

HENNEPIN COUNTY

MINNESOTA

FINAL COMMITTEE AGENDA

BOARD OF HENNEPIN COUNTY COMMISSIONERS PUBLIC WORKS COMMITTEE

TUESDAY, JUNE 5, 2018
1:30 PM

Chair: Mike Opat, District 1

Vice-Chair: Peter McLaughlin, District 4

Members: Linda Higgins, District 2
Marion Greene, District 3
Debbie Goettel, District 5
Jan Callison, District 6
Jeff Johnson, District 7

1. Public Hearing

- A. Obtain public comment on proposed revisions to Ordinance 15-Solid Waste Management Fee

2. Minutes From Previous Meeting

- A. 05/15/18 Public Works Meeting Minutes

3. New Business

Routine Items

A. **18-0201**

Establish a public hearing on Tuesday, July 10, 2018, at 1:30 p.m. to obtain public comment on proposed revisions to Ordinance 22: County Road Right-Of-Way Use

B. **18-0202**

Release the draft Hennepin County 2040 Comprehensive Plan for the six-month mandatory partner agency review

C. **18-0203**

Amd and Restatement of Agmt A165074 with the City of Maple Grove for rental space utilized by the HCSO at 11370 89th Ave North, Maple Grove, extending the contract period to 12/31/20 (base rent \$85,000, plus fees)

D. **18-0204**

Neg Amd 2 to Lease Agmt A130735 with The Ackerberg Group for rental space for Health and Human Services at 1001 Plymouth Avenue North, Mpls, 7/1/18–6/30/38 (\$709,014 first year rent/operations)

Items for Discussion and Action

E. **18-0205**

Neg Lease Agmt A188823 with United Properties for retail space located at 501 5th Street North, Mpls (Target Field Station), for a 10-year period commencing on TBD commencement date (recv \$6,667 first year rent; leasehold improvement allowance NTE \$7,500)

F. **18-0206**

Agmt PW 49-20-17 with Mpls for cost participation in traffic signal replacements and pedestrian ramp improvements; establish project budget; transfer funds (CP 2130200, 2130300, and 2130400) (county cost: NTE \$150,000 county state aid)

G. **18-0207**

Recommend Riverview Corridor locally preferred alternative

4. Old Business

A. **18-0166**

Submission of Hennepin County Consortium 2018 Action Plan; neg Agmts A188755, A188756, and A188757 w/HUD for the 2018 CDBG, HOME, ESG Programs, 7/1/18-6/30/23, est recv \$4,269,957; neg 32 CDBG agmts, 7/1/18-6/30/23, est NTE \$1,654,950; neg 5 HOME agmts, 7/1/18-6/30/63, est NTE \$1,464,264

Old Business - Revised

18-0166R1 Revised

Submission of Hennepin County Consortium 2018 Action Plan; neg Agmts A188755, A188756, and A188757 w/HUD for the 2018 CDBG, HOME, ESG Programs, 7/1/18-6/30/23, est recv \$5,047,754; neg 32 CDBG agmts, 7/1/18-6/30/23, est NTE \$1,761,585; neg 7 HOME agmts, 7/1/18-6/30/63, est NTE \$1,924,236

HENNEPIN COUNTY

MINNESOTA

Board Action Request

Item Description:

Obtain public comment on proposed revisions to Ordinance 15-Solid Waste Management Fee

Resolution:

BE IT RESOLVED,

ATTACHMENTS:

Description	Upload Date	Type
Amd plan showing changes	5/29/2018	Backup Material

Hennepin County Ordinance 15

Solid Waste Management Fee

Adopted by the Hennepin County Board of Commissioners

On June 6, 1995

Amended _____

PURPOSE

The purpose of this ordinance is to establish authority for a Hennepin County Solid Waste Management Fee to fund environmental programs which protect the health and welfare of Hennepin County citizens pursuant to State mandates governing waste management programs. The Ordinance includes: procedures for establishing a Solid Waste Management Fee for the entire County of Hennepin; the fee payment method; reporting requirements; and penalties for noncompliance with provisions of this Ordinance. This Ordinance is adopted pursuant to Minnesota Statutes, Section 473.811, Subd. 3(a) and Subd. 5, and Section 400.08.

The Hennepin County Board of Commissioners does ordain:

SECTION 1 DEFINITIONS

For the purpose of this Ordinance, the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.

Subsection 1 "Billing Agent" is any Person that collects charges for Hauler Services provided by a Hauler.

Subsection 1-2 "County" is Hennepin County, Minnesota.

Subsection 2-3 "County Board" is the Hennepin County Board of Commissioners.

Subsection 3-4 "Department" is the Hennepin County ~~Department of Public Works,~~
~~Environmental Management Division Services-Environment and Energy Department.~~

Subsection 4-5 "Generate" is the act or process of producing waste.

Subsection 5-6 "Generator" is any Person who generates Mixed Municipal Solid Waste in Hennepin County and pays for Mixed Municipal Solid Waste collection or disposal services, or any Person who pays for Mixed Municipal Solid Waste collection or disposal services on behalf of a Person who generates Mixed Municipal Solid Waste in Hennepin County, and includes residential generators and nonresidential generators.

Subsection 5-6a "Residential Generator" is a Generator who pays for mixed municipal solid waste collection or disposal services for a residential building including but not limited

to a single family home, a duplex, a tri-plex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or a residential building on perma-lease; [or a Nonprofit Resale Store.](#)

Subsection ~~5-6b~~ "Nonresidential Generator" is a Generator who does not qualify as a Residential Generator.

Subsection ~~67~~ "Hauler" is a person engaged in the business of collecting, transporting or disposing of Mixed Municipal Solid Waste generated in Hennepin County.

Subsection 8 "Hauler Services" are activities provided by a Hauler and include Mixed Municipal Solid Waste collection, transportation, processing, disposal, and/or container rental.

Subsection ~~79~~ "Mixed Municipal Solid Waste" is garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural waste, tires, lead acid batteries, used oil, and other materials collected, processed and disposed of as separate waste streams.

Subsection 10 -"[Nonprofit Resale Store" is a nonprofit retail store organized under Section 501\(c\)3 of the Internal Revenue Code that accepts donated household goods from residential customers.](#)

Subsection ~~1011~~ ~~11~~ "Operating License" shall mean the license required by Hennepin County Ordinance 17 of all Persons, except individual residents hauling their own household waste, in order to collect or transport Mixed Municipal Solid Waste that is generated within Hennepin County.

Subsection ~~8121~~ "Ordinance" is Hennepin County Ordinance 15 – Solid Waste Management Fee Ordinance.

Subsection ~~9132~~ "Person" includes, but is not limited to: an individual, business, Hauler, Self-Hauler, public or private corporation, partnership, joint venture, association, trust, unincorporated association, government or agency or political subdivision thereof, landfill operator, generator, any other legal entity, and any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing.

Subsection 10 -"~~Self Hauler" is a Person who transports for disposal its own Mixed Municipal Solid Waste.~~

Subsection 143 "Self Hauler" means a Person that transports Mixed ~~Municipal~~[Municipal](#) Solid Waste generated by that Person or another Person without compensation and is licensed pursuant to Hennepin County Ordinance No. 17.

~~**Subsection 11 "Operating License"** shall mean the license required of all Persons, except individual residents hauling their own household waste, in order to collect or transport Mixed Municipal Solid Waste that is generated within Hennepin County.~~

Subsection 1542 "Solid Waste Management Fee" is the charge established by the County Board, payable by Residential and/or Nonresidential Generators to the County for Solid Waste Management Services.

Subsection 165.3- "Solid Waste Management Services" includes all activities provided by the County or by Persons under contract with the County which support the preferred waste management responsibilities, described in Minnesota Statutes 115A.01 et seq, 473 and 400.08 including, but not limited to waste reduction and reuse; waste recycling; composting of yard waste and food waste; resource recovery through Mixed Municipal Solid Waste composting or incineration; land disposal; and management of problem materials, and household hazardous waste.

SECTION 2 GENERAL PROVISIONS

Subsection 1 Administration: This Ordinance shall be administered by the- Department.

Subsection 2 Compliance: No Person shall collect, transport or dispose of Mixed Municipal Solid Waste generated in Hennepin County except in full compliance with this Ordinance. This shall not prevent the transportation of Mixed Municipal Solid Waste through Hennepin County by a Hauler.

Subsection 3 Solid Waste Management Fee: A Solid Waste Management Fee shall be imposed for Solid Waste Management Services provided by Hennepin County. Generators (owners, lessees, or occupants of property in Hennepin County, or any or all of them) shall pay the Solid Waste Management Fee imposed in the manner set forth herein in amounts as established by the County Board.

Subsection 4 Procedures for Establishing the Amount of Solid Waste Management Fee: The County Board shall establish the amount of the Solid Waste Management Fee by resolution, following a public hearing, and shall state the effective date for the enactment of the Solid Waste Management Fee.

Subsection 5 Procedures for Adjusting the Amount of Solid Waste Management Fee: The County Board may adjust the amount of the Solid Waste Management Fee by resolution, following a public hearing, and shall state the effective date for the enactment of the adjusted Solid Waste Management Fee. There will be a sixty (60) day period prior to the effective date of such adjustment.

SECTION 3 SOLID WASTE MANAGEMENT FEE - COLLECTION AND REMITTANCE POLICIES

Subsection 1 Collection:

- A. As a condition of its Operating License, each Hauler shall bill and collect the Solid Waste Management Fee from Hennepin County Residential and Nonresidential Generators for whom they haul Mixed Municipal Solid Waste.
- B. Each Hauler shall make reasonable efforts to collect the Solid Waste Management Fee.

Subsection 2 Remittance:

- A. The Solid Waste Management Fee collected by Haulers or by a Billing Agent for a Hauler must be remitted to the County. Failure to remit the Solid Waste Management Fee collected may result in the revocation of the Hauler's Operating license issued pursuant to Hennepin County Ordinance No. 17.
- B. Self-Haulers shall pay the Solid Waste Management Fee imposed directly to the County. Failure to pay the Solid Waste Management Fee may result in the revocation of an Operating License issued to any Self-Hauler required to be licensed under Hennepin County Ordinance 17.
- C. If a Generator makes partial payment to a Hauler, the Hauler shall then apply payment to the Solid Waste Management Fee proportionally.
- D. Each Hauler or Self-Hauler shall remit the Solid Waste Management Fee by the 20th day of the month following the month in which the Solid Waste Management Fee was collected by a Hauler or incurred by a Self-Hauler.
- E. The Hauler remains responsible for collecting and remitting the Solid Waste Management Fee to the County together with any late fees due regardless of any arrangement the Hauler has with a Billing Agent or other third party to collect charges for Hauler Services.
- F. A Hauler that uses a Billing Agent to collect charges for Hauler Services shall give prior written notice to the County on a form provided by the County identifying the complete name and address of the Billing Agent that will remit the Solid Waste Management Fee on behalf of the Hauler.
- G. Each Hauler that uses a Billing Agent shall ensure that the Billing Agent complies with all of the requirements of this Ordinance. Failure or refusal of the Billing Agent to comply with any requirement of this Ordinance may result in the revocation of the Operating License of the Hauler using such Billing Agent unless the Hauler has complied or immediately corrects the failure upon notice to the Hauler from the County.
- H. Municipalities that bill and collect for Hauler Services shall bill and collect the Solid Waste Management Fee from the Generators and remit the Solid Waste Management Fee to the County. All the requirements of this Ordinance to which a Hauler is subject apply to such municipalities.

Subsection 3 Statements: Consistent with the Hauler's normal billing practices, each Hauler shall separately state and clearly label the Solid Waste Management Fee on each invoice or statement issued to their Residential and Nonresidential Generators for payment of waste collection and disposal services.

Subsection 4 Reports: Each Hauler or Self-Hauler shall complete a Solid Waste Management Fee report in accordance with instructions and on forms provided by the Department. The Solid Waste Management Fee report, accompanied by any required Solid Waste Management Fees, must be submitted by the 20th day of the month following the month in which the Solid Waste Management Fee was collected by a Hauler or incurred by a Self-Hauler. The Solid Waste Management Fee Report must be completed and submitted every month, including months in which no Solid Waste Management Fees were billed, collected, or incurred. The Solid Waste Management Fee report may include, but not be limited to, total gross billings and receipts for all collection and disposal services performed within Hennepin County, the number of Residential and Nonresidential Generators within Hennepin County, the number of tons collected within Hennepin County and disposed of within and outside of Hennepin County, and such other information as requested by the Department.

Subsection 5 Examination of Records: The Department or its duly authorized agent shall have the right to examine records, including access to computer records, maintained by a Hauler or Self-Hauler. The term "record" shall include, but is not limited to, all accounts of a Hauler. The Department shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to a Hauler's or Self-Hauler's collection, transportation, or and disposal of Mixed Municipal Solid Waste to the extent necessary to ensure that all fees required to be collected or paid have been remitted to the County. This subsection applies whether the records are maintained by a Hauler or a Billing Agent for the Hauler. Such records shall be maintained by the Hauler or Self-Hauler for no less than six (6) years.

Subsection 6 Late Payment: A late payment penalty in the amount of 1.5% per month shall be imposed in the following circumstances:

- A. Upon Solid Waste Management Fees collected from the Generator but not remitted by the Hauler to the County on or before the 20th day of the month following the collection; or
- B. Upon the Solid Waste Management Fee incurred by a Self-Hauler but not remitted by the Self-Hauler to the County on or before the 20th day of the month following the month in which it was incurred.

If a Hauler fails to bill and collect the Solid Waste Management Fee from a Generator, the Hauler shall pay the Generator's Solid Waste Management Fee plus a 1.5% per month late payment penalty. The late payment penalty shall be calculated from the date the Solid Waste Management Fee should have been billed.

Subsection 7 Unpaid Fee: On or before October 15 each year, the County Board may certify to the County Auditor all unpaid outstanding Solid Waste Management Fees, and a description of the

lands against which the Solid Waste Management Fees arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments, with interest not to exceed the interest rate provided for in Section 279.03, Subd. 1, upon the tax rolls of the County, for the taxes of the year in which the assessment is filed. For each year ending October 15, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the State. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State.

Subsection 8 Collection Actions: Exercise of any remedy under this subsection does not preclude exercise of other remedies.

- A. If a Generator fails to pay the Solid Waste Management Fee to a Hauler in a timely manner, the County may use any available legal remedies to collect the overdue, unpaid Solid Waste Management Fees from the Generator.
- B. If a Hauler has collected Solid Waste Management Fees and failed to remit them to the County in a timely manner, the County may use any available legal remedies to collect the Solid Waste Management Fees from the Hauler.
- C. If a Self-Hauler fails to pay the Solid Waste Management Fee to the County in a timely manner, the County may use any available legal remedies to collect the Solid Waste Management Fee from the Self-Hauler.

SECTION 4 VIOLATIONS AND PENALTIES

Subsection 1 Misdemeanor: Any Person who hauls Mixed Municipal Solid Waste and willfully or negligently fails to bill, fails to collect, or fails to pay or remit to the County the Solid Waste Management Fee is guilty of a misdemeanor.

For the purposes of this subsection, a Person who hauls Mixed Municipal Solid Waste for a Generator who subsequently fails to pay its bill has not acted negligently.

This subsection shall not preclude prosecution for any other misdemeanors, gross misdemeanor, or felony under State Minnesota law committed by such Person while hauling Mixed Municipal Solid Waste.

Subsection 2 Injunctive Relief: The County may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance or other appropriate actions to prevent, restrain, correct or abate any violation or threatened violation of this Ordinance.

Subsection 3 Venue and Prosecution: The Hennepin County Attorney's Office shall prosecute violations of any provision of this Ordinance. Such prosecutions shall be venued in Hennepin County.

Subsection 4 Costs and Special Assessments: The County may recover costs, including staff and other related costs, incurred to enforce compliance with the provisions of this Ordinance. At the discretion of the County Board, the costs may be certified to the County Director of Property Tax and Public Records as a special tax against the real property owned by such Person.

Subsection 5 Citations: The Department, its duly authorized representative, or any licensed peace officer shall have the power to issue citations for violations of this Ordinance, but this shall not permit the Department or its representatives to physically arrest or take into custody any violators.

Subsection 6 Departmental Order: The Department may issue such Orders as may be necessary for the enforcement of this Ordinance. Each Order shall state the violation and the action and time schedule required for compliance.

SECTION 5 SEVERABILITY

It is hereby declared to be the intention of the Board of Commissioners of Hennepin County that the provisions of this Ordinance are separable in accordance with the following:

- A. Validity of Provisions: If any court of competent jurisdiction shall rule that any provision of this Ordinance is invalid, other provisions not specifically included in said judgment shall not be affected.
- B. Application to Site or Facility: If any court of competent jurisdiction shall rule that the application of any provision of this Ordinance is invalid to a particular Generator, structure, site, facility, operation, Hauler or Self-Hauler such judgment shall not affect the application of said provision to any other structure, site, facility or operation not specifically included in the judgment.

SECTION 6 PROVISIONS ARE CUMULATIVE

The provisions in this Ordinance are cumulative and are additional limitations upon all other laws and ordinances covering any subject matter in this Ordinance.

SECTION 7 REPEAL AND ENACTMENT

The enactment of this Amendment repeals and replaces in its entirety Ordinance Number Fifteen, adopted on ~~November 30, 1993~~ June 6, 1995. All licenses issued and not subsequently revoked or suspended pursuant to that Ordinance shall remain valid until ~~June 30, 1995~~ June 30, 2018.

SECTION 8 EFFECTIVE DATE

This Amended Ordinance 15 shall be effective ~~July 1, 1995~~ July 1, 2018.

Passed by the Hennepin County Board of County Commissioners ~~this 6th day of June, 1995~~ _____.

COUNTY OF HENNEPIN
STATE OF MINNESOTA

COUNTY BOARD AUTHORIZATION

Reviewed by the County Attorney's
Office

Assistant County Attorney

Date: _____

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By: _____
Chair of Its County Board

ATTEST: _____
Deputy/Clerk of County Board

Date: _____

By: _____
County Administrator

Date: _____

By: _____
Assistant County Administrator
- Public Works

Date: _____

Recommended for Approval

By: _____
Director,
Environment and Energy Department

Date: _____

HENNEPIN COUNTY

MINNESOTA

COMMITTEE MINUTES

BOARD OF HENNEPIN COUNTY COMMISSIONERS PUBLIC WORKS COMMITTEE

TUESDAY, MAY 15, 2018
1:30 PM

Chair: Mike Opat, District 1
Vice-Chair: Peter McLaughlin, District 4

Members: Linda Higgins, District 2
Marion Greene, District 3
Debbie Goettel, District 5
Jan Callison, District 6
Jeff Johnson, District 7

Commissioner Mike Opat, Chair, called the meeting of the Public Works Committee for Tuesday, May 15, 2018 at 2:15 PM
All Commissioners were present.

1. Minutes From Previous Meeting

- A. 05/01/2018 Public Works Meeting Minutes

APPROVED

Commissioner Jan Callison moved to approve the Minutes, seconded by Commissioner Jeff Johnson and approved - 7 Yeas

2. New Business

Routine Items

- A. **18-0187**

Neg Agmts PR00000330 with Sustainable Resources Ctr, 6/1/18- 7/31/21, NTE \$1,200,000;
PR00000290 with St. Paul-Ramsey County Public Health, 6/1/18-5/31/21, NTE \$785,000, for lead hazard control services

CONSENT

Commissioner Marion Greene moved to approve, seconded by Commissioner Peter McLaughlin and approved - 7 Yeas

Items for Discussion and Action

- B. **18-0188**

Neg agmts PR00000362 with Plymouth Christian Youth Center, 5/23/18-12/31/20, NTE \$500,000;
A188831 with the City of Minneapolis to provide for investment in the Capri Theater expansion and public plaza project

CONSENT

Commissioner Linda Higgins moved to approve, seconded by Commissioner Marion Greene and approved - 7 Yeas

- C. **18-0189**

Neg Agmt PR00000389 with the City of Robbinsdale for the Downtown Robbinsdale
Redevelopment project, 5/23/18 -12/31/19, NTE \$164,000

18-0189R1 Revised

Neg Agmt PR00000389 with the Robbinsdale Economic Development Authority for the Downtown
Robbinsdale Redevelopment project, 5/23/18 -12/31/19, NTE \$164,000

CONSENT

Commissioner Linda Higgins moved to approve, seconded by Commissioner Mike Opat and approved - 7 Yeas

D. 18-0190

Neg agmt PW 15-40-18 with MnDOT for cost participation of ADA improvements and signal replacement at University Ave and NE Broadway Street in Minneapolis (CP 2174600) (county cost: \$360,000 – state aid)

CONSENT

Commissioner Linda Higgins moved to approve, seconded by Commissioner Debbie Goettel and approved – 7 Yeas

E. 18-0191

Agmt A188794 with LISC for Corridor Development Initiative workshops in the METRO Blue Line Extension LRT corridor, 5/23/18–4/1/19, NTE \$54,960

NON-CONSENT

Commissioner Debbie Goettel moved to approve, seconded by Commissioner Marion Greene and approved – 6 Yeas 1 Nays: Johnson

3. Old Business

A. 18-0166

Submission of Hennepin County Consortium 2018 Action Plan; neg Agmts A188755, A188756, and A188757 w/HUD for the 2018 CDBG, HOME, ESG Programs, 7/1/18-6/30/23, est recv \$4,269,957; neg 32 CDBG agmts, 7/1/18-6/30/23, est NTE \$1,654,950; neg 5 HOME agmts, 7/1/18-6/30/63, est NTE \$1,464,264

LAID OVER

Commissioner Jan Callison moved to lay over, seconded by Commissioner Mike Opat and approved - 7 Yeas

4. Adjourn

There being no further business, the meeting of the Public Safety Committee for Tuesday, May 15, 2018 was declared adjourned at 2:23 PM.

Yolanda C Clark
Deputy Clerk to the Board

HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0201

Item Description:

Establish a public hearing on Tuesday, July 10, 2018, at 1:30 p.m. to obtain public comment on proposed revisions to Ordinance 22: County Road Right-Of-Way Use

Resolution:

BE IT RESOLVED, that a public hearing to obtain comment on proposed revisions to Hennepin County Ordinance 22: County Road Right-Of-Way Use, be held before the Public Works Committee of the Hennepin County Board of Commissioners on Tuesday, July 10, 2018, at 1:30 p.m., or as soon thereafter as is practicable, in Room A-2400 of the Hennepin County Government Center, in the city of Minneapolis; and that the clerk of the board be directed to publish notice of the public hearing.

Background:

History: Ordinance 22: County Road Right-Of-Way Use was established in 2000 and imposes regulations on the placement and maintenance of equipment and facilities currently within the county's right-of-way or to be placed therein at some future time. Minnesota law provides Hennepin County with the legal authority to manage use of the public right-of-way and recuperate costs associated with its management. The county strives to keep the right-of-way in a state of good repair and free from unnecessary impediments that would hinder or obstruct the mobility of people and goods on county roads and bridges.

Current Request: This request is for the board to set a public hearing to be held on Tuesday, July 10, 2018, at 1:30 p.m. before the Public Works Committee of the Hennepin County Board of Commissioners to obtain comment on proposed revisions to Ordinance 22. The county previously requested comments on the proposed ordinance revisions from cities, utilities, and wireless providers by email and will notify these agencies and organizations again by email about the public hearing. The county will also post information about the public hearing on the county's web site.

The county is proposing the following revisions to Ordinance 22:

- Small cell wireless information added
 - Definitions to reflect new statutory language
 - Permit terms and general requirements for small cell wireless facilities
 - Requirements for new wireless support structures
 - Fees associated with collocation:
 - Collocation permit: \$1,500 per collocation on county-owned structures
 - Rent: \$150 per year, per facility collocated on a county-owned structure
 - Maintenance: \$25 per year, per facility collocated on a county-owned structure
- New permit conditions listed
 - Major projects must be mapped in Utility Infrastructure Integration
 - Right-of-way permits must be obtained for each municipality and for each mile of work

- Extensions are no longer granted
- Language clarified
 - To explicitly state that the county has priority use of county-owned infrastructure and county-managed right-of-way.

Impact/Outcomes: The public hearing will allow stakeholders to share their feedback about the impact of the proposed revisions to Ordinance 22: County Road Right-Of-Way Use.

ATTACHMENTS:

Description	Upload Date	Type
Fact Sheet: Ordinance 22 Updates	5/14/2018	Backup Material

Hennepin County Ordinance 22 Updates

Overview

Due to the changes to Minnesota Statutes, sections 237.162 and 237.163, the Hennepin County Transportation Operations Department will be submitting revisions to Ordinance 22: County Road Right-Of-Way Use to the County Board. This will begin the public hearing process which is expected to take place in Q2 2018. The revisions involve minor edits to language, updates to construction standards to meet current practices, and substantial additions related to small-cell wireless facilities.

Summary of Changes by Section

Section 3.0: Definitions (pages 3-8 contain substantial changes)

- Several new definitions were added in order to reflect new statutory language.
- Updates to existing definitions were to add clarity to the definitions, and to reflect new statutory language.
- One definition was removed as a result of policy change.

Section 5.0; Section 10.0; Section 15.0; Section 17 (page 8, 13, 15, and 16 respectively contain minor changes)

- Minor updates to language to include small wireless facilities.

Section 6.0 Mapping Data; Section 7.0 Reporting Obligations (page 9 contains minor changes, page 11 contains moderate changes)

- Mapping major projects in Hennepin County's new mapping application, Utility Infrastructure Integration (UI2), is a condition of obtaining permits from the county.

Section 9.0 Permit Application (page 12 contains minor changes)

- Separate right-of-way permits are now required for each municipality, and for each mile of work for work that extends greater than one mile.

Section 20.0 Authority Over County-Owned Infrastructure and County Managed Public Rights-of-Way, Placement, Location, and Relocation of Facilities (pages 18-19 contain substantial changes)

- Hennepin County has priority of use of county-owned infrastructure and county managed public right-of-way
- Issues that arise from private infrastructure in the county managed public right of way or on county owned facilities must be resolved at the cost of the owner.
- Unauthorized attachments and facilities are prohibited.

Section 27.0 Small Wireless Facilities (pages 21 through 25 contain substantial additions)

- Language has been added to reflect MN statute sections 237.162 and sections 237.163.

Appendix A Fees (page 26 contains substantial updates)

- Permit and penalty fees are updated.
- New fees added for small wireless facilities.
-

Appendix B – Requirements for a Right Of Way Permit (page 28 contains minor updates)

- Language related to the Americans with Disabilities Act has been updated.

All Changes by Section

Section 3.0 Definitions (pages 3-8)

"Applicant" means any person requesting permission to access, excavate/grade, place a utility service, place a wireless support structure or small wireless facility, landscape, or obstruct a right-of-way, who has completed a right-of-way permit application and has paid the appropriate right-of-way permit fees.

"APS" means audible pedestrian system.

"Collocate or collocation" means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure that is owned privately or by a local government unit.

"Congested right-of-way" means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes, Section 216D.04 subdivision 3, over a continuous length in excess of 500 feet

"County Management Costs" are the actual costs incurred by the county for public rights-of-way management; including, but not limited to, costs associated with registering applicants seeking permission to work within or obstruct a right-of-way; issuing, processing and verifying right-of-way or small wireless facility permit applications; inspecting job sites; maintaining, supporting, protecting or moving user equipment during public right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and opportunity to correct the work; mapping of "as built" locations of facilities located in rights-of-way; and revoking right-of-way or small wireless facility permits and performing all other functions required by this Ordinance, including other costs the county may incur in managing the provisions of this Ordinance. Management costs do not include: payment by a telecommunications right-of-way user for the use of the public right-of-way; unreasonable fees of a third-party contractor used by a local government unit as part of managing its public rights-of-way, including but not limited to any third-party contractor fee tied to or based upon customer counts, access lines, revenue generated by the telecommunications right-of-way user, or revenue generated for a local government unit; or the fees and cost of litigation relating to the interpretation of this section or section 237.163 or any ordinance enacted under those sections, or the local unit of government's fees and costs related to appeals taken pursuant to section 237.163, subdivision 5.

~~"Extension Fee" is a fee charged to extend the expiration date of a right-of-way permit.~~

"Local Government Unit" means a county, home rule charter or statutory city, town, or the Metropolitan Council.

"Micro wireless facility" means a small wireless facility that is no larger than 24 inches long, 15 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

"Moratorium" means the period of time following a road surfacing project where excavations in the paved surface are prohibited, except for emergency repairs.

"Registrant" means any person (1) who has or seeks to have its facilities or equipment located in any county managed public right-of-way; or (2) who in any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities or equipment in the right of way.

"Small wireless facility" means: (1) a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and (ii) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment

concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or (2) a micro wireless facility.

"Telecommunications Right-of-Way User" means a person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way, that is used or is intended to be used for providing wireless service, transporting telecommunications or other voice or data information. For purposes of this Ordinance, a cable communications system defined and regulated under Minnesota Statutes Chapter 238, and telecommunications activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minnesota Statutes Section 216B.02, a municipality, a municipal gas or power agency organized under Minnesota Statutes Chapters 453 and 453A, or a cooperative electric association organized under Minnesota Statutes Chapter 308A, are not telecommunications right-of-way users, except to the extent these entities are offering wireless service.

"Utility pole" means a pole that is used in whole or in part to facilitate telecommunications or electric service.

"Wireless facility" (a) means equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including: (1) equipment associated with wireless service; (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) a small wireless facility. "Wireless facility" does not include (1) wireless support structures; (2) wireline backhaul facilities; or (3) coaxial or fiber-optic cables (i) between utility poles or wireless support structures, or (ii) that are to otherwise immediately adjacent to or directly associated with a specific antenna.

"Wireless service" means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522, clause (6).

"Wireless support structure" means a new or existing structure in a public right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by a local government unit.

"Wireline backhaul facility" means a facility used to transport communications data by wire from a wireless facility to a communications network.

Section 5.0 Registration (page 8)

(a) Registration. Each person who occupies or uses, or seeks to occupy or use, or seeks to place any equipment or facilities, small wireless facilities, or wireless support structures in or on the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the county. The county requires registration using the county's e-permitting system to perform permitted work in the county managed public right-of-way. In order for the registration to remain active, the Certificate of Insurance for the registered user must be updated annually by submitting a Certificate of Insurance to the department's permits office.

Section 6.0 Mapping Data (page 9)

Therefore, in managing the use of its public rights-of-way, the county may establish, develop, and implement a right-of-way mapping system as follows. The purpose of a mapping system is to:

1. Allow flexibility in its use by the county as an effective management tool;
2. Enhance public safety and user facility safety;
3. Provide for long-term cost savings;
4. Improve public right-of-way design quality;
5. Limit disruptions to traffic which inconvenience the traveling public; and
6. Allow for better information collection and cooperative usage among local government units, telecommunications companies, and other users of the public right-of-way.

Section 7.0 Reporting Obligations (page 10)

In addition, the registrant shall map electronically upcoming major projects onto the county's established mapping application. Information on the mapping application can be obtained by contacting the department's permits office. Mapping major projects is a condition of obtaining permits from the county. As of 2017, the county's established mapping application is Utility Infrastructure Integration, UI2.

Section 9.0 Permit Application (page 12)

Application and Fee. An application for a right-of-way permit shall be made using the county's current e-permitting system and shall be accompanied by fees for: (1) Permit application (APPENDIX A); (2) Prior work in the rights-of-way; and (3) Any undisputed loss, damage, or expense suffered by the county because of prior work in the rights-of-way or any emergency action taken by the county in regard to facilities comprehended in the permit application (4) other fees as allowed by Statute.

A separate right-of-way permit is required for work within each county road right-of-way for each municipality where work will take place. For work that extends greater than one mile, a separate right-of-way permit is required for each mile of work. Small Wireless Transmitters are exempt from this requirement under MN Statute 237.163, Subd. 3(a)(4)(b)(1). Please see Section 27(a) of this Ordinance.

Section 10.0 Issuance of Permit (page 13)

(b) Conditions. The engineer may impose reasonable conditions upon the issuance of the permit and the performance of the permit holder thereunder to protect the public health, safety and welfare, to ensure the structural integrity of the rights-of-way, to ensure completion of the rights-of-way restoration within a specified period, to protect the property and safety of other users of the rights-of-way, to minimize the disruption and inconvenience to the public or when necessary to protect the right-of-way and its current and future use. The county may require, in its discretion, that a right-of-way applicant install additional, related fiber-optic infrastructure, at county's reasonable expense, for use by the county and its partners. The engineer and the applicant shall collaboratively develop infrastructure specifications, additional cost estimates and documentation necessary to transfer right, title and interest to the county. In addition, the permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minnesota Statutes section 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rules chapter 7560.

(c) Small wireless facility conditions. See section 27 of this ordinance.

Section 15.0 Denial of Permit (Page 15)

Small Wireless Facilities Permit Denial or Revocation. See Section 18 and Section 27 of this ordinance.

Section 17.0 Inspection (page 16)

(b) Authority of Engineer. At the time of inspection, the engineer may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public. The engineer may issue an order to the permit holder for any work which does not conform to the terms of the permit or other applicable standards, conditions or codes. The order shall state that failure to correct the nonconformity within a stated deadline will be cause for revocation of the permit. The engineer will send written notice to Small Wireless Transmitter users of no later than the third business day after a suspension identifying the alleged violation. If the violation is not corrected at the user's sole expense within the stated deadline, the engineer may revoke the permit and coordinate the county's correction of the nonconformity.

Section 20.0 Authority Over County-Owned Infrastructure and County Managed Public Rights-of-Way, Placement, Location, and Relocation of Facilities (page 18)

(a) Priority of Use. The county has priority of use of county-owned infrastructure, and county managed public right-of-way.

1. To the extent consistent with applicable federal, state, and local law, the county engineer may determine that certain classes of county-owned infrastructure or specific units of county-owned infrastructure are necessary for the county's exclusive use due to legal, mechanical, structural, safety, environmental, service, or other requirements and are unavailable for use by any other person.

(f) Private infrastructure. The county engineer shall notify the owner of infrastructure occupying the county managed public right-of-way or county owned infrastructure anytime private infrastructure or its technology interferes with, or causes degradation to, the county's existing or future infrastructure or technology. The owner of the private infrastructure shall coordinate with the county to resolve the identified issue(s) within one month of notification. A resolution that addresses the issue(s) shall be implemented within one month. The owner of the private infrastructure is responsible for all costs associated with the resolution. All private infrastructure and its associated technology must meet all federal, state, and local requirements, and must adhere to all State and Federal roadside safety requirements.

(h) Unauthorized attachments and facilities prohibited.

1. No person shall knowingly affix, install, place, attach, maintain, or fail to remove an unauthorized attachment or other facility to county-owned infrastructure or in the county managed public right-of-way or other property of the county on demand by the county or any authorized representative thereof.
2. No person shall use an attachment or other facility on county-owned infrastructure of county managed public right-of-way or other property of the county to provide a service not authorized by a permit, license, or other authority.
3. Each unauthorized attachment or use is a separate offense. Each day a violation of this Ordinance continues is a separate offense.

Section 27.0 Small Wireless Facilities

(a) **Small Wireless Facility Permits.** A telecommunications right of way user seeking to place a new wireless support structure or collocate a small wireless facility in any county managed public right-of-way must obtain a permit or permits under this pursuant to this Ordinance and all other applicable laws. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of no more than 15 small wireless facilities provided that all small wireless facilities in the application:

- (1) are located within a two-mile radius;
- (2) consist of substantially similar equipment; and
- (3) are placed on similar types of wireless support structures.

Exemptions. No small wireless facility permit is required to conduct the following activities in the right-of-way:

- (1) routine maintenance of a small wireless facility;
- (2) replacement of a small wireless facility that is substantially similar or smaller in size, weight, height, and wind, or structural loading than the small wireless facility being replaced; or
- (3) Installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with national safety codes.

If any of the above activities will obstruct the right-of-way, the user must obtain a right-of-way use permit.

(b) **Permission from Owner.** If the applicant seeks to collocate a small wireless facility on an existing wireless support structure that is not owned by the county, the applicant must, at the time of application, provide the county with proof that it has obtained the necessary authority from the owner of the wireless support structure to collocate the small wireless facility on the structure.

(c) **Approval of small wireless facility permits.**

Deadline for action. The engineer and all other county officials and departments have 90 days after the receipt of a small wireless facility permit application to issue or deny the permit. In rendering a decision on a consolidated permit application, the county may approve some small wireless facilities and deny others, but may not use the denial of one or more attachments as a basis to deny all small wireless facilities in the application.

If the county receives applications from applications within a seven-day period from one or more applicants seeking approval for 30 or more small wireless facilities, the local government unit may extend the 90-day deadline by an additional 30 days. The county will send written notifications to any applicant whose application will be subject to the extension.

Conditions for approval. The engineer will condition approval of a small wireless facility permit on compliance with; (1) generally applicable and reasonable health, safety, and welfare regulations consistent with the county's right-of-way management; (2) reasonable accommodations for decorative wireless support structures or signs; and (3) any reasonable restocking, replacement, or relocation requirements when a new wireless support structure is placed in a public right-of-way.

Tolling the deadline. The deadline for action on a small wireless facility permit may be tolled if:

1. The application fails to submit all required documentation and information the county requires. The engineer will issue a written notice of incompleteness to the applicant within 30 days of receipt of the application clearly and specifically delineating all missing documents and information. Upon submission of additional documents or information the county will have 10 days to notify the application of any still-missing information that was outlined in the original written notice. Any missing information that was not clearly and specifically delineated in the initial written notice of incompleteness does not toll the 90-day clock.
2. The county and applicant mutually agree in writing to toll the review period.

(d) **Permit denial or revocation.** The engineer may deny any application for a right-of-way or small wireless facility permit if the telecommunications right-of-way user does not comply with a provision of this Ordinance to the extent consistent with law or that approval if the permit would be contrary to generally applicable and reasonable health, safety, and welfare regulations. The county must notify the applicant in writing within three business days of its decision to deny the permit. Upon denial, the applicant may cure the deficiencies identified by the county and resubmit its application. If the applicant resubmits the application within 30 days of receiving written notice of the denial, an additional filing or processing fee must not be required. The county must approve or deny the revised application within 30 days after the revised application is submitted.

Generally applicable health, safety, and welfare regulations for the purposes of this section specifically includes, but is not limited to, the following:

1. The engineer may require the applicant to submit a structural engineering analysis by a Minnesota registered professional engineer certifying that the pole or other structure that is proposed to support the attachment can reasonably support the proposed attachment considering the conditions of the street, the anticipated hazards from traffic to be encountered at the location and considering the wind, snow, ice, and other conditions reasonably anticipated at the proposed location
2. If the engineer determines based upon reasonable engineering judgment that a user's attachment impairs the safety, purpose, or structural integrity of county-owned infrastructure, the engineer may require the user, at the user's sole expense and risk, to change, move, remove, or rearrange the attachments.
3. The engineer may inspect, at any time, the construction or installation of a user's attachments on county-owned infrastructure. If the engineer determines that a user's installation or construction may violate applicable regulation, including, but not limited to, this Ordinance, the National Electric Code, the National Electric Safety

Code, the county's standards for the county-owned infrastructure involved, or the conditions of the user's application or permit, the engineer may suspend the user's construction or installation activities.

4. The engineer may deny an application if the engineer:
 - a. Determines based upon reasonable engineering judgment that the proposed attachment is of excessive size or weight or otherwise would, subject county owned infrastructure to unacceptable levels of stress.
 - b. Reasonably determines in the engineer's reasonable engineering judgment that the proposed attachment would likely jeopardize the reliability or integrity of the electrical system or of individual units of county-owned infrastructure, or would likely violate generally applicable electrical or engineering principles.
 - c. The proposed attachment would present an unreasonable safety hazard as specifically and reasonably identified by the engineer.
 - d. In the case approval would impair the county's ability to operate or maintain county-owned infrastructure in a reasonable manner considering reasonable goals or standards for operating the infrastructure involved.
 - e. There is insufficient capacity or placement of the attachment would violate the National Electric Safety Code or the county's standard design criteria, and the county infrastructure cannot reasonably be modified or enlarged at the cost of the applicant.

Revocation. The engineer may revoke a right-of-way or small wireless facility permit granted to a telecommunications right of way user without refund pursuant to Section 18 of this ordinance in the event of a substantial breach of the terms and conditions of statute, ordinance, rule, or regulation or any material condition of the permit.

Denial Procedural Requirements. The engineer will notify a telecommunications right-of-way user in writing within three business days of the decision to deny a permit and will document the basis for denial.

(e) Term. The term of a small wireless facility permit will be equal to the length of time that the small wireless facility is in use, unless earlier revoked under this section.

(f) Requirements for New Wireless Support Structures. New wireless support structures that comply with the following requirements may be placed in the right-of-way after the issuance of a small wireless facility permit:

1. A new wireless support structure must not exceed 50 feet above ground level, subject to local zoning regulation, and must be separated from other wireless support structures by a minimum of 600 feet.
2. A new wireless support structure that replaces an existing wireless support structures that is higher than 50 feet above ground level may be placed at the height of the existing wireless support structure, subject to local zoning regulation.
3. The diameter of a new wireless support structure that replaces an existing wireless support structure must not exceed the diameter of the existing wireless support structure by more than fifty percent.
4. Wireless facilities constructed in the right-of-way after May 31, 2017 must not extend more than 10 feet above an existing wireless support structure in place as of May 31, 2017.

(g) Requirements for Small Wireless Facilities. A small wireless facility that complies with the following requirements may be collocated on a wireless support structure within the right of way after the issuance of a small wireless facility permit:

1. The small wireless facility must have limited exposed cabling and mounting hardware. It must also match the wireless support structure it is attached to in color and, as close as practicable, in material and design.
2. The small wireless facility must not interfere with public safety wireless telecommunications.
3. Small wireless facilities in the right-of-way must be removed and relocated at the county's request and at no cost to the county when the engineer determines that removal and relocation is necessary to prevent interference with the following which is including but not limited to: present or future county use of the right-of-way for a public project; the public health, safety, or welfare; or the safety and convenience of travel over the right-of-way.
4. A small wireless facility attached to an existing wireless support structure must not block light emanating from the wireless support structure and must not otherwise interfere with the original use of the wireless support structure.
5. Ground-mounted equipment associated with small wireless facility is prohibited unless the applicant can show that ground-mounted equipment is necessary for operation of the small wireless facility. If ground-mounted equipment is necessary it must meet the following standards:
 - a. Ground-mounted equipment must not disrupt traffic or pedestrian circulation and must not interfere with vehicle or pedestrian intersection sight lines;
 - b. Ground-mounted equipment must not create a safety hazard;
 - c. The ground-mounted equipment minimizes impacts on adjacent property;
 - d. If placed above grade, ground-mounted equipment must be limited to three feet in height and 28 cubic feet in cumulative size;
 - e. If placed above grade, be separated from a sidewalk by a minimum of three feet;
 - f. If placed above grade, screening compatible with the surrounding area must be provided around the ground-mounted equipment must be provided if deemed necessary by the engineer.

APPENDIX A – Fees and Right Of Way Permit Application Link

FEES, PERMIT FEES:

Activity	Fee
Permit Fee	<u>\$330.00 per application (2017 rate). Fees are periodically adjusted by the Hennepin County Board.</u>
Penalty or Fee for Violation	Delay Penalty - minimum <u>\$100.00</u> per occurrence per day maximum <u>\$1000.00</u> per occurrence per day Fee for Violation - actual county cost to correct
<u>Small wireless facility rent</u>	<u>\$150 per year per facility collocated on a county-owned structure</u>
<u>Small wireless facility maintenance</u>	<u>\$25 per year for maintenance associated with collocation</u>
<u>Small wireless facility right of way permit fee per collocation</u>	<u>\$TBD per collocation (2017 rate).</u>

Activity	Fee
Monthly fee for electricity used to operate a small wireless facility	The county will not supply electricity for the operation of small wireless facilities. Electricity must be purchased directly from a utility.

APPENDIX B – Requirements for a Right-Of-Way Permit

Americans with Disabilities Act – Pedestrian facilities on public rights-of-way are required to be accessible to persons with disabilities through the following federal statutes:

- Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. 5794) and
- Title II of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 59 12131-12164)

~~Any work in the county managed public rights-of-way that impacts any pedestrian facilities requires that the restoration of the pedestrian facilities impacted be restored to conform to current Americans with Disabilities Act requirements and standards.~~

HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0202

Item Description:

Release the draft Hennepin County 2040 Comprehensive Plan for the six-month mandatory partner agency review

Resolution:

BE IT RESOLVED, that the Hennepin County Board direct staff to release the draft Hennepin County 2040 Comprehensive Plan for partner agency review and comment beginning on June 12, 2018 and ending on December 9, 2018.

Background:

History: Minnesota Statutes 2017, section 473.858, requires cities, counties, and townships in the seven-county metropolitan region to prepare a comprehensive plan and update that plan at least every 10 years. The region's cities, counties, and townships are in the process of preparing comprehensive plans, which must be submitted to the Metropolitan Council for review by December 31, 2018.

Each local government is required to share its proposed Comprehensive Plan Update with adjacent and affected jurisdictions at least six months before official submittal to the Metropolitan Council (Minnesota Statutes 2017, section 473.858, subdivision 2). Adjacent and affected jurisdictions vary by community, but typically include school districts, watershed management organizations, state and federal agencies, park agencies, transit providers, and adjacent cities, townships, and counties. The purpose of the partner agency review is to ensure compatibility with the plans of affected and adjacent jurisdictions, to identify opportunities for collaboration, and to address potential conflicts.

Current Request: Release the draft Hennepin County 2040 Comprehensive Plan for the six-month mandatory partner agency review.

Impacts/Outcomes: Fulfill the requirement to distribute the draft Hennepin County 2040 Comprehensive Plan for a mandatory six-month review by partner agencies. Comments received will be reviewed and potential revisions to the draft Hennepin County 2040 Comprehensive Plan will be considered before submittal to the Metropolitan Council.

HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0203

Item Description:

Amd and Restatement of Agmt A165074 with the City of Maple Grove for rental space utilized by the HCSO at 11370 89th Ave North, Maple Grove, extending the contract period to 12/31/20 (base rent \$85,000, plus fees)

Resolution:

BE IT RESOLVED, that the Amendment and Restatement of License Agreement A165074 with the City of Maple Grove for rental space utilized by the Hennepin County Sheriff's Office at the North Metro Range located at 11370 89th Avenue North, Maple Grove, extending the contract from December 31, 2018 to December 31, 2020, with a minimum of \$85,000 base rent plus additional fees as incurred be approved; that the Chair of the Board be authorized to sign the amended and restated agreement on behalf of the county; and that the Controller be authorized to disburse funds as directed.

Background:

History: License Agreement A165074 with the City of Maple Grove provides the Hennepin County Sheriff's Office (HCSO) rental space and usage at the North Metro Range (NMR) located at 11370 89th Avenue North, Maple Grove. The agreement includes use of the NMR physical firing range, classrooms, simulators, storage space, locker room facilities, office space, outdoor training areas, and secure space as needed for HCSO equipment.

Rent and fees are a minimum of \$85,000 per year for the term of the agreement. Additional usage fees over the minimum base rent will be charged as needed for additional time on the firing range, use of the simulator and use of the large and small training rooms. Storage and work stations are covered under the base rent. The HCSO will provide its own phones and computers. The NMR will provide for utilities, routine maintenance and janitorial services.

Current Request: Approval of the Amendment and Restatement of License Agreement A165074 with the City of Maple Grove for rental space utilized by the Hennepin County Sheriff's Office at the North Metro Range located at 11370 89th Avenue North in Maple Grove, extending the contract from December 31, 2018 to December 31, 2020, with a minimum of \$85,000 base rent plus additional fees as incurred.

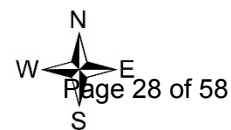
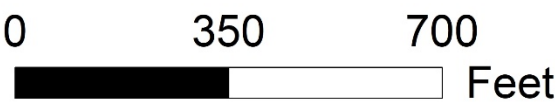
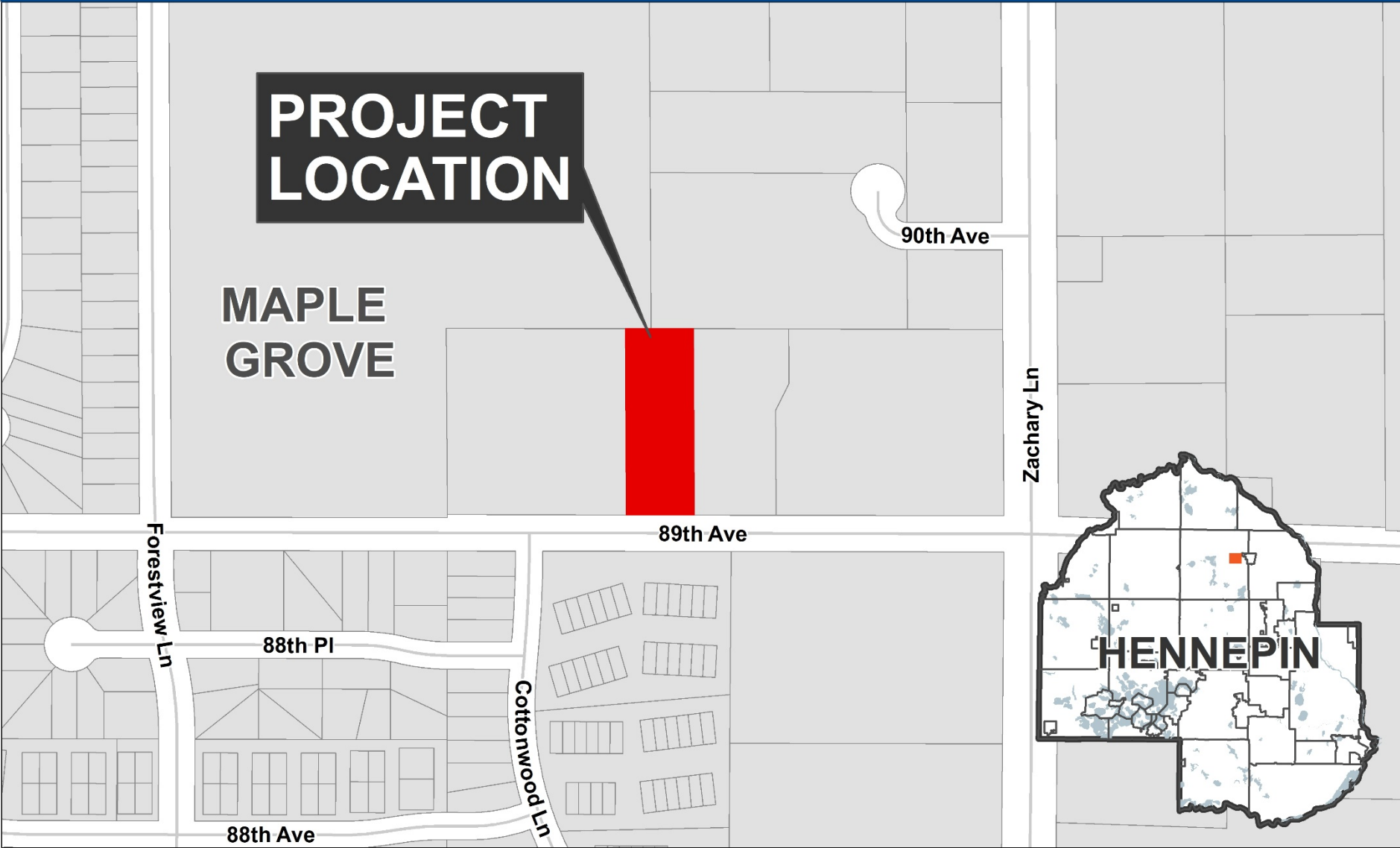
Impacts/Outcomes: The amended and restated agreement will continue to provide a secure location for the Hennepin County Sheriff's Office staff to train and store training equipment.

ATTACHMENTS:

Description	Upload Date	Type
Map of 11370 89th Ave N	5/14/2018	Map

Amended and Restated Rental Agreement A165074

Hennepin County Sheriff's Office at Maple Grove North Metro Range - 11370 89th Avenue North, Maple Grove 55369



Hennepin County Public Works



HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0204

Item Description:

Neg Amd 2 to Lease Agmt A130735 with The Ackerberg Group for rental space for Health and Human Services at 1001 Plymouth Avenue North, Mpls, 7/1/18–6/30/38 (\$709,014 first year rent/operations)

Resolution:

BE IT RESOLVED, that the County Administrator be authorized to negotiate Amendment 2 to Lease Agreement A130735 with The Ackerberg Group, or related corporate entity, for Human Services and Public Health Department rental space located at 1001 Plymouth Avenue North in Minneapolis, extending the contract period from March 31, 2024 to June 30, 2038, in the amount of \$709,014 for first year base rent and operating expenses/property taxes; that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the amendment on behalf of the county; and that the Controller be authorized to disburse funds as directed.

Background:

History: Since 2014, the Health and Human Services department has been renting 25,340 square feet of leased space at 1001 Plymouth Avenue North, Minneapolis as the North Minneapolis Human Service Center. The current lease includes an initial term of April 1, 2014 through March 31, 2024, two five-year extensions, annual rent increases of 2.5%, and market rate rent to be established at each extension period.

The county will renegotiate the terms of the current lease. Proposed changes include a revised lease term of July 1, 2018 through June 30, 2038, an annual rent escalation of 1.5% between 2018 and 2028, a one-time 2% rent escalation in 2028 and 2032, and fixed termination rights.

Amendment 2 to Lease Agreement A130735 is projected to save the county over \$100,000 in base rent costs over the term of the amendment when compared against the current lease.

The North Minneapolis Human Service Center provides access to the full range of services offered by Health and Human Services, including intake and assessment, financial assistance, health care programs, child and adult protection, and ongoing case management, as well as referrals to other county and community services. Unique client visits to the North Minneapolis Human Service Center in 2015, 2016 and 2017 were 69,218, 77,721 and 78,613, respectively.

Current Request: Negotiate Amendment 2 to Lease Agreement A130735 for 25,340 square feet of leased space at 1001 Plymouth Avenue North, Minneapolis, extending the contract period from March 31, 2024 to June 30, 2038, in the amount of \$709,014 for first year base rent and operating expenses/property taxes.

Impacts/Outcomes: Amendment 2 to Lease Agreement A130735 will provide for the continued provision of services and programs to residents of north Minneapolis and Hennepin County, and save the county over \$100,000 in base rent costs over the term of the amendment when compared against the current lease.

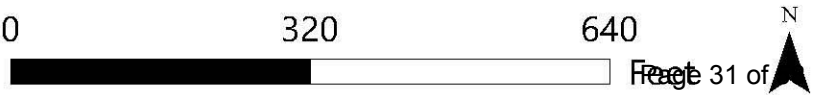
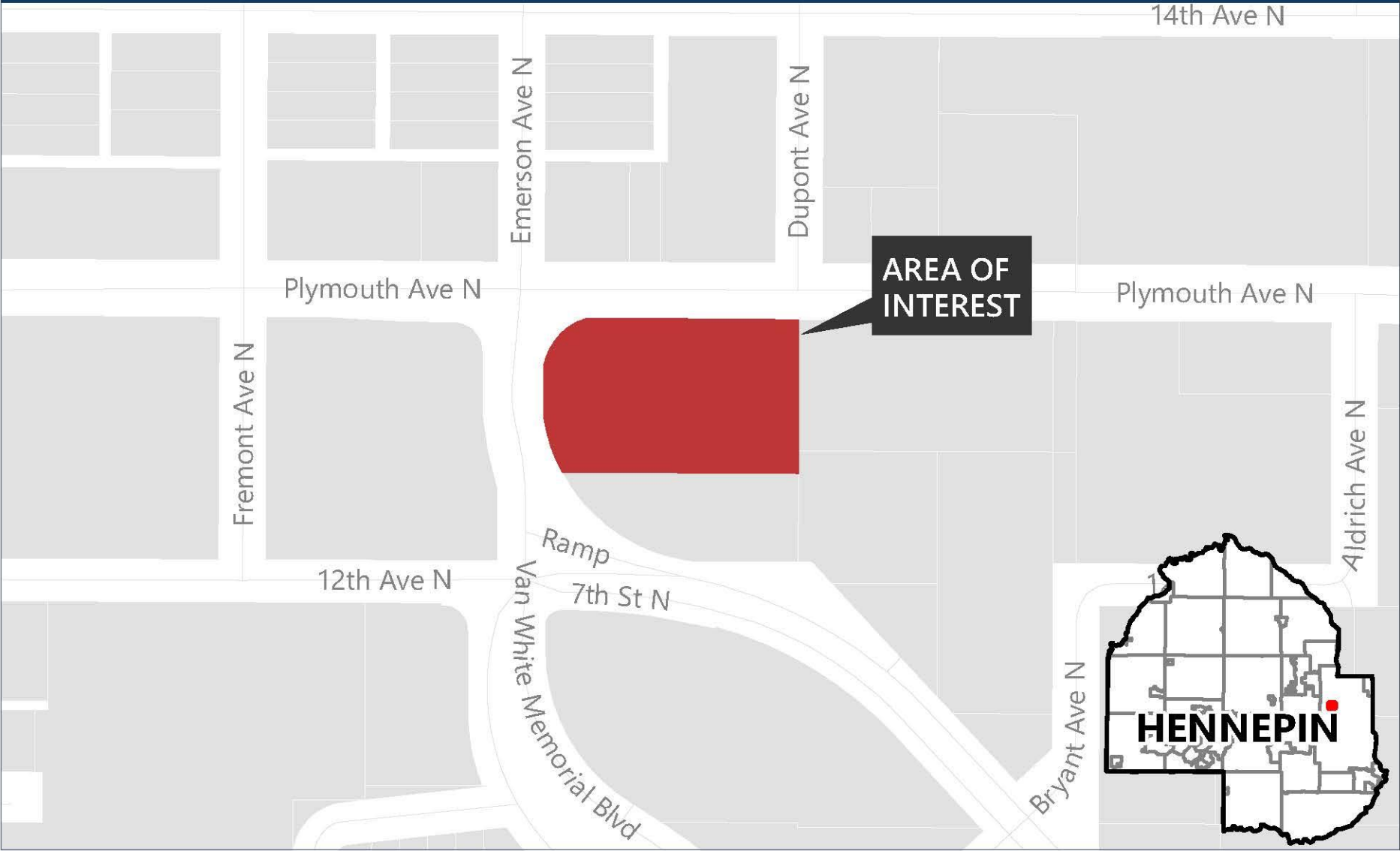
ATTACHMENTS:

Description	Upload Date	Type
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North Minneapolis Human Service Center

1001 Plymouth Ave N, Minneapolis 55411

HENNEPIN COUNTY
MINNESOTA



HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0205

Item Description:

Neg Lease Agmt A188823 with United Properties for retail space located at 501 5th Street North, Mpls (Target Field Station), for a 10-year period commencing on TBD commencement date (recv \$6,667 first year rent; leasehold improvement allowance NTE \$7,500)

Resolution:

BE IT RESOLVED, that the County Administrator be authorized to negotiate Lease Agreement A188823 with United Properties for rental of approximately 1,238 square feet of retail space located at 501 5th Street North, Minneapolis (Target Field Station Tract AW, Registered Land Survey 1837), for a period of 10 years commencing on the commencement date, in the receivable amount of \$6,667 for first year rent, less an allowance not to exceed \$7,500 to United Properties for leasehold improvements and related construction expenses; that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the Lease Agreement on behalf of the county; and that the Controller be authorized to accept and disburse funds as directed.

Background:

History: As part of the development of Target Field Station, Hennepin County, the Hennepin County Regional Railroad Authority, and the Hennepin County Housing and Redevelopment Authority partnered to support a number of physical improvements to Target Field Station, including shell construction of two commercial spaces.

United Properties and Hennepin County recently entered into a Letter of Intent for the lease of approximately 1,238 square feet of retail space located at 501 5th Street North, Minneapolis (Target Field Station, Tract AW, Registered Land Survey 1837) immediately adjacent to Caribou Coffee. United Properties intends to use this space as a ticket venue in conjunction with the hotel and event center presently under construction and scheduled to open in 2019.

Lease Agreement A188823 includes an initial 10-year term with three five-year extension periods, the first four months rent free to permit fit out work to be completed by United Properties, and an allowance to United Properties not to exceed \$7,500 for the purchase and installation of a three-ton HVAC unit and the connection of a one-inch waterline to water service located in the garage structure immediately beneath the premises.

United Properties shall be responsible for the cost of maintenance and operations, including utilities, property taxes, and a proportionate contribution of the common area expenses of Target Field Station.

Current Request: Authorization to negotiate Lease Agreement A188823 with United Properties for approximately 1,238 square feet of retail space located at 501 5th Street North, Minneapolis for a 10-year period, in the receivable amount of \$6,667 for first year rent, less an allowance not to exceed \$7,500 for leasehold improvements and related construction expenses.

Impact/Outcomes: Negotiation of Lease Agreement A188823 will allow the county to lease out

approximately 1,238 square feet of retail space as part of the development and construction of Target Field Station.

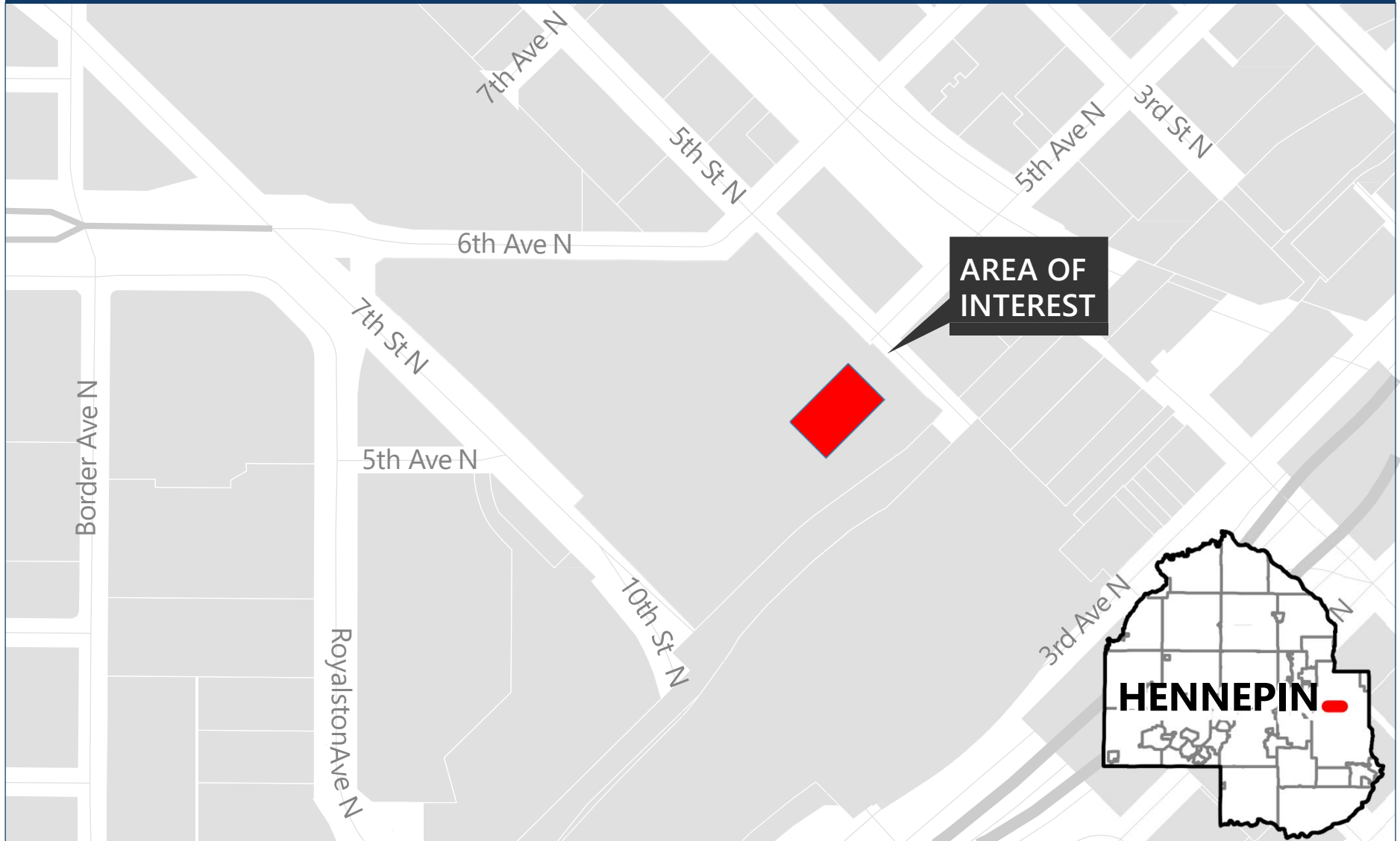
ATTACHMENTS:

Description	Upload Date	Type
Map for Lease Agmt A188823 with United Properties	5/14/2018	Map
Map 2 for Lease Agmt A188823 with United Properties	5/14/2018	Map

Lease Agreement A188823 with United Properties

Target Field Station Ticket Venue Site

HENNEPIN COUNTY
MINNESOTA



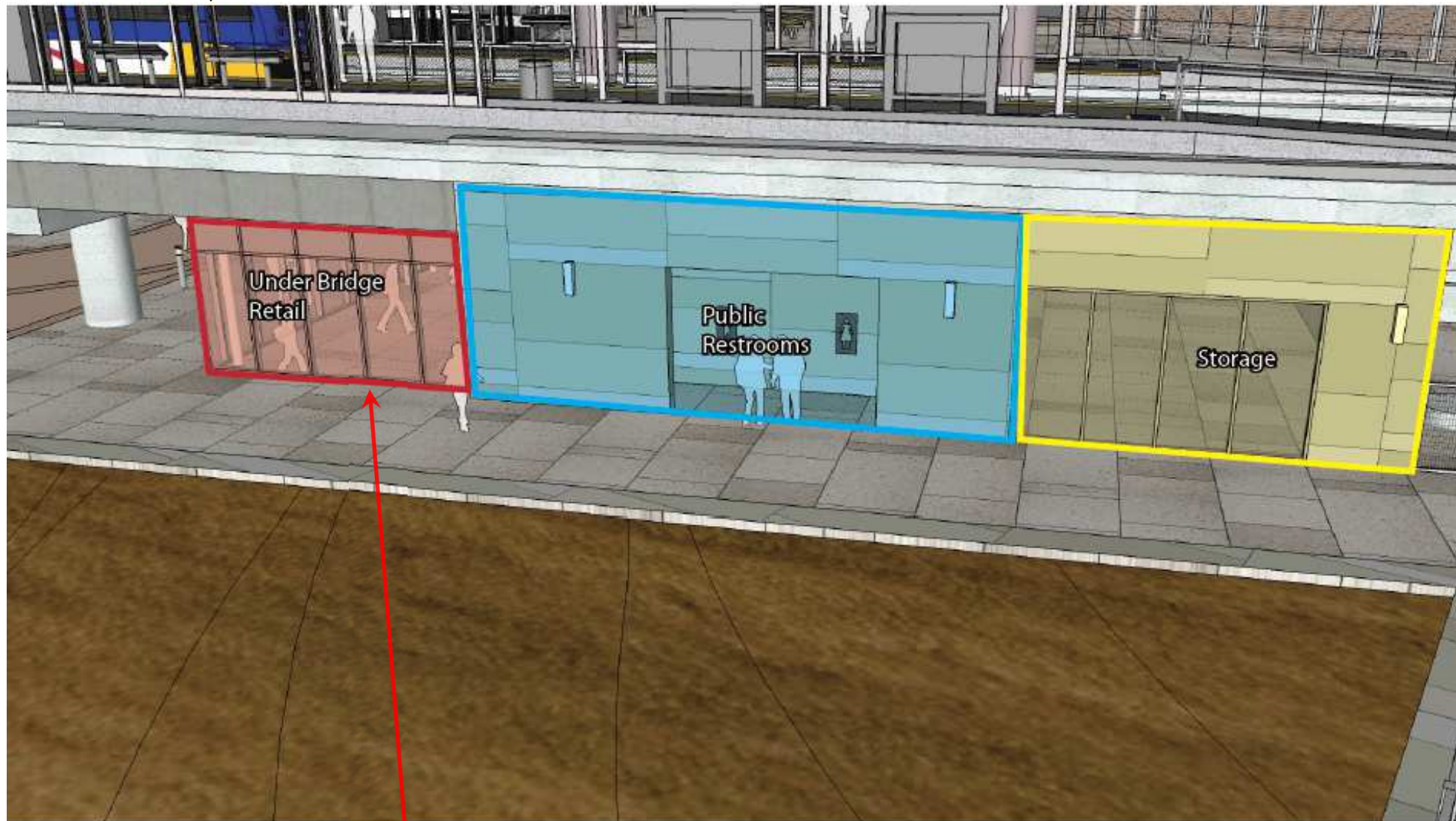
0 520 1,040
Feet

Hennepin County Public Works

A188823 Target Field Station
Ticket Venue Lease Site Plan



Ticket Venue Leased Space



Ticket Venue Leased Space outlined in "red"

HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0206

Item Description:

Agmt PW 49-20-17 with Mpls for cost participation in traffic signal replacements and pedestrian ramp improvements; establish project budget; transfer funds (CP 2130200, 2130300, and 2130400) (county cost: NTE \$150,000 county state aid)

Resolution:

BE IT RESOLVED, that Agreement PW 49-20-17 with the City of Minneapolis for cost participation in traffic signal replacements and pedestrian ramp improvements on county state aid highway 42 (CSAH 42) (locally known as 42nd Street) and CSAH 46 (46th Street) under capital projects (CP) 2130200, 2130300, and 2130400 at a county cost not to exceed \$150,000, be approved; that the chair of the board be authorized to sign the agreement on behalf of the county; that CP 2130200 be identified as a project in the 2018 Capital Budget with a project budget of \$50,000; that \$50,000 in state aid funds be transferred from the Capital Budget line item Minneapolis Signal Participation (2999952) to CP 2130200; that CP 2130300 be identified as a project in the 2018 Capital Budget with a project budget of \$50,000; that \$50,000 in state aid funds be transferred from the Capital Budget line item Minneapolis Signal Participation (2999952) to CP 2130300; that 2130400 be identified as a project in the 2018 Capital Budget with a project budget of \$50,000; that \$50,000 in state aid funds be transferred from the Capital Budget line item Minneapolis Signal Participation (2999952) to CP 2130400; and that the controller be authorized to transfer and disburse funds as directed.

Background:

History: The City of Minneapolis was awarded \$1,200,000 in funding through the 2013 Highway Safety Improvement Program (HSIP) to upgrade 16 traffic signal systems, specifically installing mast arms, which improve visibility for drivers. Minneapolis staff identified specific locations, with three of these including a county roadway. Project elements included a new traffic signal system and upgraded pedestrian ramps that conform to current Americans with Disabilities Act requirements.

HSIP funds typically cover 90% of the project costs, which significantly minimizes the financial commitment required from local agencies. The county's responsibility for this project is \$150,000, which included signal improvements at the following locations:

- CSAH 42 (42nd Street) at 28th Avenue
- CSAH 46 (46th Street) at Bloomington Avenue
- CSAH 46 (46th Street) at 42nd Avenue

As stipulated in the agreement, the City of Minneapolis was responsible for preparing the plans for the project, bidding and awarding a construction contract, and overseeing construction of the project. Construction of these projects began in 2013 and was completed in 2014.

Current Request: This request is for approval of Agreement PW 49-20-17 with the City of Minneapolis for cost participation in the county's share of the costs for traffic signal system revisions and pedestrian curb ramp improvements at three intersections on 42nd Street and 46th Street. The city is responsible for administration and construction of the project. The agreement stipulates that the county's total cost share for the project will not exceed \$150,000.

To provide for the county's cost participation, staff recommends that CP's 2130200, 2130300, and 2130400 be identified as projects in the 2018 Capital Budget, each with a budget of \$50,000 and that \$150,000 of state aid funding be transferred from the Capital Budget line item Minneapolis Signal Participation (CP 2999952) to CP's 2130200, 2130300, and 2130400 in equal amounts of \$50,000.

The cost participation for this project is in accordance with the "Policies for Cost Participation between Hennepin County and Other Agencies for Cooperative Highway Projects" (Resolution 12-0058, adopted February 7, 2012).

The existing and proposed capital budgets for CP's 2130200, 2130300, and 2130400 are shown in the following tables.

Budget Table 1: CP 2130200 CSAH 46 & Bloomington Avenue – Traffic Signal Upgrade

Revenues	Budget to Date	Current Request	Future CIP Requests	Total Project
State Aid – County	-	50,000	-	50,000
Total	-	50,000	-	50,000
Expenditures				
Construction	-	50,000	-	50,000
Total	-	50,000	-	50,000

Budget Table 2: CP 2130300 CSAH 46 & 42nd Avenue – Traffic Signal Upgrade

Revenues	Budget to Date	Current Request	Future CIP Requests	Total Project
State Aid – County	-	50,000	-	50,000
Total	-	50,000	-	50,000
Expenditures				
Construction	-	50,000	-	50,000
Total	-	50,000	-	50,000

Budget Table 3: CP 2130400 CSAH 42 & 28th Avenue – Traffic Signal Upgrade

Revenues	Budget to Date	Current Request	Future CIP Requests	Total Project
State Aid – County	-	50,000	-	50,000
Total	-	50,000	-	50,000
Expenditures				
Construction	-	50,000	-	50,000
Total	-	50,000	-	50,000

Impact/Outcomes: Approval of these actions will fulfill the county's responsibility for traffic signal upgrades, which are assets of the county. This project leveraged available federal funds to not only provide a safer transportation system within Minneapolis, but also to address assets that have reached the end of their service lives.

HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0207

Item Description:

Recommend Riverview Corridor locally preferred alternative

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners recommends modern streetcar alternative 4b as the locally preferred alternative for the Riverview Corridor for inclusion in the Metropolitan Council's 2040 Transportation Policy Plan; and

BE IT FURTHER RESOLVED, that Hennepin County will continue to work collaboratively with the City of Saint Paul, City of Bloomington, Hennepin County Regional Railroad Authority, Ramsey County Regional Railroad Authority, Metropolitan Airports Commission, and other stakeholders in advancing the design of the project and addressing issues and concerns.

Background:

History: The Riverview Corridor connects neighborhoods, historic districts, businesses, thriving commercial districts, and downtown Saint Paul to the regional transportation network.

Starting in 2015, the Ramsey County Regional Railroad Authority led the Pre-Project Development Study in collaboration with local and regional partners. The study included technical analysis of mode alternatives, including bus and rail, and multiple route alignments providing service within the study area. In December of 2016, the ten most promising alternatives were identified for more detailed analysis.

As a result of the technical evaluation and public engagement, in December of 2017 a recommendation for Alternative 4b as the Locally Preferred Alternative (LPA) was made. The LPA includes the definition of the mode, conceptual alignment, and general station locations, which can be refined through further environmental and engineering efforts.

Alternative 4b, serving the West 7th/Highway 5 corridor, best meets the project's purpose and need. This alternative is a modern rail streetcar, with dedicated and shared-use guideway, approximately 11.7 miles long, connecting Union Depot in downtown St. Paul, the West 7th and Highland Park neighborhoods in Saint Paul, the Minneapolis-St. Paul International Airport, and the Mall of America, generally along the existing METRO Green Line Light Rail Transit (LRT), 5th and 6th Streets, West 7th Street, Minnesota Trunk Highway 5, crossing under Fort Snelling, crossing over Minnesota Trunk Highway 55, and interlining with the METRO Blue Line LRT with a terminus station at the Mall of America.

This alternative is designed to qualify for Federal Transit Administration Capital Investment Grant Program funding. The Metropolitan Council wants to see demonstrated support from the cities and counties along the alignment prior to adopting into its 2040 Transportation Policy Plan.

The next phase of the Riverview project will include environmental analysis under the federal and state environmental review processes to discuss a set of reasonable alternatives and to determine if the LPA can also be the environmentally preferred alternative.

HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0166

Item Description:

Submission of Hennepin County Consortium 2018 Action Plan; neg Agmts A188755, A188756, and A188757 w/HUD for the 2018 CDBG, HOME, ESG Programs, 7/1/18-6/30/23, est recv \$4,269,957; neg 32 CDBG agmts, 7/1/18-6/30/23, est NTE \$1,654,950; neg 5 HOME agmts, 7/1/18-6/30/63, est NTE \$1,464,264

Resolution:

BE IT RESOLVED, that the Hennepin County Consortium 2018 Action Plan be approved; that the plan be submitted to the U.S. Department of Housing and Urban Development; and that the County Administrator be designated as the authorized official to act on behalf of Hennepin County in matters related thereto; and

BE IT FURTHER RESOLVED, that the County Administrator be authorized to negotiate Agreements A188755, A188756, and A188757 with the U.S. Department of Housing and Urban Development for the 2018 Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program, and the Emergency Solutions Grant (ESG) Program, during the period July 1, 2018 through June 30, 2023, with the estimated total combined receivable amount of \$4,269,957; that following review and approval by the County Attorney's Office, the County Administrator be authorized to sign the agreements, certifications, and other documents as necessary, on behalf of the county; and that the Controller be authorized to accept and disburse funds as directed; and

BE IT FURTHER RESOLVED, that sponsorship and acceptance of grant funding for the programs by the Hennepin County Board of Commissioners does not imply a continued funding commitment by Hennepin County for these programs when grant funds are no longer available; and

BE IT FURTHER RESOLVED, that the County Administrator be authorized to negotiate 32 CDBG implementation funding agreements, during the period July 1, 2018 through June 30, 2023, with an estimated total combined not to exceed amount of \$1,654,950; that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the agreements, and other documents as necessary, on behalf of the county; and that the Controller be authorized to disburse funds as directed; and

BE IT FURTHER RESOLVED, that the County Administrator be authorized to negotiate five HOME implementation funding agreements, during the period July 1, 2018 through June 30, 2063, with an estimated total combined not to exceed amount of \$1,464,264; that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the agreements, and other documents as necessary, on behalf of the county; and that the Controller be authorized to disburse funds as directed.

Background:

History: On behalf of the Hennepin County Consortium (Consortium), the U.S. Department of Housing and Urban Development (HUD) requires the county to adopt a Five-Year Consolidated Plan (Consolidated Plan) in order to receive HUD entitlement funds for the following programs: Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program, and the Emergency Solutions Grant

(ESG) Program. The Consortium includes the HUD entitlement jurisdictions of suburban Hennepin County and the cities of Bloomington, Eden Prairie, and Plymouth. Hennepin County is the lead agency for the Consortium.

In addition to funding grant agreements, the county is required to execute a number of certifications as identified in Attachment 1.

The 2018 Action Plan is Hennepin County's application to HUD for the 2018 CDBG, HOME, and ESG allocations and follows the priorities and goals outlined in the 2015-2019 Consolidated Plan.

Although the HUD budget was approved on March 23, 2018, Hennepin County does not yet have allocation commitments from HUD. The 2018 Action Plan uses funding award estimates based on the 2017 funding amounts. Using that assumption, funding available under the 2018 Action Plan would be \$4,713,505: 2018 CDBG award of \$2,710,178 plus \$181,193 of prior year recaptured funds; 2018 HOME award of \$1,335,454 plus \$262,355 prior year recaptured funds/program income; and 2018 ESG award of \$224,325.

A summary of proposed activities follows:

- Preserve/create multifamily rental opportunities - \$1,087,050
- Preserve/create single family homeownership - \$1,956,264
- Create housing opportunities for homeless populations - \$224,325
- Support education, outreach and services - \$410,000
- Support neighborhood revitalization - \$500,000
- Fair housing - \$27,100
- Community housing development organization operating - \$50,000
- Administration - \$458,766

The county will implement \$3,119,214 through various funding agreements (see Attachment 2), and \$1,594,291 directly (CDBG Administration \$325,221, CDBG Homeowner Rehabilitation Program \$911,200, HOME Administration \$133,545, and ESG \$224,325). A portion of future program income may be allocated to administration.

In the event that the HUD allocation to Hennepin County is greater than anticipated, staff will return to the board with any changes to the award funding.

A public hearing for the 2018 Action Plan took place on April 17, 2018 before the Public Works Committee. In addition, the 2018 Action Plan was made available to the public for the HUD required 30-day public comment period between March 30, 2018 and April 30, 2018. The public comment period and hearing are submission requirements of the Action Plan; public comments will be incorporated into the final document submitted to HUD.

Special note regarding HOME funding agreements: Hennepin County HOME funding agreements are typically in the form of a 30-40 year loan (depending upon other financier's requirements); consistent with HUD regulations, funds must be expended within five years. Loan documents typically include the loan agreement, promissory note, mortgage, and declaration of covenants and restrictions. In addition, during the term of the loan, the county may be asked to sign various related documents such as subordinations and insurance endorsements.

The county has participated in the CDBG Program since 1974, the ESG Program since 1988, and the HOME Program since 1992.

Current Request: Approve submission of the 2018 Action Plan; authorization to negotiate federal entitlement awards for the CDBG, HOME, and ESG programs, estimated total combined receivable amount of \$4,269,957, during the period July 1, 2018 through June 30, 2023; authorization to negotiate 32 CDBG implementation funding agreements during the period July 1, 2018 through June 30, 2023 for an estimated total combined not to exceed amount of \$1,654,950, and authorization to negotiate five HOME implementation funding agreements, during the period July 1, 2018 through June 30, 2063, with an estimated total combined not to exceed amount of \$1,464,264.

Impact/Outcomes: This funding will assist in the construction or rehabilitation of 141 affordable rental units, the rehabilitation of 54 owner-occupied homes, the creation of 13 new affordable homeownership opportunities, the provision of rapid rehousing for 50 homeless households, the renovation of two public facilities which will serve 8,570 people, and public services assistance to over 14,000 low-income people.

The Grant Identification Numbers for CDBG: CON000000000475; HOME: CON000000000484 and ESG: CON000000000449

ATTACHMENTS:

Description	Upload Date	Type
Attachment 1 - 2018 Certifications	5/29/2018	Backup Material
Attachment 2 - Revised 2018 Contracting Guides	5/29/2018	Backup Material

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Title

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program 2018, a three-year period, shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Title

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Title

ESG Certifications

The Emergency Solutions Grants Program Recipient certifies that:

Major rehabilitation/conversion – If an emergency shelter’s rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the jurisdiction will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the jurisdiction serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The jurisdiction will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals.

Matching Funds – The jurisdiction will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The jurisdiction has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the jurisdiction will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction’s consolidated plan.

Discharge Policy – The jurisdiction will establish and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from

publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS**INSTRUCTIONS CONCERNING LOBBYING:****A.** **Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Hennepin County 2018 CDBG, HOME and ESG Program

CDBG Program Implementation Funding Agreements [1]	Not-to-Exceed Amount	Contract No.
Brooklyn Center	150,000	PR00000282
Brooklyn Park	135,000	PR00000283
Edina	268,000	PR00000284
Hopkins [2]	0	PR00000363
Maple Grove	114,366	PR00000285
Minnetonka [3]	0	PR00000326
New Hope	58,900	PR00000286
Richfield	150,000	PR00000287
St. Louis Park	60,000	PR00000288
Accessible Space, Inc. (ASI)	68,000	PR00000312
African Minnesota Women Awareness Group	5,500	PR00000403
Avenues for Youth	41,100	PR00000310
CAPI	21,100	PR00000305
City of Crystal	160,000	PR00000292
Community Action Partnership of Suburban Hennepin (CAP-HC)	26,600	PR00000302
Community Emergency Assistance Program (CEAP)	22,200	PR00000307
Hammer Residences	12,000	PR00000293
HIRED	20,000	PR00000311
HOME Line	62,100	PR00000301
Intercongregation Communities Association (ICA)	20,000	PR00000296
Interfaith Outreach and Community Partners (IOCP)	16,600	PR00000308
People Responding in Social Ministry (PRISM)	25,500	PR00000304
Resource West	11,105	PR00000297
Senior Community Services (SCS)	88,800	PR00000314
Sojourner Project	10,000	PR00000306
STEP	15,500	PR00000309
TreeHouse	34,400	PR00000300
West African Family and Community Services	7,800	PR00000298
West Hennepin Affordable Housing Land Trust (WHAHLT)	100,700	PR00000294
Western Communities Action Network (WeCAN)	14,400	PR00000303
YMCA	12,200	PR00000299
Ramsey County (fiscal agent for Fair Housing Implementation Council)	29,714	PR00000295
Total CDBG:	1,761,585	
HOME PROGRAM Implementation Funding Agreements [4]	Budget	Contract No.
Beacon (or affiliated entity) for West Metro Family Housing	450,000	PR00000324
Common Bond (or affiliated entity) for Resurrection Church Redevelopment	500,000	PR00000327
Habitat for Humanity (or affiliated entity)	150,000	PR00000328
SCI Associates, LLC (or affiliated entity) for Edgewood Apartments	150,000	PR00000414
SCI Associates LLC (or affiliated entity) for Element Apartments	200,000	PR00000413
West Hennepin Affordable Housing Land Trust (WHAHLT)	424,236	PR00000325
West Hennepin Affordable Housing Land Trust CHDO Operating	50,000	PR00000329
Total HOME:	1,924,236	
HENNEPIN COUNTY ADMINISTERED [5]	Budget	
CDBG Administration	356,569	
CDBG Homeowner Rehabilitation	1,034,450	
HOME Administration	184,653	
Total Hennepin County Administered:	1,575,672	
EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM [6]	Budget	
ESG	229,809	HHS
<p>[1] Available CDBG Program funding includes approximately \$181,193 in recaptured/reprogrammed funds.</p> <p>[2] Hopkins directed \$124,000 to homeowner rehab administered by HC</p> <p>[3] Minnetonka directed \$120,000 to homeowner rehab administered by HC.</p> <p>[4] Available HOME Program funding includes approximately \$262,355 in program income/recaptured/reprogrammed funds.</p> <p>[5] A portion of future program income may be allocated to administration.</p> <p>[6] The Emergency Solutions Grant (ESG) program is administered by HHS.</p>		
U.S. Department of Housing and Urban Development - CDBG	2,971,411	A188755
U.S. Department of Housing and Urban Development - HOME	1,846,534	A188756
U.S. Department of Housing and Urban Development - ESG	229,809	A188757
	5,047,754	

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Title

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program 2018, a three-year period, shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Title

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Title

ESG Certifications

The Emergency Solutions Grants Program Recipient certifies that:

Major rehabilitation/conversion – If an emergency shelter’s rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the jurisdiction will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the jurisdiction serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The jurisdiction will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals.

Matching Funds – The jurisdiction will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The jurisdiction has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the jurisdiction will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction’s consolidated plan.

Discharge Policy – The jurisdiction will establish and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from

publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS**INSTRUCTIONS CONCERNING LOBBYING:****A.** **Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Hennepin County 2018 CDBG, HOME and ESG Program

CDBG Program Implementation Funding Agreements [1]	Not-to-Exceed Amount	Contract No.
Brooklyn Center	150,000	PR00000282
Brooklyn Park	135,000	PR00000283
Edina	268,000	PR00000284
Hopkins [2]	0	PR00000363
Maple Grove	114,366	PR00000285
Minnetonka [3]	0	PR00000326
New Hope	58,900	PR00000286
Richfield	150,000	PR00000287
St. Louis Park	60,000	PR00000288
Accessible Space, Inc. (ASI)	68,000	PR00000312
African Minnesota Women Awareness Group	5,500	PR00000403
Avenues for Youth	41,100	PR00000310
CAPi	21,100	PR00000305
City of Crystal	160,000	PR00000292
Community Action Partnership of Suburban Hennepin (CAP-HC)	26,600	PR00000302
Community Emergency Assistance Program (CEAP)	22,200	PR00000307
Hammer Residences	12,000	PR00000293
HIRED	20,000	PR00000311
HOME Line	62,100	PR00000301
Intercongregation Communities Association (ICA)	20,000	PR00000296
Interfaith Outreach and Community Partners (IOCP)	16,600	PR00000308
People Responding in Social Ministry (PRISM)	25,500	PR00000304
Resource West	11,105	PR00000297
Senior Community Services (SCS)	88,800	PR00000314
Sojourner Project	10,000	PR00000306
STEP	15,500	PR00000309
TreeHouse	34,400	PR00000300
West African Family and Community Services	7,800	PR00000298
West Hennepin Affordable Housing Land Trust (WHAHLT)	100,700	PR00000294
Western Communities Action Network (WeCAN)	14,400	PR00000303
YMCA	12,200	PR00000299
Ramsey County (fiscal agent for Fair Housing Implementation Council)	29,714	PR00000295
Total CDBG:	1,761,585	
HOME PROGRAM Implementation Funding Agreements [4]	Budget	Contract No.
Beacon (or affiliated entity) for West Metro Family Housing	450,000	PR00000324
Common Bond (or affiliated entity) for Resurrection Church Redevelopment	500,000	PR00000327
Habitat for Humanity (or affiliated entity)	150,000	PR00000328
SCI Associates, LLC (or affiliated entity) for Edgewood Apartments	150,000	PR00000414
SCI Associates LLC (or affiliated entity) for Element Apartments	200,000	PR00000413
West Hennepin Affordable Housing Land Trust (WHAHLT)	424,236	PR00000325
West Hennepin Affordable Housing Land Trust CHDO Operating	50,000	PR00000329
Total HOME:	1,924,236	
HENNEPIN COUNTY ADMINISTERED [5]	Budget	
CDBG Administration	356,569	
CDBG Homeowner Rehabilitation	1,034,450	
HOME Administration	184,653	
Total Hennepin County Administered:	1,575,672	
EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM [6]	Budget	
ESG	229,809	HHS
<p>[1] Available CDBG Program funding includes approximately \$181,193 in recaptured/reprogrammed funds.</p> <p>[2] Hopkins directed \$124,000 to homeowner rehab administered by HC</p> <p>[3] Minnetonka directed \$120,000 to homeowner rehab administered by HC.</p> <p>[4] Available HOME Program funding includes approximately \$262,355 in program income/recaptured/reprogrammed funds.</p> <p>[5] A portion of future program income may be allocated to administration.</p> <p>[6] The Emergency Solutions Grant (ESG) program is administered by HHS.</p>		
U.S. Department of Housing and Urban Development - CDBG	2,971,411	A188755
U.S. Department of Housing and Urban Development - HOME	1,846,534	A188756
U.S. Department of Housing and Urban Development - ESG	229,809	A188757
	5,047,754	