

**CITY COUNCIL
MEETING**

City Hall Council Chambers
November 12, 2024

AGENDA



1. Call to Order - 7:00 p.m.

Attendees please turn off cell phones and pages during the meeting. A copy of the full meeting packet is available in the binder at the entrance to the Council Chambers.

2. Roll Call

3. Pledge of Allegiance

4. Informal Open Forum

This is an opportunity for the public to address the City Council on items that are not on the agenda. It is limited to 15 minutes. It may not be used to make personal attacks, air personality grievances, make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with the presenter. Questions from the Council will be for clarification purposes only. It will not be used as a time for problem-solving or reacting to the comments made but for hearing the presenter for informational purposes only.

The first call will be for those that have notified the Clerk that they would like to speak during the open forum and then ask if anyone connected to this meeting would like to speak. When called upon, please indicate your name and then proceed. Please be sure to state your name before speaking.

a. Meeting Decorum

5. Invocation - Jerzak

6. Approval of Agenda and Consent Agenda

These items are considered to be routine by the City Council and will be enacted by one motion. There isn't a separate discussion for these items unless a Councilmember so requests, then it is moved to the end of the Council Consideration Items.

a. Approval of Licenses

- Motion to approve the licenses as presented.

b. Resolution Accepting Grant Funding from the Minnesota Department of Public Safety Office of Justice Programs for Intensive Comprehensive Peace Officer Education and Training Positions

- Motion to approve a resolution accepting grant funding from Minnesota Department of Public Safety Office of Justice Programs for Intensive Comprehensive Peace Officer Education and Training positions and authorizing execution of grant agreement.

c. Resolution Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments for Improvement Project No. 2025-02,

67th Avenue and James Avenue Mill & Overlay

- *Motion to approve a resolution declaring costs to be assessed and calling for a public hearing on proposed special assessments for Improvement Project No. 2025-02, 67th Avenue and James Avenue Mill & Overlay.*

- d. Resolution Establishing 2025 Street and Storm Drainage Special Assessment Rates
 - *Motion to approve a resolution establishing the 2025 street and storm drainage special assessment rates for street and utility improvement projects.*
- e. Resolution Establishing Interest Rate for 2025 Special Assessments
 - *Motion to approve a resolution establishing interest rate for 2025 special assessments.*
- f. Resolution Amending Special Assessment Levy Roll No. 25001 to Provide for the Deferral of Special Assessments
 - *Motion to approve the resolution amending Special Assessment Levy Roll No. 25001 to provide for the deferral of special assessments.*
- g. Resolution Approving Joint Powers Agreements for the Continued Operation of the Shingle Creek and West Mississippi Watershed Management Commissions
 - *Motion to approve a resolution approving Joint Powers Agreements for the continued operation of the Shingle Creek and West Mississippi Watershed Management Commissions.*

7. Presentations/Proclamations/Recognitions/Donations

- a. Annual BrookLynk/Workforce Development Report (2024)
 - *Motion to Accept Presentation.*
- b. Proclamation Declaring November 12, 2024 to be Designated as Random Acts of Kindness Day
 - *Motion to Adopt a Proclamation Declaring November 12th, 2024, to be Designated as Random Acts of Kindness Day.*
 - *Council members will take turns reading nominations.*
- c. Police Department Update
 - *Motion to accept presentation.*

8. Public Hearings

9. Planning Commission Items

10. Council Consideration Items

- a. 2025 Legislative Agenda
 - On January 14, 2025, the Minnesota Legislature will start the 2025 Legislative session, which will end by May 19, 2025.

Each year the City develops and adopts a legislative agenda for purposes of advocating at the state and federal on issues that impact Brooklyn Center.

Last year the City developed an ongoing process including; developing, executing, monitoring, advocating and fostering legislative action.

In preparation for a discussion regarding development and execution of the Brooklyn Center 2025 Legislative Agenda the following documents are attached:

- 2025 Legislative Schedule
- 2025 Legislative Priorities

The City Council has discussed the legislative schedule and priorities over the past three council meetings. Staff seeks the Council's final discussion and approval of the 2025 Legislative Priorities.

11. Council Report

12. Adjournment



COUNCIL MEETING DECORUM

To ensure meetings are conducted in a professional and courteous manner which enables the orderly conduct of business, all persons in attendance or who participate in such meetings shall conduct themselves in a manner that does not interfere with the ability of others to observe and, when allowed, to participate without disruption or fear of intimidation.

- A. Decorum. Persons who attend meetings must avoid conduct that disrupts, interferes with, or disturbs the orderly conduct of the meeting or the ability of other attendees to observe and participate as appropriate. To that end, persons who attend meetings are subject to the following:
- (1) Members of the public may only speak during meetings when allowed under Council Rules and only after being recognized by the presiding officer. The presiding officer may establish time limits for the acceptance of public comments or testimony.
 - (2) Public comments or testimony must be addressed to the presiding officer and not to other Council Members, staff, or others in attendance.
 - (3) All elected officials shall be referred to by their proper title and surname.
 - (4) Public comments should avoid personal accusations, profanity, or other improper content for a public meeting.
 - (5) Intimidating behaviors, threats of hostility, or actual violence are disallowed.
 - (6) Audible demonstrations intended to disrupt the meeting should be avoided, including stomping of feet, snapping of fingers, clapping of hands, and other conduct that may be intimidating or threatening to others.
 - (7) Holding, displaying, or placing banners, signs, objects, or other materials in any way that endangers others, prevents the free flow of individuals within the chamber, or obstructs or prevents the viewing of the meeting by others is not allowed.
- B. The presiding officer shall request any person(s) who disrupt, interfere with or disturb the orderly conduct of a meeting to cease the conduct and, as necessary, shall issue an oral warning to the individual(s) found to be in violation. If the individual(s) persists in disrupting, interfering with, or disturbing the meeting, the presiding officer may have the individual(s) removed or, under appropriate circumstances, temporarily clear the gallery. If for any reason the presiding officer fails to take such action, a majority vote may be substituted for action by the presiding officer to maintain order and decorum over the proceedings.
- C. The Council Chambers capacity is 76 persons per fire code.

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Barb Suciu, Assistant City Manager/City Clerk

BY: Shannon Pettit, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

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

- **Mechanical**

Bruce Nelson Plbg & Htg
7012 6th Street N, Oakdale 55128

- **On-Sale Intoxicating**

Captain Crab
1360 Shingle Creek Crossing, Suite 201

Topgolf
6420 Camden Ave N

Jambo Africa
1601 Freeway Blvd

Hip Sing BBQ Restaurant
6201 Brooklyn Blvd

- **On-Sale Sunday**

Captain Crab
1360 Shingle Creek Crossing, Suite 201

Topgolf
6420 Camden Ave N

Jambo Africa
1601 Freeway Blvd

Hip Sing BBQ Restaurant
6201 Brooklyn Blvd

American Legion
6110 Brooklyn Blvd

On-Sale 3.2

Davanni's Pizza & Hot Hoagies
5937 Summit Dr.
50's Grill
5524 Brooklyn Blvd

On-Sale Wine

Davanni's Pizza & Hot Hoagies
5937 Summit Dr.
50's Grill
5524 Brooklyn Blvd

Off-Sale 3.2 Malt Liquor

Cub Foods
3245 County Rd 10

Liquor - Club

American Legion
6110 Brooklyn Blvd

Tobacco

Jambo Africa
1601 Freeway Blvd
Holiday Stationstore #3808
5710 Xerxes Ave
Holiday Stationstore #292
420 66th Ave N
Premier Tobacco
6930 Brooklyn Blvd
Speedway #3192
6950 Brooklyn Blvd
Speedway #4058
1901 57th Ave N
Speedway #4160
6545 West River Rd

Gasoline Service Station

Holiday Stationstore #3808
5710 Xerxes Ave
Casey's Retail Company
2101 Freeway Blvd
Speedway #3192
6950 Brooklyn Blvd
Speedway #4058
1901 57th Ave N
Speedway #4160
6545 West River Rd

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	6/20/2023	Backup Material
Rentals	11/5/2024	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 11.12.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
6101 Brooklyn Blvd	Multiple Family 1 Bldg 54 Units	Initial	JO Companies	0	Type I	N/A	Type II	N/A	N/A
5337 Oliver Ave N	Single	Initial	Benyam Sahle	21	Type IV	N/A	Type IV	N/A	0
4204 Lakebreeze Ave N	Multiple Family 1 Bldg 4 Units	Renewal	AZ RENTAL APARTMENTS LLC Did not meet requirements	0	Type I	0	Type IV	Type IV	4
6915 Humboldt Ave N	Multiple Family 2 Bldgs 50 Units	Renewal	Lynwood Pointe Llc Met Requirements	283 = 5.6 per unit	Type IV	11/16/23 Noise 12/1/23 Noise 2/26/24 Public Disturbance 3/6/24 Noise	Type IV	Type IV	3
5330 Queen Ave N	Two Family	Renewal	Fong Xiong	2	Type I	0	Type I	Type II	N/A
4207 Lakeside Ave N, #139	Condo	Renewal	ALEXANDER ANDRZEJEK	0	Type I	4/7/24 Noise	Type I	Type II	N/A
1308 68th La N	Single	Renewal	Roth Wagner Llc1 Did not meet requirements	1	Type I	0	Type III	Type III	N/A
1549 Humboldt Pl N	Single	Renewal	Johnson Organization Inc Met Requirements	1	Type I	0	Type I	Type III	N/A
2606 65th Ave N	Single	Renewal	HPA II Borrower 2020-2	1	Type I	0	Type I	Type IV	N/A
2836 67th La N	Single	Renewal	Jose A Aguilar	2	Type I	0	Type I	Type II	N/A
3712 53rd Pl N	Single	Renewal	SFR BORROWER 2022-A LLC Did not meet requirements	11	Type IV	0	Type IV	Type IV	2
3800 Burquest La	Single	Renewal	HENNEPIN RP FUNDING LLC Did not meet	4	Type II	0	Type III	Type III	N/A
4101 61st Ave N	Single	Renewal	Long Xiong	3	Type II	0	Type II	Type I	N/A
4600 69th Ave N	Single	Renewal	Aisheh Wazwaz & Sami Ameri	20	Type IV	0	Type IV	Type IV	2
5201 Drew Ave N	Single	Renewal	A Omar & E Katabay	2	Type I	0	Type I	Type I	N/A
5300 Knox Ave N	Single	Renewal	ANTONIO VIZCARRA-MORENO	0	Type I	0	Type IV	Type IV	2
5301 Logan Ave N	Single	Renewal	Mnsf li W1 Llc	5	Type II	0	Type II	Type I	N/A

5351 Irving Ave N	Single	Renewal	Cel Monton Llc Met Requirements	6	Type III	0	Type III	Type III	N/A
5510 France Ave N	Single	Renewal	Iasis I Llc Met Requirements	7	Type III	0	Type III	Type IV	N/A
5819 Dupont Ave N	Single	Renewal	T D Nguyen & H Le	1	Type I	0	Type I	Type I	N/A
6001 Admiral Pl	Single	Renewal	IH2 PROPERTY BORROWER LP Met Requirements	3	Type II	0	Type II	Type III	N/A
6013 Brooklyn Blvd	Single	Renewal	Rosa F Chiqui Lema	0	Type I	0	Type I	Type I	N/A
6701 Bryant Ave N	Single	Renewal	Ih2 Property Illinois Lp	3	Type II	0	Type II	Type I	N/A
6807 Scott Ave N	Single	Renewal	Gao Qiang Liu	0	Type I	0	Type III	Type III	N/A
6835 Colfax Ave N	Single	Renewal	HP MINNESOTA I LLC Met Requirement	0	Type I	0	Type I	Type III	N/A

*CFS = Calls for service for renewal licenses only (Initial licenses are not applicable to CFS and will be listed as N/A)

**License type being issued

***Initial licenses will not show a Type I = 3 year, Type II = 2 year, Type III = 1 year, Type IV = 6 months

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Dr. Edwards

BY: Garrett Flesland, Chief of Police

SUBJECT: Resolution Accepting Grant Funding from the Minnesota Department of Public Safety Office of Justice Programs for Intensive Comprehensive Peace Officer Education and Training Positions

Requested Council Action:

- Motion to approve a resolution accepting grant funding from Minnesota Department of Public Safety Office of Justice Programs for Intensive Comprehensive Peace Officer Education and Training positions and authorizing execution of grant agreement.

Background:

The city applied for a grant and was selected for three Intensive Comprehensive Police Officer Education and Training positions. This grant will allow the city to recruit and hire three non-traditional police officer candidates. The grant will provide funds for approximately six months of training required for them to become eligible to be licensed and appointed as Brooklyn Center Police Officers. The grant will also provide funds for their full time salaries and a portion of their medical and health benefits.

Budget Issues:

Grant provides \$150,000.

Inclusive Community Engagement:

Allows the city to recruit and hire non-traditional police officer applicants.

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Maintain a strong financial position, Improve community and employee safety, Improve employees' experience

ATTACHMENTS:

Description	Upload Date	Type
Resolution regarding ICPOET grant	11/1/2024	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-

RESOLUTION ACCEPTING GRANT FUNDING FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY OFFICE OF JUSTICE PROGRAMS FOR INTENSIVE COMPREHENSIVE PEACE OFFICER EDUCATION & TRAINING (ICPOET) POSITIONS AND AUTHORIZING EXECUTION OF GRANT AGREEMENT

WHEREAS, the Minnesota Department of Public Safety Office of Justice Programs has awarded grant funding to the City of Brooklyn Center Police Department through the Intensive Comprehensive Peace Officer Education & Training (ICPOET) program to support the recruitment, training, and development of three new ICPOET cadet positions, thereby enhancing law enforcement capacity within the community; and

WHEREAS, the City of Brooklyn Center acknowledges the importance of this grant in addressing ongoing recruitment challenges, creating opportunities for qualified community members to pursue careers in law enforcement, and fostering a diverse workforce reflective of the community served; and

WHEREAS, the Brooklyn Center Police Department, under the leadership of Chief of Police Garrett Flesland, intends to implement this funding to support personnel wages, academic tuition, and essential training resources for the ICPOET cadet positions; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the grant award amount is \$150,000 with no matching requirement, covering wages, fringe benefits, contracted services, program expenses, and office expenses as detailed in the grant budget.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. Acceptance of Grant Funding: The City Council formally accepts the grant funding awarded by the Minnesota Department of Public Safety Office of Justice Programs for three ICPOET positions in the amount of \$150,000.
2. Authorization to Execute Agreement: The City Council authorizes City Manager Dr. Reggie Edwards and Chief of Police Garrett Flesland to execute any agreements, amendments, or other necessary documents related to the ICPOET grant funding on behalf of the City.

Date

Mayor

ATTEST: _____

Assistant City Manager/City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments for Improvement Project No. 2025-02, 67th Avenue and James Avenue Mill & Overlay

Requested Council Action:

- Motion to approve a resolution declaring costs to be assessed and calling for a public hearing on proposed special assessments for Improvement Project No. 2025-02, 67th Avenue and James Avenue Mill & Overlay.

Background:

The 67th Avenue and James Avenue Mill & Overlay is identified in the Capital Improvement Program (CIP), and is slated for improvements during the 2025 construction season. The attached feasibility report provides a summary of the project evaluation process and preliminary street and utility improvements. On September 23, 2024, the City Council received the project feasibility report and an improvement public hearing was conducted on October 28, 2024, to consider these improvements.

The attached resolution declares certain project costs to be assessed for the 67th Avenue and James Avenue Mill & Overlay and calls for a public hearing on the proposed special assessments on December 9, 2024.

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

Budget Issues:

The total project cost for the 67th Avenue and James Avenue Mill & Overlay is estimated to be \$790,000. Funding sources for the project are proposed from a variety of sources as described in the feasibility report. The Draft Special Assessment Levy Roll for Improvement Project No. 2025-02 is included in Appendix A of the feasibility report. The project funding sources, as described in the September 23, 2024 Feasibility Report, are currently estimated to be:

Special Assessments	\$ 379,980.46
Sanitary Sewer Utility Fund	\$ 30,000.00
Water Utility Fund	\$ 90,000.00
Storm Drainage Utility Fund	\$ 110,000.00

Street Reconstruction Fund \$ 180,019.54

Total \$ 790,000.00

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/4/2024	Resolution Letter
Assessment Map	11/4/2024	Exhibit
Assessment Roll	11/4/2024	Exhibit

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING COSTS TO BE ASSESSED AND CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NO. 2025-02, 67TH AVENUE AND JAMES AVENUE MILL & OVERLAY

WHEREAS, the Brooklyn Center City Council on September 23, 2024, accepted the feasibility report for street, storm drainage and utility improvements in the area generally described as “67th and James Mill and Overlay”, more specifically described as follows: 67th Avenue N from Shingle Creek Parkway to the east cul-de-sac, and James Avenue N from Freeway Boulevard to 67th Avenue N.; and

WHEREAS, the total cost of the street improvement portion of said project is estimated to be \$560,000.00; and

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

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

1. That portion of the cost to be assessed against benefited property owners for street improvements included in City Improvement Project No. 2025-02 is declared to be \$379,980.46.
2. Notice is hereby given that a public hearing will be held on the 9th day of December, 2024, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said assessment and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said assessment.
3. The City Clerk is directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement.
4. The City Clerk shall cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

RESOLUTION NO. _____

November 12, 2024

Date

Mayor

ATTEST: _____

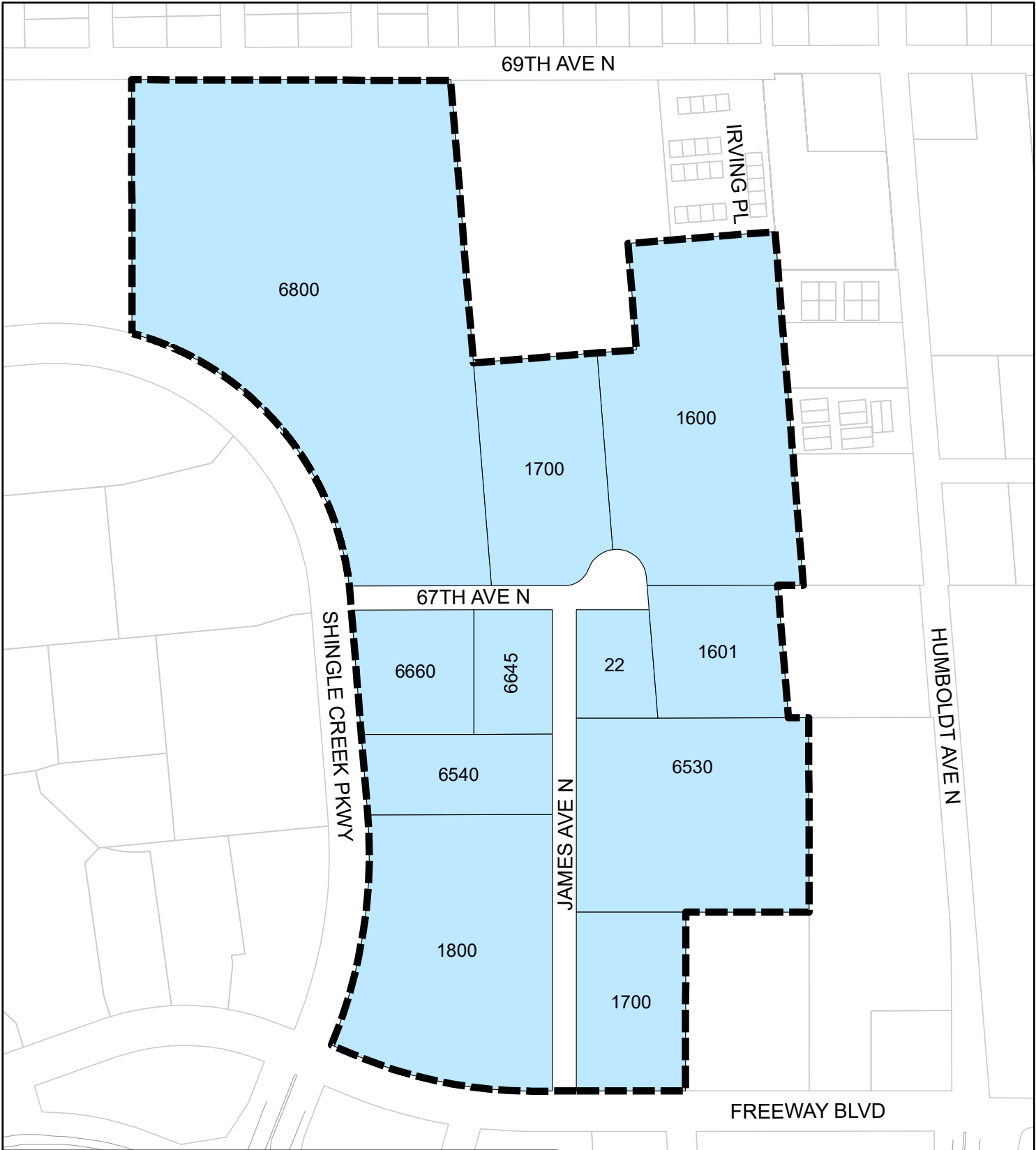
City Clerk

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


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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.



Legend

 Proposed Business Mixed Use Assessment (Acreage Based)



Assessment Map
67th Avenue and James Avenue Improvement Project



CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

September 23, 2024

**2025 67TH AND JAMES MILL AND OVERLAY PROJECT
IMPROVEMENT PROJECT NO. 2025-02**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES				
					ZONING	(A)	(B)	(SF)	
3511921110012	1600	67th Avenue North	26001	\$ 66,888.23	MX-B	(A)	61,450.00	(B)	308,578.00
3511921110013	1700	67th Avenue North	26001	\$ 38,407.76	MX-B	(A)	67,215.00	(B)	102,692.00
3511921140014	1601	67th Avenue North	26001	\$ 18,220.67	MX-B	(A)	12,031.00	(B)	95,043.00
3511921140002	22	Address Unassigned	26001	\$ 17,889.30	MX-B	(A)	51,808.00	(B)	
3511921140008	1800	Freeway Boulevard	26001	\$ 41,698.92	MX-B	(A)	116,264.00	(B)	10,493.00
3511921140016	1700	Freeway Boulevard	26001	\$ 25,128.72	MX-B	(A)	69,002.00	(B)	8,799.50
3511921140003	6530	James Avenue North	26001	\$ 60,469.43	MX-B	(A)	96,612.00	(B)	183,171.00
3511921140005	6645	James Avenue North	26001	\$ 20,873.39	MX-B	(A)	60,450.00	(B)	
3511921140006	6660	Shingle Creek Parkway	26001	\$ 14,254.99	MX-B	(A)	39,307.00	(B)	4,610.00
3511921120015	6800	Shingle Creek Parkway	26001	\$ 61,355.75	MX-B	(A)	53,038.00	(B)	290,822.50
3511921140007	6540	Shingle Creek Parkway	26001	\$ 14,793.31	MX-B	(A)	40,000.00	(B)	6,630.50
Total Assessments				\$ 379,980.46					

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Establishing 2025 Street and Storm Drainage Special Assessment Rates

Requested Council Action:

- Motion to approve a resolution establishing the 2025 street and storm drainage special assessment rates for street and utility improvement projects.

Background:

Each year the City Council establishes assessment rates for R1, R2, and R3 residential zoned properties based on the City’s Special Assessment Policy. Within these zoning districts, the assessment rate for street and storm drainage improvements is based on a unit amount that applies to all single-family residential properties. The unit amount represents a specific portion of the average cost for reconstructing a typical residential street and storm drainage system. Street assessments for non-residential and R4 to R7 residential properties are computed separately for each project.

Special assessment rates are typically adjusted each year to reflect normal inflationary increases in construction costs. The City’s Special Assessment Policy indicates that “the unit assessment shall be adjusted annually to reflect cost of living increases as measured by the Construction Index” (City Council Code of Policies Section II – 2.10.2.B.1.a.2). The Engineering News Record (ENR) Construction Cost Index has experienced an average annual percent change for 2024 of 2.2 percent, as shown in the table below.

Year	2017	2018	2019	2020	2021	2022	2023	2024*
12-mo avg. annual % change	3.5	5.3	0.9	1.0	4.6	3.1	1.2	2.2

Source: ENR website,

Note: * 12-month average November 2023 – October 2024

Based on the 2024 information above, staff recommends adjusting the special assessment rates by an increase of 2.2 percent for 2025, which will be an increase of \$147 from the 2024 total assessment amount for full street and storm reconstruction projects. This rate should continue to maintain the portion of street and storm drainage costs that are assessed at approximately 33 percent of the total cost for street and storm drainage improvements. The City Council has historically targeted 33 percent as the portion of street and storm drainage improvements that are assessed to adjoining R1, R2, and R3 residential properties.

Budget Issues:

The table below shows the proposed 2025 special assessment rates for R1 single-family residential lots. The attached resolution provides the corresponding adjustments for R2 and R3 zoned properties based on the proposed unit assessment rates.

Project Type	2025 Street Improvements R1 Assessment Rates	2025 Storm Drainage Improvements R1 Assessment Rates
Full Street Reconstruction	\$5,251.00	\$1,575.00
Partial Street Reconstruction (full pavement replacement)	\$3,937.00	NA
Pavement Rehabilitation (mill and overlay)	\$1,735.00	NA

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
2025 Special Assessment Memo	11/6/2024	Cover Memo
2025 Special Assessment Resolution	11/6/2024	Backup Material

COUNCIL ITEM MEMORANDUM

DATE: November 12, 2024

TO: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

FROM: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Establishing 2025 Street and Storm Drainage Special Assessment Rates

Recommendation:

Motion to approve a resolution establishing the 2025 street and storm drainage special assessment rates for street and utility improvement projects.

Background:

Each year the City Council establishes assessment rates for R1, R2, and R3 residential zoned properties based on the City’s Special Assessment Policy. Within these zoning districts, the assessment rate for street and storm drainage improvements is based on a unit amount that applies to all single-family residential properties. The unit amount represents a specific portion of the average cost for reconstructing a typical residential street and storm drainage system. Street assessments for non-residential and R4 to R7 residential properties are computed separately for each project.

Special assessment rates are typically adjusted each year to reflect normal inflationary increases in construction costs. The City’s Special Assessment Policy indicates that “the unit assessment shall be adjusted annually to reflect cost of living increases as measured by the Construction Index” (City Council Code of Policies Section II – 2.10.2.B.1.a.2). The Engineering News Record (ENR) Construction Cost Index has experienced an average annual percent change for 2024 of 3.9 percent, as shown in the table below.

Year	2017	2018	2019	2020	2021	2022	2023	2024*
12-mo avg. annual % change	3.5	5.3	0.9	1.0	4.6	3.1	1.2	3.9

Source: ENR website,

Note: * 12-month average November 2023 – October 2024

Based on the 2024 information above, staff recommends adjusting the special assessment rates by an increase of 3.9 percent for 2025, which will be an increase of \$260 from the 2024 total assessment amount for full street and storm reconstruction projects. This rate should continue to maintain the portion of street and storm drainage costs that are assessed at approximately 33 percent of the total cost for street and storm drainage improvements. The City Council has historically targeted 33 percent as the portion of street and storm drainage improvements that are assessed to adjoining R1, R2, and R3 residential properties.

COUNCIL ITEM MEMORANDUM

Budget Issues:

The table below shows the proposed 2025 special assessment rates for R1 single-family residential lots. The attached resolution provides the corresponding adjustments for R2 and R3 zoned properties based on the proposed unit assessment rates.

Project Type	2025 Street Improvements R1 Assessment Rates	2025 Storm Drainage Improvements R1 Assessment Rates
Full Street Reconstruction	\$5,338.00	\$1,601.00
Partial Street Reconstruction (full pavement replacement)	\$4,002.00	NA
Pavement Rehabilitation (mill and overlay)	\$1,764.00	NA

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING 2025 STREET AND STORM DRAINAGE SPECIAL ASSESSMENT RATES

WHEREAS, the residential assessment rates for street and storm drainage improvements are annually reviewed and approved by the City Council; and

WHEREAS, the residential assessment rates should be adjusted annually to be effective January 1; and

WHEREAS, the 2025 street and storm drainage assessment rates for R1, R2 and R3 zoned districts are based on a specific proportion of approximately 33 percent of the average cost for street and storm drainage improvements; and

WHEREAS, the R4, R5, R6 and R7 zoned districts will continue to be assessed based on an evaluation of project cost and project benefit.

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

1. The residential street and storm drainage special assessment rates for street reconstruction and pavement rehabilitation shall apply to properties in R1, R2 or R3 zoned districts. These rates shall also be applied to parcels of property in other land use zones when such parcels (a) are being used as one-family or two-family residential sites at the time the assessment roll is levied; and (b) could not be subdivided under the then-existing Subdivision Ordinance.
2. The residential assessment rates for street and storm drainage reconstruction effective January 1, 2025, shall be as follows:

<u>Land Use</u>	<u>2025 Assessment Rates</u>
R1 zoned, used as one-family site that cannot be subdivided	\$5,338.00 per lot (street) \$1,601.00 per lot (storm drainage)
R2 zoned, or used as a two-family site that cannot be subdivided	\$71.1733 per front foot with a \$5,338.00 per lot minimum (street) \$21.3467 per front foot with a \$1,601.00 per lot minimum (storm drainage)

RESOLUTION NO. _____

<u>Land Use</u>	<u>2025 Assessment Rates</u>
R3 zoned (per unit)	$\frac{\text{Assessable frontage} \times \$71.1733}{\text{Number of residential units}}$ (street)
	$\frac{\text{Assessable frontage} \times \$21.3467}{\text{Number of residential units}}$ (storm)

3. The residential assessment rates for partial street reconstruction effective January 1, 2025, shall be as follows:

<u>Land Use</u>	<u>2025 Assessment Rates</u>
R1 zoned, used as one-family site that cannot be subdivided	\$4,002.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	\$53.3600 per front foot with a \$4,002.00 per lot minimum (street)
R3 zoned (per unit)	$\frac{\text{Assessable frontage} \times \$53.3600}{\text{Number of residential units}}$ (street)

4. The residential assessment rates for pavement rehabilitation effective January 1, 2025, shall be as follows:

<u>Land Use</u>	<u>2025 Assessment Rates</u>
R1 zoned, used as one-family site that cannot be subdivided	\$1,764.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	\$23.5200 per front foot with a \$1,764.00 per lot minimum (street)
R3 zoned (per unit)	$\frac{\text{Assessable frontage} \times \$23.5200}{\text{Number of residential units}}$ (street)

5. The residential assessment rates for street and storm drainage reconstruction and pavement rehabilitation shall not apply to R4, R5, R6 or R7 zoned districts. The assessment rates for street reconstruction and pavement rehabilitation for R4, R5, R6 or R7 zoned property shall be based on an evaluation of the project cost and project benefit for each project.

RESOLUTION NO. _____

November 12, 2024

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:

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

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Establishing Interest Rate for 2025 Special Assessments

Requested Council Action:

- Motion to approve a resolution establishing interest rate for 2025 special assessments.

Background:

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

City Council policy has been to establish the special assessment interest rate by calculating the sum of the interest rate for the most recent general obligation bond, adding two percent to cover the overhead costs described above and rounding to the nearest one-half percent in accordance with the policy. The most recent improvement bond sale by the City of Brooklyn Center was a General Obligation Improvement Bond at 5.0 percent which results in a special assessment interest rate of 7.0 percent for 2025.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/4/2024	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING INTEREST RATE FOR 2025 SPECIAL ASSESSMENTS

WHEREAS, the City Council levies special assessments for certain street and utility projects, delinquent utility bills, and other services provided to property owners that go unpaid; and

WHEREAS, amounts outstanding are certified to Hennepin County for collection with property taxes; and

WHEREAS, by City Council policy, interest is to be charged on outstanding amounts certified to Hennepin County for collection with property taxes; and

WHEREAS, the interest rate to be charged is two percent over the net interest rate for the most recent City General Obligation bond sale rounded up to the next one-half percent; and

WHEREAS, the most recent General Obligation Improvement Bond sale resulted in a net interest rate of 5.0 percent.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the interest rate charged on outstanding special assessments for the year 2025 is hereby established at 7.0 percent.

November 12, 2024
Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof: _____ and the following voted against the same: _____ whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Lydia Ener, P.E., Assistant City Engineer

SUBJECT: Resolution Amending Special Assessment Levy Roll No. 25001 to Provide for the Deferral of Special Assessments

Requested Council Action:

- Motion to approve the resolution amending Special Assessment Levy Roll No. 25001 to provide for the deferral of special assessments.

Background:

On December 11, 2023, the City Council by Resolution 2023-119, approved Special Assessment Levy Roll No. 25001 for the Orchard Lane East Area Improvement Project, Project No. 2024-01. The attached resolution amends the respective levy rolls to provide for the deferral of special assessments on a property where the qualifying person is eligible because they are at least 65 years of age or older, or permanently disabled and whose household meets certain financial limitations.

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

The City received two applications for deferral of special assessments that met the required standards to qualify under the City Special Assessment Policy standards. Those properties are:

4606 64th Ave N, Brooklyn Center (PID 34-119-21-32-0025)

6431 Orchard Ave N, Brooklyn Center (PID 33-119-21-41-0033)

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

Budget Issues:

The proposed special assessment deferral for said properties totals \$7,704.00 (\$3,852 per property). The amount to be certified for said properties totals \$3,723.73. The total amount of special assessments previously levied was \$1,438,753.37. The net reduction in short-term project revenue of less than one percent due to the proposed deferment does not create a substantial funding concern based on an analysis of the project costs to date.

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/4/2024	Resolution Letter
Orchard Assessment Council Action	11/4/2024	Exhibit

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

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

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed Special Assessment Levy Roll No. 25001 for the Orchard Lane East Area Improvement Project, Project No. 2024-01;

WHEREAS, Special Assessment Levy Roll No. 25001 were approved by the City Council on December 11, 2023; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that the following property is eligible to defer a portion of their special assessment for Improvement Project No. 2024-01, therefore amending Special Assessment Levy Roll No. 25001 as noted below.

Special Assessment Levy Roll No. 25001 is hereby amended to reduce the previous amount of \$3,852.00 from the following assessments to the new amount as noted:

<u>PID No.</u>	<u>Address</u>	<u>Levy Amount</u>	<u>Deferred Amount</u>	<u>Interest Rate (%)</u>
34-119-21-32-0025	4606 64 th Ave N	\$1,733.33	\$2,118.67	5.5
33-119-21-41-0033	6431 Orchard Ave N	\$1,990.40	\$1,861.60	5.5

November 12, 2024
Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Member Jerzak introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-119

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT
PROJECT NO. 2024-01 ORCHARD LANE EAST IMPROVEMENTS TO THE
HENNEPIN COUNTY TAX ROLLS

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed Special Assessment Levy No. 25001; and

WHEREAS, assessment rolls, copies of which are attached hereto and part hereof by reference, have been prepared by the City Engineer and City Clerk, tabulating those properties where street improvement costs are to be assessed.

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

1. Such proposed assessments, Special Assessment Levy No. 25001 for street improvements, made a part hereof, are hereby accepted and shall constitute special assessments against lands named therein, and each tract of land therein included is hereby found to be benefited by the improvement in the amount of the assessments levied against it.
2. Such assessments shall be payable in equal annual installments extending over a period of ten (10) years as indicated on the assessment roll. The first of the installments shall be payable with ad valorem taxes in 2025, and shall bear interest on the entire assessment at the rate of 5.5 percent per annum from October 1, 2024, through December 31, 2025. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may at any time prior to certification of assessment to the County Auditor pay the whole assessment, to the City Treasurer, without interest, if entire assessment is paid on or before September 30, 2024. After September 30, 2024, they may pay the total assessment, plus interest. Interest will accumulate from October 1, 2024, through the date of payment. Such payment must be made by the close-of-business November 15, 2024, or interest will be charged through December 31 of the succeeding year. If the owner wishes to pay off the balance at some point in the future, such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

RESOLUTION NO. 2023-119

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

December 11, 2023

Date

April Graves

Mayor

ATTEST:

Barbara E. Egan

City Clerk

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

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

Butler, Graves, Jerzak, Kragness, Lawrence-Anderson

and the following voted against the same: none.

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Ahmed Omer, P.E., City Engineer

SUBJECT: Resolution Approving Joint Powers Agreements for the Continued Operation of the Shingle Creek and West Mississippi Watershed Management Commissions

Requested Council Action:

- Motion to approve a resolution approving Joint Powers Agreements for the continued operation of the Shingle Creek and West Mississippi Watershed Management Commissions.

Background:

The enclosed Shingle Creek and West Mississippi Watershed Management Commission Joint Powers Agreements are presented for consideration and action by the City Council to continue the City's participation in these watershed management organizations along with the other cities with land in the two watersheds.

Since the early 1980's, cities in the metropolitan area have been required to manage surface water in accordance with the Metropolitan Water Management Program set out in Minnesota Statutes, sections 103B.201 through 103B.253 ("Act"). To address that requirement, the City, together with the other cities in the watershed, adopted a joint powers agreement in 1984 to form the Watershed Management Commission. The Watershed Management Commission constitutes a joint powers watershed management organization under Minnesota Statutes, section 103B.211 and is authorized to carry out the duties under the Act.

The Watershed Management Commissions have developed and adopted watershed management plans and assisted with funding water quality and flood control projects throughout the watersheds. Additional information on the Watershed Management Commissions and their work is provided in the enclosed background sheet.

The joint powers agreements have been amended and renewed since their original adoption, with the current agreements expiring on December 31, 2024. The text of the joint powers agreements has not been substantially updated since the original adoption in 1984, when the parties could only speculate about how these newly created watershed management organizations would operate. A lot has been learned since then.

The Watershed Management Commissions now have decades of operational experience and a long history of successful water projects. The updated joint powers agreements better reflect how the Watershed Management Commissions actually operate, removes some of the historic language that is no longer needed, and addresses the current requirements in the statutes and rules.

While the wording was substantially updated to create the current agreement, there were relatively few substantive changes. The primary changes from the previous agreements are:

- The Commission may pay the registration fee (only) for Commissioners to attend in-state educational conferences. The Commission does not pay Commissioners and does not otherwise reimburse their expenses.
- The list of Commission powers was revised to remove one that authorized the Commission to order cities to perform certain water related maintenance activities and another that allowed the Commission to order cities to construct certain drainage projects or improvements. The Commission’s authority to undertake projects on its own was also clarified in the agreement, along with a better explanation of non-CIP and CIP projects specifying which types of projects may only be undertaken by a member city and which types may be approved and contracted by the Commission.
- The term of the agreement is 20 years. The original agreement had a 20-year term, which was then extended by 10 years when other amendments were adopted. The agreement was then extended for an additional 10 years. The Commission considered recommending a 30-year term for this renewal, but settled on a 20-year term as the appropriate balance between wanting to limit the costs and effort to update and obtain renewed approvals and providing a reasonable opportunity for all members to review and make updates as needed.
- The dispute resolution process was changed from arbitration to mediation.

The financial protections and contribution caps the member cities amended into the agreement in 2004 remain in the agreement. There were no changes to the appointment of Commissioners, alternates, or their voting authority.

As with any joint powers agreement, all member cities need to adopt the same agreement language. The Commission, and its Technical Advisory Commission made up of city staff, spent several meetings and a work session discussing the updates to the agreement and, on July 11, 2024, the Commission voted to forward the enclosed joint powers agreement to the member cities with a recommendation that it be adopted. The joint powers agreement is now before the City Council for consideration and approval.

Budget Issues:

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
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Resolution	11/4/2024	Resolution Letter
Watershed Background One Pager	11/4/2024	Backup Material
West Mississippi JPA	11/4/2024	Backup Material
Shingle Creek JPA	11/4/2024	Backup Material

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING JOINT POWERS AGREEMENTS FOR THE
CONTINUED OPERATION OF THE SHINGLE CREEK AND WEST
MISSISSIPPI WATERSHED MANAGEMENT COMMISSIONS

WHEREAS, the City has been a member of the Shingle Creek and West Mississippi Watershed Management Commissions (“Watershed Management Commission”) since their establishment in 1984; and

WHEREAS, the City is a member of two Watershed Management Commissions to address its obligation under Minnesota Statutes, sections 103B.201 through 103B.253 to manage surface water within the watershed; and

WHEREAS, the current joint powers agreements, which are cooperative efforts among the nine cities within the Shingle Creek watershed and six cities within the West Mississippi watershed, expire on December 31, 2024; and

WHEREAS, the attached joint powers agreements incorporated herein by reference, have been amended to update the language in each agreement to remove historic language that is no longer needed, to more accurately reflect how the Watershed Management Commissions actually operate, and provide for their continued operation through January 1, 2045; and

WHEREAS, the Watershed Management Commissions have funded many projects throughout the City, which have contributed to improved surface water quality and ecological integrity within the City; and

WHEREAS, the City Council determines it is in the best interests of the City to continue its participation in the Watershed Management Commissions to further its goals and obligations to improve water quality and properly manage surface water in accordance with the Metropolitan Surface Water Management Program.

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

1. The attached Shingle Creek and West Mississippi Watershed Management Commission Joint Powers Agreements are hereby approved and entered into by the City.
2. The Mayor and Clerk are hereby authorized and directed to execute the attached joint powers agreements on behalf of the City.

RESOLUTION NO. _____

November 12, 2024

Date

Mayor

ATTEST: _____

City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Shingle Creek and West Mississippi Watershed Commissions



www.shinglecreek.org

What do the Watershed Commissions do?

We partner with cities, property owners, and others to protect and improve lakes, streams, and wetlands. The Watershed Commissions:

- Monitor water quality in lakes and streams
- Set policy and standards
- Support cities with their NPDES permits
- Provide education and outreach programming
- Complete feasibility studies for potential projects
- Collaboratively implement water quality and flood mitigation projects
- Leverage grant funding and partnerships to move projects forward

We are governed by citizen boards and advised by a technical advisory committee of key city staff.

What is the history of the Commissions?

The Commissions' roots go back to the early 1970s, when seven cities jointly funded the Shingle Creek Basin Management Study. The cities saw an opportunity in jointly managing the watersheds through common standards, water quality monitoring, and evaluations of flooding potential. The Shingle Creek and West Mississippi Watershed Management Commissions (SCWM) were officially established in 1984 after the 1982 Surface Water Management Act required the Metro area be divided into drainage areas. These areas are under the planning and oversight of watershed management organizations (WMOs) based on drainage boundaries rather than county or municipal boundaries.

Shingle Creek and West Mississippi Watershed Member Cities

Brooklyn Center (SC and WM)
Brooklyn Park (SC and WM)
Crystal (SC only)
Champlin (WM only)
Maple Grove (SC and WM)
Minneapolis (SC only)
New Hope (SC only)
Osseo (SC and WM)
Plymouth (SC only)
Robbinsdale (SC only)

Minnesota Statutes allowed cities to form either a watershed district or a joint powers commission. The cities did not wish to create "another layer of government," or more importantly, another taxing body. The joint powers type of organization was selected because cities believed it provided the best balance of watershed wide policies and strategies while retaining flexibility and local input at the lowest cost.

Why are Shingle Creek and West Mississippi separate WMOs?

At the time the WMOs were established, the landscape in the two watersheds was very different. There are 16 lakes and several streams in Shingle Creek, and the land was more developed. The water resources in West Mississippi were primarily wetlands, and there were still agricultural lands. The cities decided to establish separate watershed entities, but over time with development they have become more alike. Currently they operate as "sister" organizations, planning and operating jointly but maintaining their distinct identities.

Read more about our accomplishments! →

Water quality in the lakes has improved!

When evaluated in the early 2000s, 13 of the 16 lakes in the watershed did not meet state water quality standards for nutrients and were listed as “Impaired Waters,” with poor water clarity, excessive algae blooms, and degraded aquatic ecosystems. The Commission and cities implemented plans of action and five of those lakes now meet standards and have been “delisted.” Several other lakes are currently under active management and improving.

Water quality in the streams has gotten better...to a point.

Long-term monitoring shows nutrients and sediment are improving in Shingle and Bass Creeks, from a combination of stream stabilization and other projects, better erosion control and enhanced street sweeping. Unfortunately, chloride concentrations from road salt remain stubbornly high.

We’re partnering with other WMOs to expand our reach and resources.

The West Metro Water Alliance (WMWA) is a partnership between SCWM and Elm Creek and Bassett Creek WMOs. WMWA pools resources to offer education and outreach throughout the four watersheds. A notable program is Watershed PREP that provides classroom instruction to fourth graders. *Over 22,000 students have participated.*

This education partnership was recently expanded to include Hennepin County and the Richfield-Bloomington WMO, who help fund a shared education coordinator dedicated to developing and delivering common messaging and coordination.

More information can be found on the Commissions’ website
www.shinglecreek.org.

STATUS OF LAKES

Meet Standards:

- Schmidt
- Lower Twin
- Ryan
- Bass
- Pomerleau

Current Projects:

- Meadow
- Crystal
- Eagle
- Pike

What are some of these projects?

Over the last 10 years, the Commission was awarded over \$3.5 million in grants for water quality improvement projects. The Commission provided over \$5 million in cost-share funds to help cities undertake nearly 30 projects, including the award-winning Becker Park Infiltration Project in Crystal; channel stabilization projects on Shingle Creek and Bass Creek; alum treatments on Bass, Pomerleau, Crystal and Meadow Lakes; carp management on Crystal and Twin Lakes; and a drawdown of Meadow Lake.

What’s coming up?

Some exciting city/watershed actions planned or underway are:

- Phosphorus load reductions in Eagle and Pike Lakes in Maple Grove/Plymouth
- Continued invasive carp management in Crystal and Twin Lakes
- Additional Shingle Creek stream restoration projects in Brooklyn Park and Minneapolis
- Collaborative work toward Mississippi Riverbank restorations in Brooklyn Park
- Increased emphasis on reducing chloride and bacteria pollution in our waters
- An ongoing assessment of climate vulnerabilities and resiliency actions
- Enhanced outreach and engagement with our increasingly more diverse population

**WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION
JOINT POWERS AGREEMENT**

THIS JOINT POWERS AGREEMENT is made and entered into by and among the cities of Brooklyn Center, Brooklyn Park, Champlin, Maple Grove, Minneapolis, and Osseo. The cities that are parties to this Agreement may hereafter be referred to individually as a “Member” or collectively as the “Members.”

RECITALS

- A. Local government units in the metropolitan area are required by the Metropolitan Water Management Program (Minn. Stat. § 103B.201 to 103B.255) to plan for and manage surface water.
- B. Under the Act, one of the options available to local government units to satisfy the requirements of the Act is to adopt a joint powers agreement pursuant to Minn. Stat. § 471.59 to establish a watershed management organization to jointly plan for and manage surface water within a watershed.
- C. The Members preferred to manage surface waters through a joint board rather than the traditional watershed model and acted pursuant to the new authority to adopt a joint powers agreement in 1984 establishing the West Mississippi Watershed Management Commission to cooperatively manage and plan for the management of surface water within the Watershed.
- D. The original joint powers agreement has been updated and amended several times, and the term of the current joint powers agreement expires on December 31, 2024.
- E. The Members previously acted pursuant to their authority to establish the “West Mississippi Watershed Board of Commissioners” and said Board is hereby reaffirmed as the entity charged with the authority and responsibility to manage the Commission.
- F. The Board has previously acted to adopt a Watershed Management Plan for the watershed and has regularly updated the Watershed Management Plan in accordance with law.
- G. The Commission works cooperatively with Hennepin County, Three Rivers Park District, and several other stakeholders to achieve the goals of the Watershed Management Plan.
- H. The Members desire to enter into this Agreement to reaffirm the Commission and the Board in furtherance of its efforts to continue working cooperatively to prepare and administer a surface water management plan to manage surface water within the watershed in accordance with the Act and Minn. R., chapter 8410.

AGREEMENT

In consideration of the mutual promises and agreements contained herein, the parties mutually agree as follows:

SECTION I ESTABLISHMENT, GENERAL PURPOSE, AND DEFINITIONS

- 1.1 Reaffirming the Establishment. The Members hereby reaffirm and ratify the establishment and continued operation of the “West Mississippi Watershed Management Commission” pursuant to the Act and such other laws and rules as may apply.
- 1.2 General Purpose. The general purpose of this Agreement is to continue the Commission and its work on behalf of the Members to cooperatively adopt, administer, and update as needed the Watershed Management Plan, and to carry out the purposes identified in Minn. Stat. § 103B.201 and the other provisions of the Act. The plan and programs shall operate within the boundaries of the West Mississippi Watershed as identified in the official map filed with the Minnesota Board of Soil and Water Resources. The most current version of the official map defining the boundaries of the Watershed is incorporated herein by reference. The boundaries of the Watershed are subject to change utilizing the procedure set out in Minn. Stat. § 103B.225 as may be needed to better reflect the hydrological boundaries of the Area.
- 1.3 Definitions. The definitions contained in Minn. Stat. § 103B.205 and Minn. R., part 8410.0020 are hereby adopted by reference, except that the following terms shall have the meanings given them in this section.
 - (a) Act. “Act” means the Metropolitan Surface Water Management Program set out in Minn. Stat. §§ 103B.201 to 103B.255.
 - (b) Alternate Commissioner. “Alternate Commissioner” means the person appointed by a Member to serve as its alternate to represent the Member on the Board in the absence or disability of its appointed Commissioner.
 - (c) Board. “Board” means the board of commissioners established by this Agreement to manage and make decisions on behalf of the West Mississippi Watershed Management Commission.
 - (d) Capital Improvement. “Capital Improvement” has the meaning given it in Minn. R., part 8410.0020, subp. 3 and includes the purchase of capital equipment that satisfies the eligibility criteria established by the Board for funding as a CIP Project.
 - (e) Capital Improvement Program. “Capital Improvement Program” has the meaning given the term in Minn. Stat. § 103B.205, subd. 3.

- (f) CIP Project. “CIP Project” means a planned Capital Improvement that is part of the Commission’s Capital Improvement Program, is set out in its Water Management Plan, and is eligible for funding by the Commission.
- (g) City Council. “City Council” means the city council of a Member to this Agreement.
- (h) Commission. “Commission” means the watershed management organization established by this Agreement in accordance with the Act, the full name of which is the “West Mississippi Watershed Management Commission.”
- (i) Commissioner. “Commissioner” means the person appointed by a Member as its primary representative on the Board.
- (j) County. “County” means Hennepin County, Minnesota.
- (k) Local Water Plan. “Local Water Plan” means the local water management plan each Member is required to develop and have reviewed as provided in Minn. Stat. § 103B.235 and Minn. R., part 8410.0160.
- (l) Member. “Member” means a city that is a signatory to this Agreement and is identified in section 2.1 of this Agreement.
- (m) Non-CIP Project. “Non-CIP Project” means a project undertaken by a Member or the Commission pursuant to this Agreement that does not qualify as a CIP Project and is not part of the projects included in the amount certified to the County to be included in the County’s levy. Examples of Non-CIP Projects include, but are not limited to, research projects, feasibility studies, water quality projects, maintenance projects.
- (n) TAC. “TAC” means the Technical Advisory Committee established by the Board and that is made up of a representative each Member, as appointed by the Member.
- (o) Watershed. “Watershed” means the West Mississippi Watershed, which includes the area contained within a line drawn around the extremities of all terrain whose surface drainage is tributary to West Mississippi and within the mapped areas delineated on the map filed with the Minnesota Board of Water and Soil Resources pursuant to the Act.
- (p) Watershed Management Plan. “Watershed Management Plan” means the plan developed and adopted in accordance with the Act, including all amendments and updates.

SECTION II MEMBERSHIP

- 2.1 Members. The following local government units are Members of the Commission: City of Brooklyn Center, City of Brooklyn Park, City of Champlin, City of Maple Grove, and the City of Osseo.
- 2.2 Effect of Changes. No change in governmental boundaries, structure, or organizational status shall affect the eligibility of any local government unit listed above to be represented on the Commission, so long as such local government unit continues to exist as a separate political subdivision.

SECTION III BOARD OF COMMISSIONERS

- 3.1 Establishment. The Members hereby reaffirm the establishment and continued operation of the “West Mississippi Watershed Board of Commissioners” in accordance with the Act. The Board shall carry out the purposes and have the powers as provided herein.
- 3.2 Board Appointments. The Commission is governed by the Board, which is comprised of nine Commissioners appointed by the Members. Each party to this Agreement is a Member of the Board and shall determine the eligibility and qualifications of its representative on the Board.
- (a) Commissioner. Each Member is responsible for appointing one person to serve as its representative (“**Commissioner**”) on the Board. Each Member is responsible for publishing a notice of a vacancy, whether resulting from expiration of its Commissioner position or otherwise, as required in Minn. Stat. § 103B.227, subd. 2. Each Commissioner shall have one vote on the Board and must be present to vote. The authority of a Commissioner to vote shall be suspended if the appointing Member is delinquent in making any payments due to the Commission. The voting authority of the Commissioner shall be restored once the Member pays all past due amounts.
- (b) Alternate Commissioner. Each Member may also appoint one Alternate Commissioner (“**Alternate Commissioner**”) to the Board in the same manner required to appoint a Commissioner. The Alternate Commissioner may attend all meetings and speak during the public input portion of the meeting, but is only authorized to vote at a Board meeting in the absence or disability of the appointing Member’s Commissioner. If the absent Commissioner is also an officer of the Board, the Alternate Commissioner shall not be entitled to serve as such officer. If necessary, the Board may select a current Commissioner to temporarily undertake the duties of the absent officer.
- (c) Term. The term of each Commissioner and Alternate Commissioner shall be three years commencing on February 1st. The terms are staggered so that no more

than three Commissioners are up for appointment in a single year. The Commissioners from the Cities of Brooklyn Center and Brooklyn Park are appointed in the same year; the Commissioners from the Cities of Champlin and Maple Grove are appointed in the same year; and the Commissioners from the Cities of Minneapolis and Osseo are appointed in the same year. A Commissioner and an Alternate Commissioner shall serve until their successors are selected and qualify, unless they resign or are removed earlier as provided herein.

- (d) Notices. A Member shall provide the Commission written notice of its appointments, including the resolution making the appointments or a copy of the minutes of the meeting at which the appointments were made. The Commission shall notify BWSR of appointments and vacancies within 30 days after receiving notice from the Member. Members shall fill all vacancies within 90 days after the vacancy occurs.
- (e) Vacancy. A Member shall notify the Commission in writing within 10 days of the occurrence of a vacancy in its Commissioner or Alternate Commissioner positions. The Commission will notify BWSR of the vacancy within 30 days of receiving the notice of a vacancy as required by Minn. Stat. § 103B.227, subd. 1. The Member shall publish notice of the vacancy at least once in its official newspaper as required by Minn. Stat. § 103B.227, subd. 2. The notices must state that those interested in being appointed to serve on the Commission may submit their names to the Member for consideration. The notice must be published at least 15 days before the Member's City Council acts to fill the vacancy. The City Council must make the appointment within 90 days from the occurrence of the vacancy. The Member shall promptly notify the Commission of the appointment in writing. The appointed person shall serve the unexpired term of the position.
- (f) Removal. The City Council of a Member may remove its Commissioner for just cause as provided in Minn. Stat. § 103B.227, subd. 3 and in accordance with Minn. R., part 84100.0040. If a Commissioner is an elected official, or is an appointed official serving an indefinite term at the pleasure of the City Council, the City Council may remove the person at will, including if the person is not reelected. A Member may remove its Alternate Commissioner without cause. The Member shall notify the Board of the removal in writing within 10 days of acting to remove the Commissioner. The Commission shall notify BWSR of the vacancy within 30 days of receiving notice of the removal. The City Council shall act to fill the vacancy created by the removal within 90 days as provided in this Agreement.

3.3 Compensation and Expenses. Commissioners and Alternate Commissioners shall serve without compensation from the Commission. Commission funds may, but are not required to, be used to pay or reimburse the attendance fee for Commissioners and Alternate Commissioners to attend an in-state educational conference related to the Commission's business if authorized by the Board in advance of the conference. Other

expenses associated with attending a conference are not eligible for reimbursement by the Commission. Nothing herein prohibits a Member from choosing, in its sole discretion and cost, to compensate or reimburse the expenses of its Commissioner or Alternate Commissioner.

- 3.4 Board Officers. Each year at its February meeting the Board shall elect from among its Commissioners a Chair, Vice Chair, Secretary, and Treasurer. All such officers shall hold office for a term of one year until their successors have been duly elected by the Board. An officer may serve only while they remain a Member of the Board. A vacancy in an officer position shall be filled by Board election for the remainder of the unexpired term of such office.
- 3.5 Duties of Board Officers. The Chair shall serve as the presiding officer at Board meetings, execute documents on behalf of the Board, sign checks, and perform other duties and functions as may be determined by the Board. The Vice-Chair shall undertake the duties of the Chair in the absence or disability of the Chair. The Secretary shall maintain the records of the Commission, Board meeting minutes, ensure meetings are properly noticed, countersign documents with the Chair, and perform such other duties as assigned by the Board. The Secretary may delegate one or more specific duties of the position. The Treasurer shall oversee the Commission's budget and finances, sign checks, and perform such other duties as assigned by the Board.
- 3.6 Quorum. A majority of the Commissioners shall constitute a quorum. Less than a quorum may adjourn a scheduled meeting. A simple majority of a quorum is required for the Board to act unless a higher number of votes is required by law or this Agreement. A Board vacancy or the suspension of voting rights as provided herein shall temporarily reduce the number of Commissioners required for a quorum.
- 3.7 Meetings. The Board shall conduct meetings in accordance with the Minnesota Open Meeting Law (Minn. Stat., chap. 13D) and this section.
- (a) Regular Meetings. The Board shall develop a schedule of its regular meetings. The Board shall post the schedule on the Commission's website and provide a copy to each Member. The Secretary shall maintain a copy of the schedule of regular meetings. The Chair and Vice-Chair may cancel a meeting due to a lack of business items. The Secretary shall make a good faith effort to notify Commissioners of a meeting cancellation.
- (b) Special Meetings. The Board may hold such special meetings as it may determine are needed to conduct the business of the Commission. A special meeting may be called by the Chair or by any two Commissioners. The Secretary shall post and provide notice of special meetings to the Commissioners. Emailing notices to Commissioners shall constitute sufficient notice under this Agreement.
- (c) Annual Meeting. The February Board meeting shall constitute the annual meeting of the Commission.

- (d) Rules of Procedure. The Board shall conduct its meetings generally in accordance with the procedures set out in the most current version of Robert's Rules of Procedure without requiring strict conformance to its requirements. The Board may modify such rules as it determines is appropriate to facilitate the conducting of its business or adopt a different set of rules for its meetings. The Board may amend its rules from time to time as it determines is appropriate upon a majority vote of all Commissioners. The Board may also waive one or more specific rules as it determines are necessary to facilitate the conducting of its business. Voting and statutory requirements are not waivable.

**SECTION IV
POWERS AND DUTIES OF THE BOARD**

- 4.1 Powers. The Board is authorized to exercise the powers in this section to carry out the purposes of the Commission.
 - (a) Powers Granted. The Board shall have the following powers.
 - (1) It may contract with or employ such persons or entities as it deems necessary to accomplish its duties and powers. Any employee may be on a full-time or part-time basis as the Board determines. Such employees and contracted consultants shall be considered Commission staff.
 - (2) It may contract for space, materials, supplies, and services to carry on its activities.
 - (3) It may acquire necessary personal property to carry out its powers and its duties.
 - (4) It shall prepare, adopt, implement in accordance with this Agreement, and update a Watershed Management Plan that satisfies the requirements of Minn. Stat. § 103B.231. The Watershed Management Plan shall address all items required by applicable laws and rules. In preparing said plan, the Board may consult with the engineering and planning staff of each Member and the Metropolitan Council and other public and private bodies to obtain and consider projections of land use, population growth, and other factors which are relevant to the improvement and development of the Watershed.
 - (5) It shall develop and adopt a capital improvement program as part of the Watershed Management Plan. The Board shall determine which projects to include in the capital improvement program.

- (6) It may undertake projects, including those provided in its capital improvement program, in accordance with the Watershed Management Plan and this Agreement. It may acquire a temporary interest in real property if required to facilitate a project.
- (7) It shall make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the Commission is organized.
- (8) It may cooperate or contract with the State of Minnesota, any political subdivision thereof, federal agency, or private or public organization to accomplish the purposes for which it is organized.
- (9) It shall regulate, conserve, and control the use of storm and surface water and groundwater within the Watershed.
- (10) It may contract for or purchase such insurance as the Board deems necessary for the protection of the Commission.
- (11) It may acquire, establish, and maintain devices acquiring and recording hydrological and water quality data within the Watershed. Devices acquired by the Board are owned by the Commission and shall be made available for use by Members as the Board determines is reasonable.
- (12) It may enter upon lands within or without the watershed to make surveys and investigations to accomplish the purposes of the Commission. The Commission shall be liable for actual damages resulting therefrom but every person who claims damages shall serve the Chair or Secretary of the Board with a Notice of Claim as required by Minn. Stat. § 466.05.
- (13) It shall provide any Member with technical data or any other information of which the Commission has knowledge which will assist the Member in preparing land use classifications or local water management plans within the Watershed.
- (14) It may provide legal and technical assistance in connection with litigation or other proceedings between one or more of its Members and any other political subdivision, commission, board, or agency relating to the planning or construction of facilities to drain or pond storm waters or relating to water quality within the Watershed. The use of Commission funds for litigation shall be only upon a favorable vote of a majority of the eligible votes of the then existing Members of the Commission. Such a vote is not required for the Board to expend Commission funds in the defense of a suit brought against the Commission or its Commissioners, in accordance with applicable laws, to the extent such costs are not paid by the Commission's insurer.

- (15) It may accumulate reserve funds for the purposes herein mentioned and may invest funds of the Commission not currently needed for its operations, in the manner and subject to the laws of Minnesota applicable to statutory cities.
 - (16) It may collect monies, subject to the provisions of this Agreement, from its Members, the County, and from any other source approved by a majority of its Board. The Board may accept gifts and seek and accept grants.
 - (17) It may make contracts, incur expenses, and make expenditures necessary and incidental to the effectuation of these purposes and powers and may disburse therefor in the manner hereinafter provided.
 - (18) It shall cause to be made an annual audit of the books and accounts of the Commission by a certified public accountant or the State Auditor, and shall transmit a copy of the annual audit to each Member, all in compliance with the requirements of M.R., part 8410.0150.
 - (19) Its books, reports, and records shall be available for and open to inspection by the Members at all reasonable times.
 - (20) It may recommend changes in this Agreement to the Members.
 - (21) It may exercise all other powers necessary and incidental to the implementation of the purposes and powers set forth herein and as outlined and authorized by the Act and such other law as may apply.
 - (22) It shall cooperate with the applicable state agencies in complying with the requirements of Minn. Stat., chap. 103G.
 - (23) Each Member reserves the right to conduct separate or concurrent studies on any matter under study by the Commission.
 - (24) It may define and designate subtrunk and subdistricts within the watershed, and shall have authority to separate the watershed into different subtrunks and subdistricts, and to allocate capital improvement costs to a subtrunk or subdistrict area if that district is the only area that benefits from the capital improvement.
 - (25) It shall establish a procedure for establishing citizen or technical advisory committees and to provide other means for public participation.
- (b) Powers Reserved. The Board shall not have any of the powers identified in this paragraph. Expressly identifying specific powers reserved to the Members is not

intended to expand, by negative implication, the powers granted above to the Board.

- (1) Eminent Domain. The Commission does not have the power of eminent domain. Any easements or other interests in land necessary to be acquired for an Improvement Project shall be acquired as provided below.
- (2) Real Property. The Commission shall not own any interest in real property. All interests in lands shall be held in the name of the Member wherein said lands are located. This provision does not prohibit the Commission from acquiring a temporary interest in real estate as needed to conduct studies, undertake a project, or to otherwise carry out its duties.
- (3) Bonding. The Commission does not have the power to issue certificates, warrants, or bonds.
- (4) Special Assessments. The Commission shall not have the power to levy a special assessment upon any privately or publicly owned land. All such assessments shall be levied by the Member wherein said lands are located. It shall have the power to require any Member to contribute the costs allocated or assessed according to the other provisions of this Agreement.
- (5) Land Use Regulations. The Commission shall not have the authority to regulate the use and development of land under Minn. Stat. § 103B.211, subd. 1(a)(3).

4.2 Collection or Diversion of Waters. Each Member agrees that it will not directly or indirectly collect or divert any additional surface water to West Mississippi or its tributaries without a project review by the Commission in accordance with the Water Management Plan. A Member may proceed with the construction or reconstruction of improvements within the individual Members' boundaries, and at its sole cost, upon the Board finding:

- (a) That there is an adequate outlet;
- (b) The construction is in conformance with the overall plan; and
- (c) The construction will not adversely affect other Members of this Agreement.

4.3 Local Water Plans.

- (a) Development. Each Member agrees to develop and maintain a Local Water Plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the Watershed Management Plan. The development and implementation of Local Water Plans shall conform with all requirements of the Act, including Minn. Stat. § 103B.235 and Minn. R., part

8410.0160. In accordance with the Act, the Board shall approve or disapprove each local plan or any parts of each plan. The Members understand that the Watershed Management Plan, including the Commission's capital improvement program, must consist of local parts and therefore every effort shall be made by the Commission and all Members to coordinate local plans with the Watershed's overall plan, including planning for local plans at the same time the Watershed's overall plan is being developed.

- (b) Review. Each Member shall submit its proposed Local Water Plan to the Metropolitan Council and the Board for review as required by Minn. Stat. § 103B.235. The Board shall consider any comments on the Local Water Plan received from the Metropolitan Council and shall act on said plans in accordance with the Act.

- 4.4 Pollution Control and Water Quality. The Commission shall have the authority and responsibility to protect and improve water quality in the Watershed as this is one of the main purposes set forth in the Act. All Members agree that they will refuse to allow the drainage of sanitary sewage or industrial pollutants onto any land or into any watercourse or storm sewer draining into the Watershed. The Board may investigate on its own initiative, or request a Member to investigate, a complaint relating to pollution of surface water or groundwater draining into or affecting the Watershed. If the Board determines the Watershed is being polluted by an identifiable source, the Board may order the Member to abate this nuisance and each Member agrees that it will take all reasonable action available to it under the law to alleviate the pollution and to assist in protecting and improving the water quality of surface water and groundwater in the Watershed.
- 4.5 Boundary Changes. Any changes to the boundaries of the watershed shall be undertaken in accordance with Minn. Stat. § 103B.215.

SECTION V PROJECTS

- 5.1 Capital Projects and Non-Capital Projects. The Board may undertake, in conformity with this Agreement, Non-CIP Projects and CIP Projects. CIP Projects typically involve entering into a cooperative agreement with a Member, which has the Member assuming responsibility for letting the contract and overseeing construction of the project.
- 5.2 Process for Non-CIP Projects. The Board may initiate and undertake a Non-CIP Project upon a majority vote of all eligible Commissioners. If a Non-CIP Project is for a research project, feasibility study, or the like, the Board may proceed on its own. In such instances, the Commission may, with the approval of the Board, contract in its own name to complete such projects. If the Non-CIP Project is for implementation of a research project or study, a water quality project, maintenance, or the like, then the Board may only proceed in cooperation with the Member(s) where such projects will take place. In such instances, The Commission may contract in its own name to complete such projects

or enter into a cooperative agreement with a Member to have the Member undertake the project on its own or in cooperation with the Commission.

5.3 Process for CIP Projects. The process for undertaking a CIP Project is as follows.

- (a) Initiation. A CIP Project may be proposed by a Member or by the Board based on subwatershed assessments, lake/stream resource assessments, inspections, or a particular need or issue identified by a Member or the Board. A proposed project shall be submitted to the TAC and the Board to determine if there is sufficient support to proceed to a feasibility study.
- (b) Feasibility Study. If requested by the Board, the Commission Engineer, or other engineering firm, shall study the feasibility of a proposed CIP Project and report its findings to the TAC and the Board. The report shall include an opinion of probable cost and how the project would be funded. The Board shall consider the feasibility study and decide whether to proceed with the proposed project.
- (c) Plan Amendments. Proposed CIP Projects are amended into and made part of the Watershed Management Plan. The process the Commission must undertake to amend a CIP Project into the Watershed Management Plan depends on whether it constitutes a minor plan amendment or a major plan amendment as described below.
 - (1) Minor Plan Amendment. The addition of a proposed CIP Project to the Watershed Management Plan typically constitutes a minor plan amendment that can be accomplished following the process set out in the Watershed Management Plan and Minn. R., part 8410.0140, subpart 2. A public hearing is not required for a minor plan amendment.
 - (2) Major Plan Amendment. If a proposed amendment does not qualify as a minor amendment, the Commission must undertake the major plan amendment process to add the CIP project to the Watershed Management Plan. The major plan amendment process is set out in the amendment section of the Watershed Management Plan, Minn. Stat. § 103B.231, subd. 11, and Minn. R., part 8410.0140. The public hearing required under Minn. Stat. § 103B.231, subds. 11 & 7(c) for a major plan amendment may be held in conjunction with the public hearing required to request the County to levy funds for the project under Minn. Stat. § 103B.251, subds. 3 & 4, provided the requirements of both procedures can be satisfied at the single hearing.
- (d) Public Hearing. If the Board proposes to pay any portion of a CIP Project with funds to be raised through a County levy under Minn. Stat. § 103B.251, the Board must call and conduct a public hearing as provided in the statute and this paragraph. A public hearing is not required if the CIP Project is funded entirely from funds on hand, grants, or a combination thereof, and does not require the Board to certify any project costs to the County to be levied under Minn. Stat. §

103B.251. When a public hearing is required, it shall be conducted in accordance with the following.

- (1) Calling. The Board must act by motion or resolution to call a public hearing on the proposed CIP Project. The Board shall set the date, time, and place for the public hearing.
- (2) Notice. The Board shall provide notice of the public hearing in accordance with Minn. Stat. § 103B.251, subd. 3.
- (3) Conducting. The Board shall conduct the public hearing at the scheduled date, time, and place to hear from the public and to consider the proposed CIP Project. Prior to taking public comment, the Commission Engineer shall provide a brief overview of the proposed CIP Project, an estimate of project cost, and a description of how the project will be funded.
- (4) Board Decision. Once the public input portion of the public hearing is closed, the Board shall discuss and decide whether to approve the proposed CIP Project. The Board shall act by resolution to approve a CIP Project, which shall require a favorable vote by two-thirds of all eligible votes of the then existing Commissioners. The resolution shall, at minimum, order the project, identify the responsible engineer, identify the Member responsible for letting the contract and overseeing construction, set out the estimated cost and funding sources, authorize the Commission to enter into a cooperative agreement with the responsible Member, and certify a levy to the Hennepin County Auditor for the amount to be levied by the County for the project.

5.4 Responsible Member.

- (a) Member Projects. The Board shall work with Members to facilitate the completion of specific Non-CIP Projects and CIP Projects within their jurisdictional boundaries in accordance with the Watershed Management Plan. For any project that will be constructed by one or more Members and reimbursed by the Commission, to the extent authorized by the Board, the Member(s) responsible for implementing the project and the Board shall negotiate a cooperative agreement, in good faith, providing for terms and conditions related to the project and any such reimbursement. If any portion of the project is funded by a grant obtained by the Commission, the cooperative agreement shall include a subgrant agreement requiring the responsible Member to be responsible for complying with the applicable terms and conditions of the grant agreement. The terms of this paragraph shall also apply to any Commission project that may be constructed by any other entity, public or private, if construction by such entities is deemed appropriate by the Commission.

- (b) Commission Projects. The Commission, if approved by the Board, is authorized to undertake and contract for a CIP Project that is not required to be let by sealed bid under Minn. Stat. § 471.345. Such contracts shall be let in the Commission's name and must be in accordance with the Watershed Management Plan and all applicable laws and regulations related to public procurement and contracting. Approval of Commission contracts for CIP Projects shall require a favorable vote by two-thirds of all eligible votes of then existing Commissioners.

5.5 Contracts for Improvements.

- (a) Letting Contracts. All contracts for projects ordered by the Commission shall comply with the requirements of laws applicable to contracts let by the respective Member making such contract. The Commission shall not have the authority to contract in its own name for any work for which a special assessment will be levied against any private or public property under the provisions of Minn. Stat., chap. 429 or any city charter, and such contracts shall be awarded by action of the City Council of a Member and shall be in the name of said Member. This subsection shall not preclude the Commission from proceeding under Minn. Stat. § 103B.251 or from otherwise proceeding under this Agreement for projects that will not be specially assessed under Minn. Stat., chap. 429.
- (b) Contract Administration. All improvement contracts will be duly supervised by the Member awarding the contract, provided, however, that the Commission shall be authorized to observe and review the work in progress and the Members agree to cooperate with the Commission staff in accomplishing the purposes of this Commission. Representatives of the Commission shall also have the right to enter upon the place or places where any improvement work is in progress for the purpose of making reasonable tests and inspections. Commission staff shall report, advise, and recommend to the Board on the progress of said work.

5.6 Land Acquisition. Because the Commission does not have the power to acquire real property, the Members agree that any and all permanent easements or interests in land which are necessary for any project will be negotiated or condemned in accordance with all applicable laws by the Member wherein said lands are located, and each Member agrees to attempt to acquire the necessary easements or interests in such land upon order of the Commission to accomplish the purposes of this Agreement. All reasonable costs of said acquisition shall be considered as a cost of the respective improvement. If a Member determines it is in the best interests of that Member to acquire additional lands in conjunction with the taking of lands for the Commission-ordered improvement, or for some other purpose, the costs of said acquisition will not be included in the improvement costs of the ordered project. The Board in determining the allocation of the improvement costs may take into consideration the land use for which said additional lands are being acquired and may credit the acquiring Member for said land acquisition to the extent that it benefits the other Members of this Agreement. Any credits may be applied to the cost allocation of the improvement project under construction or the Board, if feasible and necessary, may defer said credits to a future project.

5.7 CIP Project Funding.

- (a) Member Contributions. The Member responsible for constructing a CIP Project, together with any other identified benefiting Members, shall contribute toward the project such amounts as identified in the Board's resolution ordering the project and in accordance with the terms of the cooperative agreement entered into for the project.
- (b) Commission Contributions. The Commission shall contribute toward the project such amounts as identified in the Board's resolution ordering the project and in accordance with the terms of the cooperative agreement entered into for the project. The contribution from the Commission may include grant funds it has received for the project. In such cases, the Board and the responsible Members enter into a subgrant agreement, which may be part of the cooperative agreement, setting out the obligations of the Member to ensure compliance with the grant requirements. The Commission's contribution is in addition to any amounts contributed by Members or other private or public entities. If the Commission's contribution is dependent on an amount to be levied by the County, the contribution is contingent on the Commission receiving such amount from the County.
- (c) Maintenance Levy. The Commission may establish a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by Hennepin County. As provided in Minn. Stat. § 103B.251, subd. 9, the Board may impose, with the County's consent, an ad valorem levy on all property located within the territory of the Watershed or a subwatershed unit. The levy shall be certified, levied, collected, and distributed as provided in Minn. Stat. §§ 103D.915 and 103D.921, as amended, and shall be in addition to any other money levied and distributed by the County to the Commission. Mailed notice of any hearing required under the aforementioned statutes shall be sent to the clerk of each Member municipality at least 30 days prior to the hearing. The proceeds of said maintenance levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

5.8 Cost Allocation for CIP Projects. All capital costs incurred by the Commission shall be apportioned to the respective Members on any of the following bases.

- (a) County Levy. If the project is constructed and financed pursuant to Minn. Stat. § 103B.251, the Members understand and agree that said costs will be levied on all taxable property in the Watershed as set forth in said statute.
- (b) Negotiated Amount. A negotiated amount to be arrived at by the Members who have lands in the subdistrict responsible for the capital improvement.
- (c) Tax Capacity and/or Total Area.

- (1) Fifty percent of all capital costs or the financing thereof shall be apportioned to each Member on the basis of the net tax capacity of each Member within the boundaries of the Watershed each year to the total net tax capacity in the Watershed.
- (2) Fifty percent of all capital costs or the financing thereof shall be apportioned to each Member on the basis of the total area of each Member within the boundaries of the Watershed each year to the total area in the Watershed.
- (3) Capital costs allocated under the 50% area/50% net tax capacity formula set forth above may be varied by a two-thirds vote of the Commission if:
 - (i) any Member community receives a direct benefit from the capital improvement which benefit can be defined as a lateral as well as a trunk benefit, or
 - (ii) the capital improvement provides a direct benefit to one or more Members which benefit is so disproportionate as to require in a sense of fairness a modification in the 50/50 formula.
- (4) Any credits to due a Member for lands acquired by said Member to pond or store storm and surface water as provided herein shall be allowed against costs due under this section.

5.9 Emergency Projects. The Commission may perform emergency projects in accordance with Minn. Stat. § 103B.252.

SECTION VI FINANCES

6.1 Generally.

- (a) Authority. The Commission funds may be expended by the Board in accordance with this Agreement and in accordance with the procedures as established by law and in the manner as may be determined by the Board.
- (b) Funds. The Commission shall have a general fund and may establish such other funds and accounts as it may determine are needed. The Commission has established a Capital Improvement Program Closed Project Account into which any levied funds remaining after the completion of a CIP Project are placed. Funds in the CIP Closed Project Account shall only be expended in accordance with a policy adopted by the Board for an authorized purpose.

- (c) Disbursements. In no event shall there be a disbursement of Commission funds without the signature of at least two Board officers, one of whom shall be the Treasurer or the Treasurer's authorized deputy.
- (d) Treasurer Bond. The Treasurer shall be required to file with the Secretary of the Board a bond in the sum of at least \$10,000 or such higher amount as shall be determined by the Board. The Commission shall pay the premium on said bond.
- (e) Depository. The Board shall designate one or more national or state bank or trust companies, authorized by Minn. Stat., chaps. 118A and 427, or such other law as may apply, to receive deposits of public moneys and to act as depositories for the Commission funds.

6.2 Commission's General Fund. The Commission's general fund is funded by an annual contribution from each Member and is used to pay for general administration purposes including, but not limited to, salaries, rent, supplies, development of the Watershed Management Plan, engineering and legal expenses, insurance, and bonds, and to purchase and maintain any personal property deemed necessary by the Commission in furtherance of its purposes and powers as articulated in this Agreement. Said funds may also be used for normal maintenance of any facilities, but any extraordinary maintenance or repair expense shall be treated as an improvement cost and processed in accordance with the provisions for CIP Project funding under this Agreement. The annual contribution by each Member shall be based fifty percent (50%) on the net tax capacity of all property within the Watershed and fifty percent (50%) on the basis of the total area of each Member within the boundaries of the Watershed each year to the total area in the Watershed.

6.3 Operating Budget. The Board shall annually prepare, adopt, and submit an annual operating budget as provided in this section.

- (a) Adoption. On or before July 1 of each year, the Board shall adopt a detailed budget for the ensuing year and decide upon the total amount necessary for the Commission's general fund. Budget approval shall require a favorable vote by a majority of all eligible votes of the then existing Commissioners.
- (b) Budget Cap. The total operating budget amount, excluding any grants, in a year shall not exceed the budget cap established as part of the prior joint powers agreement and that has been adjusted each year based on the consumer price index. The original budget cap was established in 2004 at \$262,750 and has been modified each year since based, pro rata, on the annual change in the consumer price index (U.S. City Average, All Items, All Urban Consumer) to the end of the second quarter of the preceding year. In 2024, the budget cap was \$446,740. The budget cap shall continue to be calculated each year by the Administrator and the operating budget prepared by the Commission for a year shall not exceed the budget cap calculated for that year. The only way the Commission's operating budget may exceed the budget cap is if a majority of all the Members expressly

consent to the proposed operating budget exceeding the cap. If a proposed operating budget that exceeds the budget cap is not consented to by a majority of Members, the Commission must adjust its final operating budget so it does not exceed the budget cap.

- (c) Funding. The Commission's annual operating budget is funded by an annual assessment placed on the Members, subject to certain caps, as provided herein.
- (d) Caps on Member Assessments. The amount annually assessed each Member to fund the operating budget shall not exceed the following caps, unless authorized as provided herein.
 - (1) Percentage Cap. The amount to be assessed Members under the proposed budget shall not exceed 120% of the amount assessed Members under the previous year's budget, unless the City Council of each Member adopts a resolution approving the increase.
 - (2) Tax Capacity Cap. The amount of a Member's annual contribution to the operating budget shall not exceed one-half of one percent of the net tax capacity of the Member's total area located within the Watershed.
- (e) Budget Certified to Members. On or before July 1st, the Secretary or the Commission Administrator shall certify the operating budget to the clerk of each Member, together with a statement of the proportion of the budget to be assessed and paid by each Member. If the proposed operating budget results in any of the caps established herein being exceeded, the budget sent to the Members for review must be accompanied by a letter clearly notifying the Members of the cap being exceeded, the reasons for the proposed exceedance, and the Member approval required to approve the proposed budget. If the approvals required herein to exceed the cap are not obtained, the total budget or assessment amount shall not exceed the capped amount.
- (f) Member Review. The City Council of each Member agrees to review the proposed budget provided by the Commission. If any Member has any objections, they must submit them in writing to the Board prior to August 1. Upon the receipt of any such written objections, the Board shall set a date to hear the Member's objections and shall provide all Members notice of the hearing and a copy of the written objections. After hearing the objections, the Board may modify, amend, or affirm the proposed budget by majority of all eligible votes of the then existing Commissioners.
- (g) Finalized. The proposed operating budget shall be considered final if no Member files an objection by August 1st. If a timely objection is received, the Board shall act to finalize the operating budget after conducting a hearing on the objections. The Board shall provide a copy of the final operating budget to each Member. If

there are objections, the Board shall include its findings and decision regarding such objections with the final operating budget.

6.4 Supplemental Budget.

- (a) Insufficient Funds. If the Board determines it will not have sufficient funds in the Commission's general fund to pay its obligations or to otherwise fund Commission operations in the present year, the Board may adopt a supplemental budget to raise additional funds as provided herein.
- (b) Public Hearing. The Board shall call a public hearing on the proposed supplemental budget and provide at least 10 days' written notice of the hearing, together with a copy of the proposed supplemental budget, to each Member.
- (c) Adoption. After conducting the public hearing, the Board may adopt the supplemental budget by a favorable vote of a majority of all eligible votes of the then existing Commissioners. The Board shall notify each Member of the adopted supplemental budget and the amount of additional assessment to be paid by each Member.
- (d) Cap. In no case may a supplemental budget cause the total operating budget to exceed either cap established in the "Caps on Member Assessments" paragraph above. The total operating budget shall not exceed the budget cap identified above unless it is approved by a majority of all the Members.
- (e) Additional Assessment. Members agree to pay their additional assessment to the Commission within 60 days of adoption of the supplemental budget.

6.5 Default. Any Member who is more than 60 days in default in contributing its share to the operating budget or to a CIP Project shall have the vote of its Commissioner suspended pending the payment of its proportionate share. Any Commissioner whose vote is under suspension shall not be considered for the purposes of determining a quorum or for determining the sufficiency of a vote.

SECTION VII TERMINATION AND DISSOLUTION

- 7.1 Termination. This Agreement may be terminated prior to January 1, 2045 by the unanimous consent of the Members. If the Agreement is to be terminated, a notice of the intent to dissolve the Commission shall be sent to the Board of Water and Soil Resources and to Hennepin County at least 90 days prior to the date of dissolution.
- 7.2 Dissolution. In addition to the manner provided herein for terminating this Agreement, any Member may petition the Board to dissolve the Agreement. Upon 90 days notice in writing to the clerk of each Member governmental unit and to the Board of Water and Soil Resources and to Hennepin County, the Board shall hold a hearing and upon a

favorable vote by a majority of all eligible votes of then existing Commissioners, the Board may by Resolution recommend that the Commission be dissolved. Said Resolution shall be submitted to each Member governmental unit and if ratified by three-fourths of the City Councils of all eligible Members within 60 days, said Board shall dissolve the Commission allowing a reasonable time to complete work in progress and to dispose of personal property owned by the Commission.

- 7.3 Distribution of Assets. If this Agreement is terminated and not replaced with a new agreement providing for the continued operation of the Commission, or if the Commission is dissolved, all property of the Commission shall be sold and the proceeds thereof, together with monies on hand, shall be distributed to the eligible Members of the Commission. Such distribution of Commission assets shall be made in proportion to the total contribution to the Commission as required by the last annual budget.

SECTION VIII MISCELLANEOUS PROVISIONS

- 8.1 Term. This Agreement shall be effective as of January 1, 2025 and shall remain in effect until January 1, 2045, unless terminated earlier as provided herein. The Members may agree to continue this Agreement as the preferred method for addressing their obligation to address surface water issues under law.
- 8.2 Mediation. The Members agree that any controversy that cannot be resolved between Members shall be submitted to mediation. Mediation shall be conducted by a mutually agreeable process by all Members. If the Members are not able to mutually agree on a mediator, the party and the Board shall each select a mediator and the two mediators shall select a third. Each party to the mediation shall be responsible for the cost of the mediator it selected and shall share equally in the costs of the mediation and of the third mediator.
- 8.3 Data Practices. The Commission shall comply with the requirements of Minnesota Statutes, chapter 13, the Minnesota Government Data Practices Act (“Act”). Any entity with which the Commission contracts is required to comply with the Act as provided in Minn. Stat. § 13.05. The contractor shall be required to notify the Board if it receives a data request and to work with the Commission to respond to it.
- 8.4 Amendments. The Board may recommend changes and amendments to this Agreement to the governing bodies of the Members. Amendments shall be adopted by all governing bodies of the Members. Adopted amendments shall be evidenced by appropriate resolutions or certified copies of meeting minutes of the governing bodies of each party filed with the Board and shall, if no effective date is contained in the amendment, become effective as of the date all such filings have been completed.
- 8.5 Waiver. The delay or failure of any party of this Agreement at any time to require performance or compliance by any other party of any of its obligations under this

Agreement shall in no way be deemed a waiver of those rights to require such performance or compliance.

- 8.6 Headings and Captions. The headings and captions of these paragraphs and sections of this Agreement are included for convenience or reference only and shall not constitute a part hereof.
- 8.7 Entire Agreement. This Agreement, including the recitals and the official boundary map (which are incorporated in and made part of this Agreement), contains the entire understanding among the Members concerning the subject matter hereof. This Agreement supersedes and replaces the prior joint powers agreement among the Members regarding the Commission and such prior agreement is hereby terminated. Any outstanding obligations of the Members under the prior agreement are not affected by the termination and shall be continued under this Agreement.
- 8.8 Examination of Books. Pursuant to Minn. Stat. § 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices of the Board are subject to examination by the State.
- 8.9 Governing Law. The respective rights, obligations, and remedies of the Members under this Agreement and the interpretation thereof shall be governed by the laws of the State of Minnesota which pertain to agreements made and to be performed in the State of Minnesota.
- 8.10 Counterparts. This Agreement shall be executed in several counterparts and all so executed shall constitute one Agreement, binding on all of the Members hereto. Each party to the agreement shall receive a fully executed copy of the entire document following adoption by all Members.
- 8.11 Enforcement. Members agree to be bound by the determination of the Commission and to agree to use their best efforts to carry out directives from the Commission; failure to respond may result in a legal action by the Commission to require the Member to act under a court order.
- 8.12 Notice. To the extent this Agreement requires a notice to be mailed to a Member, the notice requirement may be satisfied by the Commission emailing the notice to its primary contact for the Member.
- 8.13 Statutory References. All references to statutes in this Agreement include any amendments made thereto and any successor provisions.

IN WITNESS WHEREOF, the Members have entered into this Agreement by action of their respective governing bodies effective as of January 1, 2025.

CITY OF BROOKLYN PARK

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

**SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION
JOINT POWERS AGREEMENT**

THIS JOINT POWERS AGREEMENT is made and entered into by and among the cities of Brooklyn Center, Brooklyn Park, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The cities that are parties to this Agreement may hereafter be referred to individually as a “Member” or collectively as the “Members.”

RECITALS

- A. Local government units in the metropolitan area are required by the Metropolitan Water Management Program (Minn. Stat. § 103B.201 to 103B.255) to plan for and manage surface water.
- B. Under the Act, one of the options available to local government units to satisfy the requirements of the Act is to adopt a joint powers agreement pursuant to Minn. Stat. § 471.59 to establish a watershed management organization to jointly plan for and manage surface water within a watershed.
- C. The Members preferred to manage surface waters through a joint board rather than the traditional watershed model and acted pursuant to the new authority to adopt a joint powers agreement in 1984 establishing the Shingle Creek Watershed Management Commission to cooperatively manage and plan for the management of surface water within the Watershed.
- D. The original joint powers agreement has been updated and amended several times, and the term of the current joint powers agreement expires on December 31, 2024.
- E. The Members previously acted pursuant to their authority to establish the “Shingle Creek Watershed Board of Commissioners” and said Board is hereby reaffirmed as the entity charged with the authority and responsibility to manage the Commission.
- F. The Board has previously acted to adopt a Watershed Management Plan for the watershed and has regularly updated the Watershed Management Plan in accordance with law.
- G. The Commission works cooperatively with Hennepin County, Three Rivers Park District, and several other stakeholders to achieve the goals of the Watershed Management Plan.
- H. The Members desire to enter into this Agreement to reaffirm the Commission and the Board in furtherance of its efforts to continue working cooperatively to prepare and administer a surface water management plan to manage surface water within the watershed in accordance with the Act and Minn. R., chapter 8410.

AGREEMENT

In consideration of the mutual promises and agreements contained herein, the parties mutually agree as follows:

SECTION I ESTABLISHMENT, GENERAL PURPOSE, AND DEFINITIONS

- 1.1 Reaffirming the Establishment. The Members hereby reaffirm and ratify the establishment and continued operation of the “Shingle Creek Watershed Management Commission” pursuant to the Act and such other laws and rules as may apply.
- 1.2 General Purpose. The general purpose of this Agreement is to continue the Commission and its work on behalf of the Members to cooperatively adopt, administer, and update as needed the Watershed Management Plan, and to carry out the purposes identified in Minn. Stat. § 103B.201 and the other provisions of the Act. The plan and programs shall operate within the boundaries of the Shingle Creek Watershed as identified in the official map filed with the Minnesota Board of Soil and Water Resources. The most current version of the official map defining the boundaries of the Watershed is incorporated herein by reference. The boundaries of the Watershed are subject to change utilizing the procedure set out in Minn. Stat. § 103B.225 as may be needed to better reflect the hydrological boundaries of the Area.
- 1.3 Definitions. The definitions contained in Minn. Stat. § 103B.205 and Minn. R., part 8410.0020 are hereby adopted by reference, except that the following terms shall have the meanings given them in this section.
 - (a) Act. “Act” means the Metropolitan Surface Water Management Program set out in Minn. Stat. §§ 103B.201 to 103B.255.
 - (b) Alternate Commissioner. “Alternate Commissioner” means the person appointed by a Member to serve as its alternate to represent the Member on the Board in the absence or disability of its appointed Commissioner.
 - (c) Board. “Board” means the board of commissioners established by this Agreement to manage and make decisions on behalf of the Shingle Creek Watershed Management Commission.
 - (d) Capital Improvement. “Capital Improvement” has the meaning given it in Minn. R., part 8410.0020, subp. 3 and includes the purchase of capital equipment that satisfies the eligibility criteria established by the Board for funding as a CIP Project.
 - (e) Capital Improvement Program. “Capital Improvement Program” has the meaning given the term in Minn. Stat. § 103B.205, subd. 3.

- (f) CIP Project. “CIP Project” means a planned Capital Improvement that is part of the Commission’s Capital Improvement Program, is set out in its Water Management Plan, and is eligible for funding by the Commission.
- (g) City Council. “City Council” means the city council of a Member to this Agreement.
- (h) Commission. “Commission” means the watershed management organization established by this Agreement in accordance with the Act, the full name of which is the “Shingle Creek Watershed Management Commission.”
- (i) Commissioner. “Commissioner” means the person appointed by a Member as its primary representative on the Board.
- (j) County. “County” means Hennepin County, Minnesota.
- (k) Local Water Plan. “Local Water Plan” means the local water management plan each Member is required to develop and have reviewed as provided in Minn. Stat. § 103B.235 and Minn. R., part 8410.0160.
- (l) Member. “Member” means a city that is a signatory to this Agreement and is identified in section 2.1 of this Agreement.
- (m) Non-CIP Project. “Non-CIP Project” means a project undertaken by a Member or the Commission pursuant to this Agreement that does not qualify as a CIP Project and is not part of the projects included in the amount certified to the County to be included in the County’s levy. Examples of Non-CIP Projects include, but are not limited to, research projects, feasibility studies, water quality projects, maintenance projects.
- (n) TAC. “TAC” means the Technical Advisory Committee established by the Board and that is made up of a representative each Member, as appointed by the Member.
- (o) Watershed. “Watershed” means the Shingle Creek Watershed, which includes the area contained within a line drawn around the extremities of all terrain whose surface drainage is tributary to Shingle Creek and within the mapped areas delineated on the map filed with the Minnesota Board of Water and Soil Resources pursuant to the Act.
- (p) Watershed Management Plan. “Watershed Management Plan” means the plan developed and adopted in accordance with the Act, including all amendments and updates.

SECTION II MEMBERSHIP

- 2.1 Members. The following local government units are Members of the Commission: City of Brooklyn Center, City of Brooklyn Park, City of Crystal, City of Maple Grove, City of Minneapolis, City of New Hope, City of Osseo, City of Plymouth, and City of Robbinsdale.
- 2.2 Effect of Changes. No change in governmental boundaries, structure, or organizational status shall affect the eligibility of any local government unit listed above to be represented on the Commission, so long as such local government unit continues to exist as a separate political subdivision.

SECTION III BOARD OF COMMISSIONERS

- 3.1 Establishment. The Members hereby reaffirm the establishment and continued operation of the “Shingle Creek Watershed Board of Commissioners” in accordance with the Act. The Board shall carry out the purposes and have the powers as provided herein.
- 3.2 Board Appointments. The Commission is governed by the Board, which is comprised of nine Commissioners appointed by the Members. Each party to this Agreement is a Member of the Board and shall determine the eligibility and qualifications of its representative on the Board.
- (a) Commissioner. Each Member is responsible for appointing one person to serve as its representative (“**Commissioner**”) on the Board. Each Member is responsible for publishing a notice of a vacancy, whether resulting from expiration of its Commissioner position or otherwise, as required in Minn. Stat. § 103B.227, subd. 2. Each Commissioner shall have one vote on the Board and must be present to vote. The authority of a Commissioner to vote shall be suspended if the appointing Member is delinquent in making any payments due to the Commission. The voting authority of the Commissioner shall be restored once the Member pays all past due amounts.
- (b) Alternate Commissioner. Each Member may also appoint one Alternate Commissioner (“**Alternate Commissioner**”) to the Board in the same manner required to appoint a Commissioner. The Alternate Commissioner may attend all meetings and speak during the public input portion of the meeting, but is only authorized to vote at a Board meeting in the absence or disability of the appointing Member’s Commissioner. If the absent Commissioner is also an officer of the Board, the Alternate Commissioner shall not be entitled to serve as such officer. If necessary, the Board may select a current Commissioner to temporarily undertake the duties of the absent officer.

- (c) Term. The term of each Commissioner and Alternate Commissioner shall be three years commencing on February 1st. The terms are staggered so that no more than three Commissioners are up for appointment in a single year. The Commissioners from the Cities of Brooklyn Center, Brooklyn Park, and Crystal are appointed in the same year; the Commissioners from the Cities of Maple Grove, Minneapolis, and New Hope are appointed in the same year; and the Commissioners from the Cities of Osseo, Plymouth, and Robbinsdale are appointed in the same year. A Commissioner and an Alternate Commissioner shall serve until their successors are selected and qualify, unless they resign or are removed earlier as provided herein.
- (d) Notices. A Member shall provide the Commission written notice of its appointments, including the resolution making the appointments or a copy of the minutes of the meeting at which the appointments were made. The Commission shall notify BWSR of appointments and vacancies within 30 days after receiving notice from the Member. Members shall fill all vacancies within 90 days after the vacancy occurs.
- (e) Vacancy. A Member shall notify the Commission in writing within 10 days of the occurrence of a vacancy in its Commissioner or Alternate Commissioner positions. The Commission will notify BWSR of the vacancy within 30 days of receiving the notice of a vacancy as required by Minn. Stat. § 103B.227, subd. 1. The Member shall publish notice of the vacancy at least once in its official newspaper as required by Minn. Stat. § 103B.227, subd. 2. The notices must state that those interested in being appointed to serve on the Commission may submit their names to the Member for consideration. The notice must be published at least 15 days before the Member's City Council acts to fill the vacancy. The City Council must make the appointment within 90 days from the occurrence of the vacancy. The Member shall promptly notify the Commission of the appointment in writing. The appointed person shall serve the unexpired term of the position.
- (f) Removal. The City Council of a Member may remove its Commissioner for just cause as provided in Minn. Stat. § 103B.227, subd. 3 and in accordance with Minn. R., part 84100.0040. If a Commissioner is an elected official, or is an appointed official serving an indefinite term at the pleasure of the City Council, the City Council may remove the person at will, including if the person is not reelected. A Member may remove its Alternate Commissioner without cause. The Member shall notify the Board of the removal in writing within 10 days of acting to remove the Commissioner. The Commission shall notify BWSR of the vacancy within 30 days of receiving notice of the removal. The City Council shall act to fill the vacancy created by the removal within 90 days as provided in this Agreement.

3.3 Compensation and Expenses. Commissioners and Alternate Commissioners shall serve without compensation from the Commission. Commission funds may, but are not required to, be used to pay or reimburse the attendance fee for Commissioners and

Alternate Commissioners to attend an in-state educational conference related to the Commission's business if authorized by the Board in advance of the conference. Other expenses associated with attending a conference are not eligible for reimbursement by the Commission. Nothing herein prohibits a Member from choosing, in its sole discretion and cost, to compensate or reimburse the expenses of its Commissioner or Alternate Commissioner.

- 3.4 Board Officers. Each year at its February meeting the Board shall elect from among its Commissioners a Chair, Vice Chair, Secretary, and Treasurer. All such officers shall hold office for a term of one year until their successors have been duly elected by the Board. An officer may serve only while they remain a Member of the Board. A vacancy in an officer position shall be filled by Board election for the remainder of the unexpired term of such office.
- 3.5 Duties of Board Officers. The Chair shall serve as the presiding officer at Board meetings, execute documents on behalf of the Board, sign checks, and perform other duties and functions as may be determined by the Board. The Vice-Chair shall undertake the duties of the Chair in the absence or disability of the Chair. The Secretary shall maintain the records of the Commission, Board meeting minutes, ensure meetings are properly noticed, countersign documents with the Chair, and perform such other duties as assigned by the Board. The Secretary may delegate one or more specific duties of the position. The Treasurer shall oversee the Commission's budget and finances, sign checks, and perform such other duties as assigned by the Board.
- 3.6 Quorum. A majority of the Commissioners shall constitute a quorum. Less than a quorum may adjourn a scheduled meeting. A simple majority of a quorum is required for the Board to act unless a higher number of votes is required by law or this Agreement. A Board vacancy or the suspension of voting rights as provided herein shall temporarily reduce the number of Commissioners required for a quorum.
- 3.7 Meetings. The Board shall conduct meetings in accordance with the Minnesota Open Meeting Law (Minn. Stat., chap. 13D) and this section.
- (a) Regular Meetings. The Board shall develop a schedule of its regular meetings. The Board shall post the schedule on the Commission's website and provide a copy to each Member. The Secretary shall maintain a copy of the schedule of regular meetings. The Chair and Vice-Chair may cancel a meeting due to a lack of business items. The Secretary shall make a good faith effort to notify Commissioners of a meeting cancellation.
- (b) Special Meetings. The Board may hold such special meetings as it may determine are needed to conduct the business of the Commission. A special meeting may be called by the Chair or by any two Commissioners. The Secretary shall post and provide notice of special meetings to the Commissioners. Emailing notices to Commissioners shall constitute sufficient notice under this Agreement.

- (c) Annual Meeting. The February Board meeting shall constitute the annual meeting of the Commission.
- (d) Rules of Procedure. The Board shall conduct its meetings generally in accordance with the procedures set out in the most current version of Robert's Rules of Procedure without requiring strict conformance to its requirements. The Board may modify such rules as it determines is appropriate to facilitate the conducting of its business or adopt a different set of rules for its meetings. The Board may amend its rules from time to time as it determines is appropriate upon a majority vote of all Commissioners. The Board may also waive one or more specific rules as it determines are necessary to facilitate the conducting of its business. Voting and statutory requirements are not waivable.

**SECTION IV
POWERS AND DUTIES OF THE BOARD**

- 4.1 Powers. The Board is authorized to exercise the powers in this section to carry out the purposes of the Commission.
- (a) Powers Granted. The Board shall have the following powers.
 - (1) It may contract with or employ such persons or entities as it deems necessary to accomplish its duties and powers. Any employee may be on a full-time or part-time basis as the Board determines. Such employees and contracted consultants shall be considered Commission staff.
 - (2) It may contract for space, materials, supplies, and services to carry on its activities.
 - (3) It may acquire necessary personal property to carry out its powers and its duties.
 - (4) It shall prepare, adopt, implement in accordance with this Agreement, and update a Watershed Management Plan that satisfies the requirements of Minn. Stat. § 103B.231. The Watershed Management Plan shall address all items required by applicable laws and rules. In preparing said plan, the Board may consult with the engineering and planning staff of each Member and the Metropolitan Council and other public and private bodies to obtain and consider projections of land use, population growth, and other factors which are relevant to the improvement and development of the Watershed.
 - (5) It shall develop and adopt a capital improvement program as part of the Watershed Management Plan. The Board shall determine which projects to include in the capital improvement program.

- (6) It may undertake projects, including those provided in its capital improvement program, in accordance with the Watershed Management Plan and this Agreement. It may acquire a temporary interest in real property if required to facilitate a project.
- (7) It shall make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the Commission is organized.
- (8) It may cooperate or contract with the State of Minnesota, any political subdivision thereof, federal agency, or private or public organization to accomplish the purposes for which it is organized.
- (9) It shall regulate, conserve, and control the use of storm and surface water and groundwater within the Watershed.
- (10) It may contract for or purchase such insurance as the Board deems necessary for the protection of the Commission.
- (11) It may acquire, establish, and maintain devices acquiring and recording hydrological and water quality data within the Watershed. Devices acquired by the Board are owned by the Commission and shall be made available for use by Members as the Board determines is reasonable.
- (12) It may enter upon lands within or without the watershed to make surveys and investigations to accomplish the purposes of the Commission. The Commission shall be liable for actual damages resulting therefrom but every person who claims damages shall serve the Chair or Secretary of the Board with a Notice of Claim as required by Minn. Stat. § 466.05.
- (13) It shall provide any Member with technical data or any other information of which the Commission has knowledge which will assist the Member in preparing land use classifications or local water management plans within the Watershed.
- (14) It may provide legal and technical assistance in connection with litigation or other proceedings between one or more of its Members and any other political subdivision, commission, board, or agency relating to the planning or construction of facilities to drain or pond storm waters or relating to water quality within the Watershed. The use of Commission funds for litigation shall be only upon a favorable vote of a majority of the eligible votes of the then existing Members of the Commission. Such a vote is not required for the Board to expend Commission funds in the defense of a suit brought against the Commission or its Commissioners, in

accordance with applicable laws, to the extent such costs are not paid by the Commission's insurer.

- (15) It may accumulate reserve funds for the purposes herein mentioned and may invest funds of the Commission not currently needed for its operations, in the manner and subject to the laws of Minnesota applicable to statutory cities.
- (16) It may collect monies, subject to the provisions of this Agreement, from its Members, the County, and from any other source approved by a majority of its Board. The Board may accept gifts and seek and accept grants.
- (17) It may make contracts, incur expenses, and make expenditures necessary and incidental to the effectuation of these purposes and powers and may disburse therefor in the manner hereinafter provided.
- (18) It shall cause to be made an annual audit of the books and accounts of the Commission by a certified public accountant or the State Auditor, and shall transmit a copy of the annual audit to each Member, all in compliance with the requirements of M.R., part 8410.0150.
- (19) Its books, reports, and records shall be available for and open to inspection by the Members at all reasonable times.
- (20) It may recommend changes in this Agreement to the Members.
- (21) It may exercise all other powers necessary and incidental to the implementation of the purposes and powers set forth herein and as outlined and authorized by the Act and such other law as may apply.
- (22) It shall cooperate with the applicable state agencies in complying with the requirements of Minn. Stat., chap. 103G.
- (23) Each Member reserves the right to conduct separate or concurrent studies on any matter under study by the Commission.
- (24) It may define and designate subtrunk and subdistricts within the watershed, and shall have authority to separate the watershed into different subtrunks and subdistricts, and to allocate capital improvement costs to a subtrunk or subdistrict area if that district is the only area that benefits from the capital improvement.
- (25) It shall establish a procedure for establishing citizen or technical advisory committees and to provide other means for public participation.

- (b) Powers Reserved. The Board shall not have any of the powers identified in this paragraph. Expressly identifying specific powers reserved to the Members is not intended to expand, by negative implication, the powers granted above to the Board.
 - (1) Eminent Domain. The Commission does not have the power of eminent domain. Any easements or other interests in land necessary to be acquired for an Improvement Project shall be acquired as provided below.
 - (2) Real Property. The Commission shall not own any interest in real property. All interests in lands shall be held in the name of the Member wherein said lands are located. This provision does not prohibit the Commission from acquiring a temporary interest in real estate as needed to conduct studies, undertake a project, or to otherwise carry out its duties.
 - (3) Bonding. The Commission does not have the power to issue certificates, warrants, or bonds.
 - (4) Special Assessments. The Commission shall not have the power to levy a special assessment upon any privately or publicly owned land. All such assessments shall be levied by the Member wherein said lands are located. It shall have the power to require any Member to contribute the costs allocated or assessed according to the other provisions of this Agreement.
 - (5) Land Use Regulations. The Commission shall not have the authority to regulate the use and development of land under Minn. Stat. § 103B.211, subd. 1(a)(3).

4.2 Collection or Diversion of Waters. Each Member agrees that it will not directly or indirectly collect or divert any additional surface water to Shingle Creek or its tributaries without a project review by the Commission in accordance with the Water Management Plan. A Member may proceed with the construction or reconstruction of improvements within the individual Members' boundaries, and at its sole cost, upon the Board finding:

- (a) That there is an adequate outlet;
- (b) The construction is in conformance with the overall plan; and
- (c) The construction will not adversely affect other Members of this Agreement.

4.3 Local Water Plans.

- (a) Development. Each Member agrees to develop and maintain a Local Water Plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the Watershed Management Plan. The development and implementation of Local Water Plans shall conform with all

requirements of the Act, including Minn. Stat. § 103B.235 and Minn. R., part 8410.0160. In accordance with the Act, the Board shall approve or disapprove each local plan or any parts of each plan. The Members understand that the Watershed Management Plan, including the Commission's capital improvement program, must consist of local parts and therefore every effort shall be made by the Commission and all Members to coordinate local plans with the Watershed's overall plan, including planning for local plans at the same time the Watershed's overall plan is being developed.

- (b) Review. Each Member shall submit its proposed Local Water Plan to the Metropolitan Council and the Board for review as required by Minn. Stat. § 103B.235. The Board shall consider any comments on the Local Water Plan received from the Metropolitan Council and shall act on said plans in accordance with the Act.

- 4.4 Pollution Control and Water Quality. The Commission shall have the authority and responsibility to protect and improve water quality in the Watershed as this is one of the main purposes set forth in the Act. All Members agree that they will refuse to allow the drainage of sanitary sewage or industrial pollutants onto any land or into any watercourse or storm sewer draining into the Watershed. The Board may investigate on its own initiative, or request a Member to investigate, a complaint relating to pollution of surface water or groundwater draining into or affecting the Watershed. If the Board determines the Watershed is being polluted by an identifiable source, the Board may order the Member to abate this nuisance and each Member agrees that it will take all reasonable action available to it under the law to alleviate the pollution and to assist in protecting and improving the water quality of surface water and groundwater in the Watershed.
- 4.5 Boundary Changes. Any changes to the boundaries of the watershed shall be undertaken in accordance with Minn. Stat. § 103B.215.

SECTION V PROJECTS

- 5.1 Capital Projects and Non-Capital Projects. The Board may undertake, in conformity with this Agreement, Non-CIP Projects and CIP Projects. CIP Projects typically involve entering into a cooperative agreement with a Member, which has the Member assuming responsibility for letting the contract and overseeing construction of the project.
- 5.2 Process for Non-CIP Projects. The Board may initiate and undertake a Non-CIP Project upon a majority vote of all eligible Commissioners. If a Non-CIP Project is for a research project, feasibility study, or the like, the Board may proceed on its own. In such instances, the Commission may, with the approval of the Board, contract in its own name to complete such projects. If the Non-CIP Project is for implementation of a research project or study, a water quality project, maintenance, or the like, then the Board may only proceed in cooperation with the Member(s) where such projects will take place. In such instances, The Commission may contract in its own name to complete such projects

or enter into a cooperative agreement with a Member to have the Member undertake the project on its own or in cooperation with the Commission.

5.3 Process for CIP Projects. The process for undertaking a CIP Project is as follows.

- (a) Initiation. A CIP Project may be proposed by a Member or by the Board based on subwatershed assessments, lake/stream resource assessments, inspections, or a particular need or issue identified by a Member or the Board. A proposed project shall be submitted to the TAC and the Board to determine if there is sufficient support to proceed to a feasibility study.
- (b) Feasibility Study. If requested by the Board, the Commission Engineer, or other engineering firm, shall study the feasibility of a proposed CIP Project and report its findings to the TAC and the Board. The report shall include an opinion of probable cost and how the project would be funded. The Board shall consider the feasibility study and decide whether to proceed with the proposed project.
- (c) Plan Amendments. Proposed CIP Projects are amended into and made part of the Watershed Management Plan. The process the Commission must undertake to amend a CIP Project into the Watershed Management Plan depends on whether it constitutes a minor plan amendment or a major plan amendment as described below.
 - (1) Minor Plan Amendment. The addition of a proposed CIP Project to the Watershed Management Plan typically constitutes a minor plan amendment that can be accomplished following the process set out in the Watershed Management Plan and Minn. R., part 8410.0140, subpart 2. A public hearing is not required for a minor plan amendment.
 - (2) Major Plan Amendment. If a proposed amendment does not qualify as a minor amendment, the Commission must undertake the major plan amendment process to add the CIP project to the Watershed Management Plan. The major plan amendment process is set out in the amendment section of the Watershed Management Plan, Minn. Stat. § 103B.231, subd. 11, and Minn. R., part 8410.0140. The public hearing required under Minn. Stat. § 103B.231, subds. 11 & 7(c) for a major plan amendment may be held in conjunction with the public hearing required to request the County to levy funds for the project under Minn. Stat. § 103B.251, subds. 3 & 4, provided the requirements of both procedures can be satisfied at the single hearing.
- (d) Public Hearing. If the Board proposes to pay any portion of a CIP Project with funds to be raised through a County levy under Minn. Stat. § 103B.251, the Board must call and conduct a public hearing as provided in the statute and this paragraph. A public hearing is not required if the CIP Project is funded entirely from funds on hand, grants, or a combination thereof, and does not require the Board to certify any project costs to the County to be levied under Minn. Stat. §

103B.251. When a public hearing is required, it shall be conducted in accordance with the following.

- (1) Calling. The Board must act by motion or resolution to call a public hearing on the proposed CIP Project. The Board shall set the date, time, and place for the public hearing.
- (2) Notice. The Board shall provide notice of the public hearing in accordance with Minn. Stat. § 103B.251, subd. 3.
- (3) Conducting. The Board shall conduct the public hearing at the scheduled date, time, and place to hear from the public and to consider the proposed CIP Project. Prior to taking public comment, the Commission Engineer shall provide a brief overview of the proposed CIP Project, an estimate of project cost, and a description of how the project will be funded.
- (4) Board Decision. Once the public input portion of the public hearing is closed, the Board shall discuss and decide whether to approve the proposed CIP Project. The Board shall act by resolution to approve a CIP Project, which shall require a favorable vote by two-thirds of all eligible votes of the then existing Commissioners. The resolution shall, at minimum, order the project, identify the responsible engineer, identify the Member responsible for letting the contract and overseeing construction, set out the estimated cost and funding sources, authorize the Commission to enter into a cooperative agreement with the responsible Member, and certify a levy to the Hennepin County Auditor for the amount to be levied by the County for the project.

5.4 Responsible Member.

- (a) Member Projects. The Board shall work with Members to facilitate the completion of specific Non-CIP Projects and CIP Projects within their jurisdictional boundaries in accordance with the Watershed Management Plan. For any project that will be constructed by one or more Members and reimbursed by the Commission, to the extent authorized by the Board, the Member(s) responsible for implementing the project and the Board shall negotiate a cooperative agreement, in good faith, providing for terms and conditions related to the project and any such reimbursement. If any portion of the project is funded by a grant obtained by the Commission, the cooperative agreement shall include a subgrant agreement requiring the responsible Member to be responsible for complying with the applicable terms and conditions of the grant agreement. The terms of this paragraph shall also apply to any Commission project that may be constructed by any other entity, public or private, if construction by such entities is deemed appropriate by the Commission.

- (b) Commission Projects. The Commission, if approved by the Board, is authorized to undertake and contract for a CIP Project that is not required to be let by sealed bid under Minn. Stat. § 471.345. Such contracts shall be let in the Commission's name and must be in accordance with the Watershed Management Plan and all applicable laws and regulations related to public procurement and contracting. Approval of Commission contracts for CIP Projects shall require a favorable vote by two-thirds of all eligible votes of then existing Commissioners.

5.5 Contracts for Improvements.

- (a) Letting Contracts. All contracts for projects ordered by the Commission shall comply with the requirements of laws applicable to contracts let by the respective Member making such contract. The Commission shall not have the authority to contract in its own name for any work for which a special assessment will be levied against any private or public property under the provisions of Minn. Stat., chap. 429 or any city charter, and such contracts shall be awarded by action of the City Council of a Member and shall be in the name of said Member. This subsection shall not preclude the Commission from proceeding under Minn. Stat. § 103B.251 or from otherwise proceeding under this Agreement for projects that will not be specially assessed under Minn. Stat., chap. 429.
- (b) Contract Administration. All improvement contracts will be duly supervised by the Member awarding the contract, provided, however, that the Commission shall be authorized to observe and review the work in progress and the Members agree to cooperate with the Commission staff in accomplishing the purposes of this Commission. Representatives of the Commission shall also have the right to enter upon the place or places where any improvement work is in progress for the purpose of making reasonable tests and inspections. Commission staff shall report, advise, and recommend to the Board on the progress of said work.

5.6 Land Acquisition. Because the Commission does not have the power to acquire real property, the Members agree that any and all permanent easements or interests in land which are necessary for any project will be negotiated or condemned in accordance with all applicable laws by the Member wherein said lands are located, and each Member agrees to attempt to acquire the necessary easements or interests in such land upon order of the Commission to accomplish the purposes of this Agreement. All reasonable costs of said acquisition shall be considered as a cost of the respective improvement. If a Member determines it is in the best interests of that Member to acquire additional lands in conjunction with the taking of lands for the Commission-ordered improvement, or for some other purpose, the costs of said acquisition will not be included in the improvement costs of the ordered project. The Board in determining the allocation of the improvement costs may take into consideration the land use for which said additional lands are being acquired and may credit the acquiring Member for said land acquisition to the extent that it benefits the other Members of this Agreement. Any credits may be applied to the cost allocation of the improvement project under construction or the Board, if feasible and necessary, may defer said credits to a future project.

5.7 CIP Project Funding.

- (a) Member Contributions. The Member responsible for constructing a CIP Project, together with any other identified benefiting Members, shall contribute toward the project such amounts as identified in the Board's resolution ordering the project and in accordance with the terms of the cooperative agreement entered into for the project.
- (b) Commission Contributions. The Commission shall contribute toward the project such amounts as identified in the Board's resolution ordering the project and in accordance with the terms of the cooperative agreement entered into for the project. The contribution from the Commission may include grant funds it has received for the project. In such cases, the Board and the responsible Members enter into a subgrant agreement, which may be part of the cooperative agreement, setting out the obligations of the Member to ensure compliance with the grant requirements. The Commission's contribution is in addition to any amounts contributed by Members or other private or public entities. If the Commission's contribution is dependent on an amount to be levied by the County, the contribution is contingent on the Commission receiving such amount from the County.
- (c) Maintenance Levy. The Commission may establish a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by Hennepin County. As provided in Minn. Stat. § 103B.251, subd. 9, the Board may impose, with the County's consent, an ad valorem levy on all property located within the territory of the Watershed or a subwatershed unit. The levy shall be certified, levied, collected, and distributed as provided in Minn. Stat. §§ 103D.915 and 103D.921, as amended, and shall be in addition to any other money levied and distributed by the County to the Commission. Mailed notice of any hearing required under the aforementioned statutes shall be sent to the clerk of each Member municipality at least 30 days prior to the hearing. The proceeds of said maintenance levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

5.8 Cost Allocation for CIP Projects. All capital costs incurred by the Commission shall be apportioned to the respective Members on any of the following bases.

- (a) County Levy. If the project is constructed and financed pursuant to Minn. Stat. § 103B.251, the Members understand and agree that said costs will be levied on all taxable property in the Watershed as set forth in said statute.
- (b) Negotiated Amount. A negotiated amount to be arrived at by the Members who have lands in the subdistrict responsible for the capital improvement.
- (c) Tax Capacity and/or Total Area.

- (1) Fifty percent of all capital costs or the financing thereof shall be apportioned to each Member on the basis of the net tax capacity of each Member within the boundaries of the Watershed each year to the total net tax capacity in the Watershed.
- (2) Fifty percent of all capital costs or the financing thereof shall be apportioned to each Member on the basis of the total area of each Member within the boundaries of the Watershed each year to the total area in the Watershed.
- (3) Capital costs allocated under the 50% area/50% net tax capacity formula set forth above may be varied by a two-thirds vote of the Commission if:
 - (i) any Member community receives a direct benefit from the capital improvement which benefit can be defined as a lateral as well as a trunk benefit, or
 - (ii) the capital improvement provides a direct benefit to one or more Members which benefit is so disproportionate as to require in a sense of fairness a modification in the 50/50 formula.
- (4) Any credits to due a Member for lands acquired by said Member to pond or store storm and surface water as provided herein shall be allowed against costs due under this section.

5.9 Emergency Projects. The Commission may perform emergency projects in accordance with Minn. Stat. § 103B.252.

SECTION VI FINANCES

6.1 Generally.

- (a) Authority. The Commission funds may be expended by the Board in accordance with this Agreement and in accordance with the procedures as established by law and in the manner as may be determined by the Board.
- (b) Funds. The Commission shall have a general fund and may establish such other funds and accounts as it may determine are needed. The Commission has established a Capital Improvement Program Closed Project Account into which any levied funds remaining after the completion of a CIP Project are placed. Funds in the CIP Closed Project Account shall only be expended in accordance with a policy adopted by the Board for an authorized purpose.

- (c) Disbursements. In no event shall there be a disbursement of Commission funds without the signature of at least two Board officers, one of whom shall be the Treasurer or the Treasurer's authorized deputy.
- (d) Treasurer Bond. The Treasurer shall be required to file with the Secretary of the Board a bond in the sum of at least \$10,000 or such higher amount as shall be determined by the Board. The Commission shall pay the premium on said bond.
- (e) Depository. The Board shall designate one or more national or state bank or trust companies, authorized by Minn. Stat., chaps. 118A and 427, or such other law as may apply, to receive deposits of public moneys and to act as depositories for the Commission funds.

6.2 Commission's General Fund. The Commission's general fund is funded by an annual contribution from each Member and is used to pay for general administration purposes including, but not limited to, salaries, rent, supplies, development of the Watershed Management Plan, engineering and legal expenses, insurance, and bonds, and to purchase and maintain any personal property deemed necessary by the Commission in furtherance of its purposes and powers as articulated in this Agreement. Said funds may also be used for normal maintenance of any facilities, but any extraordinary maintenance or repair expense shall be treated as an improvement cost and processed in accordance with the provisions for CIP Project funding under this Agreement. The annual contribution by each Member shall be based fifty percent (50%) on the net tax capacity of all property within the Watershed and fifty percent (50%) on the basis of the total area of each Member within the boundaries of the Watershed each year to the total area in the Watershed.

6.3 Operating Budget. The Board shall annually prepare, adopt, and submit an annual operating budget as provided in this section.

- (a) Adoption. On or before July 1 of each year, the Board shall adopt a detailed budget for the ensuing year and decide upon the total amount necessary for the Commission's general fund. Budget approval shall require a favorable vote by a majority of all eligible votes of the then existing Commissioners.
- (b) Budget Cap. The total operating budget amount, excluding any grants, in a year shall not exceed the budget cap established as part of the prior joint powers agreement and that has been adjusted each year based on the consumer price index. The original budget cap was established in 2004 at \$262,750 and has been modified each year since based, pro rata, on the annual change in the consumer price index (U.S. City Average, All Items, All Urban Consumer) to the end of the second quarter of the preceding year. In 2024, the budget cap was \$446,740. The budget cap shall continue to be calculated each year by the Administrator and the operating budget prepared by the Commission for a year shall not exceed the budget cap calculated for that year. The only way the Commission's operating budget may exceed the budget cap is if a majority of all the Members expressly

consent to the proposed operating budget exceeding the cap. If a proposed operating budget that exceeds the budget cap is not consented to by a majority of Members, the Commission must adjust its final operating budget so it does not exceed the budget cap.

- (c) Funding. The Commission's annual operating budget is funded by an annual assessment placed on the Members, subject to certain caps, as provided herein.
- (d) Caps on Member Assessments. The amount annually assessed each Member to fund the operating budget shall not exceed the following caps, unless authorized as provided herein.
 - (1) Percentage Cap. The amount to be assessed Members under the proposed budget shall not exceed 120% of the amount assessed Members under the previous year's budget, unless the City Council of each Member adopts a resolution approving the increase.
 - (2) Tax Capacity Cap. The amount of a Member's annual contribution to the operating budget shall not exceed one-half of one percent of the net tax capacity of the Member's total area located within the Watershed.
- (e) Budget Certified to Members. On or before July 1st, the Secretary or the Commission Administrator shall certify the operating budget to the clerk of each Member, together with a statement of the proportion of the budget to be assessed and paid by each Member. If the proposed operating budget results in any of the caps established herein being exceeded, the budget sent to the Members for review must be accompanied by a letter clearly notifying the Members of the cap being exceeded, the reasons for the proposed exceedance, and the Member approval required to approve the proposed budget. If the approvals required herein to exceed the cap are not obtained, the total budget or assessment amount shall not exceed the capped amount.
- (f) Member Review. The City Council of each Member agrees to review the proposed budget provided by the Commission. If any Member has any objections, they must submit them in writing to the Board prior to August 1. Upon the receipt of any such written objections, the Board shall set a date to hear the Member's objections and shall provide all Members notice of the hearing and a copy of the written objections. After hearing the objections, the Board may modify, amend, or affirm the proposed budget by majority of all eligible votes of the then existing Commissioners.
- (g) Finalized. The proposed operating budget shall be considered final if no Member files an objection by August 1st. If a timely objection is received, the Board shall act to finalize the operating budget after conducting a hearing on the objections. The Board shall provide a copy of the final operating budget to each Member. If

there are objections, the Board shall include its findings and decision regarding such objections with the final operating budget.

6.4 Supplemental Budget.

- (a) Insufficient Funds. If the Board determines it will not have sufficient funds in the Commission's general fund to pay its obligations or to otherwise fund Commission operations in the present year, the Board may adopt a supplemental budget to raise additional funds as provided herein.
- (b) Public Hearing. The Board shall call a public hearing on the proposed supplemental budget and provide at least 10 days' written notice of the hearing, together with a copy of the proposed supplemental budget, to each Member.
- (c) Adoption. After conducting the public hearing, the Board may adopt the supplemental budget by a favorable vote of a majority of all eligible votes of the then existing Commissioners. The Board shall notify each Member of the adopted supplemental budget and the amount of additional assessment to be paid by each Member.
- (d) Cap. In no case may a supplemental budget cause the total operating budget to exceed either cap established in the "Caps on Member Assessments" paragraph above. The total operating budget shall not exceed the budget cap identified above unless it is approved by a majority of all the Members.
- (e) Additional Assessment. Members agree to pay their additional assessment to the Commission within 60 days of adoption of the supplemental budget.

6.5 Default. Any Member who is more than 60 days in default in contributing its share to the operating budget or to a CIP Project shall have the vote of its Commissioner suspended pending the payment of its proportionate share. Any Commissioner whose vote is under suspension shall not be considered for the purposes of determining a quorum or for determining the sufficiency of a vote.

SECTION VII TERMINATION AND DISSOLUTION

- 7.1 Termination. This Agreement may be terminated prior to January 1, 2045 by the unanimous consent of the Members. If the Agreement is to be terminated, a notice of the intent to dissolve the Commission shall be sent to the Board of Water and Soil Resources and to Hennepin County at least 90 days prior to the date of dissolution.
- 7.2 Dissolution. In addition to the manner provided herein for terminating this Agreement, any Member may petition the Board to dissolve the Agreement. Upon 90 days notice in writing to the clerk of each Member governmental unit and to the Board of Water and Soil Resources and to Hennepin County, the Board shall hold a hearing and upon a

favorable vote by a majority of all eligible votes of then existing Commissioners, the Board may by Resolution recommend that the Commission be dissolved. Said Resolution shall be submitted to each Member governmental unit and if ratified by three-fourths of the City Councils of all eligible Members within 60 days, said Board shall dissolve the Commission allowing a reasonable time to complete work in progress and to dispose of personal property owned by the Commission.

- 7.3 Distribution of Assets. If this Agreement is terminated and not replaced with a new agreement providing for the continued operation of the Commission, or if the Commission is dissolved, all property of the Commission shall be sold and the proceeds thereof, together with monies on hand, shall be distributed to the eligible Members of the Commission. Such distribution of Commission assets shall be made in proportion to the total contribution to the Commission as required by the last annual budget.

SECTION VIII MISCELLANEOUS PROVISIONS

- 8.1 Term. This Agreement shall be effective as of January 1, 2025 and shall remain in effect until January 1, 2045, unless terminated earlier as provided herein. The Members may agree to continue this Agreement as the preferred method for addressing their obligation to address surface water issues under law.
- 8.2 Mediation. The Members agree that any controversy that cannot be resolved between Members shall be submitted to mediation. Mediation shall be conducted by a mutually agreeable process by all Members. If the Members are not able to mutually agree on a mediator, the party and the Board shall each select a mediator and the two mediators shall select a third. Each party to the mediation shall be responsible for the cost of the mediator it selected and shall share equally in the costs of the mediation and of the third mediator.
- 8.3 Data Practices. The Commission shall comply with the requirements of Minnesota Statutes, chapter 13, the Minnesota Government Data Practices Act (“Act”). Any entity with which the Commission contracts is required to comply with the Act as provided in Minn. Stat. § 13.05. The contractor shall be required to notify the Board if it receives a data request and to work with the Commission to respond to it.
- 8.4 Amendments. The Board may recommend changes and amendments to this Agreement to the governing bodies of the Members. Amendments shall be adopted by all governing bodies of the Members. Adopted amendments shall be evidenced by appropriate resolutions or certified copies of meeting minutes of the governing bodies of each party filed with the Board and shall, if no effective date is contained in the amendment, become effective as of the date all such filings have been completed.
- 8.5 Waiver. The delay or failure of any party of this Agreement at any time to require performance or compliance by any other party of any of its obligations under this

Agreement shall in no way be deemed a waiver of those rights to require such performance or compliance.

- 8.6 Headings and Captions. The headings and captions of these paragraphs and sections of this Agreement are included for convenience or reference only and shall not constitute a part hereof.
- 8.7 Entire Agreement. This Agreement, including the recitals and the official boundary map (which are incorporated in and made part of this Agreement), contains the entire understanding among the Members concerning the subject matter hereof. This Agreement supersedes and replaces the prior joint powers agreement among the Members regarding the Commission and such prior agreement is hereby terminated. Any outstanding obligations of the Members under the prior agreement are not affected by the termination and shall be continued under this Agreement.
- 8.8 Examination of Books. Pursuant to Minn. Stat. § 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices of the Board are subject to examination by the State.
- 8.9 Governing Law. The respective rights, obligations, and remedies of the Members under this Agreement and the interpretation thereof shall be governed by the laws of the State of Minnesota which pertain to agreements made and to be performed in the State of Minnesota.
- 8.10 Counterparts. This Agreement shall be executed in several counterparts and all so executed shall constitute one Agreement, binding on all of the Members hereto. Each party to the agreement shall receive a fully executed copy of the entire document following adoption by all Members.
- 8.11 Enforcement. Members agree to be bound by the determination of the Commission and to agree to use their best efforts to carry out directives from the Commission; failure to respond may result in a legal action by the Commission to require the Member to act under a court order.
- 8.12 Notice. To the extent this Agreement requires a notice to be mailed to a Member, the notice requirement may be satisfied by the Commission emailing the notice to its primary contact for the Member.
- 8.13 Statutory References. All references to statutes in this Agreement include any amendments made thereto and any successor provisions.

IN WITNESS WHEREOF, the Members have entered into this Agreement by action of their respective governing bodies effective as of January 1, 2025.

CITY OF BROOKLYN CENTER

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF BROOKLYN PARK

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF CRYSTAL

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF MAPLE GROVE

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF MINNEAPOLIS

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF NEW HOPE

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF OSSEO

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF PLYMOUTH

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

CITY OF ROBBINSDALE

Adopt on _____, 2024.

Mayor

Attest: _____
City Clerk

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Catrice O'Neal, Workforce Development Program Director

SUBJECT: Annual BrookLynk/Workforce Development Report (2024)

Requested Council Action:

- *Motion to Accept Presentation.*

Background:

BrookLynk, the cities of Brooklyn Park and Brooklyn Center's joint workforce development division and programs has ended the 2024 program year and is preparing for the launch of the 2025 program year. This presentation will highlight successes from the prior year and new programs and partnerships.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Presentation	11/5/2024	Presentation



Brooklyn
Park



BrookLynk (Workforce Development) 2024 Impact Report

Catrice O'Neal, MSW, LGSW
Workforce Development Program Director

Mission:

Coordinate partnerships that prepare employers to engage the next generation of workers and to connect young people in the Brooklyns facing barriers to employment with the skills, experiences and professional social networks needed to develop their pathway to college and career.



2024 BrookLynk Programs & Services

- Get Ready! Work Readiness Training (ages 14-24)
- Summer Internships (ages 16-24)
- Online Training Series (ages 14-15)
- Youth Entrepreneurship Program (ages 16-24)
- Career Pathways (ages 18+)
- Alumni Network
- Job Coaching & Case Management



Our Future Workforce

- 77% participants of color
- 19% live/attend school in Brooklyn Center
- 59% live in Brooklyn Park or surrounding City
- 42% participants identify as female
- 52% are between ages 16-24





Youth Programs

- 310 youth completed Get Ready! work readiness training
 - ▶ 24.5% live in Brooklyn Center
- 100 youth participated in paid summer opportunities
 - ▶ 43% of youth live in Brooklyn Center
- 50 youth completed Youth Entrepreneurship Program (YEP)
 - ▶ 16% of youth live in Brooklyn Center





Career Pathways: Pipeline to Public

Construction and Trades/Pipeline to Public Works...

15 adult participants completed construction and trades training

- ▶ 60% of adult participants lived in Brooklyn Center or North Minneapolis
- ▶ 13% of participants were hired as seasonal public work employees at the City of Brooklyn Center
- ▶ 20% of participants received an offer of permanent employment at the cities of Brooklyn Park & Brooklyn Center





2025 Workforce Development Priorities

Programs:

- Youth Entrepreneurship Program
- Get Ready! and Summer Internships
- WIOA Youth (Federal Program)

Partnerships:

- Career and Technical Education at Brooklyn Center High School
 - Minnesota Trades Academy
 - Finishing Trades Institute of the Upper Midwest



Thank You!



Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Office of Community Prevention, Health and Safety/Community Engagement

SUBJECT: Proclamation Declaring November 12, 2024 to be Designated as Random Acts of Kindness Day

Requested Council Action:

- *Motion to Adopt a Proclamation Declaring November 12th, 2024, to be Designated as Random Acts of Kindness Day.*
- *Council members will take turns reading nominations.*

Background:

The City of Brooklyn Center has celebrated Random Acts of Kindness since 1997. Each year the proclamation is adopted by the City Council of Brooklyn Center prior to the Random Acts of Kindness nominee acknowledgement. The attached proclamation encourages the Brooklyn Center community to celebrate Random Acts of Kindness.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

The annual Random Acts of Kindness is a celebration that unites community through the power of generosity and connection. Random Acts of Kindness is designed to inspire residents, businesses, and city staff to actively participate in creating a culture of kindness. Through diverse marketing efforts and meaningful partnerships, the City aims to stretch its reach into multicultural and non traditional spaces to encourage and promote the nomination process.

Antiracist/Equity Policy Effect:

With a focus on inclusive community engagement, strategic partnerships, and diverse outreach, we aim to reach and minimize systemic inequities that have not traditionally celebrated underrepresented communities and groups.

Strategic Priorities and Values:

Maintain a strong financial position, Maintain and enhance public places, Improve community and employee safety, Provide quality services with fair and equitable treatment, Strengthen community and employee engagement in key decisions, Be an effective partner with other public entities, Strengthen and

diversify business development and housing, Improve employees' experience

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Garrett Flesland, Chief of Police

BY: Dr. Reggie Edwards, City Manager

SUBJECT: Police Department Update

Requested Council Action:

- *Motion to accept presentation.*

Background:

All city departments are providing regular updates to the City Council.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Improve community and employee safety, Provide quality services with fair and equitable treatment, Be an effective partner with other public entities, Improve employees' experience

Council Regular Meeting

DATE: 11/12/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, City Manger

SUBJECT: 2025 Legislative Agenda

Requested Council Action:

On January 14, 2025, the Minnesota Legislature will start the 2025 Legislative session, which will end by May 19, 2025.

Each year the City develops and adopts a legislative agenda for purposes of advocating at the state and federal on issues that impact Brooklyn Center.

Last year the City developed an ongoing process including; developing, executing, monitoring, advocating and fostering legislative action.

In preparation for a discussion regarding development and execution of the Brooklyn Center 2025 Legislative Agenda the following documents are attached:

- 2025 Legislative Schedule
- 2025 Legislative Priorities

The City Council has discussed the legislative schedule and priorities over the past three council meetings. Staff seeks the Council's final discussion and approval of the 2025 Legislative Priorities.

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain a strong financial position, Improve community and employee safety, Provide quality services with fair and equitable treatment, Be an effective partner with other public entities, Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
2025 Legislative Priorities	11/7/2024	Cover Memo
Legislative Schedule	11/7/2024	Cover Memo

City of Brooklyn Center 2025 Legislative Agenda



November 2024

Overview

The City of Brooklyn Center 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 Center Economic Development Authority (EDA), constitute Brooklyn Center's legislative agenda for the 2024 legislative session.

Diversity, Equity and Inclusion

The City of Brooklyn Center, 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 advocated for in this document strive to achieve these goals.

Administration

- BCLG 01-2025 Official Notifications / Information Access – The City of Brooklyn Center supports the state in eliminating outdated and unnecessary publication requirements no longer relevant or representative of the City's technological capabilities.

Justification – Currently, the state has laws mandating the City to establish an "official" or "qualified" newspaper for formal city notifications. The law specifies that cities designate only "one" newspaper; it must be printed in English, and if it is a daily newspaper, it must be distributed at least five days each week, etc. While the notification standards established in 1949 were well intended, they may not be complete or applicable to contemporary methods of communication or cost-efficient.

- BCLG 02-2025 Funding for Cultural Centers/Museums and Other Community Building Assets- the City of Brooklyn Center encourages the Legislature to provide funding and provide new rules that will support the establishment of Cultural Museum/Centers that reflect the unique traditions and values provided by immigrants, new Americans and diverse communities; thereby enriching the lives of all Minnesotans.

Justification – As one of the most ethnically and culturally diverse communities in the State of Minnesota, we believe that this strength should be valued and shared. Various cultural organizations and groups would love the opportunity to collaborate with the government, non-profits, and others to share the benefits of their culture. We believe the state can play an extremely valuable role by providing funding to build capacity and facilitate opportunities for these groups to add to the culture of Minnesota in a lasting and meaningful way. We believe existing grant programs should be modified or new funding should be approved to encourage Cultural Centers, Museums, and Arts to support the goal of cultural inclusion and diversity in the state.

Business and Economic Development

- BCLG 9-2025 Small Business Development – The city supports city and non-profit partnerships in developing small business centers, incubators, and other affordable commercial opportunities for small and BIPOC owned businesses. Agency's such as African Career Education and Resources and CAPI USA provide support for small businesses and are critical in Brooklyn Center's business community.
- BCLG 10-2025 Business Tenant Protection – The city supports the state in creating more protection for tenants within commercial properties, with a focus on small lower-income businesses who are at greater risk of displacement. The City of Brooklyn Center has received more recent feedback relating to commercial tenants with challenging lease situation.
- BCLG 11-2025 Youth Tax Credit – The City of Brooklyn Center supports efforts by the state to create an internship-to-work tax credit for organizations hosting young workers in Brooklyn Center. This type of tax credit program exists now but is targeted at Greater Minnesota.

Justification – One of the City's strategic priorities is "Resident Economic Stability". This program would provide an incentive for businesses to participate in the BrookLynk Program of the Brooklyn Bridge Alliance.

- BCLG 12-2025 Workforce Readiness – The City of Brooklyn Center supports efforts of the state to fund fully the Minnesota Job Skills Partnership and other workforce training programs. The City also supports the state in providing flexible funding to local workforce councils and pursuing creative programming and funding. Finally, the City supports efforts to design and implement programs designed to address youth employment and workforce readiness.

Justification – One of the City's strategic priorities is "Resident Economic Stability". This program would provide an incentive for businesses to participate in the BrookLynk Program of the Brooklyn Bridge Alliance. This effort would also, support the City's strategic priority of "Resident Economic Stability".



BCLG 13-2025 TIF District Flexibility - The City of Brooklyn Center generally supports efforts of the State to increase the flexibility of TIF to facilitate redevelopment and housing activities and supports creating special legislation that will allow for creation of two or more redevelopment TIF districts within the Opportunity Site.

Justification - In the Opportunity Site Redevelopment Area, The City has made significant investment in the acquisition and demolition of properties to achieve redevelopment goals laid out in the Master Plan. Market forces are also leading to significant delays in development of the property. Both factors are diminishing the effectiveness of TIF within the Opportunity Site. The City proposes special legislation that will allow for creation of one or more redevelopment TIF districts within the Opportunity Site., even if those areas cannot qualify based on existing statutory requirements.



BCLG 14-2025 Opportunity Site Phase 1 Infrastructure Bonding - The City is requesting critical legislative funding that will fill gap funding necessary for the build out of Phase 1 of the Opportunity Site. The request is for \$3,000,000 that will close the remaining funding gap allowing for the construction of infrastructure to phase 1 of the opportunity site.

Justification – Phase 1 of the opportunity site will bring over 700 units of multifamily housing, local-oriented commercial business spaces, an event center and public gathering spaces. The city has already received \$3.6 million in grants for the infrastructure and this final piece of state bonding would allow for construction to begin on the infrastructure.

Essential Services



BCLG 03-2025 Brooklyn Center Public Works Garage – The City of Brooklyn Center supports increased state funding for transportation maintenance facilities, like the Brooklyn Center Public Works Garage, which provides critical regional services.

Justification – The 50-year-old Brooklyn Center Public Works garage is outdated, creating safety risks and operational inefficiencies. Its size and design limit the safe use of large equipment like snowplows and have insufficient space for modern upgrades, such as charging stations for an electrified fleet. Renovations are cost-prohibitive, with \$3.5 million in deferred maintenance. Public Works operations are essential to regional mobility, including snow and ice control for areas like Shingle Creek Crossing, and aiding the movement of Brooklyn Center's significant essential worker population.

Financial

- BCLG 15-2025 (Metro Area Fiscal Disparities) 4D Transition Aid – The supports state funding for cities recovering tax losses due to 4D Transition Aid.

Justification - Our region needs more units of affordable housing and deeper levels of affordability. Brooklyn Center supports initiatives to increase affordable housing supply in in the state. The recent legislative changes to the 4d tax classification however, disproportionality affects cities with several 4d properties whose tax bases are already stressed. Brooklyn Center is expected to lose over \$250,000 in tax capacity over 2021 levels when the new rate is effective in 2025 (from non TIF-captured parcels). This translates to \$145,388 in the City's portion of taxes assuming pay 2024 tax rates.

The new bill does support transition aid in 2025 and 2026 for communities whose tax capacity in 4d property exceeds 2% of total tax capacity. Based on current calculations, Brooklyn Center is now expecting \$0 in aid under this program. The City supports increasing the transition aid to cover cost for the entire tax impact and extending the benefit past 2026. BCLG 16-2025 Metro Area Fiscal Disparities - Brooklyn Center was once a net contributor to the Fiscal Disparities pool. Today as a net recipient, the fiscal disparity is a major factor contributing to the fiscal stability of the City and our taxpayers. Without Fiscal Disparities, the property tax burden in Brooklyn Center would escalate dramatically, perhaps more than 25%. We strongly encourage continued legislative support for Metro Area Fiscal Disparities.

- BCLG 17-2025 Sales Tax Exemption Simplification - We advocate for a way to simplify the utility of the current sales tax exemption for construction materials. The process for using the current sales tax exemption on construction is so complicated, risky, and burdensome to contractors and cities that we are aware of no city that has decided to use this exemption. In Brooklyn Center, we estimate savings of \$300-\$400 thousand annually for our neighborhood street and utility construction projects if the sales tax exemption was viable.
- BCLG 18-2025 Property Tax Relief – The City of Brooklyn Center supports efforts of the state to increase property tax relief for property owners experiencing high tax burdens due to property tax shifts.

Justification - The City has experienced significant shifts in tax capacity growth from commercial to residential properties throughout the years of the most recent economic recession. As a result, residential property owners have endured a tax shift burden. We expect this trend to continue for the coming years as housing values continue to recover and commercial and industrial market values normalize.

- BCLG 19-2025 Local Government Aid - LGA – The City of Brooklyn Center supports the existing LGA funding formula as an appropriate mechanism to distribute LGA. The city supports adding an annual indexing factor to the formula. In addition, the city supports ~~support~~ adding a racial and economic equity factor to the existing formula and opposes special funding using LGA funds.

Justification – LGA has been cut for many years. The City’s budget stability continues to be dependent on LGA funding. Any changes in the formula or siphoning of funds from the overall pool for special projects may be detrimental to the City’s financial stability.

Health and Well-Being

- BCLG 20-2025 Racial Trauma Treatment - The City of Brooklyn Center supports the state adding “racial trauma” to eligible conditions for psychological condition treatment.

Justification – Currently state statute stipulates that an employee seeking psychological condition treatment approval shall pay the employee’s full salary and employer-provided benefits. The state does not list “racial trauma” as an eligible condition for psychological condition treatment. Thereby, currently staff cannot receive pay or benefits during a time of seeking psychological condition treatment. According to the National Center for PTSD, (website: www.ptsd.va.gov/understand/types/racial_trauma.asp, October 2024), “Racial trauma can lead to an increased risk of physical and mental health problems. University of Georgia, Department of Psychology, (website: <https://psychology.uga.edu/coping-racial-trauma>, 2019), states “experiences with racial discrimination are associated with negative mental (e.g., depression, anxiety, hopelessness, violent behavior) and physical (e.g., hypertension, thickening and calcification of the arteries, and heart rate variability) health outcomes (<https://www.semanticsscholar.org/paper/Perceived-discrimination-health-%3A-a-review.-Pascoe-Richman/886863c7ce89acfe9551d8fca9699381297cef52>). Psychologically (<https://www.apa.org/pubs/journals/releases/cou-59-1-1.pdf>), racial trauma can cause symptoms that mirror those of post-traumatic stress disorder (PTSD): re-experiencing of distressing events, higher reports of somatization when distressed, chronic stress, negative emotions/depression, hypervigilance, and avoidance.

Housing

- BCLG 04-2025 Tenant Protections - The City of Brooklyn Center supports revising existing regulations that restrict local governments from enacting tenant protection measures. Further, the City of Brooklyn Center supports new legislation that clarifies and creates tools that support tenant protection measures, both locally and state-wide. These tools include but are not limited to, preventing discrimination based on income sources, limiting tenant screening practices, preventing non-renewals of leases without just cause, and retaliation by rental property owners.

- BCLG 05-2025 Affordable Housing - The City of Brooklyn Center supports the creation of additional programs, tools, and funding that address the concentration of poverty and ensure the fair distribution of affordable housing opportunities across the Twin Cities metro. Specifically, the State should establish a housing tax credit contribution fund, increase funding for the Economic Development and Challenge Fund Grant program, and support dedicated funding for housing through bonding and general fund revenue.

Justification – Vacancy rates remain low and the market is not keeping up with the demand for affordable housing options. Cities want to play a role in addressing this issue but lack the resources and the flexible tools to create partnerships with public and private entities to ensure an adequate supply of affordable housing options. The City of Brooklyn Center wants to ensure that current and future policies are sensitive to ensuring all communities within the Twin Cities metro are absorbing affordable housing at an equal rate to avoid segregating certain populations or concentrating poverty. As it stands, the City of Brooklyn Center is a heavily tax burdened community and over 2% of its net tax capacity is in 4d properties.

- BCLG 06-2025 Group Homes and Assisted Living Licensures – The City of Brooklyn Center believes current regulations for group homes disproportionately impact lower-income communities and communities of color. The City requests that the Legislature amend these regulations to address unintended consequences, including allowing certain non-first-class cities to establish density requirements and reinstating the ability of a municipality to require a rental license. Currently, only cities of the first class (with populations over 100,000) have the authority to mandate a minimum distance of 1,320 feet (1/4 mile) from existing MDH Assisted Living facilities. There are no minimum distance requirements for DHS Community Residential Setting facilities.

Justification – Our experience shows that single-family affordable housing neighborhoods attract investors looking to profit from establishing group homes. Brooklyn Center has seen a significant increase in the number of these homes. This concentration in lower-income neighborhoods limits homeownership opportunities and wealth accumulation for residents, and it can alter the character of the community. Additionally, these properties place a strain on local emergency response agencies, as they tend to generate a higher volume of service calls.

According to MN Statutes 245A.11, subdivision 1, individuals residing in group homes cannot be excluded from the benefits of normal residential surroundings by municipal zoning ordinances or land use regulations. Group homes with a licensed capacity of 6 or fewer persons are permitted as single-family residential uses for zoning purposes, and as of May 18, 2024, state-licensed group homes with 6 or fewer persons are exempt from rental licensing requirements in Minnesota, including those licensed under Minnesota Statutes 144G.45 and 245D.02.

The Commissioner of the Department of Health must consider the population, size, land use plan, availability of community services, and the number and size of existing licensed MDH Assisted Living facilities in any city where an applicant seeks to operate a facility; however, as of October 2024, Brooklyn Center and Brooklyn Park— the only two cities in Hennepin County with over 50% BIPOC populations—hold nearly 50% of all MDH Assisted Living licenses in Hennepin County BCLG 07-2025 Emergency Shelter/Transitional Housing Use in Hotels – The City of Brooklyn Center supports a more even distribution of emergency homeless shelters and transitional housing at area hotels and motels,

as paid by voucher.

Justification – The City of Brooklyn Center is home to 10 hotels; however, the City of Brooklyn Center has become increasingly aware of our hotels moving away from their original intended and approved use as a hotel facility and towards semi-permanent housing. In Brooklyn Center, hotels are lodging accommodations for stays of less than a month. The City is aware of hotels being purchased or considered for acquisition in the City for use as transitional housing. In the case of private ownership, this provides a guaranteed income stream by entering into a contract with county services. Removal of hotel accommodations from our City is not in alignment with the City’s goals for economic competitiveness and employment, of which in part include the provision of accessible hotel accommodations to our City’s employment centers. As the City is built out, there are limited opportunities to provide quality accommodations for those visiting the area, and has resulted in the increased use of City resources.

- BCLG 08-2025 Building Officials – The City of Brooklyn Center supports efforts of the state to increase its efforts to train new and diverse building officials, and provide sufficient education to help local officials administer and enforce construction regulations.

Justification – The City has established city priorities related to resident economic stability and the value of diversity and inclusion. There is a shortage of building officials in the state and a greater shortage of building officials of color. Sufficient funding and support by the state would permit the City and other cities to have access to a broader pool of candidates for building officials in the future.

Law Enforcement & Public Safety

- BCLG 21-2025- Permanent Prevention and Intervention Public Safety Aid - The City supports extension and permanent funding of Public Safety Aid.

Justification – In 2023, the State Legislature passed one-time funding “Public Safety Aid” for purposes of supporting public safety, including community violence prevention and intervention programs, community engagement; mental health crisis; victim serves; training programs; first responder-wellness; equipment related to fire, rescue, emergency services; or to pay other personnel or equipment costs. Public safety response strategies alone are not sustainable financially or to the well-being and health of humans. Cities, counties and communities have little to no abilities to fund the critical public safety strategies of prevention and intervention. Permanent funding of community-centered public safety prevention and intervention will lead to a more sustainable, healthier and well-being of people.

- BCLG 22-2025 – Support for a Deferred Retirement Option Plan (DROP) for Law Enforcement Officers - The City of Brooklyn Center supports the implementation of a Deferred Retirement Option Plan (DROP) or a similar program for law enforcement officers in Minnesota. Such programs allow senior officers to retire while continuing to work and accrue retirement benefits, providing financial incentives for experienced officers to extend their careers. The City recognizes the value of maintaining a seasoned workforce and the potential benefits of retaining senior officers to support leadership continuity, mentorship of younger officers, and overall departmental stability.

Justification - DROP programs have been successfully implemented in various states, encouraging veteran officers to remain in service for a few additional years, thereby alleviating immediate staffing

challenges and ensuring that experienced officers can contribute to departmental objectives. A similar program in Minnesota could address ongoing recruitment and retention issues and enhance public safety by leveraging the skills of veteran officers.

- BCLG 23-2025 Presumption of Privacy for Body-Worn Cameras Used by Non-Licensed Police Staff - The City of Brooklyn Center supports extending the presumption of privacy for Body-Worn Camera (BWC) footage to non-sworn staff, in alignment with the current state law that protects BWC data collected by licensed peace officers. This expansion would ensure that BWC data recorded by non-licensed police staff, such as Cadets, community service officers, or professional staff, is classified as private or nonpublic data, except when specifically required by law to be released. This adjustment aligns with the broader privacy protections afforded to licensed peace officers and supports the responsible use of technology to enhance public trust and safety without compromising individual privacy.

Justification - BWCs have proven to be a valuable tool for transparency and accountability. However, it is important to extend the same privacy protections to non-licensed police staff, as their roles also involve sensitive interactions with community members. This proposal ensures consistency in data classification and builds community trust while respecting privacy.

- BCLG 24-2025 Race Identification on Driver's License - The City of Brooklyn Center supports legislative efforts to improve race-related data collection by offering individuals the option to self-identify their race on their driver's license. This option should be voluntary and include safeguards to ensure that the data is used exclusively for the purpose of improving racial equity and reducing bias in law enforcement activities.

Justification - Accurate race-related data is critical for assessing and addressing racial disparities in policing. Allowing individuals to self-identify their race on their driver's license provides a more precise and voluntary method of data collection, supporting efforts to develop fair and equitable law enforcement practices. The City remains committed to reducing racial bias and inequity in policing through data-driven policies.

- BCLG 25-2025 Cop Autism Response Education and Technologies - The City of Brooklyn Center supports legislative funding for the expansion of the COP Autism Response Education (CARE) training model and the development and utilization of innovative technologies that improve public safety responses to individuals with Autism Spectrum Disorder (ASD). These technologies could include apps, sensory tools, or other support systems that enhance communication and understanding between first responders and individuals on the autism spectrum.

Justification- As more individuals are diagnosed with ASD, first responders must be equipped with tools to provide appropriate and effective services. The use of supportive technologies can help bridge communication gaps and ensure safer, more inclusive responses for all community members, without prescribing a specific technology, such as the Vitals App, which may not be universally suitable.

- BCLG 26-2025 - Juveniles in Municipal Jails - The City of Brooklyn Center supports efforts by the state to clarify state statutes that would allow juveniles to be held for questioning and booking in the City

jail for up to six hours.

Justification – The City would have more of an opportunity and time to work with a juvenile to resolve or remedy their situations before being transported to Hennepin County Jails should the state increase the max time juveniles may be held in a licensed municipal jail.

- BCLG 27-2025 - 21st Century Policing – The City of Brooklyn Center reaffirms its support for implementing the principles and strategies outlined in the President’s Task Force on 21st Century Policing and calls for sustained state funding to enhance training, officer wellness initiatives, and the adoption of modern policing technologies. This includes body-worn cameras, de-escalation techniques, and holistic safety approaches. The City encourages the integration of whole-of-government and whole-of-community strategies to achieve safe, healthy communities.

Justification - The recent report, Task Force on 21st Century Policing: A Renewed Call to Action (April 2023), emphasizes the need for transformation in policing through collaboration, public trust, and reducing the harm associated with aggressive enforcement. By focusing on community safety over crime suppression, and supporting training in de-escalation and other non-violent conflict resolution techniques, Brooklyn Center can ensure its officers are well-prepared to meet the demands of modern policing. Ongoing funding will allow the City to invest in technology, officer wellness programs, and community-led policing strategies, all of which align with the holistic safety model that prioritizes long-term trust and partnership between police and the community.

- BCLG 28-9-2025 – Appropriation; Fencing Consortium - \$5,000,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of public safety for a grant to the Fencing Consortium for acquisition of anti-scale fencing, pedestrian doors, and vehicle gates for local government facilities statewide to improve equitable access to a de-escalation and safety tool. This appropriation is available until the project is completed or abandoned, subject to Minnesota Statutes, section 16A.642. This is a onetime appropriation.

Justification – Currently there is a consortium of Hennepin County cities participating in this joint effort. Having the state take the lead on this effort would benefit all entities across the State of Minnesota.

- BCLG 30-2025 Regional Live Fire Training Facility (located in Dayton) – The city supports funding for the Dayton Regional live fire training facility.

Justification - The Dayton facility will include a live burn tower where we can teach and learn with live fire training and operations from a multi-story training building. There currently is no option for this type of training in the NW metro. Having this type of resource available to departments would be great in expanding fire training for our firefighters. The demand for this type of regional facility is in huge demand since many of our paid-on call firefighters have only a few years of service and very little real-life training. Brooklyn Center Fire Department would use this type of training facility many times annually.

- BCLG 31-2025 Continued and increased funding to MNFIRE and MBFTE – The city supports continued and increased funding of MNFIRE and MBFE

Justification - Both of these State funded programs offer resources to fire fighters and fire departments that are crucial for the wellbeing of our fire fighters. Brooklyn Center takes advantage of both of these programs annually and the extra resources are vital to our budget. MNFIRE is a wellbeing program that helps firefighters deal with top problems many fire fighters encounter while or after serving their community, such as cancer, sleep, emotional trauma, and nutrition. BCFD has been trained in all of their classes they currently offer for free. MBFTE give each city back training dollars and pays a majority of the initial firefighter training, again crucial for departments budgets to continue this.

- BCLG 32-2025 Public Safety Responder Mental Health and Well-Being – The city supports creation and permanent funding for public safety responder mental health and well-being.

Justification - During service to their community, front line first responders handle some of the most difficult calls. One call or the totality of calls in one’s career, can negatively impact their mental and physical health if not addressed properly. While we continue to normalize the conversations surrounding mental health, we must provide resources to first responder 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 our first responders.

- BCLG 33 – 2025 Lithium-Ion Battery Safety – Brooklyn Center support efforts to ensure modernized firefighters training, fire suppression methods and fire codes. Lithium batteries supply power to many kinds of devices, but if not properly handled can catch fire or explode.

Justification – Traditional firefighting techniques that use water to extinguish fire are inadequate when fighting these lithium-ion batteries. These fires in particular pose serious risks to life safety. Any legislation impacting the use or disposal of lithium-ion batteries, including requirements for EV charging stations should be vetted with input from MNFAC and the understanding of risks associated with the batteries, including thermal runaway, stranded energy, deep seated fire and generation of toxic and flammable gases.;

Transportation

- BCLG 34-2025 Highway 252/I-94 Project – The City of Brooklyn Center supports the State addressing the long-standing safety issues on Trunk Highway (TH) 252, while at the same time protecting human health, promoting regional equity, and enhancing the livability and prosperity of Brooklyn Center.

Justification - The TH 252 corridor is dangerous by design. According to the Minnesota Department of Transportation (MnDOT), the full length of Highway 252 and I-94 within the project area have a demonstrated crash problem and that crossing Highway 252, on foot or by bike, can be difficult due to the number of lanes, crossing distances, and busy intersections. Brooklyn Center has long advocated that the safety issues along the corridor must be addressed. However, the solution to the problem needs to ensure the project protects human health, promotes regional equity, and enhances the livability and prosperity of Brooklyn Center. Specifically, the City supports the following initiatives:

- Using racial and economic equity factors when considering state and local cost shares for the Highway 252/I-94 Project.
- Creating and funding strategies to mitigate the impact the project will have on the local tax base.
- BCLG 35-2025 MVLST Funding - The City of Brooklyn Center supports including Hennepin County in the distribution of motor vehicle lease sales tax (MVLST).

Justification - Hennepin County residents contribute substantially to the MVLST but State Law excludes the county from receiving funding from this transportation source. If included, Hennepin County would receive \$10.4 million annually for roads, bridges, and pedestrian and bikeway projects. The rationale to exclude Hennepin and Ramsey counties from receiving MVLST formula funds was based on enabling new taxing authority through the creation of the County's Transit Improvement Board (CTIB). With CTIB's dissolution in 2017, this rationale for excluding Hennepin and Ramsey counties from receiving MVLST Formula funds has ceased to exist.

- BCLG 36-2025 Transportation Funding – The City of Brooklyn Center supports the state by providing more funding, including bonding, for improvements to all components of the transportation system. The City specifically supports funding for the TH 252/I-94 project and the Blue Line Light Rail Extension

Justification – The City supports a well-funded regional transportation system. Additional funding by the Legislature would permit the City to access various funding sources from the Minnesota Department of Transportation for City projects.

- BCLG 37-2025 City Cost Participation on State and County Roads – supports flexibility in, or exemption from, cost participation policies when a city cannot meet cost share obligations due to unique circumstances. The City calls for special or additional funding for cities that have burdens of additional cost participation in projects involving state and county roads including the placement of underground utilities due to those projects.

Justification – When municipal state aid (MSA) eligible cities (those with populations greater than >5,000) face significant cost participation requirements related to state and county road projects, they commonly dedicate all or large portions of their available MSA to meet cost participation obligations. When this happens, MSA funds are not available for use on the MSA system within the city, and local taxpayers must fully fund their own local roads and stormwater infrastructure. This has been exacerbated by significant new transportation infrastructure investments on the trunk highway system authorized by the state and federal governments. Additionally, these state and county projects often present a once-in-a-lifetime opportunity to replace or rehabilitate utilities under regional roadways, forcing cities to allocate resources immediately and defer more urgent utility infrastructure needs.

“The one-size fits all” cost participation policies adopted by the state and counties are inequitable. They do not consider unique factors including a disproportionate number of trunk highway lane miles in some communities, the high cost of some projects, or tax base challenges that may limit the financial ability of some cities to pay. Cost participation obligations can consume the finances or debt capacity of communities for many years. Furthermore, regional agencies are mainly focused on facilitating travel

and commerce through--and not into--a local community. Trends in cost share policies, including ownership and long-term maintenance of regional assets, continue to add to the local burden every time a cost share policy is updated or developed.

BC Legislative Schedule – 2025 Legislative Session	
Dates	Action
Oct. 4	Internal Legislative Email – Directors
Oct. 8	Internal Legislative Discussion – Directors
Oct. 14	Internal Legislative Discussion – Council Study Session
Oct. 25	Tour of BC Public Works Garage
Oct. 22	Internal Legislative Discussion - Directors
Oct. 28	Legislative Discussion – Council Study Session
Nov. 1	Internal Draft of Legislative Priorities - Directors
Nov. 7	Internal Final Draft of Legislative Priorities - Directors
Nov. 12	Legislative Priorities Presentation – Council Work Session
Nov. 20	Legislative Luncheon – Heritage Center
Jan. 14	Legislative Session Begins
Mar. 25	Legislative Update – Council Presentation
May 19	2025 Legislative Session Ends
Jun. 23	Legislative Debrief – Council Study Session