section options from Table 21.
  - c. A section may be chosen according to right-of-way width and functional classification. New thoroughfare sections may be created using the standards in Table 22.

(b) Block dimensions.

1. Block length and perimeter may be adjusted up to 20% with approval from the City Manager due to topography, existing development conditions, or if the block is at the perimeter of the regulating plan. Block lengths up to 800 feet may be approved if a mid- block pedestrian passage is provided.

(c) Mid-block pedestrian passages.

1. In areas with adequate vehicular capacity, pedestrian-only connections may be used mid-block and will count as a new edge in block perimeter calculations.

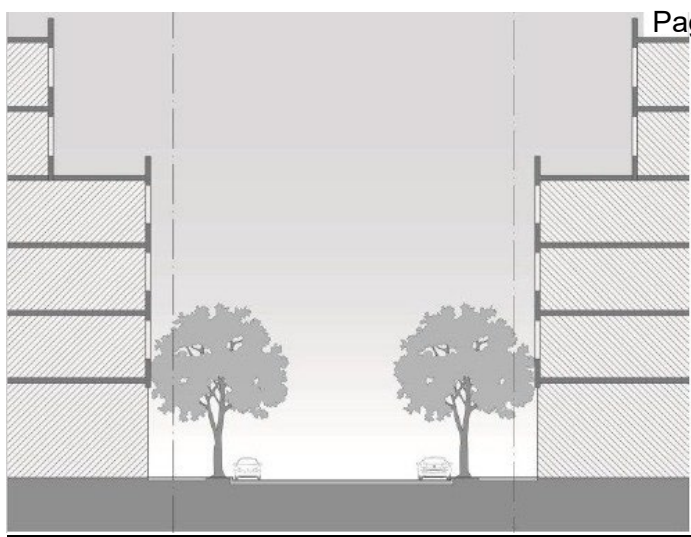
(d) Parking lot layout.



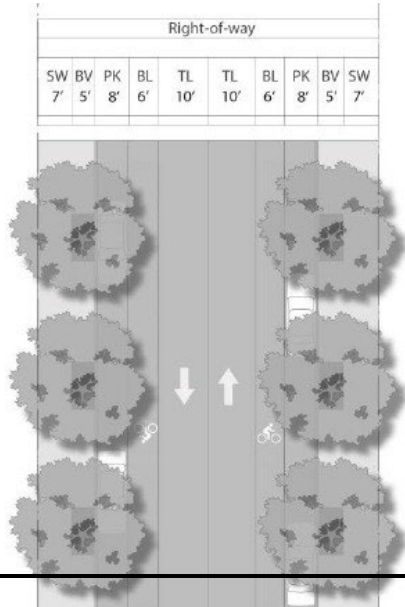
1. In addition to the parking regulations of §152.605(A), parking lots in MU must be laid out as blocks per Table 20, with utilities located in the drive aisles. Drive aisles must have adequate width to redevelop with rights-of-way required by one or more of the thoroughfare sections in Table 21.

<b>Table 21. Thoroughfare Sections</b>		<b>ILLUSTRATION</b>	
<b>STREET ST 98 – 72</b>			
Functional class	Arterial		
Right-of-way	98 ft. min.		
Design, target speed	30 - 35 mph		
<b>TRAVELED WAY</b>			
(TL) Vehicle lanes	3		
Vehicle lane width	10 ft. <sup>1</sup>		
Movement	Two-way		
(PK) Parking lanes	2		
Parking lane width	8 ft.		
(BL) Bicycle facility	Buffered lane		
Bicycle facility width	6 ft. + 3 ft. buffer		
(MD) Median	n/a		
Turning lanes	At arterial intersections only		
<b>STREETSCAPE</b>			
(SW) Sidewalk width	8 ft. min.		
(BV) Boulevard width	5 ft. min., 7 ft. max.		
Boulevard type	Long tree well, 5 ft. x 14 ft. min.		
Tree spacing	30 ft. on center		
1 Subject to MNDOT approval.			
<b>STREET ST 70 - 46</b>			
Functional class	Primary, local, local street		
Right-of-way	74 ft. min. primary local 70 ft. min. local street		
Design, target speed	25 mph		
<b>TRAVELED WAY</b>			
(TL) Vehicle lanes	2		
Vehicle lane width	10 ft. <sup>2</sup>		
Movement	Two-way		
(PK) Parking lanes	2		

<p><u>Parking lane width</u></p>	<p><u>8 ft.</u></p>
<p><u>(BL) Bicycle facility</u></p>	<p><u>Lane (local street), buffered</u> <u>lane (primary local)</u></p>

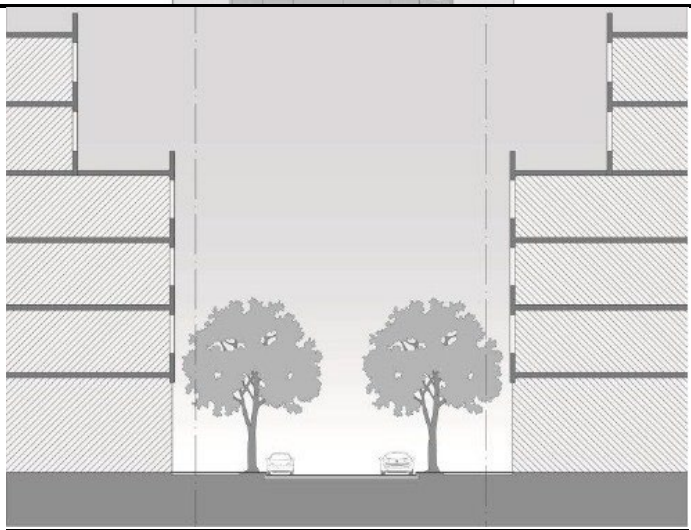


Bicycle facility width	6 ft. + 2 ft. buffer (primary local)
(MD) Median	n/a
Turning lanes	n/a
<b>STREETSCAPE</b>	
(SW) Sidewalk width	7 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



2 Subject to MNDOT approval.

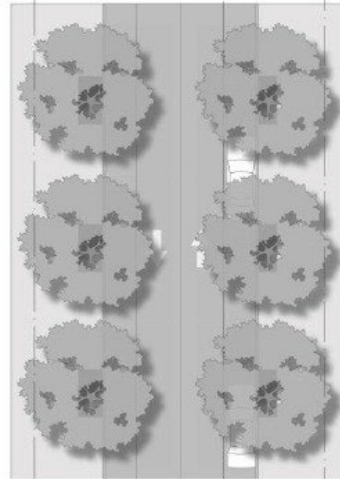
<b>STREET ST 58 - 30</b>	
Functional class	Primary local, local street
Right-of-way	60 ft. min. primary local 58 ft. min. local street
Design, target speed	25 mph
<b>TRAVELED WAY</b>	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft. primary local <sup>3</sup>
Movement	Two-way
(PK) Parking lanes	2
Parking lane width	8 ft.
(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a
<b>STREETSCAPE</b>	
(SW) Sidewalk width	8 ft. min.
(BV) Boulevard width	6 ft. min., 7 ft. max.
Boulevard type	Long tree well, 6 ft. x 14 ft. min.



Tree spacing

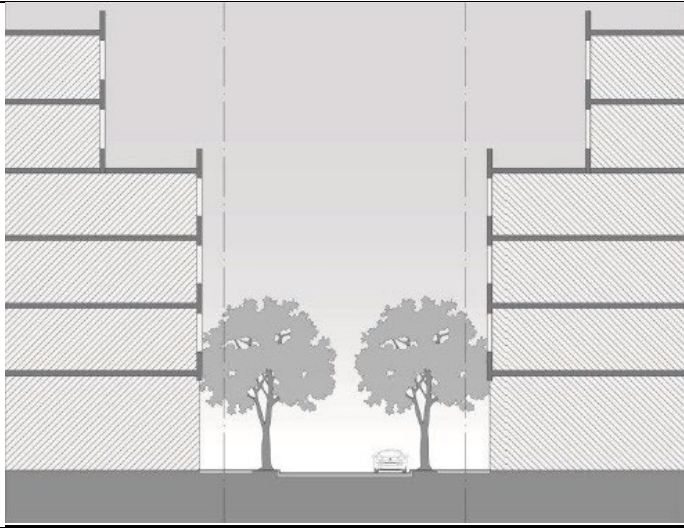
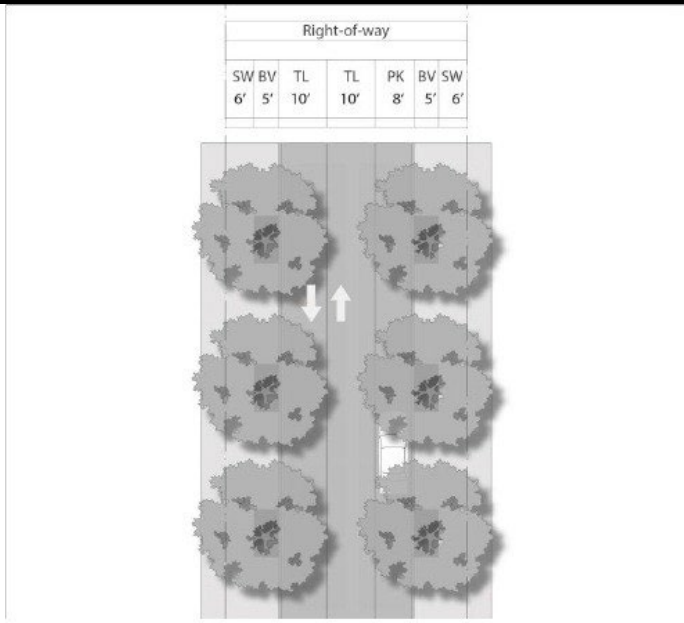
30 - 35 ft. on center

Right-of-way							
SW	BV	PK	TL	TL	PK	BV	SW
8'	6'	8'	10'	10'	8'	6'	8'



3 Subject to MNDOT approval.

<b>STREET ST 49 - 27</b>	
Functional class	Local street
Right-of-way	49 ft. min.
Design, target speed	20 mph
<b>TRAVELED WAY</b>	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft.4
Movement	Two-way
(PK) Parking lanes	1
Parking lane width	8 ft.
(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a
<b>STREETSCAPE</b>	
(SW) Sidewalk width	6 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center

4 Subject to MNDOT approval.

**Table 22. Street Design Criteria**

<b>CRITERIA</b>	<b>LOCAL STREET</b>	<b>PRIMARY LOCAL</b>	<b>ARTERIAL</b>
Sidewalk	5 ft. min. plus boulevard width	6 ft. min. plus boulevard width	8 ft. min. plus boulevard width
Boulevard	6 ft. wide by 6 ft. long min.	7 ft. wide by 14 ft. long min.	7 ft. wide by 14 ft. long min.
Parking lane width	8 ft. min.	8 ft. min.	8 ft. min.
Parking lanes required	0 - 2	2 min.	0 - 2
Travel lane width	9 ft. min., 10 ft. max.	10 ft. min., 11 ft. max.	10 ft. min., 11 ft. max.
Travel lanes required	1 - 2	2 - 4	4+ median
Movement types	one-way, two-way	two-way	two-way
Median	n/a	optional, 8 ft. min	optional, 10 ft. min.
Design speed, target speed	20 mph	25 mph	30 mph
Bike facility required	optional	required	required
Bike facility type	sharrow, lane, route	buffered lane, protected lane	buffered lane, protected lane
Bike lane width	5 ft. min.	6 ft. min.	6 ft. min.
Bike lane buffer	n/a	2 ft. min.	3 ft. min.

(2) Civic standards.

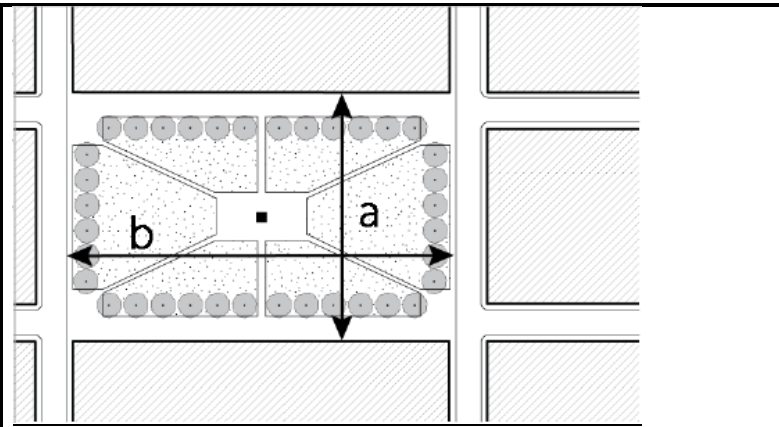
(a) The minimum and maximum percentage of land to be dedicated and deeded as civic space is shown in Table 23. Civic spaces must be designed according to Table 23.

**Table 23. Civic Space Types**

**Table 23. Civic Space Types**

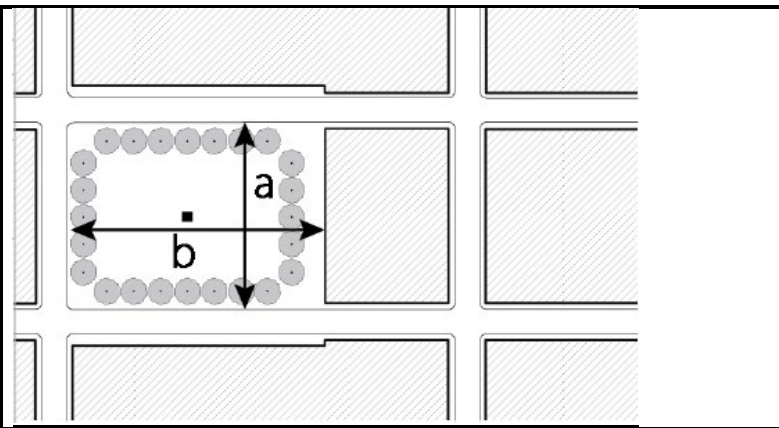
**SQUARE**

Size in acres	0.25 - 2.5
Proportion (a:b)	1:5 max.
Edge condition	Thoroughfares on a minimum of two non-adjacent sides
Surface	50% maximum paved; pervious paving allowed
Landscape	1 tree with mature canopy over 25 ft. per 800 sq. ft. of area min.



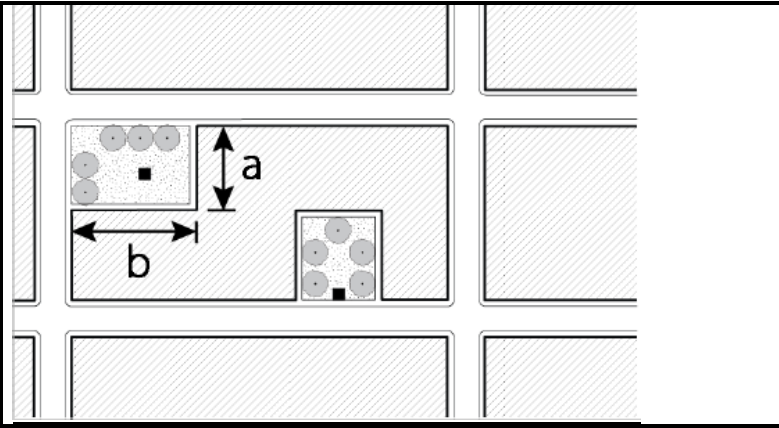
**PLAZA**

Size in square feet	5,000 - 20,000
Proportion (a:b)	1:5 max.
Edge condition	Thoroughfares on a minimum of two sides
Surface	50% minimum paved; pervious paving allowed; bituminous pavement prohibited
Landscape	1 tree with mature canopy over 25 ft. per 1,000 sq. ft. of area min.



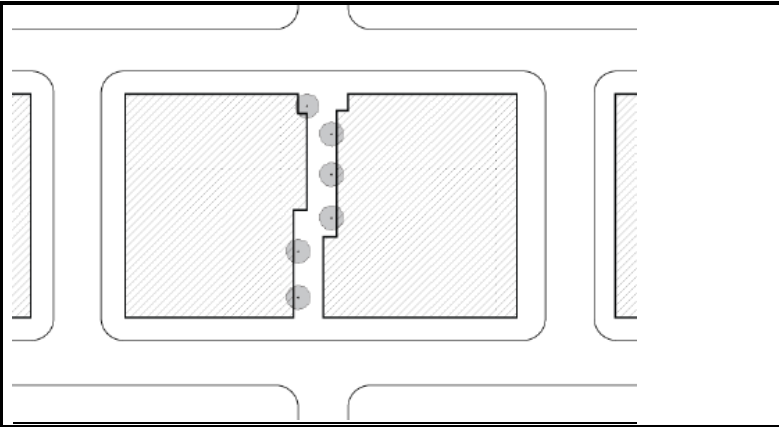
**POCKET PARK**

Size in square feet	1,000 - 5,000
Proportion (a:b)	1:4 max.
Edge condition	1 side minimum along a thoroughfare or pedestrian passage
Surface	May be paved or landscaped
Landscape	1 tree with mature canopy over 20 ft. per 600 sq. ft. of area min.



**PEDESTRIAN PASSAGE**

Width	12 ft. min., 24 ft. max.
Edge condition	Active frontages required in high intensity blocks
Walkway width	6 ft. min.
Landscape	3 ft. minimum landscape edge in medium and low intensity blocks



(3) Lot standards.

- (a) Lots must have minimum and maximum widths according to Table 24.
- (b) Each lot must have a primary frontage along a vehicular thoroughfare, except up to 20% of the parcels in a regulating plan may front a

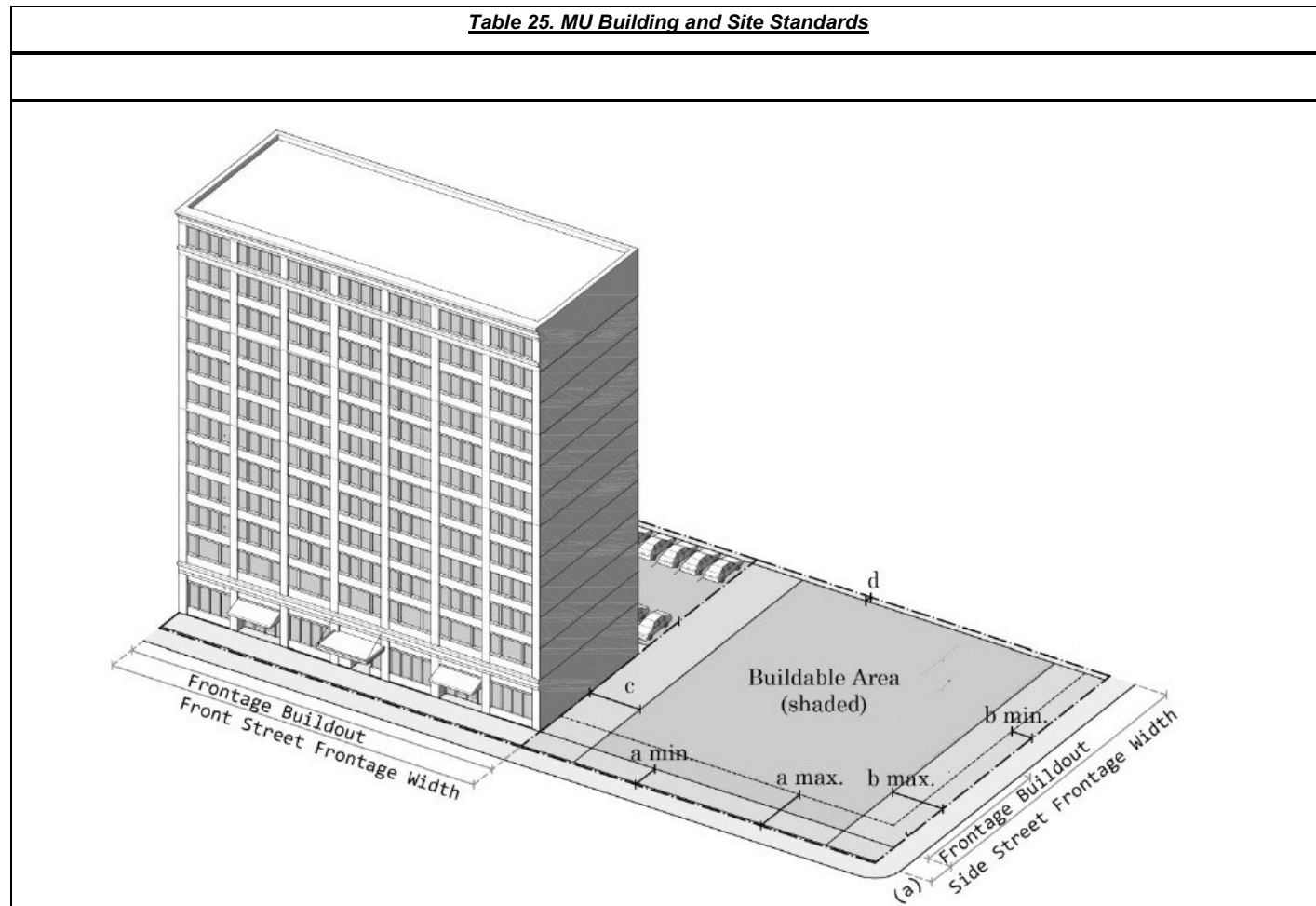


civic space or pedestrian passage.

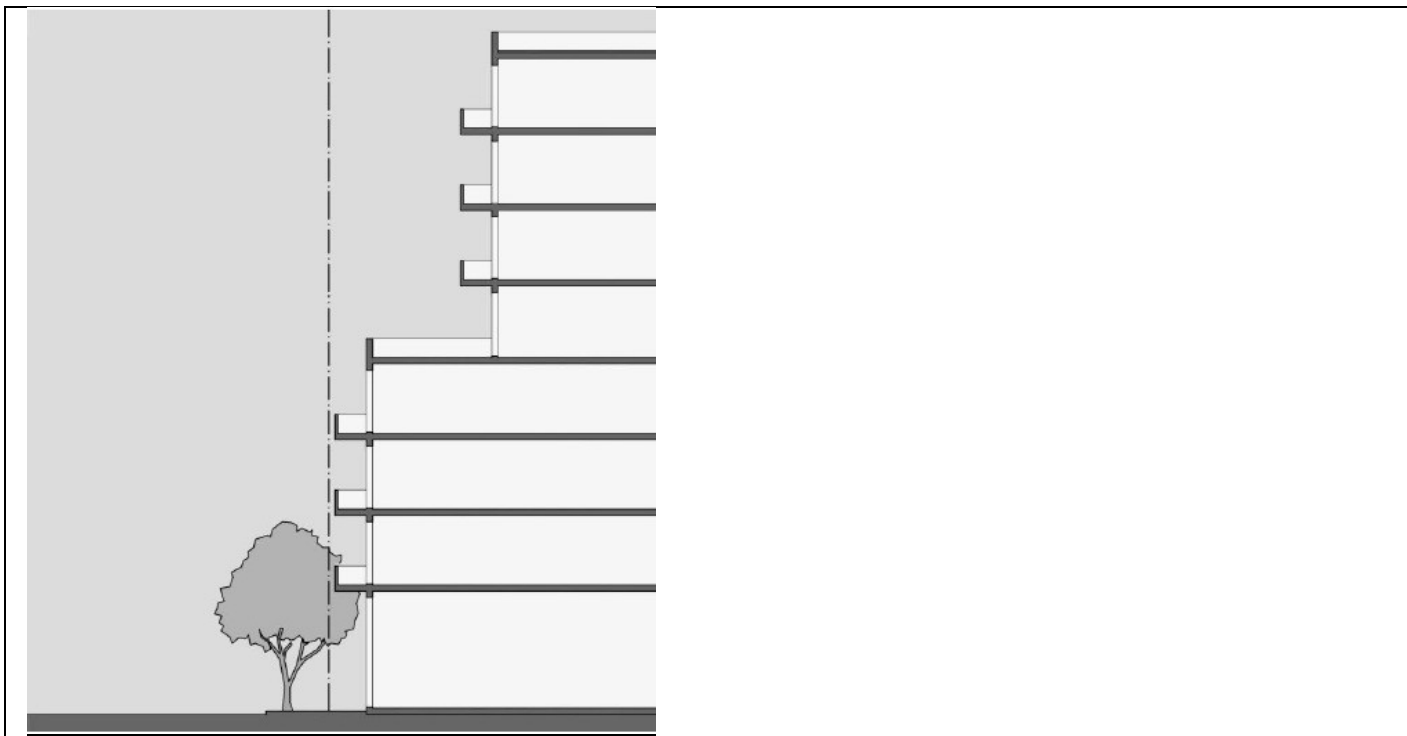
(c) Where lots have multiple frontages, one frontage line must be designated as primary and any other frontage lines must be designated as secondary.

<b>Table 24. Lot Width</b>
20 ft. min., 400 ft. max.

(D) Standards. All parcels in MU must meet the standards of Table 25 according to the requirements of §152.601.



<b>BUILDING SETBACKS</b>		<b>PARKING AND STORAGE SETBACKS</b>	
a. Front street	1 ft. min. - 12 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min. - 12 ft. max.	Side street	12 ft. min.
c. Side property line	0 ft. or 6 ft. min.	Side property line	0 ft. min.
d. Rear property line	3 ft. min.	Rear property line	3 ft. min.
<b>MINIMUM FRONTAGE BUILDOUT</b>		<b>LOT COVERAGE AND FLOOR AREA RATIO</b>	
Front street	80% min.	Lot coverage by building	80% max
Side street	50 ft. min. from front street	Minimum Floor Area Ratio	.75
<b>MINIMUM GLAZING</b>		<b>FACADE TYPES</b>	
Front street	30% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	Stoop
Upper floors	10% min.	Porch	



**BUILDING HEIGHT**

8 stories max.	Parking structure height	1 story less than building
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**USES**

<b>RESIDENTIAL</b>		<b>COMMERCIAL</b>	
P	Multiple dwelling	P	Sales and service
P	Townhouse	P	Restaurants and brewpubs
P	Care facility and convalescent home	P	Office
<b>INSTITUTIONAL</b>		P	Medical clinics
P	Religious assembly	P	Child care
P	Schools	P	Adult day care
P	Libraries	P	Parking
P	Museums	P	Lodging
		C	Breweries and micro-distilleries
<b>OTHER</b>		C	Taprooms and cocktail rooms
C	Wireless communication facilities	C	Entertainment
		C	Drive-through facilities
		NP	Fuel stations
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

**Section 12**

This ordinance becomes effective from and after its passage and publication.

The City Council has determined that pursuant to its City Charter, Ordinance #2023-\_\_\_\_ should be published in summary form.

SUMMARY OF ORDINANCE #2023-\_\_\_\_

ORDINANCE AMENDING SECTIONS 152.601-610 OF THE BROOKLYN PARK CITY CODE PERTAINING TO TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED USE (MU) AND ADDING SECTION 152.611 PERTAINING TO MIXED USE DISTRICTS

Ordinance #2023-\_\_\_\_, amends Chapter 152, Transit Oriented Development (TOD) and Mixed Use (MU) of the Zoning Code.

**Changes to §152.601 Purpose**

This section updates the purpose of to include mixed used districts.

**Changes to §152.602 TOD and Mixed-Use Districts**

This section clarifies that subdivision standards in this chapter supersede those in Chapter 151, adds the intent of establishing the mixed-use district, and includes the standards of the mixed-use district.

**Changes to §152.603 Uses**

This section adds Mixed-Use districts to the section and removes services and retail.

**Changes to §152.604 Building and Site Standards**

This section updates table numbers, exempts ground floor height requirements for townhouses, single family, and two-family houses, removes select requirements from functioning building entries, adds requirements for glazing, adds section (G) regarding architectural materials--including classes of materials, and minimum floor area ratio. It also adds a new table 2: Classes of Materials.

**Changes to §152.605 Development Standards**

This change exempts parking minimums and maximums in MU districts and changes the following tables: Streetscape Requirements (now table 3); Curb Return Radius (now table 4); and Frontage Lane Sections (now table 5).

**Changes to §152.606 TOD-C Transit Oriented Development Center District**

This section changes table number 5 to 6 for the TOD-C Building and Site Standards

**Changes to §152.607 TOD-C.T Transit Oriented Development Center Transition District**

This section changes table number 6 to 7 for the TOD-C.T Building and Site Standards.

**Changes to §152.608 TOD-E Transit Oriented Employment District**

This section changes table number 7 to 8 for the TOD-E Building and Site Standards table.

**Changes to §152.609 TOD-E.T Transit Oriented Employment Transition District**

This section changes table number 8 to 9 for the TOD E.T Building and Site Standards table.

**Changes to §152.610**

This section updates table numbers for the following tables: Regulating Plan Requirements (now table 10); Subdivision and Block Standards (now table 11); Thoroughfare Sections (now table 12);

Street Design Criteria (now table 13); Civic Space Types (now table 14); Lot Width (now table 15); TOD-G High Density Intensity Building and Site Standards (now table 16); TOD-G Medium Density Building and Site Standards (now table 17); TOD-G Low Intensity Building and Site Standards (now table 18).

**Adding §152.611 MU Mixed Use District**

This change adds an entire section to the zoning code regarding (MU) Mixed Used Districts. It outlines the Purpose and Applicability, the Regulating Plan, adds Regulating Plan Requirements, Subdivision Regulations, and Standards for MU districts. It also adds the following tables: Regulating Plan Requirements (table 19); Subdivision and Block Standards (table 20); Thoroughfare Sections (table 21); Street Design Criteria (table 22); Civic Space Types (table 23); Lot Width (table 24); and MU Building and Site Standards (table 25).

This summary of Ordinance #2023-\_\_\_\_ has been approved by the City Council on November \_\_, 2023 and the city Council has determined that the title and text of the summary clearly informs the public of the intent and effect of the ordinance. A printed copy of the full text of the ordinance is available for public inspection in the office of the City Clerk.

**ORDINANCE 2023-**

**AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CITY CODE BY  
ADDING SECTIONS 152.550 AND 152.551 REGARDING THE PEDESTRIAN PRIORITY  
OVERLAY DISTRICT**

The City Council of Brooklyn Park Does Ordain:

Section 1. The Brooklyn Park City Code is amended to add Sections 152.550 and 152.551 to read as follows:

**§ 152.550 PURPOSE.**

The Pedestrian Priority Overlay District (PPOD) is established to provide pedestrian-oriented development on streets designated as Pedestrian Priority Streets in the Comprehensive Plan. This district is applied at a 150-foot depth from the front lot line of parcels fronting a Pedestrian Priority Street.

**§ 152.551 DISTRICT STANDARDS.**

- (A) Minimum Floor Area Ratio. Notwithstanding the regulations of the underlying zoning district, the minimum floor area ratio for new development in the PPOD is 0.5, subject to the requirements of §152.604(H)
- (B) Required commercial uses. The first floor of all new developments in the PPOD shall provide commercial uses, subject to the requirements of this section.
- (C) Size of required commercial use space. In a multi-story building the commercial use or uses shall occupy at least sixty (60) percent of the building's ground-floor street frontage and a minimum interior depth of twenty (20) feet. In a single-story building the commercial use or uses shall occupy one hundred (100) percent of the building's street frontage and a minimum interior depth of twenty (20) feet.
- (D) Use of required commercial space. Required commercial use areas shall be occupied by one or more of the following uses. Building amenities intended for use solely by building occupants and not open to the general public shall not qualify as a required commercial use.
  - a. Retail and service
  - b. Restaurant and brewpubs
  - c. Medical clinics
  - d. Child care
  - e. Adult day care
  - f. Breweries and micro-distilleries
  - g. Taprooms and cocktail rooms

**ORDINANCE 2023-****AN ORDINANCE AMENDING SECTIONS 152.031 AND 152.038 OF THE BROOKLYN PARK CITY CODE REGARDING APPLICATIONS AND PROCEDURES**

The City Council of Brooklyn Park Does Ordain:

Section 1. Section 152.031 the Brooklyn Park City Code is amended to read as follows:

**§ 152.031 GENERAL PROCEDURES**

(A) *Applications.* The City Manager determines if the required information is complete. If the information is determined to be incomplete, such that a thorough review of the application is not possible, the item may not be placed on the Planning Commission or City Council agenda for consideration until the required information is submitted. The applicant will be notified within ten days following the receipt of the application describing the information that is missing.

(B) *Notification.* All applications for development proposals requiring a public hearing must be advertised to allow informed participation by all interested parties and conform with the applicable state statute. The City Manager may maintain copies of the city policy concerning notification.

(C) *Applications requiring public hearings.* The following applications for development proposals require public hearings:

- (1) Approval of Site Plan.
- (2) Variance.
- (3) Conditional Use Permits and amendments.
- (4) Conditional Use Permit revocation.
- (5) Zoning Text and Map Amendments (Rezoning).
- (6) Preliminary Development Plan for the Planned Unit Development District.
- (7) Concept or Regulating Plans.
- (8) Development Plan for Planned Community Development District, the Planned Unit Development District, or Special Zoning Districts.

(D) *Planning Commission and City Council action.*

(1) The Planning Commission may recommend such actions or conditions relating to the application as it deems necessary to carry out the intent and purpose of this chapter and the Comprehensive Plan.

(2) The City Council may adopt, modify or reject any recommendation of the Planning Commission.

(3) At any time before final action is taken on an application, the applicant may request a continuance of action by the Planning Commission and City Council, or withdraw the application by submitting a letter to the City Manager stating the applicant's desire to do so. Any portion of fees spent in the processing of the application may be retained by the city. The City Manager may establish a time limit on any continuation.

(E) *Appeals.* This division is established to allow those aggrieved by the decision of the City Manager to attempt to remedy the grievance by appealing the decision to the City Council. Any unresolved dispute as to an administrative interpretation of City Code, ordinance, or policy requirements may be appealed to the Planning Commission in its role as the Board of Adjustments and Appeals subject to §§ 31.15 through 31.19 of the City Code. The appeal must be submitted in writing to the City Manager on or before the next application filing deadline for a Planning Commission meeting.

(F) *Re-submitting denied applications.* No application which has been denied wholly or in part may be resubmitted for at least one year from the date of its denial, unless substantial changes have been made which warrant reconsideration, as determined by the City Manager.

(G) *Expiration of action.* Unless otherwise specified in this Chapter, or as approved by the City Council, the approved applications for projects become null and void by December 31 of the year following the date of its approval, unless the property owner or applicant has begun construction of any building, structure, addition or alteration, or use as evidenced by the issuance of a building permit or grading permit in compliance with the approved plan. The property owner or applicant has the right to submit an application for a time extension in accordance with this chapter.

(H) *Request for time extensions.*

(1) A request for a time extension may be considered by the City Manager. Time extensions must be submitted to the City Manager prior to the expiration of a final action by the City Council. If an action has officially expired, no time extension may be granted. If the time extension request is delayed in the review process and, through no fault of the applicant, cannot be reviewed by the City Manager as anticipated, the request may proceed through the process to final resolution without jeopardy. The applicant may request a maximum of one time extension. Time extensions are valid for a maximum of one year from the original expiration date.

(2) The request may be reviewed with consideration of the following:

- (a) The Comprehensive Plan or any other city plan.
- (b) City policy changes.
- (c) Transportation conditions.
- (d) Applicable changes to any city, county, state or federal statutes, rules, requirements, or ordinances.
- (e) Park dedication fees and other financial guarantees may be redetermined as required by the current City Code to the date of approval of the extension.
- (f) Any negative escrow accounts from previous reviews must be paid and the escrow account must be updated to current minimum requirements prior to the City Manager's consideration of the extension.

Section 2. Section 152.038 of the Brooklyn Park City Code is amended to read as follows:

### **§ 152.038 CONCEPT PLANS, REGULATING PLANS, AND DEVELOPMENT PLANS**

(A) *Purpose.* This section is to establish procedures, and regulations for the adoption and enforcement of concept, regulating and development plans consistent with the requirements of this chapter. These procedures are established to promote high quality development to ensure the long-term stability of mixed uses and enhance the built and natural environment within the city as new development and redevelopment activities occur. The specific goals of these plans are:

- (1) To ensure the application of quality design principles within new and redevelopment projects.
- (2) To ensure the active participation and review of site plans by the affected public.
- (3) To mitigate to the extent possible, the impact of one development upon another.
- (4) To ensure new developments contain elements of internal and external cohesiveness to promote good neighborhood atmosphere.

(B) *Procedures.* All requests for concept, regulating, or development plan approval must include the following items:

- (1) *Grading plan, including drainage and storm water management plans.*
- (2) Utility plan.
- (3) Landscaping plan.

- (4) Placement of buildings, parking lots, driveways, pedestrian connections, drainage areas, and amenities.
- (5) Public rights-of-way.
- (6) Illustrative architectural designs. This plan will show the general architectural style or parameters in which all buildings within the plan will follow.
- (7) Sign plan. This plan will articulate the location of all monument and directional signage, as well as a calculation of the maximum signage on the proposed structures.
- (8) Additional information as required by the zoning district in which the development will occur.
- (9) A narrative containing the following information:
  - (a) Anticipated mix of uses and approximate area/ number of each use.
  - (b) Anticipated completion schedule.
  - (c) Environmental review may be necessary as required by Minnesota Rules Chapter 44110. The environmental review and development plan review process may run concurrently with each other, provided that final approval of the plan does not precede the City Council's approval of the environmental review.
- (D) In addition to the other application materials, the applicant provides a general plan of development, consisting, at a minimum, of the components specified in the district provisions and those required for a Conditional Use Permit in compliance with § 152.035. The city has the right to approve, or refuse items in the application.
- (E) Amendments and revocation must follow the procedures for Site Plan Review and revocations as outlined in § 152.033.
- (F) Duration. A concept, regulating or development plan is in effect for five years from the date of approval.



The City Council has determined that pursuant to its City Charter, Ordinance #2023-\_\_\_\_ should be published in summary form.

SUMMARY OF ORDINANCE #2023-\_\_\_\_

ORDINANCE AMENDING SECTION 152.031 OF THE BROOKLYN PARK CITY CODE PERTAINING TO APPLICATIONS AND PROCEDURES AND AMENDING SECTION 152.038 PERTAINING TO CONCEPT PLANS, REGULATING PLANS, AND DEVELOPMENT PLANS

Ordinance #2023-\_\_\_\_, amends Chapter 152, Sections 152.031 and 152.038 Pertaining to Applications and Procedures, and Concept Plans, Regulating Plans, and Development Plans respectively.

**Changes to §152.031 General Procedures**

This section adds additional terms for clarity.

**Changes to §152.038 Concept Plans, Regulating Plans, and Development Plans**

The changes in this section include: A section title change; a revised purpose; new procedures; potential environmental review notice; and duration. Application materials and amendments and revocation remain the same. The previous title of this section was “Applications for Development in Planned Community Development District.” It is retitled “Concept Plans, Regulating Plans, and Development Plans. The Procedures provision contains extensive submission requirements for concept, regulating, or development plan approval.

This summary of Ordinance #2023-\_\_\_\_ has been approved by the City Council on November \_\_, 2023 and the city Council has determined that the title and text of the summary clearly informs the public of the intent and effect of the ordinance. A printed copy of the full text of the ordinance is available for public inspection in the office of the City Clerk.

**ORDINANCE 2023-**

**AN ORDINANCE AMENDING CHAPTER 150 OF THE BROOKLYN PARK CITY CODE BY ADDING SECTION 150.33 REGARDING SIGNS IN THE TOD TRANSIT ORIENTED DEVELOPMENT AND THE MU MIXED USE DISTRICT**

The City Council of Brooklyn Park Does Ordain:

Section 1. The Brooklyn Park City Code is amended to add Section 150.33 to read as follows:

**§ 150.33 TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED-USE DISTRICT.**

- (A) In the TOD or MU Districts, a property used for single-family, two-family, residential townhouse or apartment use may erect only signs as allowed by § 150.25 and § 150.26 of this chapter, as established for Residential Districts.
- (B) In TOD and MU Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or (5) below, unless modified through the approval of a sign plan at the time of Site Plan Review as approved by City Council.
- (1) Monument sign. One monument sign not to exceed 120 square feet in area.
  - (2) Area identification sign. One monument per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.
  - (3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.
  - (4) Wall signs. Multiple story buildings (three or more stories):
    - (a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.
    - (b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.
  - (5) Three wall signs. Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.
- (C) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.
- (D) Minimum setbacks. Monument signs must be set back at least 1 foot from the front property line and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear- view triangle must be maintained at public street intersections.
- (E) Maximum height of signs. Signs described in division (A)(1), (A)(2) and (B) of this section may not exceed 8 feet above grade for monument signs.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.11	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	X	<b>Prepared By:</b>	Dr. Marcellus Davis, Racial, Equity, Diversity, & Inclusion Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Dr. Marcellus Davis
<b>Item:</b>	2023 Budget Amendments Racial Equity Diversity & Inclusion (REDI)		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_ TO AMEND THE 2023 REDI BUDGET TO PROVIDE ADDITIONAL REVENUE TOWARDS CONTRACTUAL SERVICES AND INCLUDES SPONSORSHIP FUNDS RECEIVED.

## Overview:

To receive City Council approval for REDI budget increase for sponsorships and spending.

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

## Budgetary/Fiscal Issues:

The budget amendments are necessary to increase the REDI 2023 budget. This increase will provide additional revenue towards contractual services and includes sponsorship funds received.

## Attachments:

- 4.11A RESOLUTION
- 4.11B 2023 BUDGET AMENDMENT FINANCIAL ANALYSIS

RESOLUTION #2023-

RESOLUTION TO AMEND THE 2023 REDI BUDGET TO PROVIDE ADDITIONAL REVENUE TOWARDS CONTRACTUAL SERVICES AND INCLUDES SPONSORSHIP FUNDS RECEIVED.

WHEREAS, the 2023 Adopted budget included \$41470.00 for contractual services, dues, and subscriptions; and

WHEREAS, the amendment is accomplished by adding revenue for sponsorships in the amount of \$52600 as a revenue transfer into REDI's budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to amend the 2023 budget as stated below.

Changes to the GENERAL LEDGER Budget					
<b>Financing Changes</b>					
Fund	Revenue Classification	Description	Current Budget	Changes	Amended Budget
General Fund	Other Revenue	Sponsorships	\$ -	\$ 52,600.00	\$ 52,600.00
					\$ -
		Total	\$ -	\$ 52,600.00	\$ 52,600.00
<b>Spending Changes</b>					
Fund	Expense Classification	Description	Current Budget	Changes	Amended Budget
General Fund	Contractual Services	Services needed for REDI initiatives	\$ 39,300.00	\$ 53,470.00	\$ 92,770.00
General Fund	Dues and Subscriptions	Membership Dues & Subscriptions	\$ 2,170.00	\$ (870.00)	\$ 1,300.00
					\$ -
		Total	\$ 41,470.00	\$ 52,600.00	\$ 94,070.00

**City of Brooklyn Park Financial Analysis**



City Council Meeting Date: November 13, 2023

RFCA Title: Adjust REDI Budget for increased sponsorships and spending

Agenda Section/Number: 4.11

Fiscal Analysis/Explanation for Budget Amendment:

Adjust REDI Budget for increased sponsorships and spending.

**Changes to the GENERAL LEDGER Budget**

**Financing Changes**

Fund	Revenue Classification	Description	Current Budget	Changes	Amended Budget
General Fund	Other Revenue	Sponsorships	\$ -	\$ 52,600.00	\$ 52,600.00
					\$ -
Total			\$ -	\$ 52,600.00	\$ 52,600.00

**Spending Changes**

Fund	Expense Classification	Description	Current Budget	Changes	Amended Budget
General Fund	Contractual Services	Services needed for REDI initiatives	\$ 39,300.00	\$ 53,470.00	\$ 92,770.00
General Fund	Dues and Subscriptions	Membership Dues & Subscriptions	\$ 2,170.00	\$ (870.00)	\$ 1,300.00
					\$ -
Total			\$ 41,470.00	\$ 52,600.00	\$ 94,070.00

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	5.1	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Public Hearings	<b>Originating Department:</b>	Operations & Maintenance
<b>Resolution:</b>	X	<b>Prepared By:</b>	Tim Pratt, Recycling Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Tim Pratt
<b>Item:</b>	Approve City Code Appendix Fee Resolution Table Amendments to Recycling Utility Service Charges		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_\_ TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS TO RECYCLING UTILITY SERVICE CHARGES.

## Overview:

This request is for approval of City Code Appendix fee resolution table amendments to recycling charges to adequately fund the curbside recycling collection and the Curbside Bulky Waste Cleanup program within the residential recycling program in the City.

In November 2022, the Council agreed to award the recycling contract to Waste Management under which the rate charged to the City went up \$1.30 as of July 1, 2023 and will go up by the rate of inflation or 4.5% whichever is lower per year. The recycling fee went up by \$1.00 per household in 2023 to cover the initial price increase of the new contract. A \$.40 fee increase in 2024 will fully cover the increased cost of the curbside recycling program.

Also, the Council at this same November 13, 2023 meeting is being asked to approve a contract extension for the next round of the Curbside Bulky Waste Cleanup. Under the contract extension fees to collect and dispose of unwanted items will increase from the current \$1.10 per household per month to an estimated \$1.40 per household per month. See item 4.1 for details.

The Recycling program is an enterprise fund. Continuation of both curbside recycling and the Bulky Waste Curbside Cleanup program require additional revenue to cover the program costs.

After a thorough review of the program expenses, staff is recommending \$.70 per household per month increase in the recycling fee to fully fund the recycling program. Multifamily properties are not included in the Bulky Waste Curbside Cleanup program, so no rate increase is proposed to the rate charged those properties. Any increase in cost for recycling service can be absorbed from reserves in the recycling fund.

## Primary Issues/Alternatives to Consider:

The City Council has the following options:

1. Approve the amendment as recommended
2. Do nothing

## Budgetary/Fiscal Issues:

The \$.70/hh/mo (\$2.10/hh/qtr) amendment to the recycling utility service charge will provide additional revenue. The additional revenue is necessary to cover the estimated increased contractual expenses from the

new curbside recycling contract and the Bulky Waste Curbside Cleanup contract extension. Upon approval, the fee adjustment will begin appearing on utility bills in January.

**Attachments:**

5.1A RESOLUTION

RESOLUTION #2023-

RESOLUTION TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE  
AMENDMENTS TO RECYCLING UTILITY SERVICE CHARGES

WHEREAS, on November 14, 2022 the City Council authorized the Mayor and City Manager to enter into a four-year agreement with Waste Management for curbside recycling services under which the charge to the City will increase by approximately 4.5% per year; and

WHEREAS, at the November 13, 2023 meeting, the City Council authorized the Mayor and City Manager to enter into a three-year agreement with Republic Services for the Curbside Bulky Waste Cleanup program under which the charge to the City will increase by approximately \$.30 per household per month; and

WHEREAS, the following City Code Appendix fee resolution table amendments to Recycling Utility Service Charges table are recommended to adequately fund the recycling program:

**RECYCLING SERVICE CHARGES**

<b>Quarterly Recycling Service Charges</b>			
<b>Year</b>	<b>Single-Family through Eight Residential Unit</b>	<b>Multi-Family Units</b>	<b>Reference</b>
January 1, 2023	\$13.65 per unit per quarter	\$9.30 per unit per quarter	98.39
January 1, 2024	\$15.75 per unit per quarter	\$9.30 per unit per quarter	98.39

WHEREAS, a public hearing concerning the amendments was held on November 13, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK to approve City Code Appendix fee resolution table amendments to the Recycling Service Charges table as proposed within this resolution.



# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	5.2	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Public Hearings	<b>Originating Department:</b>	Operations and Maintenance
<b>Resolution:</b>	XXX	<b>Prepared By:</b>	O&M and Finance Department
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	3	<b>Presented By:</b>	Dan Ruiz, O&M Director
<b>Item:</b>	Approve City Code Appendix Fee Resolution Table Amendments to Sanitary Sewer Utility and Street/Signal Lighting System Utility Rates and Charges		

## City Manager's Proposed Action:

Hold the Public Hearing.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_ TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS TO SANITARY SEWER UTILITY RATES AND CHARGES.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_ TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS TO STORM SEWER UTILITY RATES AND CHARGES.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_ TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS TO STREET/SIGNAL LIGHTING SYSTEM UTILITY RATES AND CHARGES.

## Overview:

This request is for approval of City Code Appendix fee resolution table amendments to the sanitary sewer utility, storm sewer utility and street-signal lighting system utility rates and charges. A rate study has been completed for the sanitary sewer utility, storm sewer utility and street-signal lighting system utility by the Finance and Operations and Maintenance Departments. The proposed City Code amendments are necessary to implement the study recommendations.

City Charter Section 13.02, Rates and Finances, requires a public hearing is held before municipal utility rates and charges are fixed or changed. City Charter Section 13.07, Notice of Public Hearings, requires notice of public hearings for consideration of changes to rates and charges. The legal notice was published in the Brooklyn Park Sun-Post on November 2, 2023.

## Sanitary Sewer Utility

Brooklyn Park's sanitary sewer system serves approximately 23,100 customers and collects more than two billion gallons of sewage annually. The system consists of 270 miles of sewer main, 7 lift stations, and over 6,300 manholes. Sewage treatment is provided by Met Council Environmental Services (MCES) and is billed as a contractual service to the City.

Sanitary sewer rate increases are needed to fund capital projects, ongoing operations and increases in the (MCES) disposal charges. MCES charges have gone up 37% or approximately \$2.1M over the last three years while our rates have only gone up 5% each year. A larger than normal rate increase is necessary to cover the large MCES rate increases and prepare us to keep pace with future MCES rate increases. MCES charges represent approximately 70% of our sanitary sewer expenses.

### **Storm Sewer Utility**

Brooklyn Park has a typical suburban storm sewer system consisting of 213 miles of storm conduits, 7,879 catch basins, 1,506 manholes, 28 miles of creeks and ditches and nearly 600 storm water ponds. The purpose of this system is to control storm water to:

- Protect people and property
- Reduce insurance risks
- Improve property values
- Improve surface water quality
- Provide for safe traffic flow

It costs money to provide the storm sewer system. The utility method collects revenue through service charges based on the use of the property. Property owners pay for storm water management and maintenance costs in proportion to the amount of storm water runoff contributed, not on the value of their property.

Storm sewer rate increases are needed to fund capital projects, comply with our Municipal Separate Storm Sewer System (MS4) permit, dredging ponds, replacing storm water infrastructure and ongoing operations.

### **Street-Signal Light Utility**

Brooklyn Park has a typical street/signal lighting system consisting of approximately 4,448 street lights and 12 traffic signals. The Street-Signal Utility is run as an enterprise fund dedicated for operations, replacement, and installation of both street lights and traffic signals.

Street lights are a combination of City-owned, Xcel Energy-owned and privately-owned lights. The traffic signals are Hennepin County, MnDOT and City owned, with the City responsible for all electric power and street light maintenance on all traffic signals. The City replaces approximately 20 street light poles each year and adds lights as warranted/necessary.

Street lighting's primary purpose is to provide adequate light for the prevention or reduction of accidents. Street lighting also protects pedestrians by allowing more freedom and security to walk at night. Traffic signals are justified by a defined system of MnDOT warrants that include traffic counts, turning movements and accident experience.

Street-signal light rate increases are needed primarily to fund capital projects, such as the installation, maintenance, and replacement of traffic signals, and ongoing street light expenses and operations.

Following is a summary and overview of the key issues related to the utility rate analysis:

- As per the City Charter and ordinances, the storm sewer, street-signal light and sanitary sewer utilities are enterprise funds and operate as "self-sustaining businesses" with rates and charges that cover full costs of production, distribution/collection, replacement and sales.
- Current sanitary sewer, storm sewer and street-signal light rates and charges annual adjustments end December 31, 2023.
- A philosophy to study utility rates and charges every three to five years has been practiced since 1994.
- This rate analysis is based on estimated cash flows and ending cash balances and minimum working capital and capital replacement reserve funding needs.
- Minimum working capital target equals ninety days of operating expense plus annual debt service plus one year of depreciation.
- Maximum capital replacement reserve target equals no more than accumulated depreciation of system assets.

- Inflation has contributed to higher-than-normal expenses, which need to be accounted for in rate recommendations.
- Capital expenses from the 2024-28 Capital Improvement Plan, 2024-28 Capital Equipment Plan and estimates for major maintenance needs have been included in the analysis.

Following is a summary of the proposed rates and charges adjustments for 2024 through 2027 (four years).

#### Sanitary Sewer Utility:

- Increase fixed quarterly meter charge in 2024 from \$7.70 to \$8.50 and increase the quarterly fee approximately 10% each year from 2025 through 2027 (see Attachment 5.2A for details).
- Increase sanitary sewer usage rate in 2024 from \$4.35 to \$4.80 per 1,000 gallons and increase the fee approximately 10% each year from 2025 through 2027 (see Attachment 5.2A for details).]
- Increase non-metered sanitary sewer fixed quarterly rate in 2024 from \$59.50 to \$65.5 and increase the fee approximately 10% each year from 2025 through 2027 (see Attachment 5.2A for details).
- A medium use residential user would see their sanitary sewer quarterly bill increase by \$11.40 (\$3.80/month) from 2023 to 2024.

#### Storm Sewer Utility:

- Increase fixed single family residential quarterly charge in 2024 from \$19.78 to \$21.76 and increase the fee approximately 10% each year from 2025 through 2027 (see Attachment 5.2B for details).
- Increase fixed townhouse family residential quarterly charge in 2024 from \$11.60 to \$12.76 and increase the fee approximately 10% each year from 2025 through 2027 (see Attachment 5.2B for details).
- Increase multifamily quarterly charge in 2024 from \$6.16 to \$6.78 and increase the fee approximately 10% each year from 2025 through 2027 (see Attachment 5.2B for details).
- Increase fixed business quarterly charge in 2024 from \$77.22 to \$84.94 per acre and increase the fee approximately 10% each year from 2025 through 2027 (see Attachment 5.2B for details).
- Increase fixed Industrial quarterly charge in 2024 from \$87.94 to \$96.73 per acre and increase the fee approximately 10% each year from 2025 through 2027 (see Attachment 5.2B for details).
- Increase fixed school/church quarterly charge in 2024 from \$36.63 to \$40.29 per acre and increase the fee approximately 10% each year from 2025 through 2027 (see Attachment 5.2B for details).
- Storm sewer rates and charges were held flat in 2023.

#### Street-Signal Light Utility:

- Increase quarterly charge in 2024 for single family houses from \$12.65 to \$12.74 (\$0.09/month) and increase \$0.09 per month each year 2025 through 2027.
- Increase quarterly charge in 2024 for townhouses from \$8.41 to \$8.59 (\$0.06/month) and increase \$0.06 per month each year 2025 through 2027.

- Increase quarterly charge in 2024 for multifamily houses from \$4.15 to \$4.24 (\$0.03/month) and increase \$0.03 per month each year 2025 through 2027.
- Increase quarterly (street front feet) charge in 2024 for businesses and others from \$0.29 to 0.30 per foot and increase \$0.01 per foot each year 2025 through 2027.
- These adjustments are expected to allow the utilities to maintain the cash flow and minimum working capital goals necessary for operations, maintenance and capital projects over the next four years.

**Primary Issues/Alternatives to Consider:**

Should the amendments to sanitary sewer utility and street/signal lighting system utility rates and charges be approved?

The amendments are necessary to adequately fund sanitary sewer utility, storm sewer utility and street/signal lighting system utility operations, maintenance, repairs, equipment replacement, and planned capital projects and are recommended for approval.

**Budgetary/Fiscal Issues:**

The intent of this sanitary sewer, storm sewer and street-signal light rate analysis is to recommend rates and charges for the next four years (2024 through 2027). The rates and charges are recommended to be effective January 1, 2024.

**Attachments:**

- 5.2A RESOLUTION – AMENDING SANITARY SEWER RATES AND CHARGES
- 5.2B RESOLUTION – AMENDING STORM SEWER RATES AND CHARGES
- 5.2C RESOLUTION – AMENDING STREET-SIGNAL LIGHTING RATES AND CHARGES

RESOLUTION #2023-

RESOLUTION TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS  
TO SANITARY SEWER RATES AND CHARGES

WHEREAS, the current sanitary sewer rates and charges adjustments end December 31, 2023; and

WHEREAS, a sanitary sewer rate analysis was completed by the Finance and Operations and Maintenance Departments; and

WHEREAS, the rate analysis recommends the following City Code Appendix fee resolution table amendments to the Sanitary Sewer Rates and Charges table:

**SANITARY SEWER RATES AND CHARGES**

<b>Sanitary Sewer Rates and Charges</b>				
<b>QUARTERLY SANITARY SEWER RATES AND CHARGES</b>				
<b>Year</b>	<b>Multi-Family, Commercial, Industrial and Institutional</b>	<b>Residential (Individually Metered)</b>	<b>Residential (Not Metered)</b>	<b>Reference</b>
January 1, 2024	\$8.50 per 5/8" meter equivalent plus \$4.80 per 1,000 gallons used	\$8.50 per meter plus \$4.80 per 1,000 gallons used	\$65.50 per quarter	\$99.75
January 1, 2025	\$9.35 per 5/8" meter equivalent plus \$5.30 per 1,000 gallons used	\$9.35 per meter plus \$5.30 per 1,000 gallons used	\$72.00 per quarter	\$99.75
January 1, 2026	\$10.30 per 5/8" meter equivalent plus \$5.80 per 1,000 gallons used	\$10.30 per meter plus \$5.80 per 1,000 gallons used	\$79.00 per quarter	\$99.75
January 1, 2027	\$11.30 per 5/8" meter equivalent plus \$6.40 per 1,000 gallons used	\$11.30 per meter plus \$6.40 per 1,000 gallons used	\$87.00 per quarter	\$99.75
Meter equivalents shall be as defined by Water Rates (AWWA No. M1) as published by American Water Works Association.				

WHEREAS, a public hearing concerning the amendments was held on November 13, 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve City Code Appendix fee resolution table amendments to the Quarterly Sanitary Sewer Rates and Charges table as proposed within this resolution.

## RESOLUTION #2023-

RESOLUTION TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS  
TO STORM SEWER UTILITY RATES AND CHARGES

WHEREAS, a storm sewer utility and street/signal lighting system rate study was completed by the Finance and Operations and Maintenance Departments; and

WHEREAS, the study results recommend the following City Code Appendix fee resolution table amendments to the Storm Sewer Rates and Charges table:

**STORM SEWER RATES AND CHARGES**

<b>Storm Sewer Rates and Charges</b>			
<b>QUARTERLY STORM SEWER RATES</b>			
<b>Year</b>	<b>Land Use Class</b>	<b>Quarterly Charge</b>	<b>Reference</b>
January 1, 2024	Single Family Residential	\$21.76 per unit	§ 108.04
	Townhouse/Two Family Residential	\$12.76 per unit	§ 108.04
	Multiple Family Residential	\$6.78 per unit	§ 108.04
	Business	\$84.94 per acre	§ 108.04
	Industrial	\$96.73 per acre	§ 108.04
	School/Church	\$40.29 per acre	§ 108.04
January 1, 2025	Single Family Residential	\$23.93 per unit	§ 108.04
	Townhouse/Two Family Residential	\$14.04 per unit	§ 108.04
	Multiple Family Residential	\$7.45 per unit	§ 108.04
	Business	\$93.44 per acre	§ 108.04
	Industrial	\$106.41 per acre	§ 108.04
	School/Church	\$44.32 per acre	§ 108.04
January 1, 2026	Single Family Residential	\$26.33 per unit	§ 108.04
	Townhouse/Two Family Residential	\$15.44 per unit	§ 108.04
	Multiple Family Residential	\$8.20 per unit	§ 108.04
	Business	\$102.78 per acre	§ 108.04
	Industrial	\$117.05 per acre	§ 108.04
	School/Church	\$48.75 per acre	§ 108.04
January 1, 2027	Single Family Residential	\$28.96 per unit	§ 108.04
	Townhouse/Two Family Residential	\$16.98 per unit	§ 108.04
	Multiple Family Residential	\$9.02 per unit	§ 108.04
	Business	\$113.06 per acre	§ 108.04
	Industrial	\$128.75 per acre	§ 108.04
	School/Church	\$53.63 per acre	§ 108.04

WHEREAS, a public hearing concerning the amendments was held on November 13, 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve City Code Appendix fee resolution table amendments to the Storm Sewer Quarterly Rates and Charges table as proposed within this resolution.

RESOLUTION #2023-

RESOLUTION TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS TO STREET/SIGNAL LIGHTING RATES AND CHARGES

WHEREAS, a street/signal lighting system rate study was completed by the Finance and Operations and Maintenance Departments; and

WHEREAS, the study results recommend the following City Code Appendix fee resolution table amendments to the Street/Signal Lighting Rates and Charges table:

**STREET/SIGNAL LIGHTING RATES AND CHARGES**

Street/Signal Lighting Rates and Charges			
QUARTERLY STREET/SIGNAL LIGHTING RATES AND CHARGES			
Year	Land Use Class	Quarterly Charge	Reference
January 1, 2024	Single Family Residential	\$12.92 per unit	§ 109.03
	Townhouse/Two Family Residential	\$9.31 per unit	§ 109.03
	Multiple Family Residential	\$4.54 per unit	§ 109.03
	Business/Industrial/School/Church	\$0.30 per street front lineal foot	§ 109.03
January 1, 2025	Single Family Residential	\$13.19 per unit	§ 109.03
	Townhouse/Two Family Residential	\$9.49 per unit	§ 109.03
	Multiple Family Residential	\$4.63 per unit	§ 109.03
	Business/Industrial/School/Church	\$0.31 per street front lineal foot	§ 109.03
January 1, 2026	Single Family Residential	\$13.46 per unit	§ 109.03
	Townhouse/Two Family Residential	\$9.67 per unit	§ 109.03
	Multiple Family Residential	\$4.72 per unit	§ 109.03
	Business/Industrial/School/Church	\$0.32 per street front lineal foot	§ 109.03
January 1, 2027	Single Family Residential	\$13.73 per unit	§ 109.03
	Townhouse/Two Family Residential	\$9.85 per unit	§ 109.03
	Multiple Family Residential	\$4.81 per unit	§ 109.03
	Business/Industrial/School/Church	\$0.33 per street front lineal foot	§ 109.03

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. Decorative streetlights increase quarterly charge by 50 percent for single family and townhouse residential.</li> <li>2. Private street lights (not parking lot lights) decrease quarterly charge by 50 percent for single family and townhouse residential.</li> <li>3. Standard street lights are cobra head fixture type with fiberglass or wood poles.</li> <li>4. Minimum charge for Business/Industrial to be not less than Single Family Residential rate.</li> </ol> |
|--|

WHEREAS, a public hearing concerning the amendments was held on November 13, 2023; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve City Code Appendix fee resolution table amendments to the Quarterly Street/Signal Lighting Rates and Charges table as proposed within this resolution.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	5.3	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Public Hearing	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Sarah Abe, Development Project Coordinator
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	4	<b>Presented By:</b>	Sarah Abe
<b>Item:</b>	Authorizing the Issuance, Sale, and Delivery of its Multifamily Housing Revenue Bonds and Note for the Decatur Landing Apartments Project		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_\_ AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF ITS MULTIFAMILY HOUSING REVENUE BONDS AND NOTE FOR THE DECATUR LANDING APARTMENTS PROJECT; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH BONDS AND NOTE AND RELATED DOCUMENTS; APPROVING A HOUSING PROGRAM PURSUANT TO MINNESOTA STATUTES, CHAPTER 462C, AS AMENDED; PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES WITH RESPECT TO THE BONDS AND NOTE; AND GRANTING APPROVAL FOR CERTAIN OTHER ACTIONS WITH RESPECT THERETO.

## Overview:

Since late 2021, the Brooklyn Park City Council and Economic Development Authority (EDA) have supported through various actions a two-phased multifamily housing proposal from Real Estate Equities (REE), a Twin Cities based developer. The project was awarded an allocation of tax-exempt bonds from the Minnesota Office of Management and Budget (MMB) for Phase I, which is 175 units of mixed 1, 2, and 3-bedroom units with average rents available for families making 60% of the Twin Cities Metro Area Median Income (AMI), in July. The EDA also approved a Tax Increment Financing (TIF) agreement at its meeting in October.

The action before the City Council tonight is to approve various documents necessary to issue the tax-exempt bonds allocated through MMB.

Actions previously taken by the City Council and EDA include:

- June and December 2022: Resolutions to apply for tax-exempt bonds (City Council)
- February and November 2022: Term sheet approvals (EDA)
- March 2023: Planning Commission approval
- April 10, 2023: City Council land use approvals
- April 17, 2023: EDA updated term sheet approvals
- October 16, 2023: EDA Phase I TIF agreement approved

## Primary Issues/Alternatives to Consider:

Real Estate Equities is requesting that the City issue two series of conduit revenue bonds in an aggregate maximum principal amount of \$50MM for Phase I. Of that amount, \$42.225MM is proposed to be issued on a tax-exempt basis (\$30MM in bonding authority was awarded from MMB and another \$12.225MM of bonding authority from an REE project located in Eagan may be reused/recycled). To the extent needed, the remaining \$7.775MM will be taxable bonds.



The documents attached here for approval by the City Council are a Joint Powers Agreement with Dakota County Community Development Authority (CDA) which gives approval to reuse/recycle up to \$12.225M in bonding authority from REE's Eagan project to Brooklyn Park (5.3C). Also attached is a Regulatory Agreement specifying certain rental and income restrictions applicable to this project under federal tax law and Minnesota law, which are consistent with the City's conditions for the project that must be met by the developer (5.3D).

The resolution also authorizes approval of various Series A and B bond documents that are available upon request from the City Clerk. These documents provide the details of each series of the bonds to be issued by the City. The two series of bonds have different terms, are secured differently, and are being purchased by different parties/lenders; Series A bond and the corresponding documents provide for a senior loan while Series B bond and corresponding documents provide for a short-term bridge loan and subordinate debt.

**Series A Bond documents:**

1. Indenture
2. Series A Loan Agreement
3. Mortgage
4. Assignment of Mortgage
5. UCC-1 Financing Statement (Issuer as Debtor; Trustee as Secured Party) and
6. Attachment to UCC-1 Financing Statement (Issuer as Debtor; Trustee as Secured Party)
7. Bond Purchase Agreement

**Series B Note documents:**

1. Series B Loan Agreement
2. Assignment of Series B Loan Agreement
3. Form of Series B Note
4. UCC-1 Financing Statement (Issuer as Debtor; Lender as Secured Party)

**Budgetary/Fiscal Issues:**

The City assumes no financial responsibility or liability for this project. The developer will pay all out-of-pocket expenses and administrative fees incurred by the City. The developer will also pay a fee at closing of 0.50% of the aggregate principal bond amount (if the City issues an aggregate principal amount of \$42,225,000 in bonds, the City would receive \$211,125 at closing) and an annual fee of 0.10% of the outstanding aggregate bond principal.

**Attachments:**

- 5.3A RESOLUTION
- 5.3B LETTER FROM BOND COUNSEL EXPLAINING BOND PROCESS
- 5.3C JOINT POWERS AGREEMENT
- 5.3D REGULATORY AGREEMENT

RESOLUTION #2023-

CITY OF BROOKLYN PARK, MINNESOTA

AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF ITS MULTIFAMILY HOUSING REVENUE BONDS AND NOTE FOR THE DECATUR LANDING APARTMENTS PROJECT; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH BONDS AND NOTE AND RELATED DOCUMENTS; APPROVING A HOUSING PROGRAM PURSUANT TO MINNESOTA STATUTES, CHAPTER 462C, AS AMENDED; PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES WITH RESPECT TO THE BONDS AND NOTE; AND GRANTING APPROVAL FOR CERTAIN OTHER ACTIONS WITH RESPECT THERETO

WHEREAS, the City of Brooklyn Park, Minnesota (the "Issuer" or "City") is a home rule charter city, municipal corporation, and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota and is authorized under Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), to issue revenue obligations to finance multifamily housing developments; and

WHEREAS, pursuant to the Housing Act, the Issuer is authorized to carry out the public purposes described in the Housing Act by issuing revenue bonds or other obligations to finance multifamily housing developments, and as a condition to the issuance of such revenue obligations, adopt a housing program providing the information required by Section 462C.03, subdivision 1a of the Housing Act; and

WHEREAS, Brooklyn Park AH I, LLLP, a Minnesota limited liability limited partnership (the "Borrower"), has requested that the Issuer issue its revenue bonds or other obligations under the Housing Act and lend the proceeds thereof to the Borrower for the purpose of (i) financing the acquisition, construction and equipping of an approximately 175-unit multifamily rental housing development and facilities functionally related and subordinate thereto, to be located at or about the southern half of Hennepin County Parcel #0711921320006, near 9500 Decatur Drive North in the City of Brooklyn Park, Minnesota, for occupancy by low and moderate income households (the "Project"), (ii) paying a portion of the interest on the bonds through construction and lease-up of the Project; (iii) funding certain working capital reserves; (iv) funding of one or more other reserve funds to secure the timely payment of the bonds, if necessary; and (v) paying a portion of the costs of issuing the bonds; and

WHEREAS, on December 12, 2022, the City Council of the Issuer (the "Council") adopted Resolution #2022-156 (the "Preliminary Resolution"), under the terms of which the Issuer (i) granted preliminary approval to the issuance of one or more series of multifamily housing revenue bonds or other obligations in an aggregate principal amount not to exceed \$60,000,000, in one or more series (collectively, the "Obligations"), pursuant to the Housing Act to finance the acquisition, construction, and equipping of the Project, as well as the acquisition, construction, and equipping of the project described in the Preliminary Resolution as Parcel A; (ii) authorized the submission of an application to the Minnesota Department of Management and Budget ("MMB") for an allocation of bonding authority under Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act"), in a principal amount not to exceed \$60,000,000 for the Project and Parcel A; (iii) authorized the preparation of a housing program with respect to the Project and Parcel A in accordance with the requirements of the

Housing Act and submission of the housing program to the Metropolitan Council for its review and comment; and (iv) authorized a public hearing to be conducted by the Council on such date, and at such time and place, as deemed appropriate by the Clerk of the Council, with respect to the Project and Parcel A, the housing program, and the proposed issuance of the Obligations by the Issuer to finance the Project and Parcel A; and

WHEREAS, the Preliminary Resolution constitutes a reimbursement resolution and an official intent of the Issuer to reimburse expenditures with respect to the Project and Parcel A from the proceeds of tax-exempt revenue obligations in accordance with the provisions of Treasury Regulations, Section 1.150-2; and

WHEREAS, under Section 146 of the Internal Revenue Code of 1986, as amended (the "Code"), any portion of the Obligations issued on a tax-exempt basis (the "Tax-Exempt Obligations") must receive an allocation of the bonding authority of the State of Minnesota (the "State"); and

WHEREAS, in accordance with the authority granted under the Preliminary Resolution, the Mayor of the Issuer and the City Manager of the Issuer (the "Mayor" and the "City Manager"), and Kennedy & Graven, Chartered, acting as bond counsel ("Bond Counsel"), in cooperation with the Borrower, submitted applications for allocations of bonding authority to MMB pursuant to Section 146 of the Code and the requirements of the Allocation Act; and

WHEREAS, the Issuer received Certificate of Allocation No. 460, dated July 3, 2023, from MMB allocating bonding authority of the State to the Issuer for the Project in the amount of \$30,000,000, pursuant to the Allocation Act; and

WHEREAS, following the issuance of the Certificate of Allocation by the State, the Borrower determined that it needed to obtain additional tax-exempt financing for the Project. Section 146(i)(6) of the Code permits the reuse of bonding authority for affordable housing projects and treats the reuse as a refunding for tax purposes if: (i) the "refunding" occurs within four (4) years after the original bonds were issued; (ii) the "refunding" bonds are issued within six (6) months after the principal payment of the original bonds; and (iii) the "refunding" bonds mature within thirty-four (34) years of the original issue date; and

WHEREAS, the Borrower has represented to the City that the portion of the Tax-Exempt Obligations exceeding \$30,000,000 will meet the requirements of Section 146(i)(6) of the Code with respect to the reuse of bonding authority from the Multifamily Housing Revenue Bonds (REE – Aster House Apartments Project), Series 2020 (the "Original CDA Bonds"), issued by the Dakota County Community Development Agency (the "Dakota County CDA") on December 22, 2020 in the original aggregate principal amount of \$28,000,000, of which \$12,225,000 in principal may be reused (comprised of the remaining outstanding principal of \$11,750,000, plus the portion redeemed on July 13, 2023 which was not reused, in the amount of \$475,000); and

WHEREAS, on October 17, 2023, in accordance with the requirements of Section 147(f) of the Code and following a duly noticed public hearing, the Board of Commissioners of the Dakota County CDA adopted a resolution consenting to approving the issuance of the Tax-Exempt Obligations by the Issuer, in one or more taxable and/or tax-exempt series in an aggregate principal amount not to exceed \$50,000,000, to finance the Project using, in part, recycled bonding authority from the Original CDA Bonds to finance the Project, in accordance

with Minnesota Statutes, Sections 471.59 and 471.656, as amended (the "Joint Powers Act"), and Section 146(i)(6) of the Code, and approving the execution and delivery of a Joint Powers Agreement, dated as of or after December 1, 2023, between the Dakota County CDA, the Issuer, and the Borrower (the "JPA"); and

WHEREAS, in accordance with the Housing Act and the Preliminary Resolution, a housing program (the "Housing Program") with respect to the Project was prepared and submitted to Metropolitan Council for its review and comment in accordance with the requirements of the Housing Act, and all comments received from Metropolitan Council were presented to the Council on or prior to the date of the public hearing conducted by the City Council of the City described below; and

WHEREAS, on the date hereof, in accordance with the requirements of Section 147(f) of the Code and Section 462C.04, subdivision 2 of the Housing Act, the Council held a public hearing, preceded by publication of a notice of public hearing on October 19, 2023 in the *Brooklyn Park Sun Post*, a newspaper of general circulation available to residents of the City, at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing, with respect to the Project, the Housing Program, and the proposed issuance of the Obligations to provide financing for the Project; and

WHEREAS, the Borrower proposes that the Issuer issue, sell, and deliver the Obligations, in the original aggregate principal amount not to exceed \$50,000,000, which amount includes the Tax-Exempt Obligations in the aggregate principal amount not to exceed \$42,225,000, designated as (i) Multifamily Housing Revenue Bonds (Decatur Landing Apartments Project), Series 2023A (the "Series A Bonds") and (ii) Multifamily Housing Revenue Note (Decatur Landing Apartments Project), Series 2023B (the "Series B Note"); and

WHEREAS, the Tax-Exempt Obligations are proposed to be issued as "exempt facility bonds," the interest on which is not includable in gross income for federal income tax purposes under Sections 103 and 141(e)(1)(A) of the Code; and

WHEREAS, the Series A Bonds will be issued by the Issuer and purchased by Colliers Securities LLC, a Delaware limited liability company (the "Underwriter"), pursuant to a Bond Purchase Agreement, dated on or after the date this resolution is approved (the "Bond Purchase Agreement"), among the Underwriter, the Issuer, and the Borrower, and the proceeds derived from the sale of the Series A Bonds will be loaned by the Issuer to the Borrower (the "Series A Loan") pursuant to a Loan Agreement, dated as of or after December 1, 2023 (the "Series A Loan Agreement"), between the Issuer and the Borrower; and

WHEREAS, the Issuer will assign its interest in the Series A Loan Agreement to U.S. Bank Trust Company, National Association, a national banking association (the "Trustee"), pursuant to a Trust Indenture, dated as of or after December 1, 2023 (the "Indenture"), by and among the Issuer and the Trustee; and

WHEREAS, the Series B Note will be issued by the Issuer and sold to The Huntington National Bank, a national banking association, or another financial institution selected by the Borrower (the "Lender") in a private placement under terms and conditions negotiated between the Borrower and the Lender, and the proceeds derived from the sale of the Series B Note will

be loaned by the Issuer to the Borrower (the "Series B Loan") pursuant to the terms of a Loan Agreement, dated as of or after December 1, 2023 (the "Series B Loan Agreement"), between the Issuer and the Borrower; and

WHEREAS, the interests of the Issuer in the Series B Loan Agreement (except for certain rights of indemnification, the payment of the fees of the Issuer, and the payment and reimbursement for certain costs and expenses of the Issuer) will be assigned to the Lender pursuant to an Assignment of Loan Agreement, dated as of or after December 1, 2023 (the "Assignment of Loan Agreement"), among the Issuer, the Lender, and the Borrower; and

WHEREAS, to ensure compliance with certain rental and occupancy restrictions imposed by the Housing Act and Section 142(d) of the Code, the Project will be subject to a Regulatory Agreement (the "Regulatory Agreement"), dated as of or after December 1, 2023, among the Issuer, the Trustee, the Lender and the Borrower; and

WHEREAS, the Obligations will be issued pursuant to this resolution, and the Obligations and the interest on the Obligations: (i) shall be payable solely from the revenues pledged therefor under the Series A Loan Agreement and the Series B Loan Agreement (together, the "Loan Agreements") and the Indenture and additional sources of revenue provided by or on behalf of the Borrower; (ii) shall not constitute a debt of the Issuer within the meaning of any constitutional or statutory limitation; (iii) shall not constitute or give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing power; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the Issuer other than the Issuer's interest in the Loan Agreements and the Indenture; and (v) shall not constitute a general or moral obligation of the Issuer.

BE IT RESOLVED, that the City Council of the City of Brooklyn Park, Minnesota approves the following:

1. The Issuer acknowledges, finds, determines, and declares that the issuance of the Obligations is authorized by the Housing Act and is consistent with the purposes of the Housing Act and that the issuance of the Obligations, and the other actions of the Issuer under the Bond Purchase Agreement, the Indenture, the Loan Agreements, the Assignment of Loan Agreement, the Regulatory Agreement, and this resolution constitute a public purpose and are in the interests of the Issuer. The Project constitutes a "qualified residential rental project" within the meaning of Section 142(d) of the Code, and a "multifamily housing development" authorized by the Housing Act. The acquisition, construction and equipping of the Project furthers the purposes of the Housing Act. In authorizing the issuance of the Obligations for the financing of the Project and the related costs, the Issuer's purpose is and the effect thereof will be to promote the public welfare of the Issuer and its residents by providing or preserving affordable multifamily housing developments for low or moderate-income residents of the City and otherwise furthering the purposes and policies of the Housing Act.

2. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Obligations in one or more series, in the maximum aggregate principal amount not to exceed \$50,000,000, which amount includes the Tax-Exempt Obligations in the aggregate principal amount not to exceed \$42,225,000. The Obligations shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be in the aggregate principal amounts, shall be subject to redemption prior to maturity, shall be in such forms, and shall have such other terms, details, and provisions as are prescribed in the Indenture as to the Series A Bonds and as set forth in the form of Series B Note, in substantially

the forms now on file with the Issuer, with necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Obligations, the stated maturity of the Obligations, the interest rates on the Obligations and the terms of redemption of the Obligations) as are approved as evidenced by the execution thereof as provided in Section 9 of this resolution. The Issuer hereby authorizes the Tax-Exempt Obligations to be issued, in whole or in part, as "tax-exempt bonds," the interest on which is excludable from gross income for federal income tax purposes and net taxable income of individuals, trusts, and estates for State of Minnesota income tax purposes. The Obligations shall be special, limited obligations of the Issuer payable solely from the revenues provided by the Borrower pursuant to the Loan Agreements and other funds pledged pursuant to the Indenture; the Issuer does not pledge its general credit or taxing powers or any funds of the Issuer to the payment of the Obligations.

All of the provisions of the Obligations, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

3. The Series A Bonds shall be sold to the Underwriter under the terms and conditions of the Bond Purchase Agreement. All of the provisions of the Bond Purchase Agreement, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

4. The proceeds derived from the sale of the Tax-Exempt Obligations shall be loaned to the Borrower in accordance with the terms and conditions of the Loan Agreements. All of the provisions of the Loan Agreements, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

5. The Borrower shall apply the proceeds of the Series A Loan and the Series B Loan (together, the "Loans") made pursuant to the Loan Agreements to the payment of a portion of the capital costs of the Project and related costs. The loan repayments to be made by the Borrower under the Loan Agreements are to be fixed so as to produce revenues sufficient to pay the principal of, premium, if any, and interest on the Tax-Exempt Obligations when due. Pursuant to the Indenture and the Assignment of Loan Agreement, the Issuer will assign its rights to the basic payments and certain other rights and interests under the Loan Agreements, the Loans, and with respect to the Series A Bonds, certain moneys and securities held by the Trustee in the funds and accounts established under the Indenture to the Trustee.

6. The Indenture shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the owners of the Series A Bonds and the Issuer as set forth therein. All of the provisions of the Indenture, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

7. The Obligations shall be special, limited revenue obligations of the Issuer, payable solely from the revenues provided by the Borrower pursuant to the Loan Agreements and other funds pledged pursuant to the applicable Financing Documents (as defined below).

8. In addition, the following provisions shall apply to the Series B Note:

(a) Registration of Transfer. The Issuer will cause to be kept at the office of the City Manager a Note Register in which, subject to such reasonable regulations as it may prescribe, the Issuer shall provide for the registration of transfers of ownership of the Series B Note. The Series B Note shall be initially registered in the name of the Lender and shall be transferable, subject to the provisions herein and in the Series B Note, upon the Note Register by the Lender in person or by its agent duly authorized in writing, upon surrender of the Series B Note together with a written instrument of transfer satisfactory to the City Manager, duly executed by the Lender or its duly authorized agent. The Issuer may require, as a precondition to any transfer, that the transferee provide to the Issuer an investor letter or certification in a form satisfactory to the Issuer and other evidence satisfactory to the Issuer that the transferee is a financial institution or other accredited investor under the securities laws. The following form of assignment shall be sufficient for said purpose.

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ the attached Note of the City of Brooklyn Park, Minnesota, and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer said Note on the books of said authority with full power of substitution in the premises. The undersigned certifies that the transfer is made in accordance with the provisions of Section 8(d) of the resolution authorizing the issuance of the Note.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

Upon such transfer the City Manager shall note the date of registration and the name and address of the new holder thereof in the Note Register, and in the registration blank appearing on the Series B Note.

(b) Mutilated, Lost or Destroyed Series B Note. In case a Series B Note issued hereunder shall become mutilated or be destroyed or lost, the Issuer shall, if not then prohibited by law, cause to be executed and delivered, a new Series B Note, of like outstanding principal amount, number and tenor in exchange and substitution for and upon cancellation of such mutilated Series B Note, or in lieu of and in substitution for such Series B Note destroyed or lost, upon the Lender paying the reasonable expenses and charges of the Issuer in connection therewith, and in the case of a Series B Note destroyed or lost, the filing with the Issuer of evidence satisfactory to the Issuer with indemnity satisfactory to it. If the mutilated, destroyed or lost Series B Note has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Series B Note, prior to payment.

(c) Ownership of Series B Note. The Issuer may deem and treat the person in whose name the Series B Note is last registered in the Note Register and by notation on the Series B Note, whether or not such Series B Note shall be overdue, as the absolute owner of such Series B Note, for the purpose of receiving payment of or on account of the principal thereof, redemption price or interest and for all other purposes whatsoever, and the Issuer shall not be affected by any notice to the contrary.

(d) Limitation on Series B Note Transfers. The Series B Note will be issued to either (i) a “qualified institutional buyer” as defined in Rule 144A promulgated under the 1933 Act, that purchases for its own account or for the account of a qualified institutional buyer, or (ii) an “accredited investor” as defined in Regulation D promulgated under the 1933 Act, that purchases for its own account and without registration under state or other securities laws, pursuant to an exemption for such issuance; and accordingly the Series B Note may not be assigned or transferred in whole or part, nor may a participation interest in the Series B Note be given pursuant to any participation agreement, except to another “qualified institutional buyer” or “accredited investor” in accordance with an applicable exemption from such registration requirements and with full and accurate disclosure of all material facts to the prospective purchaser(s) or transferee(s) and the Series B Note shall remain in a single denomination equal to the entire outstanding principal balance thereof and in accordance with Section 8(a) hereof.

(e) Issuance of Replacement Series B Note. Subject to the provisions of Section 8(d), the Issuer shall, at the request and expense of the Lender, issue a new Series B Note, in aggregate outstanding principal amount equal to that of such Series B Note, and of like tenor except as to number, principal amount, and the amount of the periodic installments payable thereunder, and registered in the name of the Lender, or such transferee as may be designated by the Lender, as applicable.

9. The Mayor and the City Manager and/or the Finance Director of the City (the “Issuer Officials”) are hereby authorized and directed to execute and deliver the Bond Purchase Agreement, the Indenture, the Loan Agreements, the Assignment of Loan Agreement, the Series A Bonds, the Series B Note, the Regulatory Agreement, and any consents, subordinations, and such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Tax-Exempt Obligations, including without limitation, various certificates of the Issuer, one or more Information Returns for Tax-Exempt Private Activity Bond Issues, Form 8038, an endorsement to the tax certificate of the Borrower, a letter prepared in accordance with Section 42(m)(2)(D) of the Code (the “Issuer 42(m) Letter”), and similar documents (collectively, the “Financing Documents”). All of the provisions of the Financing Documents, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. Certain of the Financing Documents, including the Bond Purchase Agreement, the Indenture, the Loan Agreements, the Assignment of Loan Agreement, the Series A Bonds, the Series B Note, and the Regulatory Agreement, shall be substantially in the forms now on file with the Issuer which are hereby approved, with such necessary and appropriate variations, omissions, and insertions as are approved by Bond Counsel, as do not materially adversely change the substance thereof with respect to the Issuer, and as the Issuer Officials, in their discretion, shall determine, and the execution thereof by the Issuer Officials shall be conclusive evidence of such determinations. The Council hereby ratifies the prior execution and delivery of the Issuer 42(m) Letter by the Finance Director of the Issuer in accordance with the Preliminary Resolution and upon the advice of Bond Counsel.

10. The Issuer hereby authorizes the Borrower to provide such security for payment of its obligations under the Loan Agreements and for payment of the Obligations, including but not limited to guaranties and an assignment of capital contributions of the Borrower, or any other security agreed upon by the Borrower, and the Issuer hereby approves the execution and delivery of such security.



11. The Issuer hereby authorizes Bond Counsel, to prepare, execute, and deliver its approving legal opinions with respect to the Tax-Exempt Obligations.

12. The Issuer has not participated in the preparation of the Limited Offering Memorandum relating to the offer and sale of the Series A Bonds (the "Limited Offering Memorandum") and has made no independent investigation with respect to the information contained therein, including the appendices thereto, and the Issuer assumes no responsibility for the sufficiency, accuracy, or completeness of such information. Subject to the foregoing, the Issuer hereby consents to the distribution and the use by the Underwriter of the Limited Offering Memorandum in connection with the offer and sale of the Series A Bonds. The Limited Offering Memorandum is the sole material consented to by the Issuer for use in connection with the offer and sale of the Series A Bonds.

13. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the Issuer or the Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the Issuer or by such members of the Council, or such officers, council, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents, the Series A Bonds, the Series B Note, or in any other document relating to the Series A Bonds and the Series B Note, and no obligation therein or herein imposed upon the Issuer shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the Council, or any officer, agent, or employee of the Issuer in that person's individual capacity, and neither the Council nor any officer, agent, or employee executing the Series A Bonds and the Series B Note or any such documents shall be personally liable on the Series A Bonds and the Series B Note or such documents or be subject to any personal liability or accountability by reason of the issuance thereof or the execution and delivery of such documents.

No provision, covenant or agreement contained in the aforementioned documents, the Series A Bonds and the Series B Note, or in any other document relating to the Series A Bonds and the Series B Note, and no obligation therein or herein imposed upon the Issuer, or the breach thereof, shall constitute or give rise to a general or moral obligation of the Issuer or any pecuniary liability of the Issuer or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the Issuer has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Indenture and the Loan Agreements which are to be applied to the payment of the Series A Bonds and the Series B Note, as provided therein.

14. Except as otherwise expressly provided herein, nothing in this resolution or in the aforementioned documents, expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the Issuer, and any holder of the Series A Bonds and the Series B Note issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the Issuer and any holder from time to time of the Series A Bonds and the Series B Note issued under the provisions of this resolution.

15. In case any one or more of the provisions of this resolution (other than the provisions limiting the liability of the Issuer, the Issuer Officials, or any officer, employee, or

agent of the Issuer contained herein) or of the aforementioned documents, or of the Series A Bonds and the Series B Note issued hereunder, shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Series A Bonds and the Series B Note, but this resolution, the aforementioned documents, and the Series A Bonds and the Series B Note shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

16. The Series A Bonds and the Series B Note, when executed and delivered, shall each contain a recital that it is issued pursuant to the Housing Act, and such recital shall be conclusive evidence of the validity of the Series A Bonds and the Series B Note, respectively, and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Series A Bonds and the Series B Note, respectively, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

17. The Housing Program is hereby adopted, ratified, and approved in the form now on file with the Issuer.

18. The officers of the Issuer, the City's attorney (the "City Attorney"), Bond Counsel, other attorneys, and other agents or employees of the Issuer are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Series A Bonds and the Series B Note, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Series A Bonds and the Series B Note, the aforementioned documents, and this resolution. If for any reason the Mayor, the City Manager, or the Finance Director is unable to execute and deliver the respective documents referred to in this resolution, such documents may be executed by any member of the Council or any officer of the Issuer delegated the duties of the Mayor, the City Manager, or the Finance Director with the same force and effect as if such documents were executed and delivered by the Mayor, the City Manager, or the Finance Director.

19. The Borrower shall pay the administrative fee of the Issuer when due in accordance with the terms of the Loan Agreements. The Borrower will also pay, or, upon demand, reimburse the Issuer for payment of, any and all costs incurred by the Issuer in connection with the Project and the issuance of the Series A Bonds and the Series B Note, whether or not the Series A Bonds and the Series B Note are issued, including any costs for reasonable attorneys' fees.

20. It is understood and agreed by the Borrower that the Borrower shall indemnify the Issuer against all liabilities, losses, damages, costs, and expenses (including attorney's fees and expenses incurred by the Issuer) arising with respect to the Project and the Obligations, as provided for and agreed to by and between the Borrower and the Issuer in the Loan Agreements.

21. The authority to approve, execute and deliver future amendments to the Financing Documents entered into by the Issuer in connection with the issuance of the Tax-Exempt Obligations and consents required under the Financing Documents is hereby delegated to the Issuer Officials of the Issuer, subject to the following conditions: (a) such amendments or consents do not materially adversely affect the interests of the Issuer; (b) such amendments or consents do not contravene or violate any policy of the Issuer; (c) such amendments or

consents do not require the consent of the holder or such consent has been obtained; and (d) such amendments or consents are acceptable in form and substance to the City Attorney and Bond Counsel. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this resolution. The execution of any instrument by the City Manager shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the City Manager, any instrument authorized by this paragraph to be executed and delivered may be executed by the officer of the Issuer authorized to act in his or her place instead.

22. This resolution shall be in full force and effect from and after its passage.

The forgoing resolution was introduced by Council Member \_\_\_\_\_ and duly seconded by Council Member \_\_\_\_\_.

The following voted in favor of the resolution: \_\_\_\_\_.

The following voted against: \_\_\_\_\_.

The following were absent: \_\_\_\_\_.

Whereupon the resolution was adopted.

ADOPTED: November 13, 2023

\_\_\_\_\_  
Hollies J. Winston, Mayor



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 (612) 337-9300 telephone  
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November 6, 2023

Sarah Abe, Development Project Coordinator  
 LaTonia Green, Finance Director  
 City of Brooklyn Park  
 5200 85th Ave. N.  
 Brooklyn Park, MN 55443

Re: Resolution providing approval to the issuance of conduit revenue bonds by the City of Brooklyn Park for the benefit of Brooklyn Park AH I, LLLP

Dear Sarah and LaTonia,

Brooklyn Park AH I, LLLP, a Minnesota limited liability limited partnership (the “Borrower”), has proposed to acquire, construct, and equip an approximately 175-unit multifamily housing development and facilities functionally related and subordinate thereto located near 9500 Decatur Drive North, in the City of Brooklyn Park, for occupancy by individuals and families of low and moderate income, to be known as Decatur Landing (the “Project”). The Borrower is requesting that the City of Brooklyn Park (the “City”) issue one or more series conduit revenue bonds in an aggregate maximum principal amount of \$50,000,000 (collectively, the “Obligations”), of which \$42,225,000 are proposed to be issued on a tax-exempt basis.

The Obligations will be issued in calendar year 2023 as housing revenue bonds under Minnesota Statutes, Chapters 462C and 474A, as amended (the “Housing Act”), and Minnesota Statutes, Sections 471.59 and 471.656, as amended (the “Joint Powers Act”). In accordance with the Housing Act and the Internal Revenue Code of 1986, as amended (the “Code”), the City will be required to conduct a public hearing on the issuance of the Obligations and the approval of a housing program. Additionally, Section 146 of the Code requires that any Obligations issued on a tax-exempt basis (the “Tax-Exempt Obligations”) receive an allocation of bonding authority of the State. In July 2023, the State allocated bonding authority in the principal amount of \$30,000,000 to the City to provide tax-exempt financing for the Project. In addition, the City is authorized to take advantage of “recycled” bonding allocation under certain circumstances permitted by the Code, and the Dakota County Community Development Agency (the “CDA”) has agreed to provide up to \$12,225,000 in recycled bonding authority to the City to provide additional tax-exempt financing for the Project. Enclosed is a resolution to be considered by the City Council on Monday, November 13, 2023, following the public hearing, approving the housing program, the issuance of the Obligations, and the execution of financing documents.

The City is authorized to issue the Obligations to finance the Project in accordance with the Joint Powers Act so long as the City and the CDA enter into a joint powers agreement. The Board of Commissioners of the CDA conducted a public hearing on October 17, 2023, and adopted a resolution approving the issuance by the City of the Obligations, using in part, recycled bonding authority from the CDA's prior multifamily housing revenue bonds to provide financing for the Project.

The Obligations will be secured solely by the revenues derived from the loan agreements to be executed by the City and the Borrower and from other security provided by the Borrower. The Obligations will not constitute a general or moral obligation of the City and will not be secured by or payable from any property or assets of the City (other than the interests of the City in the loan agreements) and will not be secured by any taxing power of the City. In addition, the City will have no responsibility or liability for the Project. The Obligations will not be subject to any debt limitation imposed on the City, and the issuance of the Obligations will not have any adverse impact on the credit rating of the City, even in the event that the Borrower encounters financial difficulties with respect to the Project to be financed with the proceeds of the Obligations. In addition, the issuance of the Obligations will not affect the ability of the City to issue and designate any general obligation bonds as "qualified tax-exempt obligations" (or "bank-qualified bonds") in calendar year 2023.

The Borrower will agree to pay the out-of-pocket expenses of the City with respect to this transaction as well as the City's administrative fees, including the fee payable at closing, in the amount of 0.50% of the aggregate principal amount of Obligations issued, plus the annual fees payable on each anniversary of closing, in the amount of 0.10% of the outstanding aggregate principal amount of Obligations.

I will attend the City Council meeting on November 13, 2023 and can answer any questions that may arise during the meeting. Please contact me with any questions you may have prior to the City Council meeting.

Sincerely,

Sofia E. Lykke

C: Jim Thomson

**JOINT POWERS AGREEMENT  
DECATUR LANDING APARTMENTS PROJECT**

THIS JOINT POWERS AGREEMENT (this “Agreement”) is dated as of December 1, 2023, and entered into between the City of Brooklyn Park, Minnesota, a home rule charter city, municipal corporation, and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota (“Brooklyn Park”), and Dakota County Community Development Agency, a body corporate and politic validly existing under the laws of the State of Minnesota (“Dakota County CDA”). Brooklyn Park and the Dakota County CDA are collectively, the “Parties,” or each individually, a “Party.” Brooklyn Park AH I, LLLP, a Minnesota limited liability limited partnership (the “Borrower”) is signing this Agreement to acknowledge and accept its obligations hereunder.

1. Minnesota Statutes, Section 471.59 et seq. (the “Joint Powers Act”) provides that two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties, and may provide for the exercise of such power by one of the participating governmental units.

2. In connection with revenue bonds issued under Minnesota Statutes, Chapter 462C, as amended (the “Act”), Section 462C.14, Subd. 3 provides for joint action between cities pursuant to the Joint Powers Act.

3. The Borrower has proposed that Brooklyn Park issue one or more series of taxable and/or tax-exempt revenue bonds or other revenue obligations pursuant to the Act in an aggregate principal amount not to exceed \$50,000,000 (the “Bonds”) to: (i) finance the acquisition, construction and equipping of an approximately 175-unit multifamily rental housing development and facilities functionally related and subordinate thereto, to be located at or about the southern half of Hennepin County Parcel #0711921320006, near 9500 Decatur Drive North in Brooklyn Park, for occupancy by low and moderate income households (the “Project”), (ii) fund one or more reserve funds to secure the timely payment of the Bonds, if necessary; (iii) fund capitalized interest and working capital; and (iv) pay a portion of the costs of issuing the Bonds, if necessary.

4. Section 146(i)(6) of the Internal Revenue Code of 1986, as amended (the “Code”), permits the reuse of bonding authority for affordable housing projects and treats the reuse as a refunding for tax purposes if: (i) the “refunding” occurs within 4 years after the original bonds were issued, (ii) the “refunding” bonds are issued within 6 months after the principal payment of the original bonds, and (iii) the “refunding” bonds mature within 34 years of the original issue date. The Borrower has represented to Dakota County CDA and Brooklyn Park that the Bonds will meet the requirements of Section 146(i)(6) of the Code with respect to the reuse of bonding authority from Dakota County CDA’s Multifamily Housing Revenue Bonds (REE – Aster House Apartments Project), Series 2020, issued by Dakota County CDA in the original aggregate principal amount of \$28,000,000 (the “Original CDA Bonds”). In addition, Section 146(i)(6) of the Code requires approval of the Bonds in accordance with Section 147(f) Code before the issuance thereof, and under Section 147(f) an applicable elected representative of each governmental unit in which facilities to be financed and refinanced by the Bonds are located must approve the issuance of the Bonds following a public hearing.

5. In order to better leverage public funding by recycling bonding authority as permitted by Section 146(i)(6) of the Code, the Borrower has proposed that the Parties enter into this Agreement pursuant to the Joint Powers Act and the Act in order to provide for issuance of the Bonds to finance the Project using, in part, recycled bonding authority from the Original CDA Bonds.

6. The Parties have each previously approved (i) the proposal that Brooklyn Park undertake a housing finance program to finance the Project pursuant to the Act through the issuance by Brooklyn Park of the Bonds, and (ii) the issuance of the Bonds by Brooklyn Park as required under the Code.

7. Brooklyn Park intends to reuse bonding authority from the Original CDA Bonds (“Recycled Bonding Authority”) in the amount of \$12,225,000 (comprised of the remaining outstanding principal of \$11,750,000, plus the portion redeemed on July 13, 2023 which was not reused, in the amount of \$475,000) for the Project in Brooklyn Park; provided that (i) the Borrower may direct Brooklyn Park to use Recycled Bonding Authority in an amount less than \$12,225,000 and (ii) in no event shall Brooklyn Park be authorized to use Recycled Bonding Authority in an amount which exceeds \$12,225,000. The Borrower shall notify Dakota County CDA in writing of the amount of Bonds issued by Brooklyn Park using Recycled Bonding Authority within 5 days of the issuance thereof. Notwithstanding the above, the Dakota County CDA makes no opinion as to the authorization of Brooklyn Park to reuse the Recycled Bonding Authority.

8. Brooklyn Park shall exercise the powers of the Joint Powers Act and the Act by adopting, approving, and executing such resolutions, documents, and agreements as shall be necessary or convenient to authorize, issue, and sell the Bonds and such other resolutions, documents, and agreements as shall be necessary or required in connection with the issuance of the Bonds and giving effect to or carrying out the provisions of this Agreement and documents under which the Bonds are issued and/or secured.

9. The Bonds shall be special, limited obligations of Brooklyn Park, payable solely from proceeds, revenues, and other amounts pledged thereto and more fully described in one or more loan agreements between Brooklyn Park and the Borrower, to be executed in connection with the issuance of the Bonds (each, a “Loan Agreement”). In no event shall the Bonds ever be payable from or charged upon the general credit, taxing powers, or any funds of any of the Parties; the Parties are not subject to any liability thereon; no owners of the Bonds shall ever have the right to compel the exercise of the taxing power of either of the Parties to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of either of the Parties; the Bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of any of the Parties; and the Bonds do not constitute an indebtedness of either of the Parties within the meaning of any constitutional, statutory, or charter limitation.

10. Pursuant to the Loan Agreement, Brooklyn Park will require that, as a condition to issuing the Bonds, the Borrower shall have paid all fees of the Parties and all costs incurred by the Parties in the authorization, execution, delivery, and performance of this Joint Powers Agreement and all related transactions.

11. This Agreement shall terminate upon the retirement or defeasance of the last of the outstanding Bonds, and this Agreement may not be terminated in advance of such retirement or defeasance.

12. This Agreement may be executed in counterparts, each of which shall be an original, but such counterparts shall together constitute but one and the same instrument.

[Remainder of page intentionally blank.]



IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be executed on its behalf by its duly authorized officers, all as of the day and year first above written.

**CITY OF BROOKLYN PARK, MINNESOTA**

By \_\_\_\_\_  
Its Mayor

By \_\_\_\_\_  
Its City Manager

**DAKOTA COUNTY COMMUNITY  
DEVELOPMENT AGENCY**

By \_\_\_\_\_  
Executive Director

[Signature page to Joint Powers Agreement – Decatur Landing Apartments Project]

The Borrower acknowledges and accepts its obligations pursuant to the foregoing Joint Powers Agreement.

**BROOKLYN PARK AH I, LLLP**, a Minnesota limited liability limited partnership

By: Brooklyn Park AH I, LLC, a Minnesota limited liability company  
Its: General Partner

By: \_\_\_\_\_  
Name: Patrick Ostrom  
Its: Vice President

[Signature page to Joint Powers Agreement – Decatur Landing Apartments Project]

Third Draft  
Monday, November 6, 2023

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**REGULATORY AGREEMENT**

**among**

**CITY OF BROOKLYN PARK, MINNESOTA,  
as Issuer**

**U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION,  
as Trustee**

**THE HUNTINGTON NATIONAL BANK,  
as Lender**

**and**

**BROOKLYN PARK AH I, LLLP,  
as Borrower**

**Relating to**

**DECATUR LANDING APARTMENTS PROJECT**

**Dated as of December 1, 2023**

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This document drafted by:

Kennedy & Graven, Chartered (SEL)  
150 South Fifth Street, Suite 700  
Minneapolis, Minnesota 55402-1299

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## REGULATORY AGREEMENT

THIS REGULATORY AGREEMENT, dated as of December 1, 2023 (this “Regulatory Agreement”), is made and entered into among the CITY OF BROOKLYN PARK, MINNESOTA, a home rule charter city, municipal corporation, and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota (the “Issuer”), U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, a national banking association (the “Trustee”), THE HUNTINGTON NATIONAL BANK, a national banking association (the “Lender”), and BROOKLYN PARK AHI, LLLP, a Minnesota limited liability limited partnership, as the owner of the property described in EXHIBIT A attached hereto (the “Borrower”).

### RECITALS

The Issuer is authorized to issue revenue bonds or other obligations to provide financing for multifamily housing developments in accordance with the terms of Minnesota Statutes, Chapters 462A, 462C and 474A, as amended (collectively, the “Act”).

For the purpose of financing the acquisition, construction and equipping of an approximately 175-unit multifamily rental housing development and facilities functionally related and subordinate thereto designed for occupancy by low and moderate income households to be located at or about the southern half of Hennepin County Parcel #0711921320006, near 9500 Decatur Drive North in the City of Brooklyn Park, Minnesota (the “Project”), on the real property described in EXHIBIT A attached hereto (the “Land”), the Issuer will issue its (i) Multifamily Housing Revenue Bonds (Decatur Landing Apartments Project), Series 2023A (the “Bonds”), in the original aggregate principal amount of \$31,805,000, pursuant to the provisions of the Act, a resolution adopted by the City Council of the Issuer on November 13, 2023 (the “Resolution”), and a Trust Indenture, dated as of December 1, 2023 (the “Indenture”), between the Issuer and the Trustee; and (ii) Multifamily Housing Revenue Note (Decatur Landing Apartments Project), Series 2023B (the “Note,” and together with the Series A Bonds, the “Combined Bonds”), in the original aggregate principal amount of \$[Series B Par], pursuant to the provisions of the Act and the Resolution.

To finance the Project, the Issuer will loan the proceeds derived from the sale of the Series A Bonds to the Borrower pursuant to the terms of a Loan Agreement, dated as of December 1, 2023 (the “Series A Loan Agreement”), between the Issuer and the Borrower and the proceeds derived from the sale of the Series B Note to the Borrower pursuant to a Loan Agreement, dated as of June 1, 2023 (the “Series B Loan Agreement,” and together with the Series A Loan Agreement, the “Loan Agreements”), between the Issuer and the Borrower.

For good and valuable consideration, the Borrower, the Trustee, the Lender, and the Issuer have determined to enter into this Regulatory Agreement in order to assure compliance with certain requirements of the Code (hereinafter defined) and of the Act applicable to the Project.

NOW, THEREFORE, the Borrower, the Trustee, the Lender, and the Issuer do hereby impose upon the Project the following covenants, restrictions, charges, and easements, which shall run with the Land and shall be binding and a burden upon the Project and all portions thereof, and upon any purchaser, grantee, owner, or lessee of any portion of the Project and any other person or entity having any right, title, or interest therein and upon the respective heirs, executors, administrators, devisees, successors, and assigns of any purchaser, grantee, owner, or lessee of any portion of the Project and any other person or entity having any right, title, or interest therein, for the length of time that this Regulatory Agreement shall be in full force and effect:

**Section 1. Definitions.** Unless otherwise expressly provided herein or unless the context clearly requires otherwise, the terms defined above shall have the meanings set forth above and the following terms shall have the respective meanings set forth below for the purposes hereof. Capitalized terms used but not defined herein shall have the meanings assigned to such terms in the Indenture or, if not defined in the Indenture, shall have the meanings assigned to such terms in the Loan Agreements.

“*Act*” means Minnesota Statutes, Chapters 462A, 462C and 474A, as amended.

“*Adjusted Income*” means the adjusted income of a person (together with the adjusted income of all persons of the age of 18 years or older who intend to reside with such person in one Dwelling Unit), as calculated in the manner prescribed under Section 142(d)(2)(B) of the Code.

“*Bond Counsel*” means Kennedy & Graven, Chartered, or any other attorney at law or firm of attorneys, of nationally-recognized standing in matters pertaining to the federal tax exemption of interest on bonds and other obligations issued by states and political subdivisions thereof, duly admitted to practice law before the highest court of any state of the United States of America.

“*Bonds*” means, the Issuer’s Multifamily Housing Revenue Bonds (Decatur Landing Apartments Project), Series 2023A, in the original aggregate principal amount of \$31,805,000.

“*Borrower*” means Brooklyn Park AH I, LLLP, a Minnesota limited liability limited partnership, and its lawful successors and assigns to the extent permitted by the Loan Agreements.

“*Business Day*” means a day of the week, other than a Saturday or a Sunday, on which commercial banks located in the city in which the principal corporate trust office of the Trustee is located are not required or authorized to remain closed.

“*Certificate of Continuing Program Compliance*” means the document substantially in the form set forth in EXHIBIT C attached hereto.

“*Code*” means the Internal Revenue Code of 1986, as amended, and all applicable Treasury Regulations (whether proposed, temporary or final) promulgated under the Code and the statutory predecessor of the Code, and any official rulings and judicial determinations under the foregoing applicable to the Combined Bonds.

“*Combined Bonds*” means, collectively, the Series A Bonds and the Series B Note.

“*County*” means Hennepin County, Minnesota.

“*Dwelling Units*” means the units of multifamily residential rental housing comprising the Project, excluding any unit used as a management office.

“*Event of Default*” has the meaning specified in Section 13 hereof.

“*Functionally Related and Subordinate*” shall mean and include facilities for use by tenants, for example, laundry facilities, parking areas, and recreational facilities, provided that the same is of a character and size commensurate with the character and size of the Project.

“*Housing Act*” means the United States Housing Act of 1937, as amended, codified as 42 U.S.C. Sections 1401 et seq.

“*Indenture*” means the Trust Indenture, dated as of December 1, 2023, between the Issuer and the Trustee relating to the Series A Bonds.

“*Issuer*” means the City of Brooklyn Park, Minnesota, a home rule charter city, municipal corporation, and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, and its successors and assigns.

“*Land*” means the real property described on EXHIBIT A attached hereto.

“*Lender*” means The Huntington National Bank, a national banking association, as the purchaser of the Series B Note, or any successor or assign.

“*Loans*” means, collectively, the loans provided by the Issuer to the Borrower pursuant to the Loan Agreements to provide financing for the Project.

“*Loan Agreements*” means, collectively, the Series A Loan Agreement and the Series B Loan Agreement.

“*Low Income Tenants*” means persons or families with Adjusted Income which does not exceed 60% of the Median Income for the Area adjusted for household size. In no event will the occupants of a Dwelling Unit be considered to be Low Income Tenants if all of such occupants are students (as defined in Section 152(f)(2) of the Code), unless the Dwelling Unit is occupied:

(i) by an individual who is (A) a student and receiving assistance under Title IV of the Social Security Act, (B) a student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under Part B or Part E of Title IV of the Social Security Act, or (C) enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar federal, State, or local laws; or

(ii) entirely by full-time students if such students are (A) single parents and their children and such parents are not dependents (as defined in Section 152 of the Code, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of another individual and such children are not dependents (as defined in Section 152 of the Code, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of another individual other than a parent of such children, or (B) married and entitled to file a joint return.

“*Low Income Units*” means the Dwelling Units in the Project designated for occupancy by Low Income Tenants pursuant to Section 4(a) of this Regulatory Agreement.

“*Median Income for the Area*” means the median yearly income for households of an applicable size in the applicable Primary Metropolitan Statistical Area as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the Housing Act, or, if such figures are no longer available, the method of calculation is substantially altered, or the programs under Section 8(f) are terminated, the Issuer shall provide the Borrower with another income determination that is reasonably similar to the method used by the Secretary prior to such termination.

“*Note*” means the Issuer’s Multifamily Housing Revenue Note (Decatur Landing Apartments Project), Series 2023B, in the original aggregate principal amount of \$[Series B Par].

“*Project*” has the meaning assigned to such term in the recitals to this Regulatory Agreement.



“*Qualified Project Period*” means the period beginning on the later of the date of issuance of the Combined Bonds and the first day on which 10% of the Dwelling Units in the Project are occupied and ending on the latest of:

- (i) the date which is 30 years after the date on which 50% of the Dwelling Units in the Project are occupied;
- (ii) the first day on which no tax-exempt private activity bond issued with respect to the Project is outstanding; or
- (iii) the date on which any assistance provided with respect to the Project under Section 8 of the United States Housing Act of 1937 terminates.

“*Regulatory Agreement*” means this Regulatory Agreement, together with any amendments or supplements hereto.

“*Resolution*” means Resolution No. [\_\_\_], adopted by the City Council of the Issuer on November 13, 2023, authorizing the issuance, sale, and delivery of the Combined Bonds.

“*Section 474A Penalties*” means the penalties described in Minnesota Statutes, Section 474A.047, subdivision 3, as amended, as applied to the Project.

“*Series A Loan Agreement*” means the Loan Agreement, dated as of December 1, 2023, between the Issuer and the Borrower, relating to the Series A Bonds, as the same may be from time to time amended or supplemented in accordance with the provisions thereof.

“*Series B Loan Agreement*” means the Loan Agreement, dated December [\_\_\_], 2023, between the Issuer and the Borrower, relating to the Series B Note, as the same may be from time to time amended or supplemented in accordance with the provisions thereof.

“*State*” means the State of Minnesota.

“*Treasury Regulations*” means the regulations promulgated or proposed by the Department of the Treasury pursuant to the Code from time to time or pursuant to any predecessor statute to the Code.

“*Trustee*” means U.S. Bank Trust Company, National Association, a national banking association, or any successor or assign.

Unless the context clearly requires otherwise, as used in this Regulatory Agreement words of the masculine, feminine or neuter gender shall be construed to include each other gender when appropriate, and words of the singular number shall be construed to include the plural number, and vice versa, when appropriate. This Regulatory Agreement and all of the terms and provisions hereof shall be construed to effectuate the purposes set forth herein and to sustain the validity hereof.

**Section 2. Representations by the Borrower.** The Borrower covenants, represents as of the effective date hereof, and warrants that:

- (a) The Borrower is a limited liability limited partnership organized and existing under the laws of the State. The Borrower is in good standing in the State and has duly authorized, by proper action, the execution and delivery of this Regulatory Agreement. The Borrower is duly authorized by the laws of the State to transact business in the State and to perform all of its duties hereunder.

(b) Neither the execution and delivery of this Regulatory Agreement or any other document in connection with the financing of the Project, the consummation of the transactions contemplated hereby and thereby nor the fulfillment of or compliance with the terms and conditions hereof and thereof conflicts with or results in a breach of any of the terms, conditions, or provisions of any agreement or instrument to which the Borrower is now a party or by which it is bound or constitutes a default (with due notice or the passage of time or both) under any of the foregoing or results in the creation or imposition of any prohibited lien, charge, or encumbrance whatsoever upon any of the property or assets of the Borrower under the terms of any instrument or agreement to which the Borrower is now a party or by which it is bound.

(c) The execution, delivery, and performance of this Regulatory Agreement and all other documents to be delivered by the Borrower in connection with the consummation of the transactions contemplated hereby will not conflict with, or constitute a breach of or default under, any indenture, mortgage, deed of trust, lease, commitment, agreement, or other instrument or obligation to which the Borrower is a party or by which the Borrower or any of its property is bound, or under any law, rule, regulation, judgment, order, or decree to which the Borrower is subject or by which the Borrower or any of its property is bound.

(d) To the best of the Borrower's knowledge, there is no action, suit, proceeding, inquiry, or investigation by or before any governmental agency, public board, or body pending or threatened against the Borrower (nor to the best of its knowledge is there any basis therefor), which:

(i) affects or seeks to enjoin, prohibit, or restrain the issuance, sale, or delivery of the Combined Bonds or the use of the proceeds of the Combined Bonds to finance the acquisition, construction, and equipping of the Project or the execution and delivery of this Regulatory Agreement,

(ii) affects or questions the validity or enforceability of the Combined Bonds or this Regulatory Agreement,

(iii) questions the tax-exempt status of the Combined Bonds, or

(iv) questions the power or authority of the Borrower to own, acquire, construct, equip, or operate the Project or to execute, deliver, or perform the Borrower's obligations under this Regulatory Agreement.

(e) The Project will be located wholly within the boundaries of the City of Brooklyn Park, Minnesota.

(f) On and after the date on which the Series A Bonds and the Series B Note are executed and delivered to the Trustee and the Lender, respectively, the Borrower will have title to the Project sufficient to carry out the purposes of this Regulatory Agreement, and such title shall be in and remain in the name of the Borrower except as otherwise permitted by this Regulatory Agreement.

(g) The Project consists and will consist of those facilities described herein, which generally are described as a residential apartment building and related facilities situated on the Land. The Borrower shall make no changes to the Project or to the operation thereof which would affect the qualification of the Project under the Act or impair the exemption from federal income taxation of the interest on the Combined Bonds. The Borrower will utilize and operate the Project as a multifamily rental housing project during the Qualified Project Period in accordance with all applicable federal, State, and local laws, rules, and regulations applicable to the Project.

(h) The Borrower has obtained, or will obtain on or before the date required therefor, all necessary certificates, approvals, permits, and authorizations with respect to the operation of the Project.

(i) The Borrower does not and will not own any of the Combined Bonds. The Borrower acknowledges and understands that during any periods of time when the Borrower owns the Combined Bonds, the interest on the Combined Bonds shall not be tax-exempt pursuant to Section 147(a) of the Code.

(j) The Borrower does not own any buildings or structures which are proximate to the Project other than those buildings or structures which comprise the Project, which are being financed pursuant to a common plan under which the Project is also being financed.

(k) The statements made in the various certificates delivered by the Borrower to the Issuer, the Lender, or the Trustee, respectively, on the date of issuance of the Combined Bonds are true and correct.

**Section 3. Qualified Residential Rental Project.** The Borrower shall acquire, construct, equip, own, manage, and operate the Project as a “qualified residential rental project,” as such phrase is utilized in Section 142(d) of the Code, on a continuous basis during the Qualified Project Period. To that end, the Borrower hereby represents, warrants, and covenants as follows:

(a) that a qualified residential rental project will be constructed on the Land, and the Borrower shall own, manage and operate the Project as a qualified residential rental project containing Dwelling Units and facilities Functionally Related and Subordinate to such Dwelling Units, in accordance with Section 142(a)(7) and Section 142(d) of the Code and all applicable Treasury Regulations promulgated thereunder, as the same may be amended from time to time;

(b) that all of the Dwelling Units of the Project will be similarly constructed and each Dwelling Unit in the Project will contain complete facilities for living, sleeping, eating, cooking, and sanitation for a single person or a family;

(c) that:

(i) none of the Dwelling Units in the Project shall at any time in the future be utilized on a transient basis;

(ii) that none of the Dwelling Units in the Project shall at any time in the future be leased or rented for a period of less than 30 days; and

(iii) that neither the Project nor any portion thereof shall be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, nursing home, sanitarium, rest home, or trailer park or trailer court for use on a transient basis, or by a cooperative housing corporation (as defined in Section 216(b)(1) of the Code);

(d) that once available for occupancy:

(i) each Dwelling Unit in the Project must be rented or available for rental on a continuous basis to members of the general public during the Qualified Project Period; and

(ii) the Borrower shall not give preference in renting Dwelling Units in the Project to any particular class or group of persons, other than Low Income Tenants as provided herein or as otherwise permitted by law;

(e) that the Dwelling Units in the Project shall be leased and rented to members of the general public in compliance with this Regulatory Agreement, except for any Dwelling Unit for a resident manager or maintenance personnel;

(f) that the Project consists of one or more discrete edifices and other man-made construction, each consisting of an independent foundation, outer walls and roof, all of which will be (i) owned by the same person for federal tax purposes, (ii) located on a common tract of land or two or more parcels of land which are contiguous except for being separated only by a road, street, stream, or a similar property and (iii) financed by the Loans or otherwise pursuant to a common plan of financing, and which consists entirely of:

(i) units which are similar in quality and type of construction and amenities; and

(ii) property Functionally Related and Subordinate in purpose and size to the Project, *e.g.*, parking areas, laundries, swimming pools, tennis courts, and other recreational facilities (none of which may be unavailable to any person because such person is a Low Income Tenant) and other facilities which are reasonably required for the Project, *e.g.*, heating and cooling equipment, trash disposal equipment, or units for residential managers or maintenance personnel;

(g) that no portion of the Project shall be used to provide any health club facility, any facility primarily used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises;

(h) that the Project shall not include a Dwelling Unit in a building where all Dwelling Units in such building are not also included in the Project;

(i) that the Borrower shall not convert the individual Dwelling Units of the Project to condominium or cooperative ownership;

(j) that no Dwelling Unit in the Project shall be occupied by the Borrower (or any person related to a partner of the Borrower or to any related person to the Borrower within the meaning of Section 147(a)(2) of the Code) at any time unless such person resides in a Dwelling Unit in a building or structure which contains at least five Dwelling Units and unless the resident of such Dwelling Unit is a resident manager or other necessary employee (*e.g.*, maintenance and security personnel);

(k) that the Combined Bonds will not be “federally guaranteed,” as defined in Section 149(b) of the Code;

(l) that the Project shall at all times be used and operated as a “multifamily housing development,” as defined in the Act; and

(m) that the Borrower shall not discriminate on the basis of race, creed, color, sex, sexual preference, source of income (*e.g.*, AFDC or SSI), physical disability, national origin, or marital status in the rental, lease, use, or occupancy of the Project or in connection with the employment or application for employment of persons for the operation and management of the Project.

**Section 4. Low Income Tenants.** Pursuant to the requirements of the Act and Section 142(d) of the Code, the Borrower hereby represents, warrants, and covenants as follows:

(a) Upon completion of the Project, at least forty percent (40%) of the units in the Project will be occupied or held for occupancy by Low Income Tenants. Throughout the Qualified Project Period, not less than forty percent (40%) of the completed units in the Project shall be continuously occupied or held for occupancy by Low Income Tenants. The Borrower will designate the Low Income Units and will make any revisions to such designations as necessary to comply with the applicable provisions of the Code and the Treasury Regulations. As set forth in paragraph (e) below, the Borrower shall advise the Issuer and the Trustee by delivery of a certificate in writing of the status of the occupancy of the Project with respect to Low Income Tenants on an annual basis for the term of this Regulatory Agreement. An Annual Certification of a Residential Rental Project, Form 8703, or successor form, shall be prepared annually by the Borrower and filed with the United States Secretary of the Treasury pursuant to Section 142(d)(7) of the Code (currently with the Internal Revenue Service Center, Ogden, Utah 84201), with a copy to be filed by the Borrower with the Issuer and, upon request, with the Trustee. The percentage of units is measured by number of units, and not square footage of units.

For purposes of satisfying the occupancy requirements set forth above, a unit occupied by a person or family who at the commencement of their occupancy qualified as a Low Income Tenant shall be treated as occupied by a Low Income Tenant until such time as any re-certification of such tenant's income in accordance with Sections 4(c) and (h) below demonstrates that such tenant's income exceeds 140 percent of the income limitation applicable to Low Income Tenants.

A unit occupied by a Low Income Tenant shall be deemed, upon the termination of such tenant's occupancy, to be continuously occupied by a Low Income Tenant until reoccupied, other than for a temporary period (not to exceed sixty (60) days), at which time the character of the unit shall be redetermined.

(b) The Borrower will notify the Issuer on an annual basis of any vacancy of any Low Income Units.

(c) The Borrower will obtain, complete, and maintain on file income certifications from each Low Income Tenant, obtained immediately prior to the initial occupancy of such tenant in the Project, and thereafter re-obtain in any year in which a unit in the Project is occupied by a new resident whose income exceeds the applicable income limit, income certifications (based upon their then current income), from each Low Income Tenant, substantially in the form of the income certification set forth in EXHIBIT B attached hereto or another form approved by Bond Counsel (the "Tenant Income Certification") and will provide such additional information as may be required by Section 142(d) of the Code, as the same may be amended from time to time, or in such other form and manner as may be required by applicable rules, rulings, policies, procedures, Treasury Regulations now or hereafter promulgated, proposed or made by the Department of the Treasury or the Internal Revenue Service applicable to the Combined Bonds. Such Tenant Income Certification shall be obtained prior to initial occupancy. If requested in writing by the Issuer, a copy of such Tenant Income Certification shall be filed with the Issuer prior to occupancy by the tenant whenever possible but in no event more than one month after initial occupancy by the tenant. A copy of each re-certification of income shall be attached to each report filed with the Issuer and the Trustee pursuant to Section 4(a) above. The Borrower shall make a good-faith effort to verify that the income reported by an applicant in an income certification is accurate by taking at least one of the following steps as a part of the verification process: (1) obtain a pay stub for the most recent pay period, (2) obtain an income tax return for the most recent tax year, (3) conduct a credit or similar search, (4) obtain an income verification form from the applicant's current employer, (5) obtain an income verification form from the Social Security Administration if the applicant receives assistance from such agency, or (6) if the applicant is unemployed and has no such tax return, obtain another form of independent verification. If the Low Income Tenant is a Section 8 Certificate Holder, the Borrower shall retain a copy of the certificate or voucher for verification of income in lieu of an income verification.

The Borrower understands that failure to file the Annual Certification of a Residential Rental Project, Form 8703, or successor form, as required by Section 142(d)(7) of the Code at the times stated therein may subject it to the penalty described in Section 6652(j) of the Code.

(d) The Borrower will maintain complete and accurate records pertaining to the Low Income Units and will permit, upon reasonable prior notice, any duly authorized representative of the Issuer, the Trustee, the Department of the Treasury, or the Internal Revenue Service to inspect the books and records of the Borrower pertaining to the Project, including those records pertaining to the occupancy of the Low Income Units. This section is not intended to create any additional duties to inspect records.

(e) The Borrower will prepare and submit to the Issuer and the Trustee and, so long as the Series B Note is outstanding, the Lender, on or before March 1 of each year during the Qualified Project Period, beginning the first March 1 following commencement of the Qualified Project Period, a Certificate of Continuing Program Compliance in the form set forth in EXHIBIT C attached hereto and executed by the Borrower, and, if requested by the Trustee, the Lender, or the Issuer, the Tenant Income Certifications described in Section 4(c) above. The Trustee and the Lender shall solely rely on the Certificate of Continuing Program Compliance delivered pursuant to this Section 4 as evidence of the Borrower's compliance with this Regulatory Agreement.

(f) The Borrower, upon becoming aware of an Event of Default, will notify the Issuer and the Trustee and, so long as the Series B Note is outstanding, the Lender, in writing, of the occurrence of any such Event of Default hereunder or any event which, with the passage of time or service of notice, or both, would constitute an Event of Default hereunder, specifying the nature and period of existence of such event and the actions being taken or proposed to be taken with respect thereto. Such notice shall be given promptly and in no event longer than ten (10) Business Days after the Borrower receives notice or gains knowledge of the occurrence of any such event. The Borrower further agrees that it will give prompt written notice to the Issuer and the Trustee, and, so long as the Series B Note is outstanding, the Lender, if insurance proceeds or condemnation awards in excess of \$50,000 are received with respect to the Project and are not used to repair or replace the Project, which notice shall state the amount of such proceeds or award.

(g) Except as provided in the following sentence, the Borrower shall accept as tenants, on the same basis as all other prospective tenants, Low Income Tenants who are recipients of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the Housing Act or its successor and shall not apply selection criteria to Section 8 certificate/voucher holders that are more burdensome than the criteria applied to all other prospective tenants. The Borrower agrees to modify the leases for units in the Project as necessary to allow the rental of Low Income Units to Section 8 certificate/voucher holders.

(h) Each lease pertaining to a Low Income Unit shall contain a provision to the effect that the Borrower has relied on the income certification and supporting information supplied by the Low Income Tenant in determining qualification for occupancy of the Low Income Unit and that any material misstatement in such certification (whether or not intentional) will be cause for immediate termination of such lease.

(i) Throughout the Qualified Project Period, the Borrower shall recertify each Low Income Tenant's income on or before the anniversary of the Low Income Tenant's tenancy, in any year in which a unit in the Project is occupied by a new resident whose income exceeds the applicable income limit, by obtaining a completed Tenant Income Certification. In the event the re-certification demonstrates that any such tenant's household income exceeds 140% of the applicable income limit, the Borrower shall hold the next available unit or units of comparable or smaller size in the Project available for rental by new Low Income Tenants.

The Borrower in its sole discretion may notify, in writing, each tenant who is no longer a Low Income Tenant of such fact, and that the rent of such tenant(s) is subject to increase thirty (30) days after receipt of such notice. The Borrower shall be entitled to so increase any such tenant's rent only if the Borrower complies with any law applicable thereto and only after the Borrower has rented the next available unit or units in the Project on a one-for-one basis to a Low Income Tenant, or holds units vacant and available for occupancy by Low Income Tenants.

The Borrower agrees to inform all prospective Low Income Tenants of the requirements for recertification of income and of the provisions of the preceding paragraph.

**Section 5. Restrictions Imposed by Minnesota Statutes, Chapter 474A.** Because the Combined Bonds are issued by the Issuer as "residential rental project bonds," as defined in Chapter 474A of the Act ("Chapter 474A"), and the Issuer has received an allocation of tax-exempt bonding authority pursuant to applicable provisions of Chapter 474A, the restrictions imposed by Chapter 474A apply to the Project as described below.

(a) In addition to any other restrictions on rent or the income of tenants set forth in this Regulatory Agreement, during the Qualified Project Period, the Borrower shall restrict rents on at least twenty percent (20%) of the units in the Project (which may consist of the same units as meet the requirements of Section 4) to an amount not exceeding the area fair market rents or exception fair market rents, as applicable, for existing housing as established by the federal Department of Housing and Urban Development from time to time, which units shall be occupied, or held for occupancy, by Low Income Tenants.

(b) The annual certifications required to be made by the Borrower hereunder shall conform to the requirements of Section 474A.047, subdivision 2, and the Issuer shall have the authority to impose upon the Borrower any and all penalties described in Section 474A.047, subdivision 3, from time to time, in addition to any remedies otherwise available under this Regulatory Agreement.

(c) The Borrower must satisfy the requirements of Section 474A.047, subdivision 1(a), during the Qualified Project Period. The Borrower must annually certify to the Issuer over the term of this Regulatory Agreement that the rental rates for the rent-restricted units are within the limitations under Section 474A.047, subdivision 1(a), of Chapter 474A. The Issuer may request individual certification of the income of residents of the income-restricted units. The Commissioner of Minnesota Management and Budget may request from the Issuer a copy of the annual certification prepared by the Borrower. The Commissioner of Minnesota Management and Budget may require the Issuer to request individual certification of all residents of the income-restricted units.

**Section 6. Covenants Run with the Land.** The Borrower hereby declares its express intent that the covenants, restrictions, charges, and easements set forth herein shall be deemed covenants running with the Land and shall, except as otherwise provided in this Regulatory Agreement, pass to and be binding upon the Borrower's successors in title including any purchaser, grantee, owner, or lessee of any portion of the Project and any other person or entity having any right, title, or interest therein and upon the respective heirs, executors, administrators, devisees, successors, and assigns of any purchaser, grantee, owner, or lessee of any portion of the Project and any other person or entity having any right, title, or interest therein. Except as otherwise provided in this Regulatory Agreement, each and every contract, deed, or other instrument hereafter executed covering or conveying the Project or any portion thereof or interest therein shall contain an express provision making such conveyance subject to the covenants, restrictions, charges, and easements contained herein; provided, however, that any such contract, deed, or other instrument shall conclusively be held to have been executed, delivered, and accepted subject to such covenants, regardless

of whether or not such covenants are set forth or incorporated by reference in such contract, deed, or other instrument.

**Section 7. Indemnification.** The Borrower hereby covenants and agrees that it shall indemnify and hold harmless the Issuer and its officers, agents, members, officials, and employees, and the Trustee and the Lender and their respective officers, agents, members, directors, representatives, and employees. All provisions of the Loan Agreements relating to indemnification are incorporated by reference herein and are considered provisions of this Regulatory Agreement, as if expressly set out herein. These provisions shall survive payment of the Combined Bonds and termination of this Regulatory Agreement.

**Section 8. Consideration.** The Issuer has issued the Combined Bonds in part to provide funds to make the Loans to finance the acquisition, construction, and equipping of the Project all for the purpose, among others, of inducing the Borrower to acquire, construct, equip, and operate the Project. In consideration of the issuance of the Combined Bonds by the Issuer, the Borrower has entered into this Regulatory Agreement and has agreed to restrict the uses to which the Project can be put on the terms and conditions set forth herein.

**Section 9. Reliance.** The Issuer and the Borrower hereby recognize and agree that the representations and covenants set forth herein may be relied upon by all persons interested in the legality and validity of the Combined Bonds and in the exemption from federal income taxation of the interest on the Combined Bonds. In performing their duties and obligations hereunder, the Issuer, the Lender, and the Trustee may conclusively rely upon statements and certificates of the Borrower and the tenants and upon audits of the books and records of the Borrower pertaining to the Project. In addition, the Issuer, the Lender, and the Trustee may consult with counsel, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action or inaction taken or suffered by the Issuer, the Lender, or the Trustee hereunder in good faith and in conformity with such opinion. In determining whether any default or lack of compliance by the Borrower exists under this Regulatory Agreement, neither the Issuer, the Lender, nor the Trustee shall be required to conduct any investigation into or review of the operations or records of the Borrower and, absent actual knowledge of any default or noncompliance, may assume compliance by the Borrower unless otherwise specifically notified in writing.

The Issuer, the Lender, and the Trustee shall be under no duty to make any investigation or inquiry as to any statement or other matter contained or referred to in any documents or any instruments delivered to it in accordance with this Regulatory Agreement, but may receive and accept the same as conclusive evidence of the truth and accuracy of such statements.

**Section 10. Sale or Transfer of the Project.** The Borrower hereby covenants and agrees not to sell, transfer, or otherwise dispose of the Project, or any portion thereof, except as permitted under the terms of the Loan Agreements. Any attempted sale, transfer, or disposition which would cause or result in the violation of any of these covenants, provisions, reservations, restrictions, charges, or easements shall be null and void ab initio and of no force and effect. Nothing herein shall prohibit the transfer, sale or assignment of the interests in the Borrower or any direct or indirect ownership interests in the Borrower's partners. In the event of sale, transfer, or disposition of the Project, the Borrower shall provide notice to the Issuer of such event.

**Section 11. Term.** This Regulatory Agreement and the terms hereof shall become effective upon its execution and delivery and shall remain in full force and effect for a term and period equal to the Qualified Project Period, it being expressly agreed and understood that the provisions hereof are intended to survive the retirement of the Combined Bonds and termination of the Indenture and the Loan Agreements



and repayment of the Loans if the Qualified Project Period has not expired at the time of such retirement and expiration. Notwithstanding anything in this Regulatory Agreement to the contrary:

(a) The Project may be transferred pursuant to a foreclosure, exercise of power of sale, or deed in lieu of foreclosure, or comparable proceedings without the consent of or fee of any kind payable to the Issuer or compliance with the provisions of this Regulatory Agreement. In connection with any such foreclosure, deed in lieu of foreclosure, or other proceedings, this Regulatory Agreement may be terminated upon completion of the foreclosure and expiration of the applicable redemption period, or recording of a deed in lieu of foreclosure.

(b) The requirements of this Regulatory Agreement shall terminate and be of no further force and effect in the event of involuntary noncompliance with the provisions of this Regulatory Agreement caused by fire or other casualty, seizure, requisition, foreclosure, transfer of title by deed in lieu of foreclosure, change in a federal law, or an action of a federal agency after the date of this Regulatory Agreement, which prevents the Issuer, the Lender, and the Trustee from enforcing such provisions, or condemnation or a similar event, but only if, within a reasonable period, either the Combined Bonds are retired or amounts received as a consequence of such event are used to provide a project that meets the requirements hereof (provided that this shall be deemed met if the Combined Bonds have been previously retired); provided, however, that the preceding provisions of this sentence shall cease to apply and the restrictions contained herein shall be reinstated if, at any time subsequent to the termination of such provisions as the result of the foreclosure, or the delivery of a deed in lieu of foreclosure, or a similar event, the Borrower or any related person (within the meaning of Section 1.103-10(e) of the Treasury Regulations) obtains an ownership interest in the Project for federal income tax purposes. The Borrower hereby agrees that, following any foreclosure, transfer of title by deed in lieu of foreclosure, or similar event, neither the Borrower nor any such related person as described above will obtain an ownership interest in the Project for federal tax purposes for the remainder of the Qualified Project Period, unless it complies with the limitations imposed by Sections 4 and 5 of this Regulatory Agreement.

(c) This Regulatory Agreement, or any of the provisions or sections hereof, may be terminated upon agreement by the Issuer and the Borrower, and if the Series A Bonds are then outstanding, the Trustee, upon receipt of an opinion of Bond Counsel to the effect that such termination will not cause interest on the Combined Bonds to become included in gross income for federal income tax purposes or cause interest on the Combined Bonds to become included in the net taxable income of individuals, trusts, and estates for State income tax purposes.

Upon the termination of the terms of this Regulatory Agreement, the parties hereto agree to execute, deliver, and record appropriate instruments of release and discharge of the terms hereof; provided, however, that the execution and delivery of such instruments shall not be necessary or a prerequisite to the termination of this Regulatory Agreement in accordance with its terms.

**Section 12. Burden and Benefit.** The Issuer and the Borrower hereby declare their understanding and intent that the burden of the covenants set forth herein touch and concern the Land in that the Borrower's legal interest in the Project is rendered less valuable thereby. The Issuer and the Borrower hereby further declare their understanding and intent that the benefit of such covenants touch and concern the Land by enhancing and increasing the enjoyment and use of the Project by Low Income Tenants, the intended beneficiaries of such covenants, reservations, and restrictions, and by furthering the public purposes for which the Combined Bonds were issued. Notwithstanding the foregoing, the Low Income Tenants are not intended to be third-party beneficiaries of this Regulatory Agreement and shall have no rights to enforce any provision herein.

**Section 13. Enforcement.** If the Borrower defaults in the performance or observance of any covenant, agreement, or obligation of the Borrower set forth in this Regulatory Agreement, and if such default remains uncured for a period of sixty (60) days after written notice thereof shall have been given by the Issuer, the Lender, or the Trustee to the Borrower, then the Issuer or the Trustee, acting upon the direction of the holders of the Series A Bonds pursuant to the Indenture, or the Lender acting pursuant to the Series B Loan Agreement, may declare an “Event of Default” to have occurred hereunder and, at its option, may take any one or more of the following steps:

- (a) by mandamus or other suit, action, or proceeding at law or in equity require the Borrower to perform its obligations and covenants hereunder or enjoin any acts or things which may be unlawful or in violation of the rights of the Issuer, the Lender or the Trustee hereunder;
- (b) have access to and inspect, examine, and make copies of all the books and records of the Borrower pertaining to the Project;
- (c) take such other action at law or in equity as may appear necessary or desirable to enforce the obligations, covenants, and agreements of the Borrower hereunder; or
- (d) with the Trustee’s or the Lender’s respective consent, declare a default under either of the Loans, accelerate the indebtedness evidenced by either of the Loans, and proceed to redeem the Series A Bonds or the Series B Note in accordance with their terms.

Notwithstanding anything to the contrary contained herein, the Issuer, the Lender and the Trustee hereby agree that any cure of any default made or tendered by one or more of the Borrower’s partners shall be deemed to be a cure by the Borrower and shall be accepted or rejected on the same basis as if made or tendered by the Borrower.

All fees, costs, and expenses of the Trustee, the Lender or the Issuer incurred in taking any action pursuant to this Section 13 shall be the sole responsibility of the Borrower and shall be paid to the Trustee, the Lender or the Issuer, as the case may be, on demand.

After the Combined Bonds have been discharged, the Issuer may act on its own behalf to declare an “Event of Default” to have occurred and to take any one or more of the steps specified hereinabove to the same extent and with the same effect as if taken by the Trustee or the Lender at the direction of the holders of the Combined Bonds.

**Section 14. The Trustee, the Lender, and the Issuer.** The Trustee is entering into this Regulatory Agreement in its capacity as the Trustee under the terms of the Series A Bonds and the Indenture and the protections afforded the Trustee therein shall apply to its duties and obligations under this Regulatory Agreement. In determining whether any default or lack of compliance by the Borrower exists under this Regulatory Agreement, the Trustee shall not be required to conduct any investigation into or review of the operations or records of the Borrower, and absent actual knowledge of any default or noncompliance, may assume compliance by the Borrower unless otherwise specifically set forth herein. The Lender is entering into this Regulatory Agreement in its capacity as the purchaser of the Series B Note. The Issuer may, at all times, assume the Borrower’s compliance with this Regulatory Agreement unless otherwise notified in writing by the Trustee or the Lender (but neither the Trustee nor the Lender shall have any obligation to so notify the Issuer), or unless the Issuer has actual knowledge of noncompliance. The Trustee and the Lender can conclusively rely on the accuracy of any certificates, instruments, opinions, or reports delivered to them by the Borrower. Following the payment in full and the discharge of the Series A Bonds and the termination of the Indenture and the Series A Loan Agreement: (i) all obligations, rights, and duties of the Trustee under this Regulatory Agreement will terminate and be of no further force and effect; (ii) all actions required

by the Trustee will instead be undertaken by the Issuer; (iii) all notices to be delivered to the Trustee will instead be delivered to the Issuer and all notices to be delivered by the Trustee will instead be delivered by the Issuer; and (iv) the Trustee shall no longer be a party to this Regulatory Agreement and shall be considered released from all obligations hereunder. Following the payment in full and the discharge of the Series B Note and the termination of the Series B Loan Agreement: (i) all obligations, rights, and duties of the Lender under this Regulatory Agreement will terminate and be of no further force and effect; (ii) all actions required by the Lender will instead be undertaken by the Issuer; (iii) all notices to be delivered to the Lender will instead be delivered to the Issuer and all notices to be delivered by the Lender will instead be delivered by the Issuer; and (iv) the Lender shall no longer be a party to this Regulatory Agreement and shall be considered released from all obligations hereunder.

**Section 15. Amendment.** The provisions hereof shall not be amended or revised prior to the stated term hereof except by an instrument in writing duly executed by the Issuer and the Borrower, and consented to by the Trustee and the Lender as may be required by the Indenture or the Loan Agreements, and duly recorded. The Issuer's, the Lender's, and the Trustee's consent to any such amendment or revision (whether or not the Combined Bonds shall then be outstanding) shall be given only upon receipt of an opinion of Bond Counsel addressed to the Issuer, the Lender, and the Trustee that such amendment or revision will not adversely affect the exemption from federal income taxation of interest on the Combined Bonds. None of the Issuer, the Lender, or the Trustee shall have a duty to prepare any such consent, amendment, or revision.

**Section 16. Right of Access to the Project and Records.** The Borrower agrees that during the term of this Regulatory Agreement, the Issuer, the Lender, the Trustee, and their duly authorized agents shall have the right (but not a duty) at all reasonable times, and upon reasonable notice of at least 24 hours, to enter upon the site of the Project during normal business hours to examine and inspect the Project and to have access to the books and records of the Borrower with respect to the Project, a copy of which shall be maintained at the site of the Project.

**Section 17. No Conflict with Other Documents.** The Borrower warrants that it has not executed and will not execute any other agreement with provisions contradictory to, or in opposition to, the provisions hereof.

**Section 18. Severability.** The invalidity of any section, clause, part, or provision of this Regulatory Agreement shall not affect the validity of the remaining portions thereof.

**Section 19. Notices.** All notices to be given pursuant to this Regulatory Agreement shall be in writing and shall be deemed given when sent by unsecured e-mail, facsimile transmission or other similar unsecured electronic methods or when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate in writing:

To the Issuer:	City of Brooklyn Park, Minnesota 5200 85th Ave. N. Brooklyn Park, MN 55443 Attention: City Manager
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To the Trustee:	U.S. Bank Trust Company, National Association 60 Livingston Avenue, 3 <sup>rd</sup> Floor EP-MN-WS3C St. Paul, Minnesota 55107-2292 Attention: Martha Earley
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To the Lender: The Huntington National Bank  
3900 Park East Dr, Suite 300  
EOHKQ0  
Beachwood, OH 44122  
Attention: Ron Konstantinovsky, Vice President

With a copy to:  
Thompson Hine LLP  
3900 Key Center  
127 Public Square  
Cleveland, OH 44114  
Attn: Dave Lewis, Esq.

To the Borrower: Brooklyn Park AH I, LLLP  
c/o Real Estate Equities  
579 Selby Avenue  
Saint Paul, MN 55102  
Attn: Patrick Ostrom

With a copy to: Winthrop & Weinstine, P.A.  
225 South Sixth Street, Suite 3500  
Minneapolis, Minnesota 55402-4629  
Attention: Jeffrey Drennan, Esq.

To the Investor Limited Partner: Stratford Brooklyn Park Investors Limited Partnership  
c/o Stratford Capital Group LLC  
100 Corporate Place, Suite 404  
Peabody, MA 01960  
Attn: Asset Management – [Brooklyn Park]

with a copy to:  
[DLA Piper LLP (US)  
444 West Lake Street, Suite 900  
Chicago, Illinois 60606  
Attn: Gregory R. A. Dahlgren, Esq.]

To the Special Limited Partner: Stratford SLP, Inc.  
c/o Stratford Capital Group LLC  
100 Corporate Place, Suite 404  
Peabody, MA 01960  
Attn: Asset Management – [Brooklyn Park]

with a copy to:  
[DLA Piper LLP (US)  
444 West Lake Street, Suite 900  
Chicago, Illinois 60606  
Gregory R. A. Dahlgren, Esq.]

**Section 20. Governing Law.** This Regulatory Agreement shall be governed by and construed in accordance with the laws and judicial decisions of the State, except as such laws may be preempted by any federal rules, regulations, and laws.

**Section 21. Payment of Fees.** Notwithstanding payment of the Loans, the termination of the Loan Agreements or the Indenture, and the defeasance or discharge of the Combined Bonds, throughout the term of the Qualified Project Period, the Borrower shall continue to pay:

(a) to the Issuer, reimbursement for all reasonable fees and expenses, including, but not limited to, financial advisory and legal fees and expenses necessary for the Issuer's reviewing and, if necessary, enforcing compliance by the Borrower with the terms of this Regulatory Agreement; and

(b) the fees and expenses of any entity or person designated by the Issuer to perform the review of the Borrower's compliance with this Regulatory Agreement; provided that such fees and expenses are not duplicative of any fees and expenses paid under (a) above.

**Section 22. Limited Liability.** All obligations of the Issuer hereunder shall be special, limited obligations of the Issuer, payable solely and only from proceeds of the Series A Bonds and amounts derived by the Issuer from the Loans and the Loan Agreements.

**Section 23. Actions of Issuer.** The Issuer shall be entitled to rely conclusively on an opinion of counsel in the exercise or non-exercise of any of the rights or powers vested in the Issuer by virtue of this Regulatory Agreement or any other agreement or instrument executed in connection with the issuance of the Combined Bonds; it being the intent of the parties hereto that the Issuer, and any and all present and future trustees, members, commissioners, officers, employees, attorneys, and agents of the Issuer shall not incur any financial or pecuniary liability for the exercise or non-exercise of any rights or powers vested in the Issuer by this Regulatory Agreement or any other instrument or agreement executed in connection with the issuance of the Combined Bonds; or for the performance or nonperformance of any obligation under, or the failure to assert any right, power, or privilege under this Regulatory Agreement, the Combined Bonds, the Loan Agreements, the Indenture or any other instrument or agreement executed in connection with the issuance of the Combined Bonds. If the Issuer's consent or approval is required under this Regulatory Agreement, or any other agreement or instrument executed in connection with the issuance of the Combined Bonds, the Issuer shall be entitled to rely conclusively on an opinion of counsel and shall not be responsible for any loss or damage resulting from any action or inaction in reliance upon such opinion. If the Issuer incurs any expense, or suffers any losses, claims, or damages, or incurs any liabilities in connection with this Regulatory Agreement, the Issuer shall be indemnified by the Borrower pursuant to Section 7 hereof and in accordance with the Loan Agreements and any exercise or non-exercise of any rights of the Trustee under this Regulatory Agreement shall not create any liability of the Trustee or the Lender to the Issuer.

**Section 24. Counterparts.** This Regulatory Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Regulatory Agreement, and, in making proof of this Regulatory Agreement, it shall not be necessary to produce or account for more than one such counterpart.

**Section 25. Recording and Filing.** The Borrower shall cause this Regulatory Agreement and all amendments and supplements hereto and thereto to be recorded and filed in the real property records of the County, the State, and in such other places as the Issuer may reasonably request. The Borrower shall pay all fees and charges incurred in connection with any such recording.

**Section 26. Additional Approvals.** Subsequent to the issuance of the Combined Bonds, the officers of the Issuer are hereby authorized and directed to execute and provide all certified copies,

certificates, affidavits, disclosures, representations, and reporting forms as may be required with respect to the continuing obligations of the parties hereunder.

**Section 27. Execution in Counterparts; Electronic Signatures.** This Regulatory Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. To the fullest extent permitted by applicable law and except for the certificate of authentication on the Combined Bonds (which must be manually signed by an authorized representative of the Trustee) and instruments of transfer of the Combined Bonds, facsimile or electronically transmitted signatures shall constitute original signatures for all purposes under this Regulatory Agreement.

(The remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the parties have caused this Regulatory Agreement to be signed by their respective duly authorized representatives as of the day and year first written above.

CITY OF BROOKLYN PARK, MINNESOTA

By \_\_\_\_\_  
Hollies J. Winston, Mayor

By \_\_\_\_\_  
Jay Stroebel, City Manager

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF HENNEPIN    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by Hollies J. Winston, the Mayor of the City of Brooklyn Park, Minnesota, on behalf of the City.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF HENNEPIN    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by Jay Stroebel, the City Manager of the City of Brooklyn Park, Minnesota, on behalf of the City.

\_\_\_\_\_  
Notary Public

**BROOKLYN PARK AH I, LLLP**, a Minnesota  
limited liability limited partnership

By: Brooklyn Park AH I, LLC, a Minnesota limited  
liability company  
Its: General Partner

By: \_\_\_\_\_  
Name: Patrick Ostrom  
Title: Vice President

STATE OF MINNESOTA            )  
  ) ss  
COUNTY OF \_\_\_\_\_        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by Patrick Ostrom, the Vice President of Brooklyn Park AH I, LLC, a Minnesota limited liability company, the General Partner of Brooklyn Park AH I, LLLP, a Minnesota limited liability limited partnership, on behalf of said limited liability limited partnership.

\_\_\_\_\_  
Notary Public



**U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION**

By \_\_\_\_\_  
Its Vice President

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, the Vice President of U.S. Bank Trust Company, National Association, a national banking association, on behalf of the national banking association.

\_\_\_\_\_  
Notary Public

**EXHIBIT A**

**Legal Description of the Land**

[Lot 1, Block 1, Gateway 7th Addition, according to the recorded plat thereof, Hennepin County, Minnesota.]

**EXHIBIT B**

**Form of Tenant Income Certification**

TENANT INCOME CERTIFICATION  <input type="checkbox"/> Initial Certification <input type="checkbox"/> Recertification <input type="checkbox"/> Other _____	Effective Date: _____ Move-in Date: _____ (MM/DD/YY): _____
--	---

**PART I. DEVELOPMENT DATA**

Property Name: Decatur Landing Address: 9500 Decatur Drive North, Brooklyn Park, Minnesota	County: Hennepin Unit Number: _____	BIN #: _____ # Bedrooms: _____
---	--	-----------------------------------

**PART II. HOUSEHOLD COMPOSITION**

HH Br #	Last Name	First Name & Middle Initial	Relationship to Head of Household	Date of Birth (MM/DD/YY)	F/T Student (Y or N)	Social Security or Alien Reg. No.
1			HEAD			
2						
3						
4						
5						
6						

**PART III. GROSS ANNUAL INCOME (USE ANNUAL AMOUNTS)**

HH Br #	(A) Employment or Wages	(B) Soc. Security / Pensions	(C) Public Assistance	(D) Other Income
<b>TOTAL</b>	\$	\$	\$	\$
Add totals from (A) through (D) above			<b>TOTAL INCOME (E):</b>	\$

<b>PART IV. INCOME FROM ASSETS</b>				
HH Mbr#	(F) Type of Asset	(G) C/I	(H) Cash Value of Asset	(I) Annual Income from Asset
<b>TOTALS:</b>			\$	\$
Enter Column (H) Total if over \$5,000 \$ _____		Passbook Rate x 2.00 %	=	(J) Imputed Income \$
Enter the greater of the total column I, or J: imputed income				<b>TOTAL INCOME FROM ASSETS (K)</b> \$
(L) Total Annual Household Income from all sources [Add (E) + (K)]				\$

**HOUSEHOLD CERTIFICATION & SIGNATURES**

The information on this form will be used to determine maximum income eligibility. I/we have provided for each person(s) set forth in Part II acceptable verification of current anticipated annual income. I/we agree to notify the landlord immediately upon any member of the household moving out of the unit or any new member moving in. I/we agree to notify the landlord immediately upon any member becoming a full-time student.

Under penalties of perjury, I/we certify that the information presented in this Certification is true and accurate to the best of my/our knowledge and belief. The undersigned further understands that providing false representations herein constitutes an act of fraud. False, misleading or incomplete information may result in the termination of the lease agreement.

Signature	(Date)	Signature	(Date)
Signature	(Date)	Signature	(Date)

**PART V. DETERMINATION OF INCOME ELIGIBILITY**

TOTAL ANNUAL HOUSEHOLD INCOME FROM ALL SOURCES From Item (L) on page 1	\$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; vertical-align: middle;"></span>	Household Meets Income Restriction at: <input type="checkbox"/> 60% <input type="checkbox"/> 50% <input type="checkbox"/> 40% <input type="checkbox"/> 30% <input type="checkbox"/> ___%	RECERTIFICATION ONLY: Current Income Limit x 140% \$ _____ Household income exceeds 140% at recertification: <input type="checkbox"/> Yes <input type="checkbox"/> No Household Size at Move-in: _____
Current Income Limit per Family Size:	\$ _____		
Household Income at Move-in	\$ _____		

<b>PART VI. RENT</b>			
Tenant Paid Rent	\$ _____	Rent Assistance:	\$ _____
Utility Allowance	\$ _____	Other non-optional charges:	\$ _____
<b>GROSS RENT FOR UNIT:</b> Tenant paid rent plus Utility Allowance and other non-optional charges		Unit Meets Rent Restriction at:	
\$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; vertical-align: middle;"></span>		<input type="checkbox"/> 60% <input type="checkbox"/> 50% <input type="checkbox"/> 40% <input type="checkbox"/> 30% <input type="checkbox"/> ___%	
Maximum Rent Limit for this unit:		\$ _____	

<b>PART VII. STUDENT STATUS</b>		
ARE ALL OCCUPANTS FULL-TIME STUDENTS?  <input type="checkbox"/> yes <input type="checkbox"/> no	If yes, enter student explanation** (also attach documentation)  <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto; margin-right: auto;">                     Enter 1-4                 </div>	Student explanation: 1. TANF assistance 2. Job training program 3. Single parent/dependent child 4. Married/joint return*
<u><b>*Exception for married/joint return is the only exception available for units necessary to qualify tax-exempt bonds.</b></u>		

<b>PART VIII. PROGRAM TYPE</b>				
Mark the program(s) listed below (a. through e.) for which this household's unit will be counted toward the property's occupancy requirements. Under each program marked, indicate the household's income status as established by this certification/recertification				
a. Tax Credit <input type="checkbox"/>	b. HOME <input type="checkbox"/>	c. Tax Exempt <input type="checkbox"/>	d. AHDP <input type="checkbox"/>	e. _____ <input type="checkbox"/> (Name of Program)
See Part V above.	<i>Income Status</i> <input type="checkbox"/> ≤ 50% AMGI <input type="checkbox"/> ≤ 60% AMGI <input type="checkbox"/> ≤ 80% AMGI <input type="checkbox"/> ≤ OI **	<i>Income Status</i> <input type="checkbox"/> 50% AMGI <input type="checkbox"/> 60% AMGI <input type="checkbox"/> 80% AMGI <input type="checkbox"/> OI **	<i>Income Status</i> <input type="checkbox"/> ≤ 50% AMGI <input type="checkbox"/> ≤ 80% AMGI <input type="checkbox"/> ≤ OI **	<i>Income Status</i> <input type="checkbox"/> _____ <input type="checkbox"/> ≤ OI **
** Upon recertification, household was determined over income (OI) according to eligibility requirements of the program(s) marked above.				
<b>SIGNATURE OF OWNER / REPRESENTATIVE</b>				

Based on the representations herein and upon the proofs and documentation required to be submitted, the individual(s) named in Part II of this Tenant Income Certification is/are eligible under the provisions of Section 42 of the Internal Revenue Code, as amended, and the Regulatory Agreement (if applicable), to live in a unit in this Project.

\_\_\_\_\_  
 SIGNATURE OF OWNER / REPRESENTATIVE                      DATE

**INSTRUCTIONS FOR COMPLETING  
TENANT INCOME CERTIFICATION**

*This form is to be completed by the owner or an authorized representative.*

**Part I – Development Data**

Check the appropriate box for Initial Certification (move-in), Recertification (annual recertification), or Other. If Other, designate the purpose of the recertification (i.e., a unit transfer, a change in household composition, or other state-required recertification).

- Move-in Date                      Enter the date the tenant has or will take occupancy of the unit.
- Effective Date                    Enter the effective date of the certification. For move-in, this should be the move-in date. For annual recertification, this effective date should be no later than one year from the effective date of the previous (re)certification.
- Property Name                    Enter the name of the development.
- County                              Enter the county (or equivalent) in which the building is located.
- BIN #                                Enter the Building Identification Number (BIN) assigned to the building (from IRS Form 8609).
- Address                             Enter the unit number.
- Unit Number                        Enter the unit number.
- # Bedrooms                        Enter the number of bedrooms in the unit.

**Part II – Household Composition**

List all occupants of the unit. State each household member’s relationship to the head of the household by using one of the following coded definitions:

- |   |                   |   |                     |
|---|-------------------|---|---------------------|
| H | Head of household | S | Spouse              |
| A | Adult co-tenant   | O | Other family member |
| C | Child             | F | Foster child        |
| L | Live-in caretaker | N | None of the above   |

Enter the date of birth, student status, and Social Security number or alien registration number for each occupant.

*If there are more than seven occupants, use an additional sheet of paper to list the remaining household members and attach it to the certification.*

**Part III – Annual Income**

See HUD Handbook 4350.3 for complete instructions on verifying and calculating income, including acceptable forms of verification.

From the third party verification forms obtained from each income source, enter the gross amount anticipated to be received for the 12 months from the effective date of the (re)certification. Complete a separate line for each income-earning member. List the respective household member number from Part II.

- Column (A) Enter the annual amount of wages, salaries, tips, commissions, bonuses, and other income from employment; distributed profits and/or net income from a business.
- Column (B) Enter the annual amount of Social Security, Supplemental Security Income, pensions, military retirement, etc.
- Column (C) Enter the annual amount of income received from public assistance (i.e., TANF, general assistance, disability, etc.)
- Column (D) Enter the annual amount of alimony, child support, unemployment benefits, or any other income regularly received by the household.
- Row (E) Add the totals from columns (A) through (D) above. Enter this amount.

**Part IV – Income from Assets**

See HUD Handbook 4350.3 for complete instructions on verifying and calculating income from assets, including acceptable forms of verification.

From the third party verification forms obtained from each asset source, list the gross amount anticipated to be received during the 12 months from the effective date of the certification. List the respective household member number from Part II and complete a separate line for each member.

- Column (F) List the type of asset (i.e., checking account, savings account, etc.)
- Column (G) Enter C (for current, if the family currently owns or holds the asset), or I (for imputed, if the family has disposed of the asset for less than fair market value within two years of the effective date of (re)certification).
- Column (H) Enter the cash value of the respective asset.
- Column (I) Enter the anticipated annual income from the asset (i.e., savings account balance multiplied by the annual interest rate).
- TOTALS Add the total of Column (H) and Column (I), respectively.

If the total in Column (H) is greater than \$5,000, you must do an imputed calculation of asset income. Enter the Total Cash Value, multiply by 2% and enter the amount in (J), Imputed Income.

- Row (K) Enter the Greater of the total in Column (I) or (J)
- Row (L) Total Annual Household Income from All Sources Add (E) and (K) and enter the total

**HOUSEHOLD CERTIFICATION AND SIGNATURES**

After all verifications of income and/or assets have been received and calculated, each household member age 18 or older must sign and date the Tenant Income Certification. For move-in, it is recommended that the Tenant Income Certification be signed no earlier than five days prior to the effective date of the certification.

**Part V – Determination of Income Eligibility**

Total Annual Household Income from all sources	Enter the number from item (L).
Current Income Limit per Family Size	Enter the Current Move-in Income Limit for the household size.
Household income at move-in Household size at move-in	For recertifications only. Enter the household income from the move-in certification. On the adjacent line, enter the number of household members from the move-in certification.
Household Meets Income Restriction	Check the appropriate box for the income restriction that the household meets according to what is required by the set-aside(s) for the project.
Current Income Limit x 140%	For recertification only. Multiply the Current Maximum Move-in Income Limit by 140% and enter the total. Below, indicate whether the household income exceeds that total. If the Gross Annual Income at recertification is greater than 140% of the current income limit, then the available unit rule must be followed.

**Part VI – Rent**

Tenant Paid Rent	Enter the amount the tenant pays toward rent (not including rent assistance payments such as Section 8).
Rent Assistance	Enter the amount of rent assistance, if any.
Utility Allowance	Enter the utility allowance. If the owner pays all utilities, enter zero.
Other non-optional charges	Enter the amount of non-optional charges, such as mandatory garage rent, storage lockers, charges for services provided by the development, etc.
Gross Rent for Unit	Enter the total of Tenant Paid Rent plus Utility Allowance and other non-optional charges.
Maximum Rent Limit for this unit	Enter the maximum allowable gross rent for the unit.
Unit Meets Rent Restriction at ___%	Check the appropriate rent restriction that the unit meets according to what is required by the set-aside(s) for the project.

**Part VII – Student Status**



If all household members are full-time\* students, check “yes.” If at least one household member is not a full-time student, check “no.”

If “yes” is checked, the appropriate exemption must be listed in the box to the right. If none of the exemptions apply, the household is ineligible to rent the unit.

*\* Full time is determined by the school the student attends.*

**Part VIII – Program Type**

Mark the program(s) for which this unit will be counted toward the property’s occupancy requirements. Under each program marked, indicate the household’s income status as established by this certification/recertification. If the property does not participate in the HOME, Tax-Exempt Bond, Affordable Housing Disposition, or other housing program, leave those sections blank.

- Tax Credit                      See Part V above.
  
- HOME                              If the property participates in the HOME program and the unit this household will occupy will count towards the HOME program set-asides, mark the appropriate box indicating the household’s designation.
  
- Tax Exempt                      If the property participates in the Tax Exempt Bond program, mark the appropriate box indicating the household’s designation.
  
- AHDP                              If the property participates in the Affordable Housing Disposition Program (AHDP), and this household’s unit will count towards the set-aside requirements, mark the appropriate box indicating the household’s designation.
  
- Other                                If the property participates in any other affordable housing program, complete the information as appropriate.

**SIGNATURE OF OWNER / REPRESENTATIVE**

It is the responsibility of the owner or the owner’s representative to sign and date this document immediately following execution by the resident(s).

The responsibility of documenting and determining eligibility (including completing and signing the Tenant Income Certification form) and ensuring such documentation is kept in the tenant file is extremely important and should be conducted by someone well-trained in tax credit compliance.

*These instructions should not be considered a complete guide on tax credit compliance. The responsibility for compliance with federal program regulations lies with the owner of the building(s) for which the credit is allowable.*

**EXHIBIT C**

**Certificate of Continuing Program Compliance**

\_\_\_\_\_, 20\_\_

TO: City of Brooklyn Park, Minnesota  
5200 85th Ave. N.  
Brooklyn Park, MN 55443  
Attention: City Manager

and (prior to the discharge of the Series A Bonds (hereinafter defined))

U.S. Bank Trust Company, National Association  
60 Livingston Avenue, 3<sup>rd</sup> Floor  
EP-MN-WS3C  
St. Paul, Minnesota 55107-2292  
Attention: Corporate Trust Administrator

and (prior to the discharge of the Series B Note (hereinafter defined))

The Huntington National Bank  
3900 Park East Dr, Suite 300  
EOHKQ0  
Beachwood, OH 44122  
Attention: Ron Konstantinovsky, Vice President

Re: Multifamily Housing Revenue Bonds (Decatur Landing Apartments Project), Series 2023A (the Series A Bonds”) and Multifamily Housing Revenue Note (Decatur Landing Apartments Project), Series 2023B (the “Series B Note” and together with the Series A Bonds, the “Combined Bonds”)

The undersigned, an authorized representative for Brooklyn Park AH I, LLLP, a Minnesota limited liability limited partnership (the “Owner”), hereby certifies, represents, and warrants that:

1. The Owner owns the multifamily housing development located at or about the southern half of Hennepin County Parcel #0711921320006, near 9500 Decatur Drive North in the City of Brooklyn Park, Minnesota, commonly known as Decatur Landing Apartments (the “Project”).
2. The undersigned and the Owner have read and are thoroughly familiar with the provisions of (1) the Regulatory Agreement, dated as of December 1, 2023 (the “Regulatory Agreement”), between the Owner, the City of Brooklyn Park, Minnesota (the “Issuer”), The Huntington National Bank (the “Lender”), and U.S. Bank Trust Company, National Association (the “Trustee”); (2) the Loan Agreement, dated as of December 1, 2023 (the “Series A Loan Agreement”), between the Owner and the Issuer with respect to the Series A Bonds; and (3) the Loan Agreement, dated December [ ], 2023 (the “Series B Loan Agreement,” and together with the Series A Loan Agreement, the “Loan Agreements”), between the Owner and the Issuer with respect to the Series B Note. The Regulatory Agreement was executed, delivered, and recorded against the Project in connection with the issuance of the Series A Bonds.

3. A review of the activities of the Owner and of the Owner's performance under the Regulatory Agreement and the Loan Agreements during the year ending 20\_\_ has been made under the supervision of the undersigned.

4. The Project's Qualified Project Period commenced on \_\_\_\_\_, 20\_\_ (the date on which 10% of the residential units in the Project were occupied), and will end on the latest of:

(i) \_\_\_\_\_, 20\_\_ (the date which is 30 years after the date on which 50% of the residential units in the Project were occupied);

(ii) the first day on which no tax-exempt private activity bond issued with respect to the Project is outstanding, or

(iii) the date on which any assistance provided with respect to the Project under Section 8 of the United States Housing Act of 1937 terminates.

5. As of the date of this Certificate, the following percentages of completed residential units in the Project are (i) occupied by Low Income Tenants or (ii) currently vacant and being held available for occupancy by Low Income Tenants and have been so held continuously since the date a Low Income Tenant vacated such unit, as indicated:

Occupied by Low Income Tenants	_____ % Units	Nos. _____
Continuously held vacant for occupancy by Low Income Tenants since last occupied by Low Income Tenants	_____ % Units	Nos. _____

6. At no time since the date of filing of the last Certificate of Continuing Program Compliance (or since the issuance of the Combined Bonds, if this is the first such certificate) has less than \_\_\_\_\_ units representing 40% of the completed units in the Project been occupied by or were last occupied by Low Income Tenants.

7. As of the date of this Certificate, at least 40% of the units in the Project are (i) occupied by persons or families with Adjusted Income which does not exceed 60% of the Median Income for the Area adjusted for household size; or (ii) held vacant for occupancy for persons or families with Adjusted Income which does not exceed 60% of the Median Income for the Area adjusted for household size. Project Units occupied or held vacant for persons or families with Adjusted Income which does not exceed 60% of the Median Income for the Area adjusted for household size include Unit numbers \_\_\_\_\_.

8. At all times since the date of filing of the last Certificate of Continuing Program Compliance, the rent on at least 20% of the units in the Project has not exceeded the area fair market rents or exception fair market rents, as applicable, for existing housing as established from time to time by the United States Department of Housing and Urban Development.

9. To the knowledge of the undersigned, after due inquiry, all units were rented or available for rental on a continuous basis during the immediately preceding year to members of the general public, and the Owner is not now and has not been in default under the terms of the Regulatory Agreement and the Loan Agreements and, to the knowledge of the undersigned, no Determination of Taxability has occurred with respect to the Combined Bonds.

10. [CHOOSE ONE: None/One or more] of the Tenants in the Project are currently receiving assistance under Section 8 of the United States Housing Act of 1937.

11. Unless otherwise expressly provided herein or unless the context requires otherwise, the capitalized terms used but not defined herein shall have the meaning assigned to such terms in the Regulatory Agreement.

12. The Owner has not transferred any interest in the Project since the date of submission of the Certificate of Continuing Program Compliance last submitted to the Trustee, the Lender, and the Issuer with respect to the Project. **(If the Owner has transferred any interest in the Project, such transfer should be detailed here.)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_.

**BROOKLYN PARK AH I, LLLP**, a Minnesota limited liability limited partnership

By: Brooklyn Park AH I, LLC, a Minnesota limited liability company  
Its: General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.1	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Finance
<b>Resolution:</b>	X	<b>Prepared By:</b>	Dolly Lee, Assistant Finance Director
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	LaTonia Green, Finance Director
<b>Item:</b>	Resolution Amending Fee Resolution #2022-121 Adopting a Schedule of Fees and Charges for Various Services, Licenses and Permits for the City of Brooklyn Park, Minnesota		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_ AMENDING FEE RESOLUTION #2022-121 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF BROOKLYN PARK, MINNESOTA.

## Overview:

Each year, staff reviews and makes recommended changes to the City's schedule of fees and charges. Fees are set to recover the cost of the service provided and must not exceed that cost per Minnesota Statute. These changes must be approved by the City Council by resolution. A resolution including these changes is included in the packet for your review. Additions or changes are underlined, and deletions are struck through. Some of the changes are only to delete outdated information. Also, attached are memos from departments recommending changes and providing information on the changes. Staff is recommending approval of the 2024 fees and charges schedule.

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

## Budgetary/Fiscal Issues:

The recommended fees have been incorporated in the preliminary 2024 budget. Should the City Council choose not to adopt the recommended fees, the preliminary budget would need to be adjusted accordingly.

## Attachments:

- 7.1A RESOLUTION
- 7.1B STAFF MEMOS

RESOLUTION #2023-

RESOLUTION AMENDING FEE RESOLUTION #2022-121 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF BROOKLYN PARK, MINNESOTA

WHEREAS, fees and charges are assessed for various services for the City of Brooklyn Park; and

WHEREAS, in the year 2022, the Brooklyn Park City Council approved Resolution #2022-121 adopting a schedule of fees and charges for various services, licenses and permits for the City of Brooklyn Park; and

WHEREAS, the City Council of the City of Brooklyn Park, Minnesota resolves to adopt the following schedule of fees and charges for the calendar year 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Park approves the following schedule of fees and charges for various services, licenses and permits for the calendar year 2024.

~~Text with strikeout is proposed for deletion~~

Underlined text is proposed for insertion

**APPENDIX: FEE RESOLUTION**

**RESOLUTION #2023-  
CITY OF BROOKLYN PARK  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

RESOLUTION AMENDING FEE RESOLUTION NO. 2022-121 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF BROOKLYN PARK, MINNESOTA

Now, therefore, the City Council of the City of Brooklyn Park, Minnesota, resolves:

**TABLE OF CONTENTS BY TITLE OF TABLE**

<i>Title of Table</i>	<i>Reference</i>
Abatement Fees	—
Administrative Fee Schedule	§ 90.23
Administrative Penalty Schedule	—
Animal Licensing Fees	§§ 92.27 and 92.38
Business License and Permit Fees	§ 110.37. References to specific sections are contained in the body of the table.
Building Permit Administrative Fee for Residential Contractors	§ 103.01(C)(2)
Building Permit Fees	§§ 103.01(C) and 103.02
City Services and Supplies	—
Communications	—

<i>Title of Table</i>	<i>Reference</i>
Community Engagement	—
Demolition and Moving of Buildings	§ 103.02
Fire Hydrants	§§ 100.59 and 100.64
Fire Protection and Prevention Service Fees	§ 93.09
Fire Suppression Systems/Alarm Systems Fees	§§ 93.09 and 103.02
Gas Fees	§ 103.02
Hearing Officer Fee Schedule	—
Mechanical Permit Fees	§ 103.02
Plumbing Fees	§ 103.02
Police Department	—
Police Contract Overtime Rate	—
Private Sewer System Permit Fees	§§ 99.81 and 99.82
Recreation and Park Fees	—
Recycling Service Charges	§ 98.39
Sanitary Sewer Rates and Charges	§§ 99.75 to 99.80, 103.02
<b>Services and Supplies</b>	<b>MS §§ 13.03</b>
Storm Sewer Rates and Charges	§ 108.04
Street/Signal Lighting Rates and Changes	§ 109.03
Subdivision and Zoning Fees and Charges	§ 151.041
Water Access Charges	§ 100.63
Water Rates and Charges	§§ 100.55(A) through (D), 100.57, 100.58
Water Maintenance and Fire Protection Charges	§ 100.55(E)
Water Meters	§§ 100.60 and 100.61

### TABLE OF CONTENTS BY CODE SECTION

<i>Section(s) of Code</i>	<i>Title of Table</i>
§ 71.49	Business License and Permit Fee Schedule (Traffic Rule)
§ 90.23	Administrative Fee (All Vehicle Impounds)
§§ 92.37 and 92.38	<i>Animal Licensing Fees</i>
§ 93.09	Fire Protection and Prevention Service Fees Fire Suppression Systems/Alarm System Fees
§ 93.13	Business License and Permit Fee Schedule (Health and Safety)
§ 93.25	Business License and Permit Fee Schedule (Annual Consumer Permits)
§§ 93.25 et seq.	<i>Business License and Permit Fee Schedule (Fire Protection and Prevention)</i>
§ 96.43	Business License and Permit Fee Schedule (Streets and Sidewalks)

<i>Section(s) of Code</i>	<i>Title of Table</i>
§§ 98.06 and 98.15	Business License and Permit Fee Schedule (Garbage and Refuse)
§ 99.66	Business License and Permit Fee Schedule (Sewers)
§§ 99.75 to 99.80	Sanitary Sewer Rates and Charges
§§ 99.81 and 99.82	Private Sewer System Permit Fees
§§ 100.55(A) through (D), 100.57, 100.58	Water Rates and Charges
§ 100.55(E)	Water Maintenance and Fire Protection Charges
§§ 100.60 and 100.61	Water Meters
§§ 100.59 and 100.64	Fire Hydrants
§ 100.63	Water Access Charges
§§ 103.01(C) and 103.02	Building Permit Administrative Fees
§ 103.02	Plumbing Fees Table 1-C Plumbing Permit Fees <i>Gas Fees Table 1-B</i> <i>Mechanical Permit Fees</i> <i>Demolition and Moving of Buildings</i> <i>Mechanical Permit Fees Table 1-B</i> <i>Mechanical Permit Fees</i> <i>Fire Suppression Systems/Alarm Systems Fees</i> <i>Building Permit Fees Table 1-A</i> <i>Building Permit Fee Schedule</i>
§§ 93.34, 93.36, 103.02, 103.04, and 110.37	Business License and Permit Fee Schedule (Building Code)
Ch. 105	Business License and Permit Fee Schedule (Swimming Pools)
§ 105.02	Pool License Fees
§ 110.37	Business License and Permit Fee Schedule
Ch. 111	Business License and Permit Fee Schedule (Adult Oriented Businesses)
§§ 112.015, 112.036, 112.059, 112.061, 112.062, 112.097	Business License and Permit Fee Schedule (Alcoholic Beverages and Establishments)
113.43	Business License and Permit Fee Schedule (Amusements and Theatrical Entertainment)
§§ 114.04 and 114.05	Business License and Permit Fee Schedule (Food Establishments)
117.30, 117.40 and 117.45	Business License and Permit Fee Schedule (Lodging and Housing Establishments) (Rental Establishment Fees)
§ 117.52	Business License and Permit Fee Schedule (Building Code)



<i>Section(s) of Code</i>	<i>Title of Table</i>
§ 118.04	Business License and Permit Fee Schedule (Excavations and Earth Moving)
§§ 119.30 et seq.	Business License and Permit Fee Schedule (Pawnbrokers and Peddlers)
§ 120.03	Business License and Permit Fee Schedule (Sauna)
Ch. 122	Business License and Permit Fee Schedule (Tobacco Regulations)
Ch. 125	Business License and Permit Fee Schedule (Businesses in the Public-Right-of-Way)
Ch. 126	Business License and Permit Fee Schedule (THC Regulations)
Ch. 150	Business License and Permit Fee Schedule (Signs)
§ 151.041	Subdivision and Zoning Fees and Charges

## FEE RESOLUTION

Section 1. All fees and charges in effect as of the date of the adoption of the city code for the city shall remain in effect unless otherwise modified by the provisions of this resolution. All citations below are to various sections of the city code unless otherwise indicated.

Section 2. The following are the fees and charges for the permits, licenses and services listed below which are referenced to the section of the city code which authorizes their establishment:

### ABATEMENT FEES

<i>Abatement Costs</i>	<i>Fee</i>
\$0 - \$999	\$150
\$1,000 - \$4,999	\$400
\$5,000 - \$9,999	\$750
\$10,000 - \$14,999	\$1,250
\$15,000 or more	\$1,500
Abatement of Inoperable/Junk Vehicle	\$150

### ADMINISTRATIVE FEE SCHEDULE

<i>Violation</i>	<i>Fee</i>
Administrative costs incurred by city for certification of delinquent charges	\$15 when notification letter is mailed
	\$35 when certified to county
Lawful gambling investigation fee	\$250
All vehicle impounds	\$10
Easement vacation	\$200

**ADMINISTRATIVE PENALTY SCHEDULE**

	<i>Violation Description</i>	<i>Administrative Penalty Amount</i>
1	All violations of parking codes, except as otherwise noted	\$55
2	Management of garbage and refuse for storage and collection (i.e. trash can in view)	\$55
3	No visible address numbers on the house	\$55
4	Snow and ice removal (i.e. sidewalk shoveling)	\$55
5	All violations of animal control regulations, except otherwise noted	\$200
6	Parking on unapproved surfaces, overweight vehicles, ext. storage, firewood	\$200
7	Parking within 10 feet of a hydrant	\$200
8	Fencing setbacks and maintenance	\$200
9	Telecommunication permit	\$200
10	Earth material storage and excavations	\$200
11	Excavations within public right-of-way	\$200
12	Zoning Code violations	\$200
13	Weight restrictions/transportation permits	\$200
14	Junk vehicles	\$200
15	Snow removal restrictions, parking restrictions	\$200
16	Sign ordinance violations	\$200
17	Nuisance - junk and debris violations	\$200
18	Failure to obtain a rental license	\$200
19	Any violation not specifically described herein	\$200
20	Animals without current rabies vaccination	\$200
21	Animal at large	\$200
22	Failure to obtain required license (i.e. food)	\$200
23	Accessory structures	\$200
24	Lodging violations	\$200
25	Home occupation	\$200
26	Non-critical property maintenance	\$200
27	Non-critical swimming pool violations	\$200
28	Priority foundation 3 food inspection violation	\$200

<i>Violation Description</i>		<i>Administrative Penalty Amount</i>
29	Long grass	\$200
30	Critical unsafe conditions	\$500
31	Abandonment/failure to redeem animals from pound	\$500
32	Critical property maintenance	\$500
33	Priority foundation 1 and 2 food inspection violations	\$500
34	Critical swimming pool violations	\$500
35	Repeat violations within 24 months	Double the amount of the scheduled fine for the previous violation, up to a maximum of \$2,000
36	Continuing violations	A fine for that can be imposed by the hearing officer for each day the violation continues.
37	Liquor code violations	Refer to Chapter 112 Violations and Penalty
38	Tobacco code violations	Refer to Chapter 122 Violations and Penalty
39	THC code violations	Refer to Chapter 126 Violations and Penalty

### ANIMAL LICENSING FEES

(See §§ 92.37 and 92.38 of the Code)

<i>Licenses</i>	<i>Fees</i>
Apiary registration	\$75
Impounding fee **	\$50
Registration of dangerous dog	\$200
Registration of potentially dangerous dog	\$50
Appeal of dangerous dog/potentially dangerous dog designation	\$50
Warning sign	\$15
Warning tag	\$5
** All impound and board fees shall be paid in cash or credit. Personal checks will not be accepted.	

### BUSINESS LICENSES AND PERMITS FEE SCHEDULE

<i>Business License and Permit Fee Schedule</i>			
<i>Code Section</i>	<i>Type of License</i>	<i>Conditions and Terms</i>	<i>Amount</i>
<i>Adult Oriented Businesses</i>			
Ch. 111	Adult only entertainment business	Annual license	\$5,000
<i>Alcoholic Beverages and Establishments</i>			
112.061	Beer	On sale, annual	\$300
112.062		Off sale, annual	\$100

<b><i>Business License and Permit Fee Schedule</i></b>			
<b><i>Code Section</i></b>	<b><i>Type of License</i></b>	<b><i>Conditions and Terms</i></b>	<b><i>Amount</i></b>
		Club, limited one week	\$20
		Club, annual	\$200
112.015	Liquor (see also beer)	Bottle club, annual	\$300
112.036	Liquor (see also beer)	Off-sale, annual	\$300
		On-sale, Class A annual	\$8,000
		On-sale, Class B annual	\$8,000
		Sunday sale, annual	\$200
		Club, on-sale (M.S.A. 340:11-7) annual	\$200
112.059	Liquor	On-sale to bona fide clubs requires a payment to the general fund of the city	\$10
112.097	On-sale wine	On-sale, annual	
		2018	\$1,200
		2019	\$1,600
		2020 <b>2024</b>	\$2,000
112.201	Brewer taproom	On-sale, annual	\$300
112.210	Brewpub	On-sale, annual	\$300
112.401	Cocktail room	On-sale, annual	\$300
<b><i>Amusements and Theatrical Entertainment</i></b>			
113.43	Motion picture establishments	Indoor theater	\$225
		Outdoor theater	\$450
		Payable in advance on or before July 1 of each year, all licenses to expire June 30 of each year	
		Per year	\$225
<b><i>Annual Consumer Permits</i></b>			
93.25	Annual retail fireworks permits	Fireworks only vendors	\$350
		All other vendors	\$100
93.25	Indoor fireworks permit	Per event	\$150
<b><i>Body Art Establishments</i></b>			
123.13A	License fee	Annual license, establishment only	\$250
123.13B	Late fee	One to 15 days late	50% license fee
		Sixteen to 30 days late	100% license fee
123.13A	Plan review	100% of license fee	\$250
<b><i>Building Code</i></b>			
103.04	Parking lot permits	Permit fee	\$125
93.34	Permit for the installation, alteration, maintaining, repairing	Permit fee	Table 1-A Building Permit Fee Schedule
103.02			

<b><i>Business License and Permit Fee Schedule</i></b>			
<b><i>Code Section</i></b>	<b><i>Type of License</i></b>	<b><i>Conditions and Terms</i></b>	<b><i>Amount</i></b>
	or removal of underground liquid storage systems		
93.36 110.37	Installation, alteration, maintaining, repairing or removal of underground liquid storage systems	Annual license	\$100
<b><i>Business in the Public Right-of-Way</i></b>			
Ch. 125	Micromobility vehicles	Annual fee per mode	\$1,000
Ch. 125	Micromobility impound fee	Fee per bike or scooter	\$50
		Fee per automobile	\$150 plus towing company charge
Ch. 125	Courtesy benches	Fee per bench (two-year license)	\$100
<b><i>Excavations and Earth Moving</i></b>			
118.04	Land reclamation, excavation, storage	Permit fee	
		0-1,000 cubic yards	\$250
<b><i>Fire Protection and Prevention</i></b>			
93.25 et seq.	Hood cleaning permit	Includes one inspection	\$60
93.25 et seq.	Open burning permit	Per burn day - not to exceed 14 days	\$60
<b><i>Food Establishments</i></b>			
114.05	<b>Food Type I -</b> High level of food preparation, diverse menus, large amounts of potentially hazardous foods, holding foods for long periods of time, or complex food processing	Full service/sit down restaurants, full menu cafeterias, buffet restaurants, catering kitchens, and similar	\$710
114.05	<b>Food Type II -</b> Moderate level of food preparation, moderate menu, limited potentially hazardous foods, or foods held and served for a limited time	Fast food, take out, pizza delivery, delis, drive-ins, ice cream shops, donut shops, limited or catered cafeterias, bakeries, and similar	\$595
114.05	<b>Food Type III -</b> Limited food preparation, simple	Coffee carts and coffee-only shops, bars, concession stands, snack	\$425

<b><i>Business License and Permit Fee Schedule</i></b>			
<b><i>Code Section</i></b>	<b><i>Type of License</i></b>	<b><i>Conditions and Terms</i></b>	<b><i>Amount</i></b>
	menus, little or no potentially hazardous foods, or foods only served for a short period of time	stands, continental breakfasts, and similar	
114.05	<b>Food Grocery</b> - Pre-packaged foods or the sale of foods to be consumed off-site	Large Grocery - Larger grocery store	\$1,015
		Small Grocery - Smaller grocery stores, convenience stores, markets, and similar	\$355
		Limited Pre-packaged - Gift shops, candy racks, and similar	\$95
		Vending Machines	\$25
		Nuts Only	\$10
114.05	<b>Food Institution</b> - Churches, day cares, and preschools.  [Note: No charge for places of worship and non-profit organizations]	Full Operation - Full kitchen	\$455
		Limited Operation - Catered or limited preparation	\$240
		Pre-Packaged	\$125
114.05	<b>Food Institution</b> - Schools	Full Operation - Full kitchen	\$505
		Limited Operation - Catered or snacks only	\$255
114.05	<b>Additional Food Facility</b> - A separate area of food or beverage preparation. May include bars, receiving areas, catering activities, or additional food establishments.	Per additional Type I, Type II or Large Grocery facility	\$200
	[The higher-rate facility is considered the main facility and each other type is an additional facility]	Per additional Type III or Small Grocery facility	\$100
114.05	<b>Seasonal Food</b> - Establishment continuously open for 6 business months or less in a calendar year	The fee will be one-half the regular license fee (minimum \$85)	½ license fee

<b><i>Business License and Permit Fee Schedule</i></b>			
<b><i>Code Section</i></b>	<b><i>Type of License</i></b>	<b><i>Conditions and Terms</i></b>	<b><i>Amount</i></b>
114.05	<b>Itinerant Food</b> - Each stand, booth, cart, or table	First day	\$75
	[Note: No charge for places of worship and non-profit organizations if complete application materials submitted more than 7 days prior to event]	Prepackaged foods only	\$50
		Each additional day	\$15
		Additional stand(s) by the same owner at the same event	\$45
114.05	<b>Mobile Food Unit</b> - A self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service that is readily movable without disassembling	Full operation - Food preparation, includes cooking facilities	\$165
		Limited operation - Moderate food preparation, includes warming or holding units	\$120
		Pre-packaged - pre-packaged foods	\$100
		Additional vehicle	\$75
114.06	<b>Plan Review</b> - Fee collected for reviewing construction documents for a new or remodeled food establishment	New	150% of license fee
		Remodeled	100% of license fee
114.05	<b>Additional Inspection Fee</b>	More than one reinspection	\$125
<b><i>Garbage and Refuse</i></b>			
98.06	Garbage and refuse collectors	Per annum, first vehicle	\$115
		For each additional vehicle	\$55
98.15	Incinerators	Per annum	\$150
<b><i>Health and Safety</i></b>			
93.13	Fireworks display	For each display	\$50
		For annual inspection required for Fire Prevention Code	\$50
<b><i>Itinerant Produce Merchant</i></b>			
119.40	Itinerant produce merchant	Per week	\$8
		Per month	\$20
		Per season	\$75
<b><i>Lodging and Housing Establishments</i></b>			

<b><i>Business License and Permit Fee Schedule</i></b>			
<b><i>Code Section</i></b>	<b><i>Type of License</i></b>	<b><i>Conditions and Terms</i></b>	<b><i>Amount</i></b>
117.30	Lodging - An establishment where sleeping accommodations are let out to the public	Base fee	\$160
		Per unit fee (maximum of \$1,300)	\$5
117.25 - 117.30	Plan Review - Fee collected for reviewing construction documents for a new or remodeled bed and breakfast or lodging facility	New	150% of license fee
		Remodeled	100% of license fee
	Home occupation		\$40
<b><i>Massage Therapy</i></b>			
124.06A	License fee	Massage enterprise license	\$200
		Massage therapist license	\$100
124.06A	Late fee	One to 15 days late	50% license fee
		Sixteen to 30 days late	100% license fee
124.07A	Background check	Massage enterprise	\$200
		Massage therapist	\$200
<b><i>Rental Establishments</i></b>			
117.45	Rental Establishment Fees	Annual license and renewal (General housing unit)	
		Single-family attached	\$175
		Single-family detached	\$175
		Double (one side)	\$175
		Double (two side)	\$175 per unit
		Condominium	\$175
		Townhome	\$175
		Triplex	\$175 per unit
		Small apartments (4 - 15 units)	\$200 plus \$33 per unit
		Large apartments (16+ units)	\$33 per unit
117.485	Point of Conversion Fee	Beginning July 1, 2008, a conversion fee of \$750 will be charged for all owner occupied single family, double (one side) and double (two side, each side) rental properties.	\$750
117.52(C)(4)(a)	Reinspection Fee		\$115 per failed unit per instance



<b><i>Business License and Permit Fee Schedule</i></b>			
<b><i>Code Section</i></b>	<b><i>Type of License</i></b>	<b><i>Conditions and Terms</i></b>	<b><i>Amount</i></b>
<b><i>Pawnbrokers and Peddlers/Solicitors</i></b>			
119.30	Peddler/Solicitor	Background check	\$200
		30-day license	\$100
		Six-month license	\$200
		Annual license	\$300
		Duplicate license	\$50
119.05	Pawnbroker	Annual	\$12,000
		Investigation fee per applicant/manager	\$1,500
		Transaction fee	\$1.50
<b><i>Sauna</i></b>			
120.03	Sauna	Calendar year	\$10,000
<b><i>Sewers</i></b>			
99.66	Scavengers	Dumping fees	\$2/1,000 \$5 min.
<b><i>Signs</i></b>			
Ch. 150	Temporary - each (limits apply)		\$75
	Nonresidential zoning districts		\$90
	Wall sign		
	Free standing, Monument		
	Residential zoning districts		\$150
	Wall sign		\$90
	Free standing, Monument		\$150
	Sign storage/retrieval fee	Less than 5 sq. ft.	\$15
		5 sq. ft. or more	\$40
	Failure to obtain sign permit		Fee doubled
150.10	Sign contractor	Annual license for one year or any portion thereof ending December 31 following the effective date of the license	\$75
<b><i>Streets and Sidewalks</i></b>			
96.43	Street excavation	For each location as set forth in § 650.12	\$100
<b><i>Swimming Pools</i></b>			
Ch. 105	Public Pools - Pools, hot tubs, spas, wading	First pool, indoor	\$380
		First pool, outdoor	\$290

<b><i>Business License and Permit Fee Schedule</i></b>			
<b><i>Code Section</i></b>	<b><i>Type of License</i></b>	<b><i>Conditions and Terms</i></b>	<b><i>Amount</i></b>
	pools, special purpose pools, and similar.	Additional pool in the same room or fenced area, indoor	\$345
		Additional pool in the same room or fenced area, outdoor	\$235
<b><i>Tetrahydrocannabinol (THC) Products</i></b>			
Ch. 126	THC	Annual fee	\$1,000
	THC background check		\$500
<b><i>Tobacco Regulations</i></b>			
Ch. 122	Tobacco	Annual fee	\$200
	Tobacco background check		\$200
<b><i>Traffic Rule</i></b>			
71.49	Street use	Special permits	\$15
		Job	\$36
		Annual	\$120
		Annual refuse compactor	\$60
<b><i>Miscellaneous</i></b>			
	Plats	See § 345:08	
Basis of fees: (1) For the purpose of this computation, any period of seven calendar days or less shall be considered one week; any period for more than seven calendar days shall be treated as a year; (2) The annual fees herein provided for shall be assessed on a calendar year basis and on and after July 1 the amount of the fee for such annual licenses shall be one-half the amount stipulated for the remainder of the year; (3) All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year when issued. Other than annual license shall expire on the date specified in the license.			

**BUILDING PERMIT ADMINISTRATION FEES**

<b><i>Reason for Charge</i></b>	<b><i>Amount of Charge</i></b>	<b><i>Reference</i></b>
Permit fee for residential work for administration and review of residential contractor licenses	\$5 per permit	§ 103.01(E)(1)
Copies of permits and documents	As established by Council resolution	§ 103.02(B)
Building Permit Fees	As established by Council resolution	§ 103.01(C)

**TABLE 1-A BUILDING PERMIT FEES CITY OF BROOKLYN PARK**

<i><b>Total Valuation</b></i>	<i><b>Fee</b></i>
\$1.00 to \$1,200.00	\$51.50
\$1,201.00 to \$2,000.00	\$51.50 for the first \$1,200.00 plus \$3.37 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$78.46 for the first \$2,000.00 plus \$15.86 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.01 to \$50,000.00	\$443.24 for the first \$25,000.00 plus \$11.44 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$729.24 for the first \$50,000.00 plus \$7.93 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,125.74 for the first \$100,000.00 plus \$6.34 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,661.74 for the first \$500,000.00 plus \$5.39 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$6,356.74 for the first \$1,000,000.00 plus \$4.14 for each additional \$1,000.00, or fraction thereof

***Other Inspections and Fees:***

1.	Inspections outside of normal business hours	\$75.00 per hour (minimum charge-two hours)
2.	Reinspection fee assessed under provisions of Section MS 326B.153	\$75.00 per hour
3.	Inspections for which no fee is specifically indicated	\$75.00 per hour (minimum charge-one hour)
4.	When submittal documents are required by Section 1300.0130, a plan review fee must be paid	The plan review fee shall be 65% of the building permit fee
5.	Additional plan review required by changes, additions or revisions to plan	\$75.00 per hour (deferred submittals)
6.	Shell only buildings	80% of valuations

<i><b>Maintenance Permits</b></i>	<i><b>Fee Based on Valuation or Fixed Fee</b></i>
Roofing/tear off	\$3,000 valuation
Re-side	\$3,000 valuation
Replacement windows	\$3,000 valuation
Annual permit	Determined by Building Official

<i>Construction, Additions, Accessory Structures, or Miscellaneous</i>	<i>Fee Based on Valuation or Fixed Fee</i>
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*New Construction of Single family, two family, or townhouse	\$130 per square foot
*Addition with foundation walls (with heat)	\$130 per square foot
Addition on posts (with heat)	\$92 per square foot
*Three season porch, Screen porch, or Sunroom (no heat)	\$51 per square foot
*Garage	\$51 per square foot
*Sheds	\$51 per square foot
*Carports	\$51 per square foot
Residential decks	\$20 per square foot
*Basement Finish	\$23 per square foot
Bathroom Remodel	\$2,500 valuation
Drain Tile and Foundation anchors	\$2,500 valuation
Egress Window Installation	\$2,500 valuation
Fence – Wood (with plan review fee)	\$3,400 valuation
Fence – Chain Link (with no plan review fee)	\$3,400 valuation
Insulation (with no plan review fee)	\$2,500 valuation
Pools	\$3,000 valuation
Solar Panel	\$3,000 valuation
Steel storage racking (commercial)	\$10,000 valuation
* Values based on the ICC Building Valuation Data February 2021	

<i>Miscellaneous</i>	<i>Fee</i>
Temporary certificate of occupancy	Initial issuance/\$100
	First 30-day extension/\$300
	Second 30-day extension/\$600
	Third and final 30-day extension/\$1,200
Expired permit renewal	<del>Renewal within 180 days from permit-expiration, one-half original fee</del> <b>Each re-opened permit/\$75.00</b>
	<del>Renewal after 180 days from permit-expiration, full permit fee</del>
Expedited permit and phased permits	Twice the building permit fee*
Mechanical contractor license	\$100/year
Reinspection fee	\$75 per hour (minimum one hour)
Investigation fee	Twice the building permit fee
* When an applicant demonstrates the existence of extraordinary circumstances or other unique factors relating to the proposed development the Building Official may authorize expediting or phasing of the permit and/or submittal documents.	

<i>Fees Fixed by State Statute</i>	<i>Fee</i>
Minnesota Rule 1300.0160 similar plans	Maximum 25% plan review

<i>Utility Taps</i>	<i>Fee</i>
Sanitary sewer	\$200
Water main	\$200

Storm sewer	\$200
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<i>Street Permits</i>	<i>Fee</i>
Street cut	\$100
Curb cut	\$100

<i>Small Utility Permits</i>	<i>Fee</i>
Administration fee	\$250
Excavation in the boulevard	\$50
Excavation in the street	\$100
Underground trenching of lines (per LF)	\$0.75
Overhead placement of lines (per LF)	\$.40

<i>Grading/Excavating</i>	<i>Fee</i>
200 - 1,000 cubic yards	\$200
1,001 - 10,000 cubic yards	\$350
10,001 - 100,000 cubic yards	\$750
100,001 + cubic yards	\$1,200

***Fee Refunds***

The Building Official may authorize refunding not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with the code.

The Building Official may authorize refunding not more than 80% of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan review is done.

A state surcharge will be applied based on valuation or fixed fee permits.

<i>Stormwater Review Fee</i>		
153.07	Administration Fee	\$200

**CITY SERVICES AND SUPPLIES**

<i>Services and Supplies</i>	<i>Fee</i>
Accident report	\$.25 per page
Aerial maps	\$2
Audited financial reports	\$15
Booking fees for outside agencies includes first day of cell	\$100
Breathalyzer test to other departments	\$25
Canned printout	\$20 plus \$.25 per first 100 pages
Certified photocopies	\$1
City Charter	\$.25 per page
City Code of 1972	\$70
City maps, large	\$4

<i>Services and Supplies</i>	<i>Fee</i>
City maps, small	\$2
Color booking photos	\$5
Comprehensive plan	\$10
Comprehensive plan map	\$4
Copies of the reports	\$10
EDC Brochure	\$.50
Environmental assessment	—
Fingerprinting	\$10
Holding cell, each additional day or fraction	\$20
Notary services	\$5
Ozalid printing	\$1.50
Photocopies	\$.25 per page
Photographs	\$10 per request plus actual cost
Police reports	\$.25 per page
Returned check charge (for whatever reason)	\$30
Special assessment search	\$12 plus actual reprint costs
Topo maps	\$25/acre
Utility maps	\$3
Video tapes	\$25
Wage assignment recording	\$5
Waste dumping charge	\$1.25 per 1,000 gallons
Zoning maps, large	\$10
Zoning maps, small	\$5
Zoning Ordinance	\$10
Database requests:  Set up charge - covers cost of staff time for initial conference, layout, approvals and phone contracts, plus, per record charge - covers cost of computer time, output, operator time, and other output costs necessary to generate the report plus, development charge - covers costs to create report program, execute search, and/or manual search time by staff to assemble report. Costs include salaries, benefits, supervision and overhead  <b>Note:</b> Fees not to exceed labor costs (wages/salary plus benefits) of the lowest-paid employee who could complete the task.	\$50 \$.05 first 100 parcels

COMMUNICATIONS

Item/Activity	Rate
Advertisement in Park Pages	Actual cost as charged by the printer

COMMUNITY ENGAGEMENT

Item	Rate
Citywide garage sales registration fee	\$10 per registration
Fee for additional garage sale signs	\$5 per sign

**DEMOLITION AND MOVING OF BUILDINGS FEES**

<i>Reason for Fee</i>	<i>Amount of Fee</i>	<i>Reference</i>
Demolition of any accessory structure	\$50	§ 103.02(B)
Demolition of any building not classified as an accessory structure	\$150	§ 103.02(B)
For holding up, raising or moving any building or structure on the same lot	\$50	§ 103.02(B)
For moving any minor building as defined herein to a different lot within the city over city streets	\$50	§ 103.02(B)
For moving a manufactured home as defined by State Building Code Chapter 1350 Manufactured Homes, to a lot within the city or from outside of the city to a lot within the city	\$75	§ 103.02(B)
For moving any building or structure non-stop through the city upon city streets (see exception - Section 446:15(e), County Roads and State Highways Exempt)	\$75	§ 103.02(B)
For moving any building or structure out of the city	\$75	§ 103.02(B)
For moving any building or structure, except any minor building, from one lot to another lot within the city	\$250	§ 103.02(B)
For moving any building or structure, including any minor building, from outside of the city to a lot within the city	\$250	§ 103.02(B)

**FIRE HYDRANTS**

<i>Reason For Charge</i>	<i>Amount of Fee</i>	<i>Reference</i>
Annual maintenance fee:		§ 100.59
one to three hydrants	\$75 per hydrant	

<i>Reason For Charge</i>	<i>Amount of Fee</i>	<i>Reference</i>
each additional hydrant	\$50 per hydrant	
Meter deposit and rental fee	Deposit of <del>\$750</del> <b>1,500</b> and a \$ <del>5</del> <b>10</b> per day charge for rental during the first 30 days and <del>\$10</del> <b>15</b> per day thereafter, with a minimum rental of <del>\$25</del> <b>70</b>	§ 100.64

**FIRE PROTECTION AND PREVENTION SERVICE FEES**

<i>Reason for Fee</i>	<i>Amount of Fee</i>	<i>Reference</i>
Daycare license fire inspection	\$50	§ 245A.15
Fire modification fines	\$250 first offense	
	\$500 second offense	
	\$1,000 third offense	
Gas line encroachment	\$1,000 per response	§§ 366.011 and 415.01 § 93.09
Hazardous materials And Other responses Apparatus rates are for two hours; After two hours, rates are per hour	\$300 per engine (each)	§§ 366.011 and 415.01 § 93.09
	\$400 per aerial/ladder (each)	
	<del>\$150</del> per utility (each)	
	Firefighters @ <del>\$15</del> <b>30</b> per hour (each)	
	Senior Chief officers @ \$50 per hour (each)	
	Inspectors @ <del>\$30</del> <b>50</b> per hour (each)	
Disposables @ cost + 10% (each)		
Tent inspection fee	\$75	§ 245A.15

**FIRE SUPPRESSION SYSTEMS/ALARM SYSTEM FEES**

<i>Reason for Fee</i>	<i>Amount of Fee</i>	<i>Reference</i>
Permit for the installation and/or alteration of all fire suppression systems and/or alarm systems and all associated components thereof, including standpipes, water supply pipes, pumps, special suppression systems and dip tanks	Table 1-A Building Permit Fee Schedule	§ 103.02(B)
General fire/safety inspections	Initial Inspection \$0	§ 93.09



<i>Reason for Fee</i>	<i>Amount of Fee</i>	<i>Reference</i>
	1 <sup>st</sup> follow-up \$0	
	2 <sup>nd</sup> follow-up \$100	
	3 <sup>rd</sup> follow-up \$150	
	4 <sup>th</sup> follow-up \$200	

<i>Reason for Fee</i>	<i>Amount of Fee</i>	<i>Reference</i>
Public school inspections	Initial inspection and two follow-up inspections \$0.014/building sq. ft.	§ 299F.47 § 93.09
	Third or more follow-up inspections, each \$0.005/building sq. ft.	
	Inspections are every three years.	
Charter school inspections	Initial inspection and two follow-up inspections \$100	§ 299F.47 § 93.09
	Third or more follow-up inspections, each \$50	
	Inspections are every three years.	
Hotel/motel inspections	Initial inspection and one follow-up inspection \$435 each facility, plus:	§ 299F.46 § 93.09
	A per room charge:	
	1-18 rooms Exempt	
	19-35 rooms \$6 each room	
	36-100 rooms \$7 each room	
	Over 100 rooms \$8 each room	
	Second or more follow-up inspections, each \$225	
Inspections are every three years.		

**GAS FEES**

<i>Reason for Fee</i>	<i>Amount of Fee</i>	<i>Reference</i>
<b>Gas Piping</b>		
Installation of gas piping	As established by Council resolution	103.02(A) and (B)

**HEARING OFFICER FEE SCHEDULE**

<i>Hearing Officer Fee Schedule</i>	
Per session (4 hour max.)	\$150

Each time they are required to act upon a request for a subpoena or other such action involved in the process	\$10
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**TABLE 1-B MECHANICAL PERMIT FEES**

**CITY OF BROOKLYN PARK 2003**

<i>Total Valuation</i>		<i>Fee</i>
New single-family home heating and cooling		\$200.00
Single-family home replacement of heating, cooling, or boiler		\$100
Fireplace		\$79
\$1.00 to \$2,500.00		\$50.00
\$2,501.00 to \$50,000.00		2% of valuation
\$50,001.00 and up		\$1,000 plus 1% of valuation in excess of \$50,000.00
<b><i>Other Inspections and Fees:</i></b>		
1	Inspections outside of normal business hours	\$75.00 per hour (minimum charge-two hours)
2	Reinspection fee assessed under provisions of Section MS. 326B.153	\$75.00 per hour
3	Inspections for which no fee is specifically indicated	\$75.00 per hour (minimum charge-one hour)
4	When submittal documents are required by Section 1300.0130, a plan review fee must be paid	The plan review fee shall be 10% of the mechanical permit fee
5	Additional plan review required by changes, additions or revision to plan	\$75.00 per hour (deferred submittals)

**MECHANICAL PERMIT FEES**

<i>Value of Work</i>	<i>Fee</i>	<i>Reference</i>
Per Table 1-B	Per Table 1-B	§ 103.02(A) and (B)

**PLUMBING FEES**

<i>Reason for Fee</i>	<i>Amount of Fee</i>	<i>Reference</i>
For installation of plumbing work	As established by Council resolution	§ 103.02(A) and (B)
<b><i>Water Service, Supply and Distribution System</i></b>		
Permit and inspection fee made at the time of applying for water services	\$75	§§ 100.57 and 103.02
Making taps for all service pipes	\$100	§ 100.58

**TABLE 1-C PLUMBING PERMIT FEES**

**CITY OF BROOKLYN PARK 2003**

<i>Total Valuation</i>		<i>Fee</i>
New single-family plumbing		\$200.00
Residential lawn irrigation		\$25.00
Commercial lawn irrigation		\$25.00
Residential water heater		\$50.00
Residential water softener		\$50.00
\$1.00 to \$2,500.00		\$50.00
\$2,501.00 to \$50,000.00		2% of valuation
\$50,001.00 and up		\$1,000 plus 1% of valuation in excess of \$50,000.00
<b>Other Inspections and Fees:</b>		
1	Inspections outside of normal business hours	\$75.00 per hour (minimum charge-two hours)
2	Reinspection fee assessed under provisions of Section MS. 326B.153	\$75.00 per hour
3	Inspections for which no fee is specifically indicated	\$50.00 per hour (minimum charge-one hour)
4	When submittal documents are required by Section 1300.0130, a plan review fee must be paid	The plan review fee shall be 10% of the plumbing permit fee.
5	Additional plan review required by changes, additions or revision to plan	\$75.00 per hour (deferred submittals)

**POLICE DEPARTMENT**

	<i>2022</i>	<i>2023 Rate</i>
Animal impound daily boarding fee	\$33/day	\$34 <b>35</b> /day
<b>Good Conduct Letter</b>		<b>\$5</b>

**POLICE CONTRACT OVERTIME RATE**

Contract Overtime Rate	\$99 <b>103</b> per hour
Holiday rate	Contract rate times 1.5

**PRIVATE SEWER SYSTEM PERMIT FEES**

<i>Type of Work</i>	<i>Fee</i>	<i>Reference</i>
New installation	\$75	§ 99.81
Pumping	\$15	§ 99.81
Abandonment or removal	\$15	§ 99.81
Repair or modification	\$75	§ 99.81
System inspection (i.e. review for mortgage, and the like)	\$75	§ 99.81

<i>Type of Work</i>	<i>Fee</i>	<i>Reference</i>
Reinspection for private sewer systems and sump pumps and other clean water discharge devices	\$30	§ 99.81

**RECREATION AND PARK FEES**

<i>Recreation and Parks Fees</i>	<i>Rate</i>
<b>Park Activity Buildings</b>	
50 person capacity	\$100 + tax resident
	\$125 + tax non-resident
	Refundable damage deposit \$300
20 person capacity	\$50 + tax resident
	\$80 + tax non-resident
	Refundable damage deposit \$100
<b>Athletic Fields:</b>	
Soccer/Lacrosse Field	\$35 game, \$125/day - local youth athletic association
	\$60 game, \$240/day + tax- other groups
Softball/Baseball Field Events	\$25 game, \$100/day - local youth athletic association
	\$60 game, \$240/day + tax - other groups
CAC Event & Meeting space: Gardenview Room (Monday - Thursday) 250 person capacity	\$400 + tax resident
	\$450 + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
CAC Event & Meeting space: Gardenview Room (Fri. - 10 a.m. - 12:30 a.m.) 250 person capacity	\$750 + tax resident
	\$900 + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
CAC Event & Meeting space: Gardenview Room (Sat. - 10 a.m. - 12:30 a.m.) 250 person capacity	\$850 + tax resident
	\$1,000 + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
CAC Event & Meeting space: Gardenview Room (Sun. - 10 a.m. - 12:30 a.m.) 250 person capacity	\$550 + tax resident
	\$650 + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600

<i>Recreation and Parks Fees</i>	<i>Rate</i>
CAC Event & Meeting space: Community Room & Gazebo (Sat. - 10 a.m. - 12:30 a.m.) 250 person capacity	\$1,025 + tax resident
	\$1,250 + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
CAC Event & Meeting space: Grand Room (3 rooms) (Monday - Thursday) 375 person capacity	\$650 + tax resident
	\$750 + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
CAC Event & Meeting space: Grand Room (3 rooms) (Fri. - 10 a.m. - 12:30 a.m.) 375 person capacity	\$850 + tax resident
	\$1,000 + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
CAC Event & Meeting space: Grand Room (3 rooms) (Sat. - 10 a.m. - 12:30 a.m.) 375 person capacity	\$950 + tax resident
	\$1,150 + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
CAC Event & Meeting space: Grand Room (3 rooms) (Sun. - 10 a.m. - 12:30 a.m.) 375 person capacity	\$850 + tax resident
	\$1000 + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
CAC Event & Meeting space: Grand Room 1 and 2 (2 rooms) 250 person capacity	\$140/hr + tax
	\$210/hr + tax non-resident
	Damage Deposits: Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
CAC Event & Meeting space: Grand Room 1 (1 room) 120 person capacity	\$65/hr + tax resident
	\$85/hr + tax non-resident
	Damage Deposits: Catered event - \$100
	Potluck (less than 150 people) - \$150
	Potluck (150 people or more) - \$300
CAC Event & Meeting Space: Senior Center (3 rooms) & Gazebo (Sat. 10 a.m. - 12:30 a.m.)	\$1,125 + tax resident
	\$1,400 + tax non-resident
	Damage Deposits:

<i>Recreation and Parks Fees</i>	<i>Rate</i>
375 person capacity Kitchen Cleaning/Damage Deposit (licensed caterer only)	Catered event - \$350
	Potluck (less than 150 people) - \$300
	Potluck (150 people or more) - \$600
	Deposit: \$250
CAC Meeting space: Conference Room 12 person capacity	\$30/hr + tax resident
	\$40/hr + tax non-resident
CAC Meeting space: Arena 1 Meeting Room 26 person capacity	\$30/hr + tax resident
	\$40/hr + tax non-resident
CAC Unity Room: Friday - Sunday	\$200/hr + tax resident
	\$225/hr + tax non-resident
CAC Unity Room: Monday - Thursday	\$100/hr + tax resident
	\$125/hr + tax non-resident

<i>Recreation and Parks Fees</i>	<i>Rate</i>
Zanewood Meeting & Event Space Multi-purpose room (Monday - Friday rates) 75 person capacity with round tables/chairs	\$50/hr + tax resident \$65/hr + tax non- resident \$100 refundable damage deposit
Zanewood Meeting & Event Space Teen lounge (30 person capacity per side)	Resident rate: \$36/hour + tax Non-resident rate: \$42/hour + tax \$100 refundable damage deposit
Gazebo	\$325 + tax resident \$400 + tax non-resident
Athletic Association Facility use fee Resident Non-resident	\$5 per person \$8 per person
Admission fees: Open skate	\$4 adults \$3 children & seniors \$11 family \$3 skate rental
Non-resident recreation program fee	20% added to class fee if under \$99 and \$20 added to class fee if over \$100
Garden Plots	<del>\$50</del> <b>\$55</b> per plot
Cell Tower Administrative Fees	\$360

**RECREATION AND PARK FEES -- FACILITY USER DEFINITIONS**

<b>RESIDENT</b>	Any person who <i>maintains a residential address</i> in the City of Brooklyn Park. An address to a Brooklyn Park post office box number only is not applicable to obtain resident stature.
<b>NON-RESIDENT</b>	Any person who maintains a residential address outside the Brooklyn Park city limits.
<b>CIVIC GROUP</b>	Includes civic organization, charitable groups and character building organization devoted to the betterment of the community by offering community oriented social, educational, recreational and/or cultural enrichment opportunities.
<b>NON-PROFIT GROUP</b>	Includes any group/organization that legally qualifies for a not-for-profit status and files as such with the Internal Revenue Service. Proof of status <i>may</i> be required upon processing a reservation. Includes churches, political parties, elected officials and others listed within the Community Center policies.
<b>COMMERCIAL/BUSINESS</b>	Includes groups that operate for profit or the purpose of promotion or advertisement.
<b>PRIVATE</b>	An individual or group using the facility for personal non-public or private purpose.

<b>Edinburgh USA</b>		
<b>Rounds</b>	<b>Rate</b>	
Patron card holder	\$46 + tax	
Resident	\$50 + tax	
Non-resident	\$60 + tax	
<b>Junior rate</b>	<b>\$30 + tax</b>	
Senior rate	\$54 + tax	
9-hole league	\$25 + tax	
<b>Daily Specials</b>		
Monday – Thursday	Walking	\$49 <del>50</del> + tax
	Riding	<del>\$63</del> <b>65</b> + tax
Friday – Sunday	Walking	\$60 + tax
	Riding	\$80 + tax
Player’s Card Rate	\$99 + tax	
SAC Season Pass	\$2,475 <del>2,800</del> unlimited \$1,650 (50 rounds) \$1,400(40 rounds) \$1,110 (30 rounds) \$780 (20 rounds) \$410 (10 rounds)	
Cart Fee	\$20 + tax	
Twilight Cart Fee	\$15 + tax	
<b>Patron Card</b>	<b>\$100 + tax</b>	
Range Key	\$160 + tax	

<b>Brooklyn Park Sports Dome</b>	
	<b>Rate</b>
Prime rental rate (full field)	\$320 <del>325</del> + tax per hour

Non-prime rental rate (full field)	\$210 <b>220</b> + tax per hour
Prime rental rate (half field)	\$195 <b>200</b> + tax per hour
Non-prime rental rate (half field)	\$120 <b>125</b> + tax per hour

<i>Brookland Golf Course</i>	
	<b>Rate</b>
Footgolf rate	\$10 <b>11.00</b> + tax
Adult Rate	<del>\$16.50</del> <b>17.50</b> + tax
Senior Rate	\$15.00 + tax
Adult Patron Round Rate	\$10.00 + tax
Senior Patron Round Rate	\$9.00 + tax
Membership Rate	\$475.00 + tax
Patron Card Rate	\$75.00 + tax
Twilight Rate	<del>\$13.00</del> <b>14.00</b> + tax
Super Twilight Rate	<del>\$12.00</del> <b>13.00</b> + tax

<i>Ice Arena</i>	
	<b>Rate</b>
Prime rental rate	<del>\$245</del> <b>250</b> /hour, effective 09/01/2023
Non-prime rental rate	\$195/hour, effective 09/01/2023
*Not implemented due to COVID.	

<i>Zanewood Recreation Center</i>	
	<b>Rate</b>
Classroom A – resident rate (Sunday – Saturday)	\$15/hour + tax
Classroom A – non-resident rate (Sunday – Saturday)	\$17/hour + tax

<i>Park Building Rentals</i>	
	<b>Rate</b>
20-person capacity (resident)	\$60 + tax
20-person capacity (non-resident)	\$110 + tax
50-person capacity (resident)	\$120 + tax
50-person capacity (non-resident)	\$160 + tax

<i>Picnic Pavilion Rentals</i>	
	<b>Rate</b>
20-person capacity (resident)	\$30 + tax
20-person capacity (non-resident)	\$65 + tax
40-person capacity (resident)	\$50 + tax
40-person capacity (non-resident)	\$85 + tax
50-person capacity (resident)	\$60 + tax
50-person capacity (non-resident)	\$95 + tax
60-person capacity (resident)	\$110 + tax
60-person capacity (non-resident)	\$145 + tax
150-person capacity (resident)	\$225 + tax



150-person capacity (non-resident)	\$260 + tax
Shelter Kitchen rental	\$65 + tax

### RECYCLING SERVICE CHARGES

<i>Quarterly Recycling Service Charges</i>			
<i>Year</i>	<i>Single-Family through Eight Residential Unit</i>	<i>Multi-Family Units</i>	<i>Reference</i>
January 1, 2023	\$13.65 per unit per quarter	\$9.30 per unit per quarter	§ 98.39

### SANITARY SEWER RATES AND CHARGES

<i>QUARTERLY SANITARY SEWER RATES AND CHARGES</i>				
<i>Year</i>	<i>Multi-Family, Commercial, Industrial and Institutional</i>	<i>Residential (Individually Metered)</i>	<i>Residential (Not Metered)</i>	<i>Reference</i>
January 1, 2021	<del>\$7.15 per " meter equivalent plus \$3.95 per 1,000 gallons used</del>	<del>\$7.15 per meter plus \$3.95 per 1,000 gallons used</del>	<del>\$54.00 per quarter</del>	<del>§ 99.75</del>
January 1, 2022	<del>\$7.45 per " meter equivalent plus \$4.15 per 1,000 gallons used</del>	<del>\$7.45 per meter plus \$4.15 per 1,000 gallons used</del>	<del>\$56.50 per quarter</del>	<del>§ 99.75</del>
January 1, 2023	\$7.75 per " meter equivalent plus \$4.35 per 1,000 gallons used	\$7.75 per meter plus \$4.35 per 1,000 gallons used	\$59.50 per quarter	§ 99.75

Meter equivalents shall be as defined by Water Rates (AWWA No. M1) as published by American Water Works Association.

#### *MISCELLANEOUS FEES*

<i>Type of Work</i>	<i>Fee</i>	<i>Reference</i>
Installation of water meters on non-metered residential properties	\$50	§ 99.75
Surcharge for property owners who are not in compliance with regulations or who have refused to allow their property to be inspected	\$100 per month	§ 99.75
Sewer connection charge	\$215	§ 99.76
Sewer connection permit and inspection fee	\$75 for residential	§ 99.77 and §103.02

	\$125 for commercial or industrial	
Late charge for sewer billings not paid within 20 days after the billing date	10% of unpaid balance or a minimum of \$1	§ 99.79
Administrative costs incurred by city for certification of delinquent charges	\$15 when notification letter is mailed \$35 when certified to county	§ 99.80

**SERVICES AND SUPPLIES**

<b><u>Data Requests</u></b>
<b><u>The City of Brooklyn Park charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).</u></b>
<b><u>For less than 100 copies of black and white, letter or legal-size paper:</u></b> <b><u>•25¢ for a one-sided copy,</u></b> <b><u>•or 50¢ for a two-sided copy.</u></b>
<b><u>The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (i.e., send the data by email)</u></b> <b><u>• In determining the actual costs of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.) and mailing costs (if any)</u></b> <b><u>• The cost of employee time to search the data, retrieve data, and make copies is \$22.39* per hour.</u></b> <b><u>• If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.</u></b>
<b><u>*Note: Fees not to exceed labor costs (wages/salary plus benefits) of the lowest-paid employee who could complete the task.</u></b>

**STORM SEWER RATES AND CHARGES**

<i>Storm Sewer Rates and Charges</i>			
<b><u>QUARTERLY STORM SEWER RATES</u></b>			
Year	Land Use Class	Quarterly Charge	Reference
January 1, 2019	Single Family Residential	\$14.38 per unit	§ 108.04

<i>Storm Sewer Rates and Charges</i>			
<b>QUARTERLY STORM SEWER RATES</b>			
	Townhouse/Two Family-Residential	\$8.90 per unit	§ 108.04
	Multiple Family-Residential	\$4.81 per unit	§ 108.04
	Business	\$66.70 per acre	§ 108.04
	Industrial	\$75.96 per acre	§ 108.04
	School/Church	\$31.64 per acre	§ 108.04
January 1, 2020	Single Family Residential	\$16.18 per unit	§ 108.04
	Townhouse/Two Family-Residential	\$9.80 per unit	§ 108.04
	Multiple Family-Residential	\$5.26 per unit	§ 108.04
	Business	\$70.04 per acre	§ 108.04
	Industrial	\$79.76 per acre	§ 108.04
	School/Church	\$33.22 per acre	§ 108.04
January 1, 2021	Single Family Residential	\$17.98 per unit	§ 108.04
	Townhouse/Two Family-Residential	\$10.70 per unit	§ 108.04
	Multiple Family-Residential	\$5.71 per unit	§ 108.04
	Business	\$73.54 per acre	§ 108.04
	Industrial	\$83.75 per acre	§ 108.04
	School/Church	\$34.89 per acre	§ 108.04
January 1, 2022	Single Family Residential	\$19.78 per unit	§ 108.04
	Townhouse/Two Family-Residential	\$11.60 per unit	§ 108.04
	Multiple Family-Residential	\$6.16 per unit	§ 108.04
	Business	\$77.22 per acre	§ 108.04
	Industrial	\$87.94 per acre	§ 108.04
	School/Church	\$36.63 per acre	§ 108.04

**STREET/SIGNAL LIGHTING RATES AND CHARGES**

<i>Street/Signal Lighting Rates and Charges</i>			
<b><i>QUARTERLY STREET/SIGNAL LIGHTING RATES AND CHARGES</i></b>			
<i>Year</i>	<i>Land Use Class</i>	<i>Quarterly Charge</i>	<i>Reference</i>
January 1, 2020	Single Family Residential	\$11.30 per unit	§ 109.03
	Townhouse/Two Family Residential	\$8.05 per unit	§ 109.03
	Multiple Family Residential	\$4.00 per unit	§ 109.03
	Business/Industrial/School/Church	\$0.26 per street front lineal foot	§ 109.03
January 1, 2021	Single Family Residential	\$11.75 per unit	§ 109.03
	Townhouse/Two Family Residential	\$8.41 per unit	§ 109.03
	Multiple Family Residential	\$4.15 per unit	§ 109.03
	Business/Industrial/School/Church	\$0.27 per street front lineal foot	§ 109.03
January 1, 2022	Single Family Residential	\$12.20 per unit	§ 109.03
	Townhouse/Two Family Residential	\$8.77 per unit	§ 109.03
	Multiple Family Residential	\$4.30 per unit	§ 109.03
	Business/Industrial/School/Church	\$0.28 per street front lineal foot	§ 109.03
January 1, 2023	Single Family Residential	\$12.65 per unit	§ 109.03
	Townhouse/Two Family Residential	\$9.13 per unit	§ 109.03
	Multiple Family Residential	\$4.45 per unit	§ 109.03
	Business/Industrial/School/Church	\$0.29 per street front lineal foot	§ 109.03
	<ol style="list-style-type: none"> <li>1. Decorative street lights increase quarterly charge by 50 percent for single family and townhouse residential.</li> <li>2. Private street lights (not parking lot lights) decrease quarterly charge by 50 percent for single family and townhouse residential.</li> <li>3. Standard street lights are cobra head fixture type with fiberglass or wood poles.</li> <li>4. Minimum charge for Business/Industrial to be not less than Single Family Residential rate.</li> </ol>		

**SUBDIVISION AND ZONING FEES AND CHARGES**

<i>Application</i>	<i>Fee</i>	<i>Escrow</i>	<i>Total Due Upon Application</i>
Administrative Permits			
Event permits (residential)	\$30	\$0	\$30
Event permits (nonresidential)	\$50	\$0	\$50
Fence permits (critical area overlay)	Based on UBC	\$0	Based on UBC
Larger entertainment events including music event, dances, parades, and the like	\$250		
Amended subdivision	\$400	\$1,000	\$1,400
Amendment to a Conditional Use Permit, General Plan of Development (PCDD) or Development Plan (PUD)	\$500	\$2,000	\$2,500
Comprehensive Plan Amendment	\$500	\$2,000	\$2,500
Concept Plan Review	\$350	\$500	\$850
Conditional Use Permit	\$500	\$2,000	\$2,500
Development Plan - Neighborhood Plan	\$500	\$2,000	\$2,500
Environmental Review		\$5,000	\$5,000
General Plan of Development	\$500	\$2,000	\$2,500
Interim use	\$500	\$2,000	\$2,500
Site plan and building review and inspections for relocating structures	\$100	\$600	\$700
Site Plan Review	\$500	\$2,000	\$500
Zoning letter preparation	\$100		\$100
Zoning/Sign Ordinance Variance	\$300	\$0	\$300

**WATER ACCESS CHARGES**

<i>Year</i>	<i>Amount of Charge</i>	<i>Reference</i>
June 1, 2021	\$2,500	§ 100.63
June 1, 2022	\$2,500	§ 100.63
June 1, 2023	\$2,625	§ 100.63
June 1, 2024	\$2,750	§ 100.63
June 1, 2025	\$2,875	§ 100.63

<i>Year</i>	<i>Amount of Charge</i>	<i>Reference</i>
WAC total charge is calculated utilizing the same unit charge multiplier as per the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge (SAC) Procedure Manual.		

**WATER RATES AND CHARGES**

<b>WATER RATES AND CHARGES</b>				
<b>QUARTERLY WATER RATES AND CHARGES</b>				
<i>Year</i>	<i>Multifamily, Commercial, Industrial and Institutional</i>	<i>Residential (Individually Metered)</i>	<i>Irrigation (Separately Metered)</i>	<i>Reference</i>
January 1, 2022	<del>\$6.90 per 5/8" Meter Equivalent plus \$2.40 per 1,000 gallons used</del>	<del>\$6.90 per 5/8" Meter Equivalent plus \$2.40 per 1,000 gallons used for the first 40,000 gallons and \$3.40 for each 1,000 gallons used in excess of 40,000 and \$4.20 for each 1,000 gallons used in excess of 80,000</del>	<del>\$7.15 per 5/8" Meter Equivalent plus \$4.20 per 1,000 gallons used</del>	§ 100.55
January 1, 2023	<del>\$7.25 per 5/8" Meter Equivalent plus \$2.50 per 1,000 gallons used</del>	<del>\$7.25 per 5/8" Meter Equivalent plus \$2.50 per 1,000 gallons used for the first 40,000 gallons and \$3.55 for each 1,000 gallons used in excess of 40,000 and \$4.40 for each 1,000 gallons used in excess of 80,000</del>	<del>\$7.50 per 5/8" Meter Equivalent plus \$4.40 per 1,000 gallons used</del>	§ 100.55
January 1, 2024	\$7.60 per 5/8" Meter Equivalent plus \$2.60 per 1,000 gallons used	\$7.60 per 5/8" Meter Equivalent plus \$2.60 per 1,000 gallons used for the first 40,000 gallons and \$3.70 for each 1,000 gallons used in excess of 40,000 and \$4.60 for each 1,000 gallons used in excess of 80,000	\$7.85 per 5/8" Meter Equivalent plus \$4.60 per 1,000 gallons used	§ 100.55
January 1, 2025	\$7.95 per 5/8" Meter Equivalent plus	\$7.95 per 5/8" Meter Equivalent plus \$2.70 per 1,000 gallons used for the first 40,000	\$8.20 per 5/8" Meter Equivalent plus \$4.80	§ 100.55

	\$2.70 per 1,000 gallons used	gallons and \$3.85 for each 1,000 gallons used in excess of 40,000 and \$4.80 for each 1,000 gallons used in excess of 80,000	per 1,000 gallons used	
<i>Meter equivalents are as defined by Water Rates (AWWA No. M1) as published by American Water Works Association.</i>				

<b>WATER RATES AND CHARGES</b>		
<b>MISCELLANEOUS RATES AND CHARGES</b>		
<b>Reason for Charge</b>	<b>Amount of Charge</b>	<b>Reference</b>
Late charge for water billings not paid within 20 days after the billing date	10% of the unpaid balance or a minimum of \$1	§ 100.55
Administrative costs incurred by city for certification of delinquent charges	\$15 when notification letter is mailed \$35 when certified to county	§ 100.55
Reinstating water service after turn-off for delinquency	\$40	§ 100.55
Service charge imposed if payment is not received by the shut-off deadline for payments	\$25	§ 100.55
Minnesota Department of Health	Annual testing fee per year: \$9.72	

**WATER MAINTENANCE AND FIRE PROTECTION CHARGES**

<b>Quarterly Charges Against Properties Not Connected to the Municipal Water System</b>	<b>Amount of Charge</b>	<b>Reference</b>
Single and double residences (each unit)	\$10	§ 100.55(E)
Service stations	\$15	§ 100.55(E)
Restaurants, cafes and churches	\$20	§ 100.55(E)
Commercial properties having a floor area of less than 1,000 square feet	\$15	§ 100.55(E)
Commercial properties having a floor area of from 1,000 to 5,000 square feet	\$30	§ 100.55(E)
Commercial properties having a floor area of over 5,000 square feet	\$50	§ 100.55(E)
Multiple residences - three or more units (each unit)	\$10	§ 100.55(E)
Schools - elementary, each	\$60	§ 100.55(E)

<i>Quarterly Charges Against Properties Not Connected to the Municipal Water System</i>	<i>Amount of Charge</i>	<i>Reference</i>
Schools - junior and senior high, each	\$100	§ 100.55(E)
Charges against such properties not connected to the municipal water systems and not listed above are made on the basis of the meter size which would be needed if the property were to be connected to the municipal water system; based upon sizes of meters installed on similar properties elsewhere in the city.		
Deposit for disconnecting, testing and repair of a meter	<del>\$50</del> <b>150</b>	§ 100.60
Fee for disconnecting a water meter or connecting a meter	\$50	§ 100.61

**WATER METERS**

<i>Reason for Charge</i>	<i>Amount of Charge</i>		<i>Reference</i>
Deposit for disconnecting, testing and repair of a meter	5/8" to 1" meters	<del>\$75</del> <b>150</b>	§ 100.60
	1½" to 2" meters	\$300	
	3" to 8" meters	\$600	
Deposit for a temporary meter	\$350		§ 100.65
	5/8" disc residential		<del>\$450</del> <b>500</b>
	5/8" ultrasonic residential		<del>\$450</del> <b>500</b>
	<b>3/4" disc</b>		<b>\$550</b>
	1 inch disc		<del>\$625</del> <b>675</b>
	<b>1 inch ultrasonic</b>		<b>\$675</b>
	1.5 inch disc		<del>\$1,100</del> <b>1,200</b>
	1.5 inch ultrasonic		<del>\$1,100</del> <b>1,200</b>
	2 inch disc		<del>\$1,200</del> <b>1,300</b>
	2 inch ultrasonic		<del>\$1,325</del> <b>1,450</b>
	2 inch compound		<del>\$2,800</del> <b>2,950</b>
	2 inch turbine		<del>\$1,350</del> <b>1,475</b>
	3 inch turbine		<del>\$2,475</del> <b>2,600</b>
	3 inch compound		<del>\$4,000</del> <b>4,200</b>
	3 inch ultrasonic		\$4,200
	4 inch turbine		<del>\$2,800</del> <b>2,950</b>
	4 inch compound		<del>\$4,850</del> <b>5,300</b>
	4 inch ultrasonic		\$5,000
	Frozen meter charge		<del>\$125</del> <b>150</b> plus meter cost
	Replace due to damage		Listed <b>meter</b> price
	Repairs due to damage		Parts and labor
Fee for disconnecting a water meter or connecting a meter	\$75		§ 100.61





**Devin Montero**  
City Clerk  
(763) 493-8180  
devin.montero@brooklynpark.org

To: LaTonia Green, Finance Director

Date: October 14, 2023

Subject: Proposed 2024 Data Request Fees and Charges

The City Clerk reviewed the Fees Schedules and Charges for Various Services, Licenses and Permits relating to Data Request fees. Since we launched JustFOIA in January 2023, the data requests have doubled. State law allows fees to be charged and would like to include the fees to the fee resolution.

Statutory requirements relating to copy charges are in Minnesota Statutes, sections 13.03 (members of the public), sections 13.04 (data subjects), and Minnesota Rules 1205.0300, subpart 4. Government cannot charge to separate public from not public data.

**Members of the Public**

25 cents per page – 100 or fewer paper copies

If the request is for 100 or fewer pages of black and white, letter or legal sized paper copies, the maximum allowable charge is 25 cents for each page copied, or 50¢ for a two-sided copy. This charge is a flat rate; government cannot add on any additional charges, such as cost of mailing or paper.

**Actual cost - most other copies**

For copies of other data (more than 100 paper copies, photographs, data on a CD or DVD, data stored electronically, etc.) government may charge the actual cost for an employee to search for and retrieve the data, and to make paper copies or to print copies of electronically stored data.

**Data Subjects**

Actual cost

Government may charge the actual cost for an employee to make and transmit paper copies or copies of electronically stored data, as well as the actual cost of materials. Government may not charge a data subject any fee for redaction or for searching for and retrieving data. Note that the 25 cents per page for copies of 100 or fewer pages does not apply to data subject requester unless that is the actual cost to make copies.

<b><i>Services and Supplies</i></b>	<b><i>Fees</i></b>
<b>Data Requests</b>	
The City of Brooklyn Park charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).	
	For less than 100 copies of black and white, letter or legal-size paper:

<b><i>Services and Supplies</i></b>	<b><i>Fees</i></b>
	<ul style="list-style-type: none"> <li>• 25¢ for a one-sided copy,</li> <li>• or 50¢ for a two-sided copy.</li> </ul>
	<p>The charge for <u>most</u> other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (i.e., send the data by email)</p> <ul style="list-style-type: none"> <li>• In determining the actual costs of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.) and mailing costs (if any)</li> <li>• The cost of employee time to search the data, retrieve data, and make copies is <u>*\$22.39</u> per hour.</li> <li>• If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.</li> </ul> <p><b>*Note:</b> Fees not to exceed labor costs (wages/salary plus benefits) of the lowest-paid employee who could complete the task.</p>



## MEMORANDUM

**DATE:** October 13, 2023

**TO:** LaTonia Green, Finance Director

**FROM:** Jason Klema, Building Official

**CC:** Kim Berggren, Director of  
Community Development  
Jason Newby, Inspections & Environmental Health Manager

**SUBJECT: 2024 Proposed Fee Changes in Community Development**

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The Community Development staff has reviewed the Fee Schedules. Upon review we are recommending the following update.

### **Building Permits**

Staff are proposing a change in how fees are charged for re-opening of expired permits. Per the Minnesota State Building Code, a permit expires within 180 days after it's issuance unless the work authorized by the permit is commenced. The proposed fee change would eliminate the confusing language and simplify the fee schedule when collecting a fee to re-open expired permits. The proposed change will:

- Eliminate confusion by simplifying the language.
- Simplify the process to reopen expired permits.
- Reduce barriers associated with additional fees.
- Achieve higher rate of compliance.
- Provide a more equitable fee structure.

Since November 1<sup>st</sup> of 2022, staff began tracking these transactions. Since that time, the city has re-opened 93 permits totaling \$11,089 in additional fees, with an average fee of \$119. Cities in the surrounding area address expired permits and re-opening permits in a variety of ways. For example:

- The City of Rogers re-opens expired permits and charges a full permit fee.
- The City of Maple Grove, Brooklyn Center, and New Hope do not re-open expired permits and require a new permit and charge the new permit fee.

- The City of Blaine, Plymouth and Champlin will re-open the permit only once and charge no fee.

RESOLUTION #2023-

RESOLUTION AMENDING FEE RESOLUTION #2022-1285 ADOPTING A SCHEDULE  
OF FEES AND CHARGES FOR EXPIRED PERMITS  
FOR THE CITY OF BROOKLYN PARK, MINNESOTA

WHEREAS, fees and charges are assessed for various services for the City of Brooklyn Park; and

WHEREAS, in the year 2022, the Brooklyn Park City Council approved Resolution #2022-1285 adopting a schedule of fees and charges for various services, licenses and permits for the City of Brooklyn Park; and

WHEREAS, the City Council of the City of Brooklyn Park, Minnesota resolves to adopt the following schedule of fees and charges for the calendar year 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Park approves the following schedule of fees and charges for various services, licenses and permits for the calendar year 2024.

~~Text with strikeout is proposed for deletion~~  
Underlined text is proposed for insertion

The City of Brooklyn Park does ordain

**TABLE 1-A BUILDING PERMIT FEES CITY OF BROOKLYN PARK**

<i>Miscellaneous</i>	<i>Fee</i>
<i>Temporary certificate of occupancy</i>	Initial issuance/\$100 First 30-day extension/\$300

	<p>Second 30-day extension/\$600</p> <p>Third and final 30-day extension/\$1,200</p>
Expired permit renewal	<p><del>Renewal within 180 days from permit expiration, one-half original fee</del></p> <p><u>Each re-opened permit/ \$75.00</u></p>
	<p><del>Renewal after 180 days from permit expiration, full permit fee</del></p>
Expedited permit and phased permits	Twice the building permit fee*
Mechanical contractor license	\$100/year
Reinspection fee	\$75 per hour (minimum one hour)
Investigation fee	Twice the building permit fee
<p>* When an applicant demonstrates the existence of extraordinary circumstances or other unique factors relating to the proposed development the Building Official may authorize expediting or phasing of the permit and/or submittal documents.</p>	



City of Brooklyn Park  
Fire Department  
5700 85th Ave. N.  
Brooklyn Park, MN 55443  
763-493-8020  
www.brooklynpark.org

(763) 493-8131  
Shawn.conway@brooklynpark.org

To: LaTonia Green, Finance Director

Date: October 18, 2023

Subject: Proposed 2024 Data Request Fees and Charges – Fire Department

The Fire Marshal Division has reviewed the Fees Schedules and Charges for Various Services, Licenses and Permits relating to industry standards. The proposed fee changes reflect current rates of employee wages and have been compared against area jurisdictions.

The following increases are my recommendations:

**FIRE PROTECTION AND PREVENTION SERVICE FEES**

<i>Reason for Fee</i>	<i>Amount of Fee</i>	<i>Reference</i>
Daycare license fire inspection	\$50	§ 245A.15
Fire modification fines	\$250 first offense	
	\$500 second offense	
	\$1,000 third offense	
Gas line encroachment	\$1,000 per response	§§ 366.011 and 415.01 § 93.09
Hazardous materials And Other responses Apparatus rates are for two hours; After two hours, rates are per hour	\$300 per engine (each)	§§ 366.011 and 415.01 § 93.09
	\$400 per aerial/ladder (each)	
	<del>\$150 per utility (each)</del> <b>REMOVE</b>	
	Firefighters @ <del>\$15</del> <b>\$30 per hour (each)</b>	
	Senior Chief officers @ \$50 per hour (each)	
	Inspectors @ <del>\$30</del> <b>\$50</b> per hour (each)	
	Disposables @ cost + 10% (each)	
Tent inspection fee	\$75	§ 245A.15



## Memorandum

*Mark Bruley, Chief of Police*

**To:** LaTonia Green, Finance  
Dolly Lee, Finance

**CC:** Renee Manning, Finance

**From:** Stephanie Heiberger, Police  
Chief Mark Bruley, Police

**Date:** October 19, 2023

**Subject:** 2024 PD Fees and Charges Update - REVISED

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For the 2024 budget cycle, the Police Department proposes the following rate changes to the animal impound daily boarding fee and the police contract overtime rates:

Item	2023 rate	Proposed 2024 rate
Animal impound daily boarding fee	\$34/day	\$35/day
Contract Overtime Rate	\$99	\$103
Good conduct letter	n/a	\$5

Brooklyn Park utilizes PUPS (Pets Under Police Security) for animal impounds. Effective January 1, 2024, the City of Maple Grove will increase the rate they charge to the City of Brooklyn Park for the PUPS daily boarding fee. The proposed increase mirrors the change being implemented by PUPS.

The police department proposes to increase the contract overtime rate in 2024 to \$103 per hour. This rate will reimburse the city for the salary and benefit costs associated with providing contractual overtime. This rate is adjusted to ensure that the city is not subsidizing police overtime for outside vendors.

The police department proposes to implement a \$5 fee for a good conduct letter, also referred to as a good citizenship letter. This fee would be to offset the cost of staff time to required to research and provide these notarized records to the requestors.



## MEMORANDUM

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**Date:** October 16, 2023

**To:** LaTonia Green, Finance Director  
Dolly Lee, Assistant Finance Director  
Dan Ruiz, Director of Operations and Maintenance  
Tom Coughlin, Utilities Supervisor  
Brian Weidema, Meter Specialist

**From:** Richard Luckow, Utilities Superintendent

**Subject:** 2024 Utilities Fee changes

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The Utilities Division is recommending the following changes to the fee resolution(s).

The proposed charges are to become effective on January 1, 2024

### **1. Water meter furnish & install fee (100.62)**

The city installs and controls the water meters for new homes, commercial buildings, and irrigation. There are several new or lower cost products available. The changes are deemed necessary to cover the City's cost for furnish & install of the new meter and set up the billing account. In addition, costs for repairs due to damage such as fire or freezing are addressed in the table.



Meter size & type	Current Amount (\$)	Proposed Amount (\$)	Comments
5/8" disc residential	\$450	\$500	Increase
5/8" Ultrasonic residential	\$450	\$500	Increase
3/4" disc	\$500	\$550	increase
1 inch disc	\$625	\$675	Increase
1 inch ultrasonic	\$625	\$675	Increase
1.5 inch disc	\$1,100	\$1,200	Increase
1.5 inch ultrasonic	\$1,100	\$1,200	Increase
2 inch disc	\$1,200	\$1,300	Increase
2 inch ultrasonic	\$1,325	\$1,450	Increase
2 inch compound	\$2,800	\$2,950	Increase
2 inch turbine	\$1,350	\$1,475	Increase
3 inch turbine	\$2,475	\$ 2,600	Increase
3 inch compound	\$4,000	\$ 4,200	Increase
4 inch turbine	\$2,800	\$ 2,950	Increase
4 inch compound	\$4,850	\$5,300	Increase
Frozen meter charge	Varied	\$150 plus meter cost	Increase
Replace due to damage	Listed meter price	Listed meter price	Increase
Repairs due to damage	Parts & labor	Parts & labor	

Increase fee for water meter accuracy testing from \$75.00 to \$150.00.

**FIRE HYDRANTS**

<i>Reason For Charge</i>	<i>Amount of Fee</i>	<i>Reference</i>
Annual maintenance fee:		§ 100.59
one to three hydrants	\$75 per hydrant	
each additional hydrant	\$50 per hydrant	
Meter deposit and rental fee	Deposit of \$750 <del>1,500</del> and a \$5 <del>10</del> per day charge for rental during the first 30 days and \$10 <del>15</del> per day thereafter, with a minimum rental of \$25 <del>70</del>	§ 100.64



## MEMORANDUM

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**Date:** October 13, 2023

**To:** Jay Stroebel, City Manager  
LaTonia Green, Finance Director

**From:** Brad Tullberg, Recreation & Parks Director

**Subject:** 2024 Recreation & Parks Department Fee changes

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The following are the proposed changes to the 2024 Fees and Charges for the Recreation and Parks Department. While many fees in the Recreation and Park Department remain the same for 2024, staff are requesting the following increases to help cover the cost of providing the services due to the rising costs for materials and labor.

The pricing for Recreation programs and events is determined by the parameters outlined in the Recreation & Parks Department Fees & Charges Policy adopted in 2014.

Staff has conducted a market analysis of neighboring parks and recreation agencies where applicable. The proposed rates are competitive for comparable programs and facilities in and around the area.

### **Brooklyn Park Sports Dome**

- Increase Prime Rental Rate (full field) to \$325/hour
- Increase Non-prime Rental Rate (full field) to \$220/hour
- Increase Prime Rental Rate (half field) to \$200/hour
- Increase Non-prime Rental Rate (half field) to \$125/hour

All other rates at the Brooklyn Park Sports Dome remain unchanged

### **Brookland Golf Park**

- Increase Adult rate to \$17.50 including tax.
- Increase twilight rate to \$14 including tax.
- Increase super twilight to \$13 including tax.
- Increase footgolf rate to \$11 including tax.

All other rates at Brookland Golf Park remain unchanged

### **Community Activity Center Room Rentals**

All rental rates at the Community Activity Center remain unchanged in 2024

### **Ice Arena**

- Increase Prime Rental Rate to \$250.00/hour

All other Ice Arena rental rates remain unchanged

**Edinburgh USA Golf Course**

- Increase Monday – Thursday walking to \$50 + tax
- Increase Monday – Thursday riding to \$65 + tax
- Increase Patron rate to \$46 + tax
- Increase Junior Rate to \$30 + tax
- Increase Patron card to \$100 + Tax
- Increase St. Andrews Club unlimited rounds package to \$2800.00 + tax

All other rates at Edinburgh USA remain unchanged

**Ice Arena**

- Increase Prime Rental Rate to \$250.00/hour

All other Ice Arena rental rates remain unchanged

**Garden Plots**

The Community Garden rate has been \$55 since before COVID and the fee schedule should reflect that.

<b>City of Brooklyn Park Request for Council Action</b>			
<b>Agenda Item:</b>	8.1	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Discussion Items	<b>Originating Department:</b>	Finance
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Dolly Lee, Assistant Finance Director
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Jay Stroebel, City Manager Dan Ruiz, Operations & Maintenance Director Kimberly Berggren, Community Development Director LaTonia Green, Finance Director
<b>Item:</b>	City Manager's Proposed 2024-2025 Budget, Proposed 2024-2028 Capital Improvement Plan and (CIP) and Capital Equipment Plan (CEP), and Proposed 2024 American Rescue Plan Act (ARPA) Proposed Allocation		

**City Manager's Proposed Action:**

Discuss the City Manager's Proposed 2024-2025 Budget, Proposed 2024-2028 Capital Improvement Plan and (CIP) and Capital Equipment Plan (CEP), and 2024 American Rescue Plan Act (ARPA) recommendation.

**Overview:**

The 2024-2025 Proposed Budgets for the City of Brooklyn Park are being presented to the City Council for evaluation. The budget discussion includes the General Fund, Debt Fund, Enterprise Funds, Special Revenue Funds, and Internal Service Funds.

The 2024-2025 Council Proposed budget was presented to Council on September 25, 2023.

An overview of the Proposed 2024-2028 CIP and CEP will also be presented.

The City of Brooklyn Park received a total of \$11,052,580 from the state's allocation of the State and Local Fiscal Recovery Funds (SLFRF) program of the ARPA to be used from 2021 to 2024. The 2024 proposed allocation (Attachment 8.1B) recommends a strategy for investing the remaining ARPA funds by the end of 2024. Staff is seeking Council feedback on this proposal and will incorporate the ARPA funding into the 2024 budget approval process in December.

**Primary Issues/Alternatives to Consider:**

Staff continue to seek direction from Council relative to specific questions and analyses required as part of the budget process.

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

Final adoption of the 2024-2025 Budget for all funds, 2024-2028 CIP, and 2024-2028 CEP is set for December 11, 2023.

The ARPA funds are federal grant dollars intended to help the City and community recover from the pandemic. There is no impact to the City's general fund.

**Attachments:**

- 8.1A CIP/CEP REPORTS
- 8.1B 2024 PROPOSED ALLOCATION ARPA

City of Brooklyn Park, MN  
*Capital Improvement Plan*  
2024 thru 2028

**PROJECTS BY DEPARTMENT**

Department	Project #	Priority	2024	2025	2026	2027	2028	Total
<b>General Public Buildings</b>								
City Hall: Rehabilitation/Renovation	1001	2	355,000	75,000	100,000	200,000	75,000	805,000
O&M Rehabilitation	1002	1		1,665,000	63,000	550,000	75,000	2,353,000
Police Facilities - Rehabilitation	1005	1	358,000	35,500	200,000	25,000	25,000	643,500
Fire Stations: Rehabilitation	1010	2	31,254,627	4,030,000	8,696,000	50,000	24,968,000	68,998,627
Signs and Wayfinding	1030	3		100,000				100,000
ADA Improvements	1031	3	75,000	25,000	25,000	25,000	25,000	175,000
<b>General Public Buildings Total</b>			<b>32,042,627</b>	<b>5,930,500</b>	<b>9,084,000</b>	<b>850,000</b>	<b>25,168,000</b>	<b>73,075,127</b>
<b>Parks &amp; Recreation Facilities</b>								
Playground Equipment	2001	1	250,000	275,000	150,000	300,000	150,000	1,125,000
Park Buildings/Shelters and Amenities	2002	2	30,000	50,000	50,000	50,000	50,000	230,000
Parking Lot (Parks)	2003	2	250,000	150,000	150,000	150,000	150,000	850,000
Tennis, Pickleball & Basketball Courts	2004	2	175,000	100,000	75,000	100,000	75,000	525,000
Trail & Pedestrian Bridges	2005	1	300,000	300,000	200,000	300,000	200,000	1,300,000
New Trail Construction	2006	3	1,040,000	500,000	500,000	500,000	500,000	3,040,000
Parks Irrigation Systems	2007	2	50,000	200,000	250,000	350,000	300,000	1,150,000
Northwoods Park Improvements	2009	3		25,000				25,000
Central Park Improvements	2010	3		185,000				185,000
Zane Sports Park	2016	5	150,000				450,000	600,000
Skate Park Equipment	2021	3		25,000				25,000
Historic Eidem Farm Improvements	2025	2	25,000	25,000	25,000	725,000	25,000	825,000
Environmental Nature Area / Mississippi Gateway	2027	3	1,920,000					1,920,000
Brookland Golf Park	2032	2	25,000	35,000	15,000	20,000	30,000	125,000
Edinburgh USA Golf Course	2033	2	40,000	75,000	50,000	400,000	50,000	615,000
Edinburgh USA Clubhouse	2035	2	180,000	150,000	415,000	185,000	335,000	1,265,000
Community Activity Center	2040	1	115,000	350,000	75,000	35,000	50,000	625,000
Zanewood Recreation Center	2048	2		50,000	500,000			550,000
Emerald Ash Borer	2060	1	604,631	200,000	200,000	200,000	200,000	1,404,631
Natural Resource Management	2061	3	10,000	75,000	75,000	75,000	75,000	310,000
Park Bond: Trails/Wayfinding/Lighting	2071	2	1,100,000	750,000	400,000	550,000	300,000	3,100,000
Park Bond: Park Reinvestments	2072	2				300,000	3,000,000	3,300,000
Park Bond: CAC Improvements & Senior Facilities	2073	2	6,000,000	3,000,000				9,000,000
Park Bond: Additional Recreation / Teen Center	2075	2	3,000,000	1,000,000				4,000,000
Park Bond: Historic Eidem Farm Improvements	2076	2				600,000		600,000
Community Aquatics Facility	2077	5	20,000,000	21,000,000				41,000,000
Central Park Redevelopment	2078	5				1,000,000	200,000	1,200,000
<b>Parks &amp; Recreation Facilities Total</b>			<b>35,264,631</b>	<b>28,520,000</b>	<b>3,130,000</b>	<b>5,840,000</b>	<b>6,140,000</b>	<b>78,894,631</b>
<b>Public Utilities Facilities</b>								
Water & Sanitary Sewer: Rehabilitation	3001	3	725,000	1,450,000	750,000	750,000	750,000	4,425,000
WTP: Rehab. of Wellhouse Bldgs. & Apparatus	3002	4	880,000	880,000	1,020,000	150,000	150,000	3,080,000
WTP: Major Maintenance Improvements	3004	3	625,000	675,000	625,000	500,000	500,000	2,925,000
Trunk Water Main Extensions	3005	3	300,000	300,000	700,000	300,000	300,000	1,900,000
Water: New Water Supply Wells	3006	4	90,000	900,000				990,000

Department	Project #	Priority	2024	2025	2026	2027	2028	Total
Water: New WTP Transmission Watermain(s)	3007	2		100,000	1,425,000			1,525,000
Water Main Replacement	3008	3			1,000,000			1,000,000
Major Maintenance of Water Reservoirs	3010	2	40,000	40,000	33,600	42,200	50,000	205,800
Water: New 2MG Elevated Reservoir	3011	3	1,000,000		8,000,000			9,000,000
Lift Station Rehabilitation	3401	2	175,000	100,000	100,000	100,000	100,000	575,000
Storm Water Pond Maintenance	3712	1	325,000	500,000	500,000	500,000	500,000	2,325,000
Street Lights: Additions/Rehab/Replace	3801	2	1,510,000	170,000	180,000	180,000	180,000	2,220,000
<b>Public Utilities Facilities Total</b>			<b>5,670,000</b>	<b>5,115,000</b>	<b>14,333,600</b>	<b>2,522,200</b>	<b>2,530,000</b>	<b>30,170,800</b>
<b>Transportation Facilities</b>								
Street Resurfacing Program	4001	1	2,900,000	3,000,000	3,100,000	3,200,000	3,300,000	15,500,000
MSA Street Rehabilitations	4002	1	8,800,000	1,400,000	2,200,000	2,900,000	15,200,000	30,500,000
Local Street Reconstruction Program	4003	1	5,725,000	5,500,000	6,700,000	8,400,000	7,800,000	34,125,000
Traffic Signals: Additions	4005	2	100,000	50,000	1,000,000	1,600,000	50,000	2,800,000
Sidewalk/Trail: Fill In Additions	4007	4	250,000	250,000	250,000	250,000	250,000	1,250,000
109th Ave. Reconstruction (MSA)	4014	3	400,000	10,000,000	4,000,000			14,400,000
101st Ave./Oak Grove Parkway (MSA)	4017	3		8,000,000	8,000,000			16,000,000
CSAH 30 (93rd Ave.) Recon Xylon/W.Broadway	4029	2				6,000,000	3,000,000	9,000,000
CSAH 103 (West Broadway) Reconstruction	4031	1			4,582,000	7,155,000		11,737,000
CSAH 81 Roadway Reconstruction	4032	2	725,000					725,000
Blue Line Light Rail Transit (BLRT)	4033	3			6,277,000	7,582,000	6,277,000	20,136,000
63rd Avenue Trail: W. Broadway to Mendelssohn Ave	4044	3	980,000					980,000
Trunk Highway 252 Freeway Conversion	4050	1					5,000,000	5,000,000
High Technology Traffic Devices	4055	n/a		20,000	20,000	20,000	20,000	80,000
Winnetka Ave/Rush Creek Regional Trail Crossing	4056	n/a		162,000	1,428,000			1,590,000
Candlewood Extension	4057	n/a			2,750,000			2,750,000
Shingle Creek Parkway extension	4058	n/a			1,320,000			1,320,000
<b>Transportation Facilities Total</b>			<b>19,880,000</b>	<b>28,382,000</b>	<b>41,627,000</b>	<b>37,107,000</b>	<b>40,897,000</b>	<b>167,893,000</b>
<b>GRAND TOTAL</b>			<b>92,857,258</b>	<b>67,947,500</b>	<b>68,174,600</b>	<b>46,319,200</b>	<b>74,735,000</b>	<b>350,033,558</b>

City of Brooklyn Park, MN  
*Capital Improvement Plan*  
2024 thru 2028

**PROJECTS BY FUNDING SOURCE**

Source	Project #	Priority	2024	2025	2026	2027	2028	Total
<b>B.G. - Community Block Grant Fund</b>								
ADA Improvements	1031	3	50,000					50,000
<b>B.G. - Community Block Grant Fund Total</b>			<b>50,000</b>					<b>50,000</b>
<b>C.F. - Special Assess. Construction Fund</b>								
109th Ave. Reconstruction (MSA)	4014	3	400,000					400,000
CSAH 30 (93rd Ave.) Recon Xylon/W.Broadway	4029	2				1,000,000		1,000,000
CSAH 103 (West Broadway) Reconstruction	4031	1			710,000	1,360,000		2,070,000
<b>C.F. - Special Assess. Construction Fund Total</b>			<b>400,000</b>		<b>710,000</b>	<b>2,360,000</b>		<b>3,470,000</b>
<b>C.I.B. - Cap. Impr. Bond</b>								
Fire Stations: Rehabilitation	1010	2	30,029,627	3,500,000	8,396,000		24,918,000	66,843,627
<b>C.I.B. - Cap. Impr. Bond Total</b>			<b>30,029,627</b>	<b>3,500,000</b>	<b>8,396,000</b>		<b>24,918,000</b>	<b>66,843,627</b>
<b>E.D.A. - Economic Development Authority</b>								
Edinburgh USA Clubhouse	2035	2	150,000	150,000	300,000	150,000	200,000	950,000
Park Bond: Trails/Wayfinding/Lighting	2071	2	500,000					500,000
<b>E.D.A. - Economic Development Authority Total</b>			<b>650,000</b>	<b>150,000</b>	<b>300,000</b>	<b>150,000</b>	<b>200,000</b>	<b>1,450,000</b>
<b>F. F. - Franchise Fee</b>								
Street Resurfacing Program	4001	1	2,900,000	3,000,000	3,100,000	3,200,000	3,300,000	15,500,000
Local Street Reconstruction Program	4003	1	3,075,000	2,890,000	3,510,000	4,470,000	4,120,000	18,065,000
<b>F. F. - Franchise Fee Total</b>			<b>5,975,000</b>	<b>5,890,000</b>	<b>6,610,000</b>	<b>7,670,000</b>	<b>7,420,000</b>	<b>33,565,000</b>
<b>G.A. - Grant-In-Aid</b>								
Historic Eidem Farm Improvements	2025	2				100,000		100,000
Park Bond: Historic Eidem Farm Improvements	2076	2				100,000		100,000
<b>G.A. - Grant-In-Aid Total</b>						<b>200,000</b>		<b>200,000</b>
<b>G.R. - Grants</b>								
109th Ave. Reconstruction (MSA)	4014	3		9,000,000	3,000,000			12,000,000
<b>G.R. - Grants Total</b>				<b>9,000,000</b>	<b>3,000,000</b>			<b>12,000,000</b>
<b>H.I. - Heritage Infrastructure</b>								
City Hall: Rehabilitation/Renovation	1001	2	355,000	75,000	100,000	200,000	75,000	805,000

Source	Project #	Priority	2024	2025	2026	2027	2028	Total
O&M Rehabilitation	1002	1		1,665,000	63,000	550,000	75,000	2,353,000
Police Facilities - Rehabilitation	1005	1	358,000	35,500	200,000	25,000	25,000	643,500
Fire Stations: Rehabilitation	1010	2	75,000	530,000	300,000	50,000	50,000	1,005,000
Signs and Wayfinding	1030	3		100,000				100,000
ADA Improvements	1031	3	25,000	25,000	25,000	25,000	25,000	125,000
Playground Equipment	2001	1	250,000	275,000	150,000	300,000	150,000	1,125,000
Park Buildings/Shelters and Amenities	2002	2	30,000	50,000	50,000	50,000	50,000	230,000
Parking Lot (Parks)	2003	2	250,000	150,000	150,000	150,000	150,000	850,000
Tennis, Pickleball & Basketball Courts	2004	2	175,000	100,000	75,000	100,000	75,000	525,000
Trail & Pedestrian Bridges	2005	1	300,000	300,000	200,000	300,000	200,000	1,300,000
Parks Irrigation Systems	2007	2	50,000	200,000	250,000	350,000		850,000
Northwoods Park Improvements	2009	3		25,000				25,000
Skate Park Equipment	2021	3		25,000				25,000
Historic Eidem Farm Improvements	2025	2	25,000	25,000	25,000	25,000	25,000	125,000
Brookland Golf Park	2032	2	25,000	35,000	15,000	20,000	30,000	125,000
Community Activity Center	2040	1	115,000	350,000	75,000	35,000	50,000	625,000
Emerald Ash Borer	2060	1	604,631	200,000	200,000	200,000	200,000	1,404,631
Natural Resource Management	2061	3	10,000	25,000	25,000	25,000	25,000	110,000
High Technology Traffic Devices	4055	n/a		20,000	20,000	20,000	20,000	80,000
<b>H.I. - Heritage Infrastructure Total</b>			<b>2,647,631</b>	<b>4,210,500</b>	<b>1,923,000</b>	<b>2,425,000</b>	<b>1,225,000</b>	<b>12,431,131</b>

**M.S. - Municipal State Aid**

New Trail Construction	2006	3	165,600					165,600
MSA Street Rehabilitations	4002	1	7,800,000	1,300,000	2,100,000	2,900,000	8,600,000	22,700,000
109th Ave. Reconstruction (MSA)	4014	3		500,000	500,000			1,000,000
101st Ave./Oak Grove Parkway (MSA)	4017	3		1,000,000	1,000,000			2,000,000
CSAH 30 (93rd Ave.) Recon Xylon/W.Broadway	4029	2				1,000,000	500,000	1,500,000
CSAH 103 (West Broadway) Reconstruction	4031	1			429,000	1,590,000		2,019,000
CSAH 81 Roadway Reconstruction	4032	2	725,000					725,000
63rd Avenue Trail: W. Broadway to Mendelssohn Ave	4044	3	36,000					36,000
Winnetka Ave/Rush Creek Regional Trail Crossing	4056	n/a		81,000	449,000			530,000
<b>M.S. - Municipal State Aid Total</b>			<b>8,726,600</b>	<b>2,881,000</b>	<b>4,478,000</b>	<b>5,490,000</b>	<b>9,100,000</b>	<b>30,675,600</b>

**O.D. - OSLAD**

Environmental Nature Area / Mississippi Gateway	2027	3	1,920,000					1,920,000
<b>O.D. - OSLAD Total</b>			<b>1,920,000</b>					<b>1,920,000</b>

**O.G. - Other Government Units**

Fire Stations: Rehabilitation	1010	2	1,150,000					1,150,000
New Trail Construction	2006	3	874,400					874,400
Park Bond: CAC Improvements & Senior Facilities	2073	2	3,000,000	2,000,000				5,000,000
Traffic Signals: Additions	4005	2			370,000	500,000		870,000
109th Ave. Reconstruction (MSA)	4014	3		500,000	500,000			1,000,000
101st Ave./Oak Grove Parkway (MSA)	4017	3		4,000,000	4,000,000			8,000,000
CSAH 30 (93rd Ave.) Recon Xylon/W.Broadway	4029	2				4,000,000	2,000,000	6,000,000
CSAH 103 (West Broadway) Reconstruction	4031	1			3,268,000	1,000,000		4,268,000
63rd Avenue Trail: W. Broadway to Mendelssohn Ave	4044	3	844,000					844,000
Trunk Highway 252 Freeway Conversion	4050	1					2,000,000	2,000,000
Winnetka Ave/Rush Creek Regional Trail Crossing	4056	n/a		81,000	979,000			1,060,000
<b>O.G. - Other Government Units Total</b>			<b>5,868,400</b>	<b>6,581,000</b>	<b>9,117,000</b>	<b>5,500,000</b>	<b>4,000,000</b>	<b>31,066,400</b>



Source	Project #	Priority	2024	2025	2026	2027	2028	Total	
<b>P.B. - Park Referendum Bond</b>									
Parks Irrigation Systems	2007	2					300,000	300,000	
Central Park Improvements	2010	3		185,000				185,000	
Zane Sports Park	2016	5	150,000					150,000	
Historic Eidem Farm Improvements	2025	2				600,000		600,000	
Natural Resource Management	2061	3		50,000	50,000	50,000	50,000	200,000	
Park Bond: Trails/Wayfinding/Lighting	2071	2	600,000	350,000	400,000	550,000	300,000	2,200,000	
Park Bond: Park Reinvestments	2072	2				300,000	3,000,000	3,300,000	
Park Bond: CAC Improvements & Senior Facilities	2073	2	3,000,000	1,000,000				4,000,000	
Park Bond: Additional Recreation / Teen Center	2075	2	3,000,000	1,000,000				4,000,000	
Park Bond: Historic Eidem Farm Improvements	2076	2				500,000		500,000	
63rd Avenue Trail: W. Broadway to Mendelssohn Ave	4044	3	100,000					100,000	
<b>P.B. - Park Referendum Bond Total</b>			<b>6,850,000</b>	<b>2,585,000</b>	<b>450,000</b>	<b>2,000,000</b>	<b>3,650,000</b>	<b>15,535,000</b>	
<b>P.O.G. - Provisional - Other Governm</b>									
Candlewood Extension	4057	n/a			2,750,000			2,750,000	
Shingle Creek Parkway extension	4058	n/a			1,320,000			1,320,000	
<b>P.O.G. - Provisional - Other Government Units Total</b>					<b>4,070,000</b>			<b>4,070,000</b>	
<b>P.S. - Private Sector Funding</b>									
Edinburgh USA Clubhouse	2035	2					50,000	50,000	
<b>P.S. - Private Sector Funding Total</b>							<b>50,000</b>	<b>50,000</b>	
<b>R.E. - Rec. Enterprise Fund</b>									
Edinburgh USA Golf Course	2033	2	40,000	75,000	50,000	400,000	50,000	615,000	
Edinburgh USA Clubhouse	2035	2	30,000		115,000	35,000	85,000	265,000	
<b>R.E. - Rec. Enterprise Fund Total</b>			<b>70,000</b>	<b>75,000</b>	<b>165,000</b>	<b>435,000</b>	<b>135,000</b>	<b>880,000</b>	
<b>S.A. - Special Assessments</b>									
101st Ave./Oak Grove Parkway (MSA)	4017	3		2,000,000	2,000,000			4,000,000	
CSAH 30 (93rd Ave.) Recon Xylon/W.Broadway	4029	2					500,000	500,000	
CSAH 103 (West Broadway) Reconstruction	4031	1				405,000		405,000	
Blue Line Light Rail Transit (BLRT)	4033	3			2,727,000	2,727,000	2,727,000	8,181,000	
<b>S.A. - Special Assessments Total</b>					<b>2,000,000</b>	<b>4,727,000</b>	<b>3,132,000</b>	<b>3,227,000</b>	<b>13,086,000</b>
<b>S.D.U.-Storm Sewer Utility</b>									
Storm Water Pond Maintenance	3712	1	325,000	500,000	500,000	500,000	500,000	2,325,000	
MSA Street Rehabilitations	4002	1	400,000				2,200,000	2,600,000	
Local Street Reconstruction Program	4003	1	850,000	850,000	1,050,000	1,300,000	1,210,000	5,260,000	
<b>S.D.U.-Storm Sewer Utility Total</b>			<b>1,575,000</b>	<b>1,350,000</b>	<b>1,550,000</b>	<b>1,800,000</b>	<b>3,910,000</b>	<b>10,185,000</b>	
<b>S.L.U. Street/Signal Light Util</b>									
Street Lights: Additions/Rehab/Replace	3801	2	1,510,000	170,000	180,000	180,000	180,000	2,220,000	
Local Street Reconstruction Program	4003	1	110,000	120,000	130,000	140,000	150,000	650,000	
Traffic Signals: Additions	4005	2	100,000	50,000	630,000	1,100,000	50,000	1,930,000	
CSAH 103 (West Broadway) Reconstruction	4031	1			175,000	175,000		350,000	

Source	Project #	Priority	2024	2025	2026	2027	2028	Total
Trunk Highway 252 Freeway Conversion	4050	1					200,000	200,000
<b>S.L.U. Street/Signal Light Util Total</b>			<b>1,720,000</b>	<b>340,000</b>	<b>1,115,000</b>	<b>1,595,000</b>	<b>580,000</b>	<b>5,350,000</b>
<b>S.U. - Sanitary Sewer Utility</b>								
Water & Sanitary Sewer: Rehabilitation	3001	3	325,000	1,000,000	300,000	300,000	300,000	2,225,000
Lift Station Rehabilitation	3401	2	175,000	100,000	100,000	100,000	100,000	575,000
MSA Street Rehabilitations	4002	1	200,000				2,200,000	2,400,000
Local Street Reconstruction Program	4003	1	850,000	810,000	1,000,000	1,230,000	1,140,000	5,030,000
101st Ave./Oak Grove Parkway (MSA)	4017	3		500,000	500,000			1,000,000
CSAH 103 (West Broadway) Reconstruction	4031	1				750,000		750,000
Blue Line Light Rail Transit (BLRT)	4033	3				80,000		80,000
Trunk Highway 252 Freeway Conversion	4050	1					500,000	500,000
<b>S.U. - Sanitary Sewer Utility Total</b>			<b>1,550,000</b>	<b>2,410,000</b>	<b>1,900,000</b>	<b>2,460,000</b>	<b>4,240,000</b>	<b>12,560,000</b>
<b>TBD - To Be Determined</b>								
New Trail Construction	2006	3		500,000	500,000	500,000	500,000	2,000,000
Zane Sports Park	2016	5					450,000	450,000
Zanewood Recreation Center	2048	2		50,000	500,000			550,000
Park Bond: Trails/Wayfinding/Lighting	2071	2		400,000				400,000
Community Aquatics Facility	2077	5	20,000,000	21,000,000				41,000,000
Central Park Redevelopment	2078	5				1,000,000	200,000	1,200,000
Sidewalk/Trail: Fill In Additions	4007	4	250,000	250,000	250,000	250,000	250,000	1,250,000
Blue Line Light Rail Transit (BLRT)	4033	3			3,550,000	3,550,000	3,550,000	10,650,000
Trunk Highway 252 Freeway Conversion	4050	1					1,800,000	1,800,000
<b>TBD - To Be Determined Total</b>			<b>20,250,000</b>	<b>22,200,000</b>	<b>4,800,000</b>	<b>5,300,000</b>	<b>6,750,000</b>	<b>59,300,000</b>
<b>W.U. - Water Utility Fund</b>								
Water & Sanitary Sewer: Rehabilitation	3001	3	400,000	450,000	450,000	450,000	450,000	2,200,000
WTP: Rehab. of Wellhouse Bldgs. & Apparatus	3002	4	880,000	880,000	1,020,000	150,000	150,000	3,080,000
WTP: Major Maintenance Improvements	3004	3	625,000	675,000	625,000	500,000	500,000	2,925,000
Trunk Water Main Extensions	3005	3	300,000	300,000	700,000	300,000	300,000	1,900,000
Water: New Water Supply Wells	3006	4	90,000	900,000				990,000
Water: New WTP Transmission Watermain(s)	3007	2		100,000	1,425,000			1,525,000
Water Main Replacement	3008	3			1,000,000			1,000,000
Major Maintenance of Water Reservoirs	3010	2	40,000	40,000	33,600	42,200	50,000	205,800
Water: New 2MG Elevated Reservoir	3011	3	1,000,000		8,000,000			9,000,000
MSA Street Rehabilitations	4002	1	400,000	100,000	100,000		2,200,000	2,800,000
Local Street Reconstruction Program	4003	1	840,000	830,000	1,010,000	1,260,000	1,180,000	5,120,000
101st Ave./Oak Grove Parkway (MSA)	4017	3		500,000	500,000			1,000,000
CSAH 103 (West Broadway) Reconstruction	4031	1				1,875,000		1,875,000
Blue Line Light Rail Transit (BLRT)	4033	3				1,225,000		1,225,000
Trunk Highway 252 Freeway Conversion	4050	1					500,000	500,000
<b>W.U. - Water Utility Fund Total</b>			<b>4,575,000</b>	<b>4,775,000</b>	<b>14,863,600</b>	<b>5,802,200</b>	<b>5,330,000</b>	<b>35,345,800</b>
<b>GRAND TOTAL</b>			<b>92,857,258</b>	<b>67,947,500</b>	<b>68,174,600</b>	<b>46,319,200</b>	<b>74,735,000</b>	<b>350,033,558</b>

City of Brooklyn Park, MN  
*Capital Equipment Plan*  
2024 thru 2028

**PROJECTS BY DEPARTMENT**

Department	Project #	Priority	2024	2025	2026	2027	2028	Total
<b>A - Police</b>								
Police Patrol (Sedans and Utility)	5001	n/a	1,128,000	568,000	568,000	574,000	574,000	3,412,000
Police Patrol Utility (K-9)	5002	n/a	140,000	75,000		170,000		385,000
Administrative Vehicles	5005	n/a	54,000	162,000	108,000	270,000	0	594,000
Passenger Van	5006	n/a	90,000					90,000
Pickup Truck	5008	n/a					70,000	70,000
Police Fleet Build Ups	5009	n/a	95,000	55,000	55,000	55,000	55,000	315,000
Sport Utility Vehicle	5010	n/a	60,000					60,000
Hostage Negotiation Truck	5012	n/a			100,000			100,000
SWAT Tactical/Ballistic Vests	7002	n/a	52,000	17,500	90,600	39,200	244,000	443,300
Direct Link Crisis Throw Phone	7012	n/a					20,000	20,000
Rifles - Patrol and SWAT	7014	n/a	30,000	6,375		2,000	100,000	138,375
800 MHz Handheld Radios for Police	7100	n/a		222,000			138,000	360,000
800 MHz Vehicle Radios for Police (Mobile)	7108	n/a	310,000					310,000
Patrol/Narcotic Detection K-9s	7120	n/a	12,000					12,000
Mobile Camera Units for Police	7122	n/a					83,000	83,000
SWAT Pole Camera	7124	6			23,000			23,000
Rifle Rated Ballistic Plates	7126	n/a			10,000	10,000		20,000
Ballistic Shields	7127	n/a			21,000		15,000	36,000
Gym Equipment	7128	n/a	7,000	7,000	7,000	7,000	7,000	35,000
Sniper Rifel	7133	n/a		78,000				78,000
SWAT Team Communication Gear Replacement	7134	n/a					40,000	40,000
Long Range Acoustic Device	7135	n/a					25,000	25,000
<b>A - Police Total</b>			<b>1,978,000</b>	<b>1,190,875</b>	<b>982,600</b>	<b>1,127,200</b>	<b>1,371,000</b>	<b>6,649,675</b>
<b>B - Fire</b>								
Sedans	5403	n/a	115,000		280,000			395,000
Fire Utility Truck	5404	n/a			50,000			50,000
Fire Pumper Trucks	5405	n/a	1,500,000	1,650,000				3,150,000
Aerial Tower Truck	5408	n/a		2,430,000				2,430,000
Ballistic Vests for Fire Fighters (Add)	7011	n/a	48,000					48,000
SCBA Fill Station Compressor (Add)	7016	6	50,000					50,000
Firefighting Gear	7017	n/a					52,500	52,500
Electric CO Monitors	7018	n/a	6,000					6,000
Hydraulic Rescue Tools	7110	n/a	64,000					64,000
Hoses	7118	n/a	20,000	46,500				66,500
<b>B - Fire Total</b>			<b>1,803,000</b>	<b>4,126,500</b>	<b>330,000</b>		<b>52,500</b>	<b>6,312,000</b>
<b>C - OM/Building Services</b>								
Pickup Truck 4x4	5507	n/a	138,000				100,000	238,000
Scissor Lift w/Trailer	5508	n/a		25,000		10,000		35,000
<b>C - OM/Building Services Total</b>			<b>138,000</b>	<b>25,000</b>		<b>10,000</b>	<b>100,000</b>	<b>273,000</b>
<b>C - OM/Equipment Services</b>								

Department	Project #	Priority	2024	2025	2026	2027	2028	Total
Pick Up Truck	5500	n/a	110,000					110,000
<b>C - OM/Equipment Services Total</b>			<b>110,000</b>					<b>110,000</b>
<b>D - OM/Park Maintenance</b>								
Pickup Trucks	5601	n/a		100,000	75,000	60,000	125,000	360,000
One Ton Dump	5602	n/a		100,000	110,000			210,000
Medium Duty Dump Trucks	5604	n/a		325,000				325,000
Tractor	5608	n/a		55,000				55,000
Trucksters	5609	n/a	84,000				50,000	134,000
Stump Grinder	5610	n/a			125,000			125,000
Rotary Mowers - Medium Capacity	5615	n/a	30,000	133,600	66,500			230,100
Rotary Mowers - Large Capacity	5616	n/a		170,000		190,000		360,000
Skid Steer Loader	5620	n/a			89,000			89,000
Motor Grader	5625	n/a				150,000		150,000
AERA-Vator	5626	n/a				18,350		18,350
Fertilizer Spreader	5627	n/a				13,000		13,000
Aerator	5628	n/a				34,600		34,600
Tank Truck	5631	n/a			300,000			300,000
Trailer	5632	n/a				33,000		33,000
<b>D - OM/Park Maintenance Total</b>			<b>114,000</b>	<b>883,600</b>	<b>765,500</b>	<b>498,950</b>	<b>175,000</b>	<b>2,437,050</b>
<b>E - OM/Street Maintenance</b>								
Pickup Truck	5706	n/a	50,000					50,000
Heavy Duty Single Axle Dump Truck w/Plow-Wing	5708	n/a	299,000	656,400				955,400
Sidewalk Snowplows	5709	n/a		238,000	260,000			498,000
Single Axle Dump Truck w/P-Wing w/H Lift/Box Patch	5710	n/a		453,200				453,200
Crack Router	5713	n/a		38,000				38,000
Vibratory Steel Roller/Trailer	5714	n/a	45,000		50,000			95,000
Flail Mower	5717	n/a				35,000		35,000
Concrete Mixer/Trailer	5718	n/a	35,000					35,000
Utility Dump w/plow	5726	n/a	62,000					62,000
Sealant Melter/Applicator	5727	n/a	95,000					95,000
<b>E - OM/Street Maintenance Total</b>			<b>586,000</b>	<b>1,385,600</b>	<b>310,000</b>	<b>35,000</b>		<b>2,316,600</b>
<b>F - OM/Public Utilities</b>								
Cargo Vans	5801	n/a	60,000		120,000			180,000
Portable Generator	5803	n/a			55,000			55,000
Utility Truck	5812	n/a			60,000	65,000		125,000
Tandem Axle Dump w/plow	5817	n/a				450,000		450,000
Backhoe Wheel Excavator	5818	n/a				450,000		450,000
Front End Loader	5819	n/a		360,000				360,000
Thawing Machine and Trailer	5821	n/a				30,000		30,000
Pick Up Truck-EV	5822	n/a	144,000					144,000
<b>F - OM/Public Utilities Total</b>			<b>204,000</b>	<b>360,000</b>	<b>265,000</b>	<b>965,000</b>		<b>1,794,000</b>
<b>G - OM/Engineering</b>								
Pickup Trucks	5903	n/a	78,000					78,000
<b>G - OM/Engineering Total</b>			<b>78,000</b>					<b>78,000</b>
<b>H - Rec &amp; Park</b>								
Pressure Washer	6006	n/a		10,000				10,000
Float Trailer	6009	n/a		20,000				20,000

Department	Project #	Priority	2024	2025	2026	2027	2028	Total
<b>H - Rec &amp; Park Total</b>				<b>30,000</b>				<b>30,000</b>
<b>I - Golf Course</b>								
Heavy Duty Utility Vehicle	6107	n/a	35,000	35,000	35,000			105,000
Greens Triflex Mowers	6110	n/a		50,000	50,000			100,000
Fairway Mowers	6115	n/a				55,000	55,000	110,000
Sand Pros	6118	n/a	25,000	25,000	25,000			75,000
Greens Roller	6138	n/a		20,000		20,000		40,000
Tee/Approach Triflex Mowers	6139	n/a			45,000	45,000		90,000
<b>I - Golf Course Total</b>			<b>60,000</b>	<b>130,000</b>	<b>155,000</b>	<b>120,000</b>	<b>55,000</b>	<b>520,000</b>
<b>J -Community Development</b>								
Electric Vehicles	6301	n/a	105,000			105,000		210,000
SUV's	6302	n/a			35,000			35,000
Lease Vehicles	6303	n/a		90,000	30,000			120,000
<b>J -Community Development Total</b>			<b>105,000</b>	<b>90,000</b>	<b>65,000</b>	<b>105,000</b>		<b>365,000</b>
<b>K - ITS</b>								
Toughbooks/MDCs	6504	n/a	68,400	102,600	136,800	19,000	68,400	395,200
Security Systems	6509	n/a	131,000	12,300	3,200	15,800	13,000	175,300
Network Equipment Upgrades/Replacements	6514	n/a	80,000	10,000	53,200	10,000	139,000	292,200
UPS Management System	6521	n/a	40,000	10,000	10,000	10,000	10,000	80,000
Card Access System	6524	n/a	25,000	25,000	25,000	25,000	25,000	125,000
Software Adds and Replacements	6525	n/a		100,000	2,000,000			2,100,000
Telephone System	6528	n/a	23,000	98,000		10,000		131,000
Council Chambers Broadcast, A/V Replacement	6537	n/a	300,000					300,000
Video/Audio Equipment	6541	n/a	80,000	80,000	80,000	80,000	80,000	400,000
Underground Fiber Cabling	6554	n/a	10,000	10,000	10,000	10,000	10,000	50,000
Forensic Computers	6577	n/a	6,000	7,000				13,000
Asset Management System	6579	n/a	400,000					400,000
Computer Equipment	6580	n/a	64,150	203,900	35,950	133,500	168,450	605,950
<b>K - ITS Total</b>			<b>1,227,550</b>	<b>658,800</b>	<b>2,354,150</b>	<b>313,300</b>	<b>513,850</b>	<b>5,067,650</b>
<b>M - Equipment Services</b>								
Generator & HVAC for Technology Hot Site	7013	n/a		50,000	50,000	230,000		330,000
Pressure Washers for Buildings A & B	7104	n/a			15,000			15,000
Fuel System	7105	n/a		55,000				55,000
Gas Boy Fleet Key Fuel Dispensing System	7106	n/a					50,000	50,000
Tire Balancer	7112	n/a				9,000		9,000
In Floor Hoist	7113	n/a	100,000					100,000
Air Compressor	7115	n/a		25,000				25,000
Water Heaters, Boilers, Mechanical Equip.	7123	n/a	20,000	20,000	20,000	20,000	20,000	100,000
Message Board (ADD)	7129	n/a		30,000				30,000
Electric Vehicle Charging Infrastructure	7131	n/a	90,000	90,000				180,000
<b>M - Equipment Services Total</b>			<b>210,000</b>	<b>270,000</b>	<b>85,000</b>	<b>259,000</b>	<b>70,000</b>	<b>894,000</b>
<b>N - Public Utilities</b>								
Sewer Service Televising Camera	7201	n/a			8,500			8,500
Fluke Ti25 Thermal Imager	7203	n/a		8,000				8,000
RF-AMR Meter Interface Units	7204	n/a	50,000	50,000				100,000
Pressure Washer	7205	n/a		15,000				15,000
Portable Generator - WTP	7216	n/a			290,000			290,000

Department	Project #	Priority	2024	2025	2026	2027	2028	Total
<b>N - Public Utilities Total</b>			50,000	73,000	298,500			421,500
<b>O - Finance</b>								
Lease Vehicle	1101	n/a			29,200			29,200
<b>O - Finance Total</b>					29,200			29,200
<b>GRAND TOTAL</b>			6,663,550	9,223,375	5,639,950	3,433,450	2,337,350	27,297,675

City of Brooklyn Park, MN  
*Capital Equipment Plan*  
2024 thru 2028

**PROJECTS BY FUNDING SOURCE**

Source	Project #	Priority	2024	2025	2026	2027	2028	Total
<b>C.G. - Cable Grant</b>								
Council Chambers Broadcast, AV Replacement	6537	n/a	300,000					300,000
<b>C.G. - Cable Grant Total</b>			<b>300,000</b>					<b>300,000</b>
<b>C.I.B. - Cap. Impr. Bond</b>								
Aerial Tower Truck	5408	n/a		2,430,000				2,430,000
<b>C.I.B. - Cap. Impr. Bond Total</b>				<b>2,430,000</b>				<b>2,430,000</b>
<b>E.R.-Equipment Replacement</b>								
Lease Vehicle	1101	n/a			29,200			29,200
Police Patrol (Sedans and Utility)	5001	n/a	1,128,000	568,000	568,000	574,000	574,000	3,412,000
Police Patrol Utility (K-9)	5002	n/a	140,000	75,000		170,000		385,000
Administrative Vehicles	5005	n/a	54,000	162,000	108,000	270,000	0	594,000
Passenger Van	5006	n/a	90,000					90,000
Pickup Truck	5008	n/a					70,000	70,000
Police Fleet Build Ups	5009	n/a	95,000	55,000	55,000	55,000	55,000	315,000
Sport Utility Vehicle	5010	n/a	60,000					60,000
Hostage Negotiation Truck	5012	n/a			100,000			100,000
Sedans	5403	n/a	115,000		280,000			395,000
Fire Utility Truck	5404	n/a			50,000			50,000
Fire Pumper Trucks	5405	n/a	1,500,000	1,650,000				3,150,000
Pick Up Truck	5500	n/a	110,000					110,000
Pickup Truck 4x4	5507	n/a	138,000				100,000	238,000
Scissor Lift w/Trailer	5508	n/a		25,000		10,000		35,000
Pickup Trucks	5601	n/a		100,000	75,000	60,000	125,000	360,000
One Ton Dump	5602	n/a		100,000	110,000			210,000
Medium Duty Dump Trucks	5604	n/a		325,000				325,000
Tractor	5608	n/a		55,000				55,000
Trucksters	5609	n/a	84,000				50,000	134,000
Stump Grinder	5610	n/a			125,000			125,000
Rotary Mowers - Medium Capacity	5615	n/a	30,000	133,600	66,500			230,100
Rotary Mowers - Large Capacity	5616	n/a		170,000		190,000		360,000
Skid Steer Loader	5620	n/a			89,000			89,000
Motor Grader	5625	n/a				150,000		150,000
AERA-Vator	5626	n/a				18,350		18,350
Fertilizer Spreader	5627	n/a				13,000		13,000
Aerator	5628	n/a				34,600		34,600
Tank Truck	5631	n/a			300,000			300,000
Trailer	5632	n/a				33,000		33,000
Pickup Truck	5706	n/a	50,000					50,000
Heavy Duty Single Axle Dump Truck w/Plow-Wing	5708	n/a	299,000	656,400				955,400
Sidewalk Snowplows	5709	n/a		238,000	260,000			498,000
Single Axle Dump Truck w/P-Wing w/H Lift/Box Patch	5710	n/a		453,200				453,200
Crack Router	5713	n/a		38,000				38,000





Source	Project #	Priority	2024	2025	2026	2027	2028	Total
Forensic Computers	6577	n/a	6,000	7,000				13,000
Computer Equipment	6580	n/a	64,150	203,900	35,950	133,500	168,450	605,950
<b>I.T.S. - Information &amp; Technology Services Total</b>			<b>527,550</b>	<b>658,800</b>	<b>2,354,150</b>	<b>313,300</b>	<b>513,850</b>	<b>4,367,650</b>
<b>R.E. - Rec. Enterprise Fund</b>								
Heavy Duty Utility Vehicle	6107	n/a	35,000	35,000	35,000			105,000
Greens Triflex Mowers	6110	n/a		50,000	50,000			100,000
Fairway Mowers	6115	n/a				55,000	55,000	110,000
Sand Pros	6118	n/a	25,000	25,000	25,000			75,000
Greens Roller	6138	n/a		20,000		20,000		40,000
Tee/Approach Triflex Mowers	6139	n/a			45,000	45,000		90,000
<b>R.E. - Rec. Enterprise Fund Total</b>			<b>60,000</b>	<b>130,000</b>	<b>155,000</b>	<b>120,000</b>	<b>55,000</b>	<b>520,000</b>
<b>S.D.U.-Storm Sewer Utility</b>								
Concrete Mixer/Trailer	5718	n/a	35,000					35,000
Utility Dump w/plow	5726	n/a	62,000					62,000
<b>S.D.U.-Storm Sewer Utility Total</b>			<b>97,000</b>					<b>97,000</b>
<b>S.U. - Sanitary Sewer Utility</b>								
Portable Generator	5803	n/a			55,000			55,000
Utility Truck	5812	n/a			60,000	65,000		125,000
Tandem Axle Dump w/plow	5817	n/a				450,000		450,000
Front End Loader	5819	n/a		360,000				360,000
Sewer Service Televising Camera	7201	n/a			8,500			8,500
RF-AMR Meter Interface Units	7204	n/a	25,000	25,000				50,000
Pressure Washer	7205	n/a		7,500				7,500
<b>S.U. - Sanitary Sewer Utility Total</b>			<b>25,000</b>	<b>392,500</b>	<b>123,500</b>	<b>515,000</b>		<b>1,056,000</b>
<b>TBD - To Be Determined</b>								
Asset Management System	6579	n/a	400,000					400,000
<b>TBD - To Be Determined Total</b>			<b>400,000</b>					<b>400,000</b>
<b>W.U. - Water Utility Fund</b>								
Cargo Vans	5801	n/a	60,000		120,000			180,000
Backhoe Wheel Excavator	5818	n/a				450,000		450,000
Thawing Machine and Trailer	5821	n/a			30,000			30,000
Pick Up Truck-EV	5822	n/a	144,000					144,000
Fluke Ti25 Thermal Imager	7203	n/a		8,000				8,000
RF-AMR Meter Interface Units	7204	n/a	25,000	25,000				50,000
Pressure Washer	7205	n/a		7,500				7,500
Portable Generator - WTP	7216	n/a			290,000			290,000
<b>W.U. - Water Utility Fund Total</b>			<b>229,000</b>	<b>40,500</b>	<b>440,000</b>	<b>450,000</b>		<b>1,159,500</b>
<b>GRAND TOTAL</b>			<b>6,663,550</b>	<b>9,223,375</b>	<b>5,639,950</b>	<b>3,433,450</b>	<b>2,337,350</b>	<b>27,297,675</b>

**City of BrooklynPark ARPA Proposed Future Allocation 2024/25 11.13.2023**

<b>Project /Activity</b>	<b>Description</b>	<b>Proposed 2024 Allocation</b>
Violence interruption activities	Implement strategies to interrupt violence in the community	\$ 800,000
Mental Health services	Staff social workers embedded with police; share cost with Hennepin County	\$ 125,000
Create Connections in impacted Neighborhoods	Support neighborhood leaders in community building activities in neighborhoods experiencing increased violence and economic stress.	\$ 10,000
Health on the Go	Invest in collaborative Health on the Go initiative including staff person to serve as coordinator/navigator, summer intern, costs for trailer and mobile lift. Event costs including supplies, meeting space, resources and services.	\$ 138,845
Youth Outreach Workers - expanded services	Expand the hours of service from the Youth Outreach Team to do more intervention and support of young people	\$ 170,000
Community response proposals	Support local organizations in pandemic response program delivery (i.e.basic support, resource navigation, business technical assistance, workforce development (RFP)	\$ 350,000
Economic Inclusion - Youth Entrepreneurship	Youth Entrepreneurship Program (Partner with Brooklyn Center)	\$ 82,000
Economic Inclusion - Career Pathways	Career Pathways Program (Partner with Brooklyn Center)	\$ 84,000
Brooklyn Bridge Alliance for Youth programs	Youth Outreach, Youth OnBoard and Engagement; Reimagine Youth Mental Health Demonstration Project; Marketing campaign for BP Residents to access newly funded youth opportunities like Free college; Grants administrative support	\$ 105,000
Cultural media advertising / communications	Connect cultural communities to COVID-19 and other available resources as well as access to city info	\$ 25,000
Park Engagement Ambassadors	Support cadet positions to enforce park ordinances and reduce violence (amplified sound, nuisance behavior, non-emergency calls etc.)	\$ 82,000
Community engagement liaison	Supports increased need for engagement and service	\$ 15,267
ARP Project coordinator (FT)	Assists with ARP projects, including sub-contracting	\$ 125,000
Grant Administration-Accountant (PT) Program Assist (PT)	Account and project analysis and reconciliation, financial statement/workbooks updated, internal control maintenance and regulatory reporting and some clerical assistance (primarily for ARP-related funds)	\$ 163,750
Communication associate	Communications staff capacity to support all ARP related programs/initiatives	\$ 50,000
Legal / Auditor Fees for ARP	Legal expenses related to award administration	\$ 15,000
Financial Consultants for partners	For business finance professionals to provide financial consulting services to organizations that are funded under the Community Partnership Program	\$ 15,000
Emergency Management Support	Focused work on emergency preparedness including continuity of operations planning and updating city preparedness plans.	\$ 150,000
Peer Wellness Youth engagement - aimed at specific youth	Connect and Coil energy through strategic individual youth engagement, making connections and providing services aimed at youth in crisis and experiencing family trauma.	\$ 33,500
Arts health and wellness (mental health)	Youth will increase self-awareness through activities that expand knowledge and importance of positive self-image, engagement in community and sharing their voice.	\$ 10,000
Community Safety Manager	Coordinate community safety efforts across the city and with community	\$ 160,000
Public Safety GIS Data Specialist	Use GIS mapping and data analysis to inform community safety response	\$ 115,000
<b>Total</b>		<b>\$ 2,824,362</b>

Note: If 2024 allocated funds go unspent toward the end of the year, they will be spent on fleet costs in the CEP to assist with increased vehicle costs caused by cost increases and inflation.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	8.2	<b>Meeting Date:</b>	November 13, 2023
<b>Agenda Section:</b>	Discussion Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk Jay Stroebe, City Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jay Stroebe, City Manager
<b>Item:</b>	Discuss Legislative Agenda for 2024		

## City Manager's Proposed Action:

Discuss the City's Legislative Priorities.

## Overview:

Each year, the City of Brooklyn Park and Brooklyn Park Economic Development Authority adopt legislative priorities for staff and elected officials to focus on with policymakers at the federal, state and county levels. Additionally, these priorities provide staff the direction needed to work with other local units of government, project partners and our legislative partners (e.g., North Metro Mayors Association, Metro Cities and League of Minnesota Cities) to advance key projects and policies.

This discussion will be the first step in updating the City's *2023 Legislative Priorities and Positions* (attached) document adopted by the City Council on January 17, 2023. The City's *2024 Legislative Priorities and Positions* document will be updated and brought back for adoption before the start of the 2024 Minnesota Legislative Session.

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

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

## Attachments:

8.1A 2023 LEGISLATIVE POLICIES AND POSITIONS

# 2023 Federal and State Legislative Priorities and Positions

**Brooklyn Park**   
Unique. United. Undiscovered.

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# 2023 State Legislative Priorities and Positions

## *City of Brooklyn Park*

### **Overview**

Brooklyn Park works together with its partners to support proposals for new legislation in Minnesota designed to strengthen the community. The following list of legislative priorities and positions, along with those prepared by the Brooklyn Park Economic Development Authority (EDA), constitute Brooklyn Park's legislative agenda for the 2023 legislative session.

### **I. Diversity, Equity and Inclusion**

The City of Brooklyn Park, with our rich racial, ethnic and demographic diversity, is committed to supporting local, state and federal policies and investments that advance the goals of eliminating racial and economic disparities in areas such as housing, employment, transportation, health care, safety, etc., and works towards a more inclusive economy. Many of the detailed policies advocated for in this document strive to achieve these goals.

### **II. Transportation Infrastructure**

Investments in transportation infrastructure can often result in multiple benefits to a community, a more efficient and safer multi-modal transportation system and a stimulus for economic growth. In addition to state funding to support the municipal state aid road network, two specific projects that have the potential to be impacted by legislative actions include improvements to highway 252 and the Blue Line Light Rail extension project.

- **Trunk Highway 252**

*Background*

Highway 252 provides a vital high speed / high volume link between Minneapolis and the northern suburban areas. The congestion and safety issues experienced at the at-grade signalized intersections along the four mile corridor rank among the worst in the state under both categories. The City of Brooklyn Park is currently working with the City of Brooklyn Center, Minneapolis, MnDOT and Hennepin County to upgrade highway 252 to a freeway while maintaining or enhancing transit service along the corridor.

*Position*

In the 2018 Legislative Session, partial funding was granted for conversion of highway 252 to a freeway with construction expected to start in 2025 or shortly thereafter. The City seeks to work with project partners to secure the additional funding necessary for this project to advance. In addition, the local communities along the line may have some shared financial responsibility for the costs to improve the interchanges and any local roads that would be impacted by the project. The City supports expanded access to federal, state, regional and county grant dollars that would alleviate local taxpayer burden for these costs. The City also supports the investment in temporary safety measures until final design and construction is complete.

- **Blue Line Light Rail Transit**

*Background*

The Blue Line Light Rail Transit (BLRT) Extension Project will extend the existing light rail line from Target Field in Minneapolis through four communities (Minneapolis, Robbinsdale, Crystal and Brooklyn Park) to Oak Grove Parkway, locating five stations in Brooklyn Park. Bringing LRT to the northwest suburbs will improve mobility and access to jobs and will ensure the northwest portion of the region remains competitive.

*Position*

The City of Brooklyn Park supports policies, laws, and funding (federal, state, regional and local) to finalize planning and move to the construction and operation phases of the BLRT extension project.

- **East – West Busing Connections**

*Background*

As a community of 86,000 plus residents our public transportation needs have far outpaced the services provided in our city. While some bus services exist within Brooklyn Park, most are oriented to bringing people in and out of the community, mainly running north - south, versus mobility within the community.

*Position*

The City of Brooklyn Park supports resources and change in service delivery models that provides east – west busing services to our residents without reducing the services that exist today.

- **Increase Municipal State Aid (MSA) to Cities**

*Background*

The City has 55 miles of MSA streets. Many of these streets have degraded prematurely and are only lasting 15-20 years instead of 30 years before needing overlays (resurfacing). Over the next five years, we have funding needs of over \$21 million on our MSA streets, but we are only scheduled to receive about half of our needs or approximately \$12 million.

*Position*

The City believes MSA funding should be increased 100% (doubled) to help cities address street repair needs and premature street degradation on MSA streets and local streets. This would require a change of MSA eligibility funding to include reimbursement for local streets.

- **Allow Hennepin County to Access Motor Vehicle Lease Sales Tax Revenues**

*Background*

Minnesota's general sales tax applies to long-term motor vehicle leases – the motor vehicle lease sales tax (MVLST). Hennepin County residents contribute substantially to the MVLST but the county is excluded by state law from receiving funding from this transportation source. This decision was tied to previous legislation that established the Counties Transportation Improvement Board (CTIB). CTIB was dissolved in 2017. If included, Hennepin County would receive over \$12 million annually for roads, bridges, and pedestrian and bikeway projects.

*Position*

The City supports Hennepin County's efforts to change the state law and allow communities within Hennepin County to access the \$12 plus million in funding.

## II. Sustainable Government Funding

The City of Brooklyn Park's financial position and property tax burden on businesses and residents are greatly influenced by actions taken at the state legislature. Historically, legislative changes to various funding formulas, aids, and imposition of statutory limits have impacted the City's ability to predict state sources of income, created unexpected community-level budget challenges, and resulted in increased tax burden on local taxpayers. Brooklyn Park supports efforts for more stable and predictable revenue sources and the reduction of the local property tax burden.

- **Levy Limits**

*Background*

Brooklyn Park advocates maintaining reliable, sustainable funding for desired city services and having the ability to control city levies at the local level. Enacting levy limits would remove this control from the City Council and may lead cities to adopt higher than desired tax levies in the short-term to maintain future levy capacity.

*Position*

Brooklyn Park supports a position that control of local levies remain at the local level.

- **Local Government Aid (LGA)**

*Background*

Cities apply LGA in their finance structure for various purposes and rely on the receipt of these funds for those purposes. In the past, Local Government Aid has been used by the state legislature as a budget balancing measure by reducing or eliminating this funding in times of economic stress, causing funding shortfalls to local governments. In order to be effective, cities need to have reliable sources of funding. In 2023, the LGA formula is scheduled to reduce the state's allocation to Brooklyn Park from roughly \$1.45M in 2022 to \$0 in 2023.

*Position*

Brooklyn Park supports a position that state aids to local governments must remain a stable, reliable and sustainable funding source now and into the future. We specifically request that Brooklyn Park's annual LGA allocation be at least preserved at \$1.45M or greater and that the formula be adjusted to better account for communities that have high service needs and lower per capita tax base to pay for those services.

- **Public Safety Benefit Account Reimbursement**

*Background*

In recent years, there has been an increase in police officers leaving their professions for medical-related reasons. The ongoing liability of contributing toward departing public safety employees' health insurance costs until retirement is a significant burden on our local taxpayers. The state has only been partially reimbursing for these costs to date.

*Position*

Support fully funding the Public Safety Benefit Account to reimburse employers for providing continued health insurance to police officers and firefighters injured in the line of duty and dependents of those killed.

- **Fiscal Disparities**

*Background*

Due to infrastructure development (airports, highways, light rail, etc.) and other economic stimuli, certain parts of the Metropolitan Area are at a greater advantage for economic development and tax base growth. The Fiscal Disparities program was designed to distribute a portion of this growth to cities that don't have the same economic advantages. This distribution of value serves to mitigate the property tax disadvantage to those communities.



*Position*

Brooklyn Park supports the Fiscal Disparities program and would support changes to stabilize the benefits of the program to metropolitan cities.

- **Sales Tax Exemption**

*Background*

The process for using the sales tax exemption on construction materials is complicated, burdensome and risky to contractors and cities. Because of this, we are not aware of any city that has decided to use this exemption.

*Position*

Brooklyn Park supports the simplification of the current sales tax exemption for construction materials. An estimated savings of \$150,000 to \$200,000 annually for construction projects would be realized by the city if the sales tax exemption process was simplified.

- **Social Security Disability Insurance (SSDI) and Social Security Taxes**

*Background*

Rising costs tied to inflation and changes in the economy have been especially hard on residents on fixed incomes. In addition, how social security disability insurance benefits are calculated for individuals with work limitations due to disabilities needs review.

*Position*

Brooklyn Park supports the removal of state taxes on social security recipients and an improved methodology for how SSDI is calculated that is not punitive for disabled Minnesotans.

### III. Youth

- **Out-of-school Time**

*Background*

High-quality afterschool and summer learning programs provide hands-on learning experiences that narrow the opportunity and achievement gaps, build critical 21st century skills, and support working families by ensuring their children are safe and engaged in learning outside of school. Minnesota needs to ensure a bright future for our young people and our state by investing in afterschool programs to expand access for all young people. Minnesota currently has no state public funding accessible to the broad range of afterschool programs.

*Position*

Establish new state resources to provide competitive afterschool program grants. These funds would prioritize programs primarily serving youth below 185 percent of the federal poverty line (youth eligible for free and reduced-price lunch).

- **Youth Mental Health**

*Background*

Our youth and young adults have experienced a pronounced and pro-longed amount of trauma in recent years given issues such as COVID-19, racial tensions, increase in crime, and financial hardship.

*Position*

Support resources that highlight the current situation and support our youth and young adults to effectively manage the currently challenging times.

## IV. Voting Laws

*Background*

In recent years, the state has changed voting rules that have reduced barriers to voting for residents. This includes the 46 day absentee voting timeline before an election by eliminating the requirement to provide an excuse to vote absentee. Additionally, the state now has in place fixed dates for when an election can take place, a specific day in the following months – February, April, May, August and November. These rules apply to both special and general elections.

*Position*

Brooklyn Park would like the state to consider changes to the current voting rules that place an undue financial burden on cities with a 46 day absentee voting window and to consider changes that allow for a more expeditious election cycle to replace vacancies on a local board or council.

## V. COVID-19

*Background*

COVID-19 has had a significant economic, social and health impact on all parts of our society, both locally and globally. For communities, the impact to societal well-being, economic and business prosperity, housing stability, youth education progression, and the overall physical and mental health of residents has been dramatic. To address the challenges of COVID, continued investments of federal, state and local resources and coordination are necessary to minimize its short and long-term impacts.

*Position*

The City of Brooklyn Park supports additional federal, state and local resources and coordination to aid our businesses and residents to navigate the challenges of COVID as best as possible. The Economic Development Authority (EDA) section of this document outlines specific needs to address the challenges of COVID.

## VI. Emerald Ash Borer (EAB)

### *Background*

EAB was discovered in Brooklyn Park in August 2017 and is expected to spread through the city as well as all of Minnesota over the next few years. There are more than 4,000 city owned ash trees and thousands more on private property. Removing and replanting these trees would cost more than \$4,000,000. Chemical treatment of ash trees is an option but is expensive (\$200 per tree every two years) and a long-term commitment. Untreated trees will die.

### *Position*

The EAB epidemic is a state-wide problem and a threat to the forest system in Minnesota. The City requests the state legislature provide funding for cities to address the removal and replanting of trees to maintain a healthy and diverse forest system.

## VII. Public Safety

### ▪ Address Rise in Violent Crimes

#### *Background*

Over the last few years, the country, state, region and Brooklyn Park community have experienced a significant increase in certain types of violent crimes, especially those involving guns and crimes against persons. Repeat offenders of these types of crimes has also been cited as a growing concern. This increase in crimes has led to increased loss of life and injury, decreased livability of neighborhoods, and led some businesses and residents to leave or consider leaving our city.

#### *Position*

The City of Brooklyn Park supports legislative efforts and funding strategies that financially supports violence prevention, intervention and interruption work that address this rise in crime, including measures to ensure offenders of violent crimes are held accountable. We also support rehabilitative resources and strategies that support proven alternative approaches for youth and young adults involved in low-level criminal activities that may not be best served by the traditional criminal justice system. Additionally, we support strategies to address the underlying root causes of community violence including economic and housing stability, educational opportunity, health security, etc.

### ▪ Capital Support for Fire Facilities

#### *Background*

The rapid decline in volunteerism combined with a significant increase in fire/medical emergency responses led the city to transition from a paid on-call department to a full-time staffed career fire department. The city's four firehouses were never designed for career firefighter accommodations or for a diverse workforce living together for 24+ hours at a time. The current stations also do not provide adequate systems, including building-wide ventilation systems and decontamination showers, to protect firefighters from exposure to carcinogenic particulates because of their job. A third-party study identified that all of Brooklyn

Park's fire stations require significant renovations and, in some cases, need to be completely rebuilt. In addition to serving the 86,000+ residents of Brooklyn Park, the fire department regularly responds to assist neighboring communities through long-established mutual aid agreements.

*Position*

Other communities have received capital support for fire and other municipal facilities. The City of Brooklyn Park is seeking state bonding to support the construction of a new central firehouse which will also serve as a multi-agency Emergency Operations Center (EOC).

- **Officer Well-Being and Officer Accountability**

*Background*

During the summer of 2020, the Minnesota Legislature took some initial steps to examine opportunities for improvement in the law enforcement profession. With police officers being asked to do an ever-expanding set of responsibilities its important they have the necessary tools and resources to effectively do their jobs. Some of those supports, including enhanced training opportunities, were included in the actions of the Legislature, but more opportunities exist. Similarly, while some initial steps were taken to improve the arbitration system for police misconduct, it's doubtful those changes will result in long-term change.

*Position*

Brooklyn Park supports the continued examination of opportunities for improvement in both providing the needed supports for our officers to be successful in their profession and ensuring accountability for when officer misconduct does occur.

- **Health and Welfare Support for First Responders**

*Background*

In service to their community, front line first responders and public safety professionals handle some of the most difficult calls. One call, or the totality of the calls in one's career, can negatively impact their mental and physical health if not properly addressed. While we continue to normalize the conversations surrounding mental health, we must also provide the necessary resources to public safety staff to live, work, and retire healthy. PTSD related retirements have grown exponentially in the recent years. PTSD is treatable; we need to ensure we are providing prevention, resiliency, and treatment options for public safety staff.

*Position*

Brooklyn Park supports funding mental health programs and initiatives, including educational and professional treatment programs. This needs to include practitioners that are licensed and experienced with handling post-traumatic events that police officers and firefighters experience.

- **Mental Health Resources to Support Community Need**

*Background*

Brooklyn Park's Police Department has seen a growing incidence of mental health-related calls in recent years. These calls range from the most serious of violent crime situations to simple requests of coordinating mental health services for residents in need. We are currently piloting out both a co-responder and alternate response model to respond to mental health related calls. A vast majority of the simple requests are coming from employees of group homes that are either insufficiently trained or do not have the resources to deal with their clients needs. We receive hundreds of these 911 calls per year that simply do not belong in the law enforcement arena.

*Position*

Brooklyn Park encourages the state to not only support local (city and county) law enforcement and social service entities in providing additional mental health resources to meet the need, but additionally to more meaningfully examine how can we rethink the mental health systems that are too often failing our residents. We support stricter licensing of group home providers so that proper training of their staff is completed and sufficient and proper resources are dedicated and available for the needs of their clients and to support better compensation for the professionals providing client services.

## VIII. Projects Leading to Regional Assets

- **Innovation and the Arts**

*Background*

The City, along with North Hennepin Community College and other school districts, municipal and non-profit partners have identified a gap in arts opportunities in the northwest area of the region, including a shortage of locations for fine and performing arts and arts related career exploration.

*Position*

The City supports funding to North Hennepin Community College and other partners to expand access to arts education and programming and access to creative career opportunities in the northwest area.

- **Three Rivers Park District – Full build out of Mississippi Gateway Park**

*Background*

The City of Brooklyn Park and Three Rivers Park District have collaboratively planned for the redevelopment of the Mississippi Gateway Regional Park and the Environmental Nature Area to become a single destination park location. As the project is nearing planning completion, recent hyper inflation is making it challenging for the construction project to include all of the desired amenities to meet the vision of the park.

*Position*

The City of Brooklyn Park supports the Three Rivers Park District request for additional state funding to ensure that the full vision of this regional destination can be completed during the initial construction.

- **Capital Support for Water Quality Improvements**

*Background*

Brooklyn Park is the 6<sup>th</sup> largest city in Minnesota with over 86,000 residents. The city's water is sourced through a shallow aquifer that is some of the hardest water in the metro area. This hard water causes significant issues within our community. Hard water requires residents to have home water softening units. Unfortunately, many of our low-income residents cannot afford to install these systems in their homes. By not having water softening units in their homes, the hard water prematurely degrades appliances like water heaters, dish washers, and leads to buildup in the internal piping of homes. Having to replace these appliances causes significant financial strain on our residents. Providing a city-wide softening plant will dramatically improve the water quality going to homes, reduce damage to piping and appliances, and eliminates the need for home water softening equipment.

*Position*

The state has historically supported water treatment because it directly benefits low-income residents and improves the lives of our community. Brooklyn Park will explore all state and federal funding to support this important development.

- **Community Activity Center Enhancements**

*Background*

The Brooklyn Park Community Activity Center was originally built in 1983 to serve the northwest suburbs as a hub for hockey and banquet/meeting activities. Over the years, the need for recreation amenities in the area has shifted from hockey to filling the gap in space for indoor court activities like basketball, volleyball and pickleball. The City of Brooklyn Park is considering the possibility of converting one ice arena to a gymnasium with three multi-sport courts. The addition of gymnasium would further diversify the Community Activity Center as a regional destination for sports and meetings.

*Position*

Other communities have received capital support for renovations and construction of community centers. Brooklyn Park will explore the feasibility of state support for the renovation of the Community Activity Center.

- **Capital Support for Water Quality Improvements**

*Background*

Brooklyn Park has over 1,000 acres of land ready for development in the northwest part of the city. This area is one of the last green field development sites in the metropolitan area. The development of this area will create thousands of jobs, provide additional housing, and increase the tax base for one of the most

diverse communities in the state of Minnesota. To begin development, the city needs to extend two connections under TH 169, one connection under Highway 610, and install a new water tower. To install all of this infrastructure, it would require significant increases in rates to all of our residents, many of whom are low income. State bonding to help cover some of these expenses will create jobs, reduce the impact to our residents, and increase the tax base in this area. The increased tax base and jobs will directly benefit the State of Minnesota as well.

*Position*

The state has historically supported infrastructure expansion because it directly benefits the tax base, increases jobs, and benefits the region as a whole. Brooklyn Park will explore all state and federal funding to support this important development.

- **Capital Support for Fencing Consortium**

*Background*

Over 30 public entities, including Brooklyn Park, have agreed to form a Fencing Consortium Joint Powers Agreement. The intent of the Fencing Consortium is to provide anti-scale fencing within hours, not days, around potentially impacted government building(s) in response to a critical incident. The goal of the anti-scale fencing is to de-escalate the potential tensions and try to reduce/eliminate the non-tangibles associated with civil unrest

*Position*

State funding to support this multi-agency emergency response and training effort will result in the purchase of anti-scale fencing which will not only considerably reduce the on-going cost to Brooklyn Park and Fencing Consortium members (improving equitable access to this de-escalation tool), but also allow for multiple facilities to have fencing at the same time.

## IX. Local Control

- Retail Food Licensing and Inspection – Support continued retail food licensing and inspection delegation to cities and counties from the Minnesota Department of Agriculture (MDA) under a new agreement that builds a better local-state partnership. Related, we encourage the Minnesota Departments of Agriculture and Health to consolidate and simplify retail food establishment licensing to increase efficiency.

## X. Other areas of support

- Poverty – Brooklyn Park and a growing number of other suburbs have an expanding share of the metropolitan area's residents living in poverty. Historically, state recognition and resources to address poverty have been focused on Minneapolis and St. Paul. Recognition and resources to combat poverty should be focused on all concentrated areas of poverty, not just in the urban core.

- Active and Engaged Seniors – Brooklyn Park strives to be an age-friendly community for all our residents. We support resources and services that support our aging residents, especially those that are often hard to connect with, supporting their ability to thrive and live healthy and productive lives.
- Affordable access to Broadband Internet Services – Brooklyn Park supports the state and federal efforts that encourages private and public investments making broadband internet accessible and available to all residents.
- Clean Energy and Addressing Climate Change - Locally and globally, we are seeing the negative impacts of climate change on our built and natural systems. Brooklyn Park has been a leader in addressing these impacts through efforts such as the installation of the largest city-led solar installation in the state. Brooklyn Park supports efforts to reduce the impacts of climate change and provide the resources and supports at the state, local and individual levels to continue making strides that will slow and hopefully reduce the impact of climate change.
- Emergency Assistance – The state needs to review the criteria for when resources can be distributed for individuals that are in need of emergency assistance.
- Policy Partners – Brooklyn Park’s partner organizations have advanced several additional legislative proposals that would enhance the livability, economic vitality, and financial condition of the city. While not identified as the city’s top priorities, Brooklyn Park may support these initiatives as well.

#### **Partners**

- Metro Cities
- League of Minnesota Cities
- North Metro Mayors Association



## 2023 Legislative Policy Positions

### *Brooklyn Park Economic Development Authority*

#### Overview

Brooklyn Park works together with its partners to support proposals for new legislation in Minnesota designed to strengthen the community. The years of 2020 and 2021 brought numerous challenges and eye-opening moments that highlighted the weaknesses in the regional and state economy, housing situation, and workforce development systems.

The Brooklyn Park Economic Development Authority (EDA) supports many of the legislative policies of its partner organizations, including policies that help the City manage through difficult times and improve livability in the community.

For 2023, the Brooklyn Park EDA is focusing on housing funding, small business supports, and shifting economic development and housing efforts towards reducing racial wage, wealth, and employment gaps among black, indigenous, and people of color (BIPOC) populations within the city and the region.

#### I. Special Section: Budget Surplus Uses

This section is specific to responding to the budget surplus of the biennium. The year 2023/2024 is a special opportunity to invest in community needs as communities are recovering from the pandemic.

##### *Position*

- *Support to cities to support and/or incentivize the rehabilitation of older housing to maintain quality housing for lower income households, including at Huntington Place Apartments, which is the second largest apartment community in the State.*
- *Support to cities and non-profit partners in developing small business centers, incubators, and other affordable commercial opportunities for small and BIPOC owned businesses.*
- *Expansion of the Low Income Housing Tax Credit (LITHC) and deferred loan programs/bonding for private developers to develop more housing, especially housing affordable to 30% AMI and mixed income housing.*
- *Broad statewide expansion of down payment assistance programs for BIPOC households.*
- *Financial investment in rent and mortgage assistance and homelessness response strategies to stabilize housing.*
- *Additional financial resources and training for workforce development.*

#### II. Jobs and Economic Growth Funding

Stable and secure funding sources for economic development are critical to the community's long-term success. The State should support economic development funding and continue to enhance local development tools.

*Position*

- *Increase resources for the Mainstreet Program and modify the program to include acquisition as an eligible use, remove funding cap and reduce match, and allow cities to participate.*
- *Beyond the Mainstreet Program, we support the addition of other strategies and financial resources to support anti-displacement of small businesses*
- *Continue competitive funding for the Minnesota Investment Fund and the Job Creation Fund, including focus on local hiring and hiring of BIPOC.*
- *No changes that would further restrict the use of Tax Increment Financing (TIF) to accomplish the community's development/redevelopment objectives.*
- *Changes to the TIF statute that treat energy efficient and/or alternate energy technologies, sustainable site design and other "green" development alternatives as qualified development costs.*
- *Continued efforts to clarify the method for calculating available TIF pooling.*
- *The extension, clarification, and broadening of the Opportunity Zone and New Markets Tax Credit programs to further encourage and incentivize investment in these areas.*
- *Change to the TIF statute to allow use for re-habilitation of existing buildings and other displacement prevention initiatives.*
- *Change to the Minnesota Department of Employment and Economic Development (DEED) Workforce Development Fund and associated programs to focus on employer engagement and workforce development strategies that specifically seek to close the wage and employment gap for communities of color.*
- *Change to DEED programs that provides appropriate training for employers to increase their cultural competency and encourages employers to be employers of choice for BIPOC.*

### III. Neighborhood Vitality

Aging housing and infrastructure in areas with declining private investment strains local government resources and threatens to destabilize neighborhoods. The State of Minnesota needs to continue to take actions that provide the tools necessary to manage areas of disinvestment. While this problem requires additional resources, the State can take policy actions to alleviate some of the local impacts without stressing the State's budget.

*Position*

- *Increase flexibility of Tax Increment Financing (TIF) pooling for specialized uses, such as housing rehabilitation.*
- *Eliminate regulatory language that creates barriers to using the funds to reinvest in areas of disinvestment.*
- *Secure state and federal resources and provide financing tools for cities to help pay for costs associated with neighborhood reinvestment.*

## IV. Economic Inclusion

The City is committed to advancing policies and programs that specifically advance populations who have historically had unequal access to the economic benefits and opportunities in our community. The State of Minnesota should support efforts to acknowledge this unequal access and reverse it. Specifically, the following policies should be considered:

### *Position*

- *Support for BIPOC and local community members to become developers to keep and grow wealth in the community, preferencing local and BIPOC developers in funding formulas for development subsidy programs*
- *Support for BIPOC and local community members to access financing to purchase and improve residential and commercial investment properties in their community, similar to the NEON Commercial Loan Program in North Minneapolis*
- *Create more protections for tenants within commercial properties, with a focus on small lower-income businesses who are at greater risk of displacement.*
- *Requirements in state economic development subsidy programs for local and BIPOC hiring Increase workforce training funding options for local solutions including state funding for youth and adult workforce development programs with a priority on high unemployment census tracts.*
- *Continue funding for the Job Skills Partnership, DEED youth and adult workforce programs, youth employment programs and other workforce training programs administered by the state that led to jobs that provide a living wage and benefits and help address racial disparity gaps in employment and educational attainment.*
- *Establish innovative workforce programs and partnerships that foster workforce readiness, including state funding for youth and adult programs, the Minnesota State University System, and DEED Workforce Centers and its programs.*
- *Create a payroll tax credit for job training programs that invest in employees.*

## IV. Improved Multi-Modal Transportation Access and Mobility

Capturing the full economic development potential of new development and redevelopment in Brooklyn Park requires improved transportation investments in the region. Mobility is a major barrier to access to opportunities for many of our residents.

### *Position*

- *Provide State resources for strategies to complete the local requirements to leverage the federal funding for the METRO Blue Line Extension LRT (BLRT) project, which will bring five LRT stations to Brooklyn Park.*
- *Increase funding and maximum grant award amount for the Transportation Economic Development (TED) Program or similar programs to support strategic infrastructure investments that promote economic development.*
- *Increase the allocation of transit funds for BLRT operations and enhanced east-west bus connections and suburban circulator routes for better transit mobility.*
- *Increase funding for regional and local trail connections, especially in aging neighborhoods that lack connectivity, to improve pedestrian and bike connections*

*within and across communities.*

## V. Support Career Pathways in High Demand, High Wage Professions

Brooklyn Park promotes the growth of the manufacturing, IT, and healthcare sector within the community and throughout the state. These sectors provide an excellent opportunity for future economic growth and employment and should continue to be supported. Brooklyn Park supports programs that provide incentives for business to expand and continue to contribute toward increasing economic competitiveness for the state.

### *Position*

- *Continue and expand investment tax credits and other tax incentives for investing in the life science, medical device, and precision manufacturing, healthcare, and IT industries.*
- *Continue and expand venture capital funding pools for emerging companies.*
- *Modify Tax Increment Financing (TIF) pooling uses to support manufacturing, IT, and healthcare investments in communities with high poverty and/or unemployment*

## VII. Affordable Housing

Housing affordability and stability is a growing concern within the community, especially at the 30% Area Median Income (AMI) level. With the rising cost of housing, many of our residents are priced out or housing cost burdened. In addition, efforts need to be focused on reducing racial disparities in homeownership and housing cost burdens. More resources for getting pipelined affordable and attainable housing projects in the suburbs approved is critical in furthering opportunities and access to suburban communities for low and moderately income households.

### *Position*

- *Policy that results in better oversight of Homeowners' Associations.*
- *Reduce barriers to and promote fair housing and equal opportunity.*
- *Increase tax-exempt bond allocation to maximize and expand the development of affordable housing opportunities within the pipelined affordable housing projects in the suburbs.*
- *Increase investment in the preservation of Naturally Occurring Affordable Housing through re-habilitation and long-term affordability programs, including expansion of TIF for this purpose.*
- *Consider a statewide mixed- income housing policy to increase the number and dispersion of affordable housing in the state and provide resources through Minnesota Housing to develop such housing.*
- *Expand the project-based Housing Choice Voucher program regionally to support 30% AMI housing.*
- *Expand TIF to allow use for 30% AMI housing at a smaller percentage than the 20 percent of each project (i.e., 10% affordable at 30% AMI being eligible)*
- *Consider "just cause" eviction changes at state level*

## 2023 Policy Partners

- Metro Cities
- League of Minnesota Cities
- Economic Development Association of Minnesota
- Urban Land Institute Minnesota
- Minnesota Housing Partnership
- National Association of Housing and Redevelopment Officials
- Minnesota Chapter of the American Planning Association
- Mpls Regional Chamber
- North Metro Mayors
- Connect Blue Line Now Coalition! and Blue Line Coalition
- Center for Economic Inclusion
- Center for Urban and Regional Affairs at the University of Minnesota

# 2023 Federal Legislative Priorities and Positions

## *City of Brooklyn Park*

### **Overview**

Brooklyn Park works together with its partners to support proposals for new legislation in Washington DC designed to strengthen the community. The following list of federal priorities and positions constitute Brooklyn Park's federal agenda for 2023.

### **I. Permanent Residency for Liberians in a DED and TPS Status**

#### *Background*

Many Brooklyn Park residents immigrated from Liberia and were given a temporary protected status (TPS) when they originally moved to the United States. This legal residency status has been extended several times since 2007.

#### *Position*

The City supports continued efforts to assist Liberians and other residents on their pathway to citizenship.

### **II. Blue Line Light Rail Transit**

#### *Background*

The Blue Line Light Rail Transit (BLRT) Extension Project will extend the existing light rail line from Target Field in Minneapolis through four communities (Minneapolis, Robbinsdale, Crystal and Brooklyn Park) to Oak Grove Parkway, locating five stations in Brooklyn Park. Bringing LRT to the northwest suburbs will improve mobility and access to jobs and will ensure the northwest portion of the region remains competitive.

*Position*

The City of Brooklyn Park supports policies, laws, and funding (federal, state, regional and local) to finalize planning and move to the construction and operation phases of the BLRT extension project.

### III. Housing Policy and Resources

*Background*

Access to quality affordable housing is a growing problem in the nation impacting the stability of families in Brooklyn Park. Federal housing policies have a huge impact on the availability of affordable housing through programs and funding mechanisms that impact housing construction, housing rehabilitation, and homeowner lending. Data show households of color experience significantly lower homeownership rates and have more difficulties in finding quality affordable rental housing.

*Position*

The City supports programs and policies that improve the availability of quality affordable homeownership and rental housing, including reducing racial disparities in housing. For example, the Section 8 voucher program needs additional resources.

### IV. COVID-19

*Background*

COVID-19 has had a significant economic, social and health impact on all parts of our society, both locally and globally. For communities, the impact to societal well-being, economic and business prosperity, housing stability, youth education progression, and the overall physical and mental health of residents has been dramatic. To address the challenges of COVID, continued investments of federal, state and local resources and coordination are necessary to minimize its short and long-term impacts.

*Position*

The City of Brooklyn Park supports additional federal, state and local resources to aid our businesses and residents to navigate the challenges of COVID as best as possible. The Economic Development Authority (EDA) section of this document outlines specific needs to address local economic challenges.