

**CITY OF PLYMOUTH
AGENDA
SPECIAL COUNCIL MEETING
MARCH 8, 2016, 5:30 p.m.
MEDICINE LAKE CONFERENCE ROOM**

1. CALL TO ORDER

2. TOPICS

- A. Group home licensure
- B. 2016 Council Goals and Legislative Priorities
- C. Set future Study Sessions

3. ADJOURN



To: Dave Callister, City Manager
From: Steve Juetten, Community Development Director
Date: December 2, 2015
Item: Group Home located at 2650 Alvarado Lane N.

Memorandum

For several months residents in the Green Tree West neighborhood have expressed concerns regarding the use of the single family home located at 2650 Alvarado Lane. The property is owned by Rahel Ghebre and Nabil Pruscini and was purchased in March 2014 for \$211,000. The home is currently being rented to Genesis Group Homes, Inc. and operated as a group home for “Independent Skill Services.” This type of service requires a licensed caretaker but the physical location does not require a license by either Hennepin County or the State of Minnesota.

In 2009, the Minnesota Legislature authorized a moratorium on the number of adult and child corporate foster care homes. Since Genesis began renting the property in 2014, it appears that this Group Home does not violate the 2009 moratorium, but instead is operating in a loophole that allows this type of use that is not subject to state or county licensing or regulation.

The city has received complaints from the neighboring property owners. The main concerns raised are safety issues related to the number and type of police calls for service to the property and surrounding area. Police have responded to 67 calls for service to the home in the past year with a total of 25.5 hours of officer time spent on the calls.

Perhaps a larger concern from staff is the potential of additional group homes utilizing the loophole in the state moratorium to locate more unlicensed, unregulated facilities in Plymouth. Obviously there is a need for group homes in all communities, including Plymouth. However, these type of unlicensed facilities have the potential to impact residential neighborhoods with little recourse available to the city.

To provide some context to review this situation, staff has summarized the following applicable regulations:

- 1) Group Homes
- 2) Zoning Code
- 3) Rental License
- 4) Potential Future Steps

Group Homes

Minnesota State Statute 245A.11 subd. 2. Permitted single-family residential use states: *“Residential programs with a licensed capacity of six or fewer persons shall be considered a permitted single-family residential use of property for the purposes of zoning and other land use regulations...”*.

When the neighbor's first concerns were submitted, staff assumed that Genesis held a license for 2650 Alvarado Lane that fell under State Statute and thus was exempted from city enforcement of any zoning or rental license codes that regulate the use of property. However, based on the police department investigation, it appears that the Genesis Group Home is not licensed by the State or County and thus is subject to all city codes, including the zoning and rental licensing codes.

Zoning Code

2650 Alvarado Lane is zoned RSF-1 (Single-Family Detached 1) and *"single-family detached dwellings"* are a permitted use, meaning the home is permitted in the zoning district. Further, the zoning code regulates use in its definition of family and functional family as; 1) family - *"an individual or two (2) or more persons related by blood, marriage, adoption, or a functional family living together in a dwelling unit and sharing common cooking facilities"* and 2) functional family - *"a group of no more than six (6) people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary."*

Based on this information, staff has determined that Genesis is operating a home at 2650 Alvarado Lane that is not defined as a family, per ordinance, and is therefore in violation of the requirements of the RSF-1 Zoning District in the Zoning Code.

Rental License

The first step to consider whether or not a rental license is required for the home is to determine whether the home meets the definition of "family" or "functional family". If the council concurs with the staff determination that this use does not meet the definition of family, then there is no need for the owner of the property to apply for a rental license because they would not be eligible based on this interpretation. If, on the other hand, the council determines that the definition of family is met, staff would contact the property owner, not Genesis, and require the property owner to complete a rental license application and pass a rental inspection. In communication with the City Attorney, previous Public Safety calls to the property could not be used to deny an initial rental license. However, if similar calls continue, they could be used in the future to suspend, revoke or place on probation an issued license.

Potential Future Steps

There are several steps that the council could take to address neighborhood concerns and non-conformance with the zoning code. While some of the policy decisions may appear black and white, staff believes the council should proceed cautiously given the sensitive nature of both the neighborhood concerns and the need to provide services and living arrangements to disabled persons.

1. A determination could be made that the current use meets the definition of family or functional family and require a rental license, inspection and continued enforcement if future concerns surface.
2. Alternatively, a determination could be made that the definition of family or functional family is not met and thus the lessee, Genesis, would not be eligible to utilize the site because no rental license could be issued for this use. This would force the owner to terminate its rental agreement with Genesis based on non-conformance with City Code. If this is the decision made, a timeline of when the group home activity must cease must be established. Typically when a property owner evicts a tenant the timeline provided to vacate is 30 days. Given the vulnerability of the occupants and the potential difficulty of finding a suitable alternative, an extended timeframe may be more appropriate (90 days or 180 days).
3. A third option would be for the council to amend the zoning ordinance to further define family to allow this type of use.

A separate but related issue for the council to consider is long term implications of similar uses and whether or not to consider regulations in lieu of the loophole that exists in the current statute. The City currently has 44 licensed single-family group homes that fall out of the city's purview due to state statute. Group homes that are not licensed, such as the Alvarado Lane home, are not tracked unless we receive complaints. In other words, we have no way of knowing the number or location of homes that are being rented under the "alternative skill services" loophole.

Through our conversations with Genesis, they indicated they were looking for other locations in Plymouth. While the vast majority of these types of homes are well managed, we are concerned that we may have little or no say over such situations when problems arise and problems need to be resolved. We fully realize this is a much larger issue than just Plymouth and that the state legislature should take a look at the underlying issues and the unintended consequences that may arise.

After reviewing the attachments, the council may wish to schedule another study session or consider the issue at a regular meeting. Please review the attached documents:

1. Police Department Summary and Report
2. Incident County Summary
3. Adult Group Home Inventory and Incident Count Comparison
4. Correspondence (Neighbor, State)
5. Applicable Statutes – 245A & 245D
6. City of Burnsville news article



To: Dave Callister, City Manager
From: Michael Reed, Police Captain
Date: December 6, 2015
Item: Genesis Group Homes, Inc., License No. 1072844

Memorandum

- The physical Location defined as: 2650 Alvarado Ln N. Plymouth MN (Genesis Group Homes, Inc., License No. 1072844)
- In 2015, Plymouth PD has responded to 67 associated calls for service at, and associated with this location.
- After linking 17 calls for service to this location, Plymouth PD Sergeant filed a report on March 3, 2015 to the Hennepin Adult Protection Agency related to case #15-9533.
- On August 6, 2015, PPD contacted Genesis Home representation (Jay Freshour) to discuss increased calls for service and complaints from concerned neighbors.
- During August 6, 2015 call, Mr. Freshour stated he would address staffing levels and assure presence of 2 staff members at all time. He also advised PPD to have neighbors contact him with issues.
- On September 28, 2015, the City received a packet on behalf of a neighborhood group stating that the group home clients were causing disturbances, entering open garages, soliciting money and asking for rides. They were also concerned with the high volume of police activity at this location.
- With no improvements to the high call volumes at the group home, PPD reached out to the MN Department of Human Services and discovered the group home was not licensed by the State or County.
- MN Department of Human Services classifies the home as “Independent Skill Services” which requires a licensed care taker, but does not require a license of the physical property.
- Human Services was able to explain that this location was found not to be a licensed location registered with them. In 2008, the State placed a moratorium on building new licensed locations.
- The group home is not protected under State Statute 245D because it is not defined as a group home and does not require licensing by the State or county.
- The location is a rental property being paid by Genesis Group Home Inc. and the City of Plymouth has not issued a rental certificate under the past pretense that the group home was under State Statute 245D. Due to this location being a rental, the location falls into a void of responsibility by the State or County.
- On October 8, 2015, Captain Reed made a report to MN Adult Abuse Reporting Center (MAARC). This report included calls of service and type of calls reported. MAARC forwarded the report onto the MN Department of Human Services (MN DHS).

- On October 20, 2015, Captain Reed received a letter back from the MN DHS. The response was, *“After carefully reviewing all the information you provided and gathering some additional information, it was determined that there will be no further action on your report by the Division of Licensing. Your report will be maintained by the Division of Licensing for three years. If additional reports are received regarding the facility, your report will again be reviewed to determine whether there is a pattern of issues at the facility.”*
- Captain Reed had communications with two MN DHS representatives. A supervisor stated, the licensing issue was being reviewed and would be confirmed with Hennepin County licensing. In the end, MN DHS confirmed they do not have jurisdiction over this location.
- Captain Reed spoke to the supervisor of the Hennepin County Adult Group Home Licensing and confirmed that the County does not have jurisdiction.
- Both state and county advised Captain Reed that if the City of Plymouth had City Ordinances on rental properties that this may apply and noted that the level of service provided at the location is not immune to statues protecting them as a classification of a group home, defined in State Statute 245D.
- Captain Reed reviewed the 67 officers’ reports involving this location. Only two of these incident reports had two staff members present; which deviates from the Genesis representative’s statement that two staff members should be present at all times.
- Officers’ reports indicate illegal drugs, weapons (rocks, tree limbs, knives and razor blades) a false 911 call where the group home client stated to officer “They can’t charge a venerable adult... I can get away with more than normal”, threats to officers, and an alert that one of the group home residents reported of biting and is confirmed of having hepatitis B.

Progressive action:

- Require that this location conform, make application for; in accordance with the City’s rental ordinance.
- Requiring any and all inspections of the residence.
- The reassignment of clients from this group home.
- Require that the minimum staff level be set at two staff at all times.
- Evaluation based upon calls for service in accordance to our CFMH and City Ordinance.
- DHS re-evaluation of the incidents. What can they implement?
- Future foreseeable non-licensed issues. (sex offenders, non-licensed homes)



PLYMOUTH POLICE DEPARTMENT SPECIAL OPERATIONS

Genesis Group Homes, Inc., License No. 1072844
Location; 2650 Alvarado Ln N. Plymouth MN.

The Plymouth Police Department has responded to 67 associated calls for service in the last year involving the Genesis Group Homes, Inc. and their group home clients in the community. The patrol division has been responsible for responding to 64 calls for service. Utilizing our report writing system, the patrol division was able to link the high number of calls for service to a particular Genesis group home. In order to pro-actively resolve the situation, a Plymouth Police Sergeant made a report to Hennepin County Adult protection related to case #15-9533. This report was executed on March 3, 2015 after the Police Department had already linked 17 calls for service. Unfortunately, this did not decrease the calls for service.

The calls for service continued from within the Genesis home and now included additional calls from concerned neighbors. Our Crime Free Multi Housing representative met with Jay Freshour, contact for Genesis Group Homes, Inc., on August 6, 2015. Mr. Freshour's solution was to have the concerned neighbors call him directly instead of calling the Police Department. Mr. Freshour also stated that clients are allowed unsupervised time in the community and that the company had addressed the staff level to assure the presence of two staff members at all times. According to the reports, the neighbors aren't calling Mr. Freshour directly. The reported incidents are issues where the neighbors should be calling the police, not a representative of the business.

On September 28, 2015, the City received a packet on behalf of the neighborhood. The email addressed the concerns that the neighbors had with the high level of police response to this location. The neighbors' communications included that group home clients were found in neighbors' open garages and were soliciting both money and rides to locations. An altercation occurred between a neighbor and a staff member at the group home. There are charges currently pending for terroristic threats against the neighbor.

When there were no shown improvements with the high call volumes to the group home, the Police Department contacted the Minnesota Department of Human Services. It was discovered that the group home location in question was not licensed by the State or the County. The level of service provided from Genesis is classified as "Independent Skill Services." This service requires a licensed care taker, but the physical location of the service doesn't require a license by Hennepin County. The Department of Human Services was unable to explain who the department official is that would oversee complaints and concerns for group homes residing under the "Independent Skill Services."

In 2009, the Minnesota Legislature placed a moratorium to stop the building of any new licensed locations. This location in Plymouth is rental property. Due to the fact that it is a rental property

not owned by Genesis, this particular location falls into a void of responsibility. This group home is not protected as a group home under State Statute 245D, so it is not defined as a group home and doesn't require licensing. This group home is rental property being paid on behalf of Genesis Group Home Inc. and the City of Plymouth has not issued a rental certificate under the past pretense that the group home was under conformance to State Statute 245D requiring licensing by the State or the County.

On October 8, 2015, I filed a report with the Minnesota Adult Abuse Reporting Center (MAARC). I referenced the Plymouth police calls for service and the type of calls reported. On October 20, 2015, I received a letter from the Minnesota Department of Human Services. The response was, *"After carefully reviewing all the information you provided and gathering some additional information, it was determined that there will be no further action on your report by the Division of Licensing. Your report will be maintained by the Division of Licensing for three years. If additional reports are received regarding the facility, your report will again be reviewed to determine whether there is a pattern of issues at the facility."*

This prompted a phone call on behalf of the Police Department to Lisa Ostergaard (651-431-6568). Our concerns were then passed onto a supervisor, Crystal (651-431-6541). I was able to speak with Crystal the following week after she had time to review this incident. Crystal stated they were looking into the licensing issue at this facility and confirming with Hennepin County Licensing. The Department of Human Services confirmed that they don't have jurisdiction over the property. I spoke with Tim Sullivan (612-543-1465) from Hennepin County Adult Group Home Licensing. I learned that the County doesn't have jurisdiction over the property because it's rental property. Both the State and County were unaware that this property was providing services and wouldn't be reviewing their practices because they were unaware of their existence. The State also confirmed they don't have jurisdiction over this property. The State and County advised if the Police Department had City ordinances regarding rental properties, this might apply. They also noted that the level of service provided doesn't grant the group home or organization immunity to statutes protecting them as a classification of a group home according to State Statute 245D.

Hennepin County Adult Licensing spoke with Mr. Freshour. The licensing official indicated that Mr. Freshour stated that the Police Department is being swayed by a few complaining neighbors. I sent the Hennepin County Adult Licensing official the calls for service showing only four of the 67 incidents were calls for service from a neighbor. Hennepin County Adult Licensing official also indicated that the Genesis Group is purchasing property in another area. When asked about the moratorium, the licensing official stated, "nothing we can do."

I personally reviewed all 67 incidents and completed a comprehensive spreadsheet based on the calls for service. According to the officers' reports, only two incidents reported more than one staff member present. This deviates from the organization's statement that two staff members should be present at all times. Some of the calls for service were severe in nature and presented a potential danger to both staff and responding officers. Illegal drugs were mentioned in three of the reports. Weapons such as rocks, tree limbs, knives and razor blades have all been referenced in the reports. One of the most troubling statements was after a false 911. The client said to the officer, "They can't charge a vulnerable adult... I can get away with more than normal."

Threats have been made to police officers when on scene. Also, I added an alert to the police officers that one of the group home residents has been reported of biting and is confirmed of having hepatitis B.

The physical location at 2650 Alvarado Lane North isn't classified as a group home under State Statute 245D. The City understood this location to be classified as a group home and licensed accordingly. After contacting both the Minnesota Department of Health and the Hennepin County Adult Licensing, they found no record of this location. This is rental property that within the last year has had 49 calls for service at this location, 67 total associated calls for service. The Police Department had a meeting with a Genesis employee to help resolve the issue. When the calls for service didn't decrease, reports were made to both Minnesota Department of Health and Hennepin County. Again, through conversations, these agencies don't have legal jurisdiction over this property to enforce any necessary action. Lastly, this is an unlicensed rental property. The City has also received a petition from the surrounding neighbors asking for a solution regarding the ongoing issues at this rental home. A memorandum will be given to the City Manager to present this ongoing issue with the City Council.

Captain Michael Reed
Special Operations Commander
PLYMOUTH POLICE DEPARTMENT
Phone 763-509-5178 Fax 763-509-5140





PLYMOUTH POLICE DEPARTMENT
SPECIAL OPERATIONS

Email from Hennepin County and Minnesota Department of Health and Services. Both licensing agencies note that the physical location at 2650 Alvarado Ln, is not licensed.

Captain Reed,

Hennepin County, as the County of residence (i.e. 2650 Alvarado Lane, Plymouth, MN) does not have a legal relationship with Genesis Group Homes either by contract or license. The provider is under no obligation to respond to request for information by the Hennepin County. We do not know who the clients are, nor who the clients' case managers are. In fact, the clients may not even be from Hennepin County. Hennepin County is concerned, as you are, by the situation you describe, but the County has no jurisdiction over this location.

[Ray Wilkinson](#)

Senior Planning Analyst
Quality Improvement and Licensing Team
Case Management Adult Protection (CMAP)
Hennepin County Human Services
A-1500 Government Center MC150
300 South Sixth Street
Minneapolis, MN. 55487
Phone: 612-348-4639

Captain Reed,

Christala forwarded your message and questions. At this time our response is rather brief as DHS has only recently learned of the concerns regarding this license holder and the unlicensed home in Plymouth.

Is this physical location of 2650 Alvarado LN N Plymouth MN showing in your records as a licensed physical property, by the MN DHS?

No, this home is not licensed by DHS.

I pulled the numbers from your department's webpage and reviewed 137 licensed locations. 2650 Alvarado LN was not on your list.

Second is this property classified as a 245D location.

As stated above the home/property is not licensed. When DHS receives information that a home is unlicensed but appears to meet the definition of a residential program in Minnesota Statutes, section 245A.02, then DHS will further review the information to determine if any action needs to be taken. Minnesota Statutes, chapter 245D licenses both facilities and services. While the physical site is not licensed at this time it is possible that one or more of the persons living in the home are receiving 245D licensed services.



Jill Slaikeu | HCBS Unit Manager

Licensing Division, Office of Inspector General

Minnesota Department of Human Services

651-431-6544 (w) | 651-431-7673 (fax) | jill.slaikeu@state.mn.us

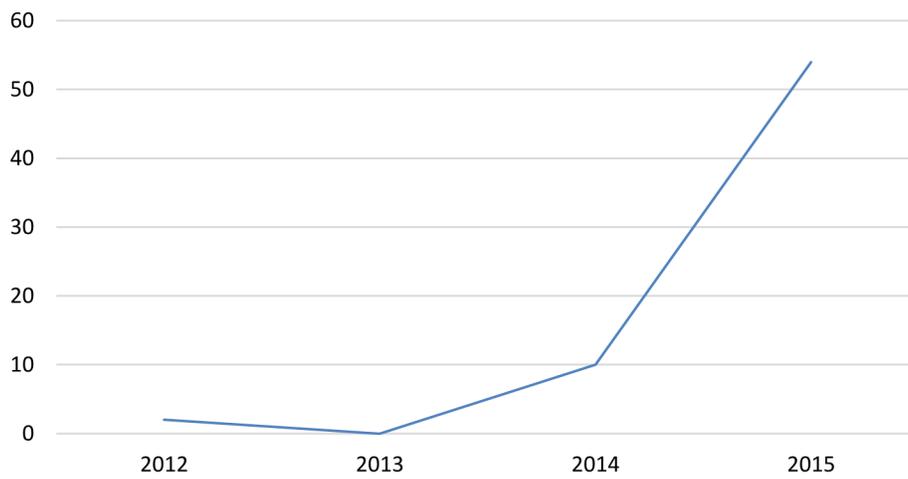
Captain Michael Reed
Special Operations Commander
PLYMOUTH POLICE DEPARTMENT
Phone 763-509-5178 Fax 763-509-5140



November 4, 2015

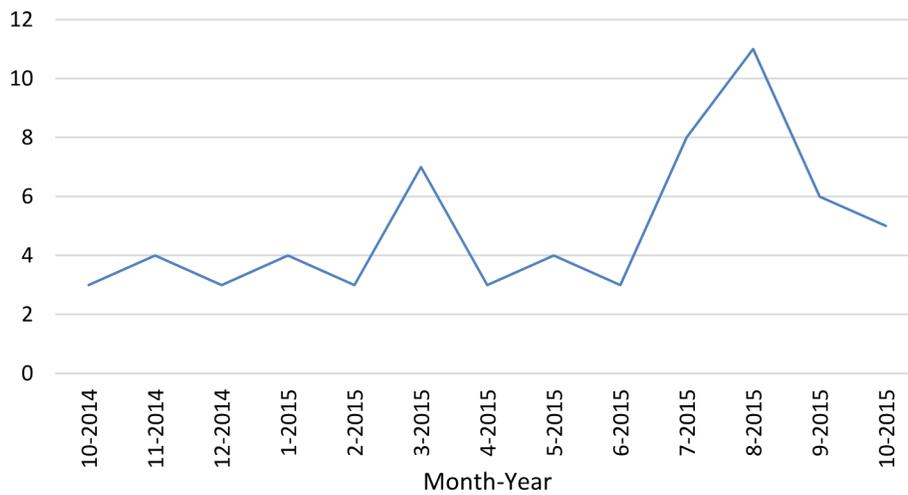
Regarding: Incident count summary for 2650 Alvarado Ln

Annual Incident Totals



Date Range: 1/1/2012 – 10/31/2015

Monthly Incident Counts



Date Range: 10/1/2014 – 10/31/2015

**Plymouth Police Department
Police Calls for Service
2650 Alvarado Lane N.**

	ICR	IncidentType	ReportedDate	CFS	Name	Incident	Staff #
1	14043215	Health & Welfare	10/14/2014	suicide	porter	knife	1
2	14045274	Information	10/28/2014	mj smoking	steverson	staff and client report	1
3	14045463	Miscellaneous Public	10/29/2014	soliciting money	steverson	neighbor	2
4	14047055	Suspicious Activity or Person	11/11/2014	soliciting money	steverson	applebees	
5	14047068	Miscellaneous Public	11/11/2014	soliciting money	steverson	rainbow	
6	14047142	Health & Welfare	11/12/2014	doc	steverson	caribou	
7	14048893	Suspicious Activity or Person	11/26/2014	soliciting money	steverson	tcf bank	
8	14050963	Suspicious Activity or Person	12/14/2014	DOC	steverson	caribou	
9	14051997	Suspicious Activity or Person	12/22/2014	soliciting money	steverson	Bremer bank	
10	14052523	Suspicious Activity or Person	12/27/2014	neighbor susp		hide and smokw walk	
11	15000624	Disturb Peace	1/5/2015	soliciting money	steverson	Bremer bank	
12	15001687	Harassment	1/12/2015	doc	steverson	potbelly	
13	15003422	Disturb Peace	1/23/2015	doc	steverson	potbelly	
14	15003722	Suspicious Activity or Person	1/25/2015	doc	steverson	holiday	
15	15005998	Suspicious Activity or Person	2/9/2015	suspicious	steverson	hide from police	
16	15008364	Suspicious Activity or Person	2/24/2015	soliciting money	steverson	us bank	
17	15008548	Ordinance	2/25/2015	soliciting money	steverson	Kohls	
18	15009533	Miscellaneous Public	3/3/2015	fight w bite	porter	fight w staff HC Adult Pro	1
19	15009643	Assault	3/4/2015	fight w staff	steverson	arrest	1
20	15009759	Phone Call	3/5/2015				
21	15010677	DOC	3/9/2015	alcohol mj	steverson	conditions threats on officers	1
22	15013295	Domestic	3/25/2015	verbal	porter vs dorbor	verbal	1
23	15013562	Medical	3/27/2015	na	na	na	na
24	15013583	Suspicious Activity or Person	3/27/2015	soliciting money	steverson	old chicago	
25	15016197	Assist	4/11/2015	missing	dorbor	returned	1
26	15016389	Criminal Damage to Property	4/13/2015	rock tree branch	dorbor	crim damage	1
27	15018564	Suspicious Activity or Person	4/26/2015	soliciting money	steverson	wireless world	
28	15020023	Ordinance	5/5/2015	doc	steverson	pilgrim cleaners	
29	15020063	Disturb Peace	5/5/2015	doc of JV female	steverson	subway	
30	15020089	Lost	5/5/2015	missing	steverson	returned	1
31	15024624	Disturb Peace	5/31/2015	throwing rocks	dorbor	wanted hold, Off played BB	

32	15025471	Lost	6/5/2015	missing	moldenhauer	ping located parents		1
33	15027905	Disturb Peace	6/19/2015	neighbor fight	steverson vs porter	go inside		1
34	15028833	Medical	6/25/2015	na	na	na	na	
35	15030579	Miscellaneous Public	7/5/2015	yelling	dorbor vs porter			
36	15030626	Disturb Peace	7/6/2015	verbal	porter	aggressive w all		1
37	15030752	Theft	7/6/2015	bike	porter vs steverson	steverson used and not return		
38	15032143	Medical	7/13/2015	na	na	na	na	
39	15032892	Terroristic Threats	7/15/2015	neighbor threat	porter	scare and garages PFC threats		1
40	15033135	Phone Call	7/16/2015	neighbor susp		susp and harass		
41	15033919	Neighbor Dispute	7/20/2015	neighbor susp		feel safe vehicle susp		
42	15034371	Miscellaneous Public	7/22/2015	missing	steverson	PD gives ride		1
43	15037151	DOC	8/7/2015	911 fake call	porter	They cant charge a vunerable"		
44	15037175	Health & Welfare	8/7/2015	dist	porter	return		1
45	15038084	Information	8/13/2015	state report	porter			
46	15038164	Health & Welfare	8/13/2015	suicide	porter	cut self on hold		
47	15038178	Criminal Sexual Conduct	8/13/2015	csc	porter vs moldenhauer	csc		
48	15038601	Disturb Peace	8/16/2015	neighbors rocks thrown	dorbor	neighbor		1
49	15038746	Lost	8/17/2015	missing	dorbor			1
50	15038788	Information	8/17/2015	neighbor		misc		
51	15038825	Health & Welfare	8/17/2015	missing	moldenhauer	kops alert		1
52	15039315	Suspicious Activity or Person	8/21/2015	neighbor		misc		
53	15040733	Medical	8/30/2015	na	na	na	na	
54	15041554	Assault	9/4/2015	damage knives	porter	felony assault		2
55	15042135	Miscellaneous Officer	9/9/2015	soliciting money	steverson	doc		
56	15043452	Phone Call	9/18/2015					
57	15043466	Assist	9/18/2015	staff		escort for property		
58	15045165	Information	9/29/2015	runaway	steverson			
59	15045188	Miscellaneous Public	9/29/2015					
60	15045664	Health & Welfare	10/2/2015	call on behavior	dorbor	call		1
61	15045679	Health & Welfare	10/2/2015	fight over remote	dorbor	on hold		1
62	15047597	Suspicious Activity or Person	10/16/2015	doc	steverson	klein bank		
63	15048911	Suspicious Activity or Person	10/26/2015	doc begging smokes	steverson	neighbors		
64	15049208	Domestic	10/28/2015	fight bite	dorbor	PFC		1
65	15050795	missing -health	11/8/2015	dist -runaway health	moldenhauer Porter	located and returned		1
66	15050795	Missing Person	11/8/2015	runaway	moldenhauer Porter	walking around neighborhood		1
67	15052794	Assault	11/23/2015	assault staff bite	porter	fight and bite/ runaway		2

November 4, 2015

Regarding: Request for comparison of incident counts at licensed, adult group homes in Plymouth

To: Capt. Mike Reed

The date range queried was 10/14/2014 through 11/23/2015. Below is a list of all provider locations identified by you to be included in the comparison (i.e. adult homes), including some that are of a more business operation site in nature. Data for the Genesis property are included. If a provider in the bulleted list of providers (page 1) is not found on the results table (page 2), then there were zero incidents in the date range for that location.

Comparison Providers

- ACR Homes (Larch Pl)
- ACR Homes (Trenton Ln)
- AME (Underwood Ln)
- AME (37th Pl)
- ARK Counseling
- Casto Robert L & Marx David W
- CCP (Annapolis Ln)
- CCP Vocational Transition (Hwy 169)
- Choice
- Cobbo
- Dungarvin (27th Ave)
- Dungarvin (Nathan Ln)
- Dungarvin Chai House (Oakview Ln)
- Episcopal Group Homes
- Family Concept
- Fraser (Goldenrod Ln)
- Fraser (Pilgrim Ln)
- Fraser (Queensland Ln)
- Fraser Community Services (Jewel Ln)
- Fraser Gordon House (30th Ave)
- Frickstad Virginia M
- Hammer (1st Ave)
- Hammer (13th Ave)
- Hammer (14th Ave)
- Hammer (Garland Ln)
- Hammer (Ives Ln)
- Hammer (Merrimac Ln)
- Hammer (Queensland Ln)
- Hammer Arrowhead (Zachary Ln)
- Hammer Black Oaks (Black Oaks Ln)
- Hammer Kentucky (30th Ave)
- Hammer Lancaster (Orleans Ln)
- Hammer McGlinch (26th Ave)
- Hammer Rockford (38th Ave)
- Hammer Tyler (Black Oaks Ln)
- Hammer Zachary (42nd Ave)
- Hazelden*
- Homeward Bound (Saratoga Ln)
- Homeward Bound (Sunset Tr)
- Homeward Bound & Wain Donna (Fountain LN)
- Lifetime Resources (Lancaster Ln)
- Lifetime Resources (Quaker Ln)
- Living Well Disability Services
- Mains'l Services (34th Ave)
- Mains'l Services (Rockford Rd)
- McDonald Judith L
- Meridian Heritage Park
- Mission Detox Center*
- Opportunity Partners Asplin
- Opportunity Partners Karlins
- Outreach (52nd Ave)
- Outreach (Olive Ln)
- Success Homes
- Thomas Allen Inc

*Included for general reference

	Incident Count	% of All Homes - Excluding Mission & Hazelden	Health Related* Calls	% Health Related* Calls	All Other Calls	%All Other Calls
Mission Detox Center	137		86	63%	51	37%
Hazelden Foundation	114		52	46%	62	54%
Genesis	45	20%	10	22%	35	78%
Mains'I Services (34th Ave)	36	16%	32	89%	4	11%
Dungarvin (27th Ave)	25	11%	13	52%	12	48%
CCP (Annapolis Ln)	10	4%	7	70%	3	30%
Opportunity Partners Asplin	8	4%	3	38%	5	63%
Fraser Gordon House (30th Ave)	8	4%	5	63%	3	38%
Meridian Heritage Park	8	4%	7	88%	1	13%
Mains'I Services (Rockford Rd)	6	3%	3	50%	3	50%
Opportunity Partners Karlins	6	3%	4	67%	2	33%
Homeward Bound (Sunset Tr)	5	2%	1	20%	4	80%
Thomas Allen Inc	5	2%	3	60%	2	40%
Hammer Zachary (42nd Ave)	4	2%		0%	4	100%
Dungarvin Chai House (Oakview Ln)	4	2%		0%	4	100%
Hammer (13th Ave)	4	2%		0%	4	100%
Outreach (52nd Ave)	4	2%	1	25%	3	75%
Hammer (Queensland Ln)	4	2%	2	50%	2	50%
Hammer Kentucky (30th Ave)	3	1%		0%	3	100%
Hammer (Garland Ln)	3	1%		0%	3	100%
Hammer McGlinch (26th Ave)	3	1%	1	33%	2	67%
Casto Robert L & Marx Daved W	3	1%	2	67%	1	33%
Homeward Bound (Saratoga Ln)	3	1%	2	67%	1	33%
Hammer Arrowwood (Zachary Ln)	3	1%	2	67%	1	33%
ACR Homes (Trenton Ln)	3	1%	3	100%	0	0%
Homeward Bound & Wain Donna (Fountain Ln)	2	1%		0%	2	100%
Hammer (14th Ave)	2	1%		0%	2	100%
CCP Vocational Transition (Hwy 169)	2	1%	1	50%	1	50%
Dungarvin (Nathan Ln)	2	1%	2	100%	0	0%
Hammer (Merrimac Ln)	2	1%	2	100%	0	0%
Lifetime Resources (Quaker Ln)	1	0%		0%	1	100%
Fraser (Queensland Ln)	1	0%		0%	1	100%
Hammer Rockford (38th Ave)	1	0%		0%	1	100%
Living Well Disability Services	1	0%		0%	1	100%
Success Homes	1	0%		0%	1	100%
McDonald Judith	1	0%		0%	1	100%
Hammer Tyler (Black Oaks Ln)	1	0%		0%	1	100%
Fraser (Pilgrim Ln)	1	0%		0%	1	100%
AME (Underwood Ln)	1	0%	1	100%	0	0%
Choice	1	0%	1	100%	0	0%
ACR Homes (Larch Ln)	1	0%	1	100%	0	0%
Cobbo	1	0%	1	100%	0	0%
Totals	476					
Total - Excluding Mission & Hazelden	225		110	49%	115	51%

*"Health Related" for this table are incidents titled Medical, Health & Welfare, and Suicide Attempt

Cancel, Void, Spot Check, Citation, Traffic, Traffic Stop, Utility Check, Alarm, and System Down type incidents were excluded from this dataset

Steve Juetten

From: Dave Callister
Sent: Friday, July 17, 2015 10:34 AM
To: Steve Juetten
Subject: FW: 2650 Alvarado lane 55447

Can you check on the licensure of this property?

Dave Callister | City Manager
City of Plymouth
3400 Plymouth Boulevard
Plymouth, MN 55447
Phone: 763-509-5301
www.plymouthmn.gov

Plymouth, Minnesota | Adding Quality to Life

From: Liz Hysjulien [mailto:lizhysjulien@yahoo.com]
Sent: Friday, July 17, 2015 10:29 AM
To: Dave Callister <dcallister@plymouthmn.gov>
Subject: 2650 Alvarado lane 55447

Good morning,

I have a concern about this rental property in our neighborhood.

There have been several instances where police have been called to this address in the past year. Several residents of greentree west have expressed concern over the tenants and residents of this address.

Several members of the community have expressed concern for the safety of the residents at the home. Residents have been observed:

- being improperly dressed for the weather in the winter
- walking on highway 55 at night
- approaching people and asking for money and rides
- Fighting
- Staring excessively at the women in the community, making them feel unsafe on their property and in the community
- generating unnecessary noise (this occurs primarily from the visitors to the property)

I have attempted to make contact with the owner. I do believe he is aware of the situation as someone spoke with him directly.

I sent the owner an email which you will find below, included in this email.

The contact at the police department that I have been dealing with is sgt. Jeff Dorfsman.

I have questions:

-is this property properly licensed?
-does city code 410/960 apply in this case?

Mary Hysjulien
2700 Brockton lane
612-669-6299

NabilPruscini@gmail.com

I am a resident in greentree west. There have been several disturbances at your property over the last several months where police have been called. I have included a letter sent to rental owners in 2010 by the Plymouth police department. Please review. As you can see from the underlined portions I highlighted.... You may be fined for nuisance calls within a calendar year. Each nuisance call may result in a fine of up to \$2000 PER CALL and jail time.

Consider this a notice that you are aware of said disturbances. It is your responsibility to stop the behavior occurring at your rental property. I would imagine it is within your rights to seek the details of each occurrence from the Plymouth police department.

Sincerely, Mary Hysjulien
Sent from my iPhone

February 23, 2010

Dear Rental Property Owner or Manager:

On May 27, 2008, Plymouth adopted changes to the City Code that affect both rental and non-rental property. Provisions were added to the existing rental licensing ordinance and a new ordinance addressing public peace and safety was adopted. Our goal in adopting these changes is to protect the health, safety, and welfare of our community by preventing and abating nuisance conduct and giving rental property owners and managers tools to keep their properties safe. These ordinances can help us work together by addressing issues that arise on your property and encouraging non-compliant residents to stop disorderly activity (thus becoming better residents themselves). By becoming actively involved in addressing this behavior, you will be

more likely to keep your good residents. In addition, these ordinances provide tools to help you evict residents who continue to disrupt the peace, safety, and welfare of the community. This is a win-win situation for everyone. I invite you to read through the Codes in their entirety. Below are highlights of some of the bigger changes and an explanation of how they may affect you.

Changes to Section 410 of the City Code

1. The application information required for a rental license has changed to ensure notification is made to the correct person or persons in the most efficient manner. The property owner must designate a person who is responsible for the maintenance and management of the property, if different than the owner. This designated person must live in the sixteen-county metro area. A notarized signature is required if this person is different than the owner. If the designated person changes, the owner must notify the City within 10 days.
2. Mandatory Crime Free Multi Housing (CFMH) training is required for all rental property owners or managers, except those who own or manage only one single rental unit. CFMH training is an 8-hour class, covering information important for owners and managers of rental property to know. The cost of a CFMH class is typically around \$25. Police departments around Minnesota host CFMH training on a regular basis. For owners who live outside of Minnesota, CFMH training is a nationwide program and training is offered by police departments around the country. If you are not sure whether a class will be accepted by the Plymouth Police Department, please call 763-509-5147.

Property owners and managers will have ample time to complete the CFMH training. Training must be completed prior to rental license renewal.

We have Minnesota CFMH training opportunities posted on the City of Plymouth website. The information can also be found on the Minnesota Crime

Prevention Association website. Go to www.mncpa.net, click on the calendar on starred dates and look for CFMH Day One. You can also call [763-509-5147](tel:763-509-5147) for information on upcoming trainings.

Upon completion of the CFMH class, you will receive a certificate. You will be required to submit a copy of your CFMH certificate upon license renewal. If you lose your certificate, you will have to contact the agency where you received your certificate and request a duplicate or you will need to re-take the CFMH class. The City of Plymouth will not track down lost certificates.

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<page1image27056.png>

3. CFMH refreshers will be required every 3 years. The time clock begins once a copy of the CFMH certificate is received. Plymouth Police will offer refresher classes, but not all departments offer refreshers. You will receive a refresher certificate upon completion of the refresher class. You will be required to submit a copy of this refresher certificate when needed. If you are not sure whether a different training will be accepted by the Police Department as a refresher, please call [763-509-5147](tel:763-509-5147).

4. Additional types of violations were added to the disorderly use provision to address common disorderly behavior that affects the health, safety, and welfare of the community. Previously, only seven behaviors were covered in the rental licensing ordinance. Nine additional types of violations were added. When verified violations are discovered, the police department will be sending notification to the owner and/or designated manager. In addition, the police department will also send a letter to the residents advising them of consequences for repeated disorderly behavior. It is our expectation that you will follow-up with your residents as well. As in the past, repeated violations by the same resident can affect your rental license. However, our goal is to bring residents into compliance. Hopefully, with notification from both

owners/managers and the police department, the disorderly behavior will stop.

Adoption of Section 960 of the City Code

Section 960 is a new ordinance that applies to everyone, both rental and owner-occupied residences. However, this section is primarily intended for owner-occupied properties. This ordinance regulates certain behavior deemed to be a nuisance. Our goal is to prevent or stop nuisance behavior by holding people accountable for their behavior. Similar to the rental ordinance, Section 960 also has a “three strikes” provision. Three violations at the same residence within a 365-day period will result in financial penalties. Owners, occupants, and persons in control of the residence may be subject jointly and severally to an excessive nuisance service call fee in the amount of \$250 or more, up to \$2,000, based on the actual cost of the law enforcement response and criminal charges punishable by up to a \$1,000 fine and 90 days in jail for each incident beyond the 2nd violation. Again, the goal is to stop nuisance behavior.

Remember, if you are having issues with your residents, don't forget Community Mediation! Mediation is free for Plymouth residents. It can work for neighbor-neighbor disputes as well as landlord-tenant disputes. Referring a problem to mediation early can help nip many problems in the bud. For further information, contact Community Mediation at 763-561-0033 or www.mediationprogram.com.

If you have any questions about these changes, please contact me at 763-509-5147. Thank you for your commitment to keeping our City safe! Working together, we make a difference!

Sincerely,

Officer Angela Haseman CFMH/Crime Prevention
Officer Plymouth Police Department 763-509-5147 ahaseman@plymouthmn.gov

Liz
Sent from my iPhone

The Honorable Kelly Slavik; Mayor, City of Plymouth
3400 Plymouth Blvd
Plymouth, MN 55447

Greentree West Neighborhood

RE: Genesis Group Home located at 2650 Alvarado Lane, Plymouth

September 17, 2015

Mayor Kelly Slavik:

As highly concerned neighbors in the Greentree West neighborhood, we are notifying you of our issues concerning individual, property, and public safety issues being generated from the group home operated by Genesis Group Homes (GGH) at 2650 Alvarado Lane in Plymouth. Details of our many concerns and interactions are attached to this letter. We would like the city to respond and take action on the following:

1. to declare this property as a nuisance property under the Plymouth code due to the number of police calls, ambulance arrivals and neighborhood complaints; incidences are numerous, sometimes serious, and escalating;
2. to provide confirmation of specific licensing (including license number) and practices under which the group home falls within the legal requirements and zoning statutes for Plymouth group homes;
3. to respond to our belief that the classification of the residents currently placed at this home is not suitable for this group home environment;
4. to intervene and require that Genesis Group Homes provide evidence of proper training for the supervisory staff hired to care for the level of group home residents at this property.

If any of the above requests are not within the control of the City of Plymouth, we request that you provide us with the government agency and contact who can help support our concerns. We have worked with Community Relations Officer, Jim Long as an intermediate step to working with GGH, but the problems continue and are escalating. The CEO for Genesis Group Homes, Jay Freshour, has been less than responsive to calls for action. We are supportive of group homes and the needs they serve. However, our safety and the wellbeing of our neighborhood has been severely disrupted and we are unable to resolve the issues on our own.

Therefore, we are requesting supportive intervention in this situation to provide a positive and safe experience for both GGH residents and neighbors alike. We ask that you help provide a resolution to this situation. Communications can be directed to: Larry Christofaro, larry.christofaro@outlook.com; 18910 27th Ave N, Plymouth, MN 55447.

Sincerely,

Greentree West Neighborhood, signature list follows

Cc: Michael Goldstein, Jim Long, Jeff Wosje

Attachments:

- A. Incidents at 2650 Alvarado
- B. Attempts to communicate our concerns

Letter to Mayor Slavik- Signature list

Print Name	Signature	Address
DEBBY HANNIGAN	Debbie Hannigan	18920 27th Ave N
Suzanne Raddol	Suzanne Raddol	3030 Alvarado Lane N.
Tracy Holsington	Tracy Holsington	19010 27th Ave N
LIZ HYSLOPER	Liz Hyslop	2700 Brockton Lane N.
JUNE MURPHY	June Murphy	2910 Brockton Ln
Robert Murphy	Robert Murphy	2710 Brockton Ln -
Karen Peters	Karen Peters	19020 26th Ave. North
Michael J. Peters	Michael J. Peters	19020 26th Ave N
Kevin Hannigan	Kevin Hannigan	18920 27th Ave N
Durrell Heppel	Durrell Heppel	2935 Alvarado Ln
SHERRI CHRISTOFFARO	Sherry Christoffaro	18910 27th Ave N
LARRY CHRISTOFFARO	Larry Christoffaro	18910 27th Ave N
MARY PETERS	Mary Peters	2725 Brockton Ln N
Laura Fabrczykowski	Laura Fabrczykowski	2730 Brockton Ln N
Steve Frick	Steve Frick	2700 Brockton Lane N
Paul O'Neill	Paul O'Neill	2640 Brockton Ln N
Steve Frick	Steve Frick	2615 Alvarado Ln N
Kathy Frick	Kathy Frick	2615 Alvarado Ln N
TERESA ANN PAUL	Teresa Ann Paul	2905 XANTHUS LN N
Craig L Paul	Craig L Paul	2905 Xanthus Ln N
Lissa Tate	Lissa Tate	19035 26th Avenue North
Erk Tate	Erk Tate	" "
Jodi O'Neill	Jodi O'Neill	2640 Brockton Ln N
ALICE T. BASSER	Alice T. Basser	19000 - 27th Ave N
CHARLES A. BASSER	Charles A. Basser	19000 - 27th Ave N
Nick Falenczykowski	Nick Falenczykowski	2730 Brockton Lane N.
Cheryl Paterson	Cheryl Paterson	2625 Zircon Lane N

Attachment A
Incidents at 2650 Alvarado Lane

All calls to 2650 Alvarado Ln in Plymouth from 8/17/14 to 08/17/15

ICR	Title	House #	St Name	Reported Date	Summary Contains
14043215	Health & Welfare	2650	Alvarado Ln	2014-10-14	Officers responded to a report of a man who made threats to take his own life. The officers signed a hold on the man.
14045463	Miscellaneous Public	2650	Alvarado Ln	2014-10-29	Resident walked away from group home and returned a few minutes later. #23
14052523	Suspicious Activity or Person	2650	Alvarado Ln	2014-12-27	Officers called on the report of a suspicious male in the neighborhood on foot. Party later determined to be a member of a group home in the community. #90
15009533	Miscellaneous Public	2650	Alvarado Ln	2015-03-03	Officers responded to a report of a group home resident fighting with staff. Resident had calmed down prior to police arrival. #124
15009643	Assault	2650	Alvarado Ln	2015-03-04	The victim reported that she was assaulted by the suspect. The suspect was subsequently arrested for assault.
15009759	Phone Call	2650	Alvarado Ln	2015-03-05	Mentioned party from related case had some questions about the outcome. Advised. #47
15010677	DOC	2650	Alvarado Ln	2015-03-09	Officers responded to report of possible violation of a court order. The suspect was subsequently arrested for disorderly conduct and obstructing legal process.
15013295	Domestic	2650	Alvarado Ln	2015-03-25	Two residents in a group home had an argument. A staff member said he would handle the problem. #99
15013562	Medical	2650	Alvarado Ln	2015-03-27	Call of a male who had a seizure and was not breathing. North arrived, male breathing on his own.
15016197	Assist	2650	Alvarado Ln	2015-04-11	Officers assisted a group home employee with locating a member of the group home. The employee drove the man back to the group home. #98
15016389	Criminal Damage to Property	2650	Alvarado Ln	2015-04-13	Client damaged staff member's vehicle. Handled internally. #82
15020089	Lost	2650	Alvarado Ln	2015-05-05	Report of person that didn't return to a group home. I was advised by the complainant that the party returned after he called dispatch. #112
15024624	Disturb Peace	2650	Alvarado Ln	2015-05-31	Resident of a group home was acting out and staff wanted him removed. Staff advised that the resident was not a threat to himself or others. Mediated. #122

15025471	Lost	2650	Alvarado Ln	2015-06-05	Resident ran from a group home. Investigation revealed it was a miscommunication.#82
15028833	Medical	2650	Alvarado Ln	2015-06-25	Male having a seizure.
15030579	Miscellaneous Public	2650	Alvarado Ln	2015-07-05	Officers responded to the listed residence regarding a call for help. Officers arrived and discovered there were no issues. #126
15030626	Disturb Peace	2650	Alvarado Ln	2015-07-06	Responded to a disturbance at a group home. The client agreed to stay in his room for the rest of the morning. #134
15032143	Medical	2650	Alvarado Ln	2015-07-13	Call of a male having a seizure
15032892	Terroristic Threats	2650	Alvarado Ln	2015-07-15	Officer took a report of the suspect threatening the victim. Formal complaint charges are pending. #91
15033135	Phone Call	2650	Alvarado Ln	2015-07-16	Complainant called upset as to how often officers are called to a residence and wanted to know what could be done.
15033919	Neighbor Dispute	2650	Alvarado Ln	2015-07-20	Ongoing reports of suspicious activity and harassing interactions with persons living at or visiting a neighboring home. #42
15034371	Miscellaneous Public	2650	Alvarado Ln	2015-07-22	Officer took a report of a resident that was overdue in returning to the group home. #91
15037151	DOC	2650	Alvarado Ln	2015-08-07	Officers responded to the report of a fictitious health and welfare check. The case is under investigation.#124
15037175	Health & Welfare	2650	Alvarado Ln N	2015-08-07	Officers responded to a group home for an adult male that was upset and had left the home. Prior to officer's arrival, the male had returned home. Officers spoke with the male and staff and determined that the male would stay in his room for the remainder of the evening. #134
15038084	Information	2650	Alvarado Ln N	2015-08-13	Inappropriate conduct by a caregiver.
15038164	Health & Welfare	2650	Alvarado Ln	2015-08-13	A group home resident was sent to the hospital on a welfare hold.
15038601	Disturb Peace	2650	Alvarado Ln	2015-08-16	Resident of a group home was causing a disturbance outside in the street. #129
15038746	Lost	2650	Alvarado Ln	2015-08-17	The reporting party could not locate a group home resident. The resident was in the garage resting. #35
15038788	Information	2650	Alvarado Ln	2015-08-17	The complainant wanted to provide information about the location. #79
15038825	Health & Welfare	2650	Alvarado Ln	2015-08-17	Report of a group home client who made vague suicidal comments and ran from the home. The male was later located and officers determined that an emergency hold was not needed. #128

Plymouth Police

All calls to 2650 Alvarado Lane, Plymouth, MN from 8/18/15-9/5/15

ICR	Title	Create Date	House #	St Name	Reported Date	Summary Contains
15039316	Suspicious Activity or Person	8/21/2015	2650	Alvarado Ln N	8/21/2015	Report of suspicious activity at a residence. Officers found no suspicious activity. #121
15040733	Medical	8/30/2015	2650	Alvarado Ln	8/30/2015	Resident was having a seizure
15041554	Assault	9/4/2015	2650	Alvarado Ln	9/4/2015	Suspect became angry with victim, slashed his tire and threw knives at him. Victim was not injured. Case is pending formal complaint.

* This is all the information Plymouth Police can release on this incident (it is now in the hands of the Hennepin County Attorney). If the county attorney files a complaint through the courts; you will have to contact them to acquire a copy of the complaint.

Police report notes:

The incidences documented above are not the only times that the police have been to that house. We know of other incidences of both police and ambulances at that location that are not documented on the list above. In addition, there were multiple situations that were not reported or were reported without reference to that specific house.

August 16, 2015 Incident involving resident of 2650 Alvarado

This particular incident on August 16, 2015 was especially disturbing for many reasons. Both Larry Christofaro and Debby Hannigan provided separate incident reports to police.

Police report details provided by Larry Christofaro at 18910 27th Ave N

The specific police report was not available at the time of this letter, so the details are summarized here. I would like to further document the situation that occurred on August 16th as it relates to this group home. I was having my annual party and one of the residence decided to walk into my yard and was bothering several of the guests as they were arriving. During this time, others in the house came out including two supervisors. All the supervisors did was to walk in their own yard and in the street asking him to return. He ignored them and continued doing whatever he wanted to do. It was very obvious that the supervisors had no control over this person or any of the others hanging around the yard.

He then walked to the next-door neighbor's house and still wouldn't go home (see the neighbor's addition below). On one occasion he approached a guest on his way to his car and asked if he could speak for him to the police (the police arrived by then). My guest told him to go home but all he did was to keep saying the same thing. This inappropriate event unfortunately became the primary topic of conversation.

Supplemental Report

ICR: 15038848

Title: 23/MAIN REPT

Tuesday 8-18-15 Debby called to report a problem at a neighboring home at 2650 Alvarado Ln-- Genesis Group Home.

She said on Sunday 8-16-15 at about 1705 hours she got a call from her 15 year old son Roland. She was not at home but Roland was. He was "very afraid" because of a problem involving the group home across the street. He told her there was "a lot of noise and commotion in the driveway of their home at 18920 27th Ave." One of the residents of the group home was in their driveway and a couple staff people were trying to deal with it. She said Roland called her and they discussed calling the police.

She said the police did show up and assisted with the problem. See related case 15038601. The text of that call said--"client upset with staff, standing in the middle of the street with a rock threatening to throw the rock at staff."

Debby is very concerned about the group home neighbor. She has lived at her home for eighteen years. She said she has seen more police activity at 2650 Alvarado Ln in the one year or so they have been there than all the other activity in her neighborhood in the past eighteen years combined. She feels the clients are out of control and the staff is unable to control them. She is very concerned about this group home being in the middle of a residential area. She feels unsafe.

She said she emailed the police department overnight requesting dates times and the number of police calls to 2650 Alvarado Ln.

I checked the address file and saw seventy-one entries.

Most recently I was at this location last week (Thursday), with three other officers and an ambulance when a disturbed client intentionally cut himself with a razorblade. He was sent to a hospital on a hold. See related case.

The person who created the disturbance on 8-16-15 that Debby called about, again had an issue yesterday on 8-17-15, see related case.

I have dealt with Nicholas Hamm, a staff supervisor at the group home many times. I have found him to be very helpful in dealing with problems involving the challenging clients at this location. He has worked with me extensively with one particular problem client in the past who we have had many panhandling calls about all over west Plymouth.

I told Debby to call the police anytime they feel the need and we would try to assist. I told her I agreed with her about her concerns. She said she may approach the Plymouth City Council about this address.

Email was sent out this morning by Jim Long, Community Relations Officer. The owner of the property is Jay Freshour and encourages neighbor calls to him. I advised Debby.

#23 Buske

Additional incidences and general concerns from the neighborhood

The following contain general notes, concerns, and specific issues communicated by many of the concerned neighbors of the home in question:

- Persons asking for money and rides.
- Persons pacing in the street, trying to hide from cars the fact they were smoking.
- Persons approached homes where no one is home
- Persons inappropriately dressed for severe weather..... For hours.
- Persons staring excessively at ladies.... Causing them to feel fearful.
- Fighting within the home and on the deck of the property.
- Speeding cars both from staff and visitors to the property. Continues presently.
- Concern for children and elderly in the neighborhood with the speeding vehicles.
- Concern for children, verbally harassed on the way to the park.
- High noise levels from visitors to the property, continues presently.
- Mid July 2015 Fire involving mailbox on the property by tenant
- 7/15 Allegations of terroristic threats lodged against a Greentree West homeowner. The homeowner states these allegations are false.
- 8/13 4:20 pm Police/ambulance arrive. Tenant is injured. Blood on chest. Concern for children in the neighborhood exposed to bloody man in street.
- 8/16 5:15 pm 2 emergency police vehicles arrive. This visit interfered with the quiet enjoyment of our neighborhood. Loud yelling can be heard coming from the property 2 houses away. Earlier, tenant was on the private property of 2 homeowners, yelling and causing a commotion. See attached police reports.
- 9/4 630p, 4-5 emergency police vehicles and ambulance arrive.

Attachment B
Attempts to Communicate our Concerns

Why we need intervention from the city of Plymouth

Our research tells us that there are three parties involved with this group home. The city of Plymouth and police department who have been extremely helpful in responding to our concerns have referred us to these same parties. One of our most frustrating problems is that nobody is taking responsibility for our concerns or taking action to resolve these issues. Below are examples of specific communication to each of these entities and what they are doing to deflect the issue:

Owners Nabil Pruscini and Rachel Ghebre

- Nabil Pruscini in an email response on 9/4/2015 (included in this attachment below) passes on concerns to Jay Freshour
- In this same email, he tells us to contact Renters Warehouse with our concerns

Genesis Group Homes, Jay Freshour

- Jay responds to an email on 9/5 (included in this attachment below)
 - His only offer is to suggest that we “get to know” the neighbors. As detailed below we have offered rides (and was told we shouldn’t by the police) and gave them a bike (which was subsequently taken away from them).

Renters Warehouse, Adam Wachutka

- Adam Wachutka requested in an email dated 7/21/2015 that complaints be submitted to their customer service department, which is an online form
- Larry Christofaro talked to Adam Wachutka on 9/9/2015 to discuss Renters Warehouse involvement in the property. According to Adam:
 - Renters Warehouse not only manages the property but also provides the renters.
 - After a few questions he stated that he was uncomfortable talking with me and will only deal with the tenants or owners of the property.
 - He specifically stated that if we have issues or complaints about the property to call the police.

Attempts to Communicate Concerns about 2650 Alvarado Lane

As of September 5, 2015

Date	Communication	Response
7/16-20/2015	Email to owner of property (Nabil Pruscini)	I'll get back to you, no response since 7/25/2015
7/17/2015	Email to City Manager Dave Callister	Stève Juetten, Community Development Director: property was visited and is licensed by the state (unable to verify). Problems with the property, contact police or city violations to city community development
7/17/2015	Email started from Renters Warehouse	Information on disturbances provided, no final response
7/20/2015	Email to Jeff Johnson, county commissioner with list of concerns	No response
7/20/2015	Certified letter to Rahel Ghebre, property owner	Reply from Nabil Pruscini, owner, that he will get back to us, no response since
7/27/2015	Email from Adam Watchutka	Email from Adam Watchutka, Renters Warehouse: Referred to the complaint department at RW, informed to attend a meeting at Plymouth police department on August 6
8/6/2015	Email to Jim Long requesting outcome of the meeting	August 6 meeting was with Jay Freshour, CEO of GGH; Stacey Butker, Residential Director for the mentioned property
8/16/2015	Contact with Adam on updated list of concerns	Email to Adam, including asking if Renters Warehouse wants to be notified of disturbances. No response.
Various	Communication with Jim Long and Jeff Dorfsman	Very supportive, general direction to call 911 and contact Jay Freshour.

The following pages itemize three email strings that provide details on the issues described above. Those emails in general contain:

1. Communication responses from Nabil Pruscini and Jay Freshour
2. Certified letter to Dr. Ghebre about concerns with no response
3. Detailed concerns to Nabil Pruscini with no response
4. Detailed concerns to Renters Warehouse with no response

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Communication Responses; Nabil Pruscini and Jay Freshour; 9/5/2015

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Below is the most detailed and most current communication from both Nabil Pruscini-property owner, and Jay Freshour-Genesis Group Homes. Summary regarding this communication include:

1. Nabil Pruscini, the owner passes on responsibility to Jay Freshour, Genesis Group Homes CEO
2. This is typical of the fact that we get responses but no answers or changes to the situation
3. Response suggests that we "get to know" the neighbors. In reality we (Kevin Hannigan):
 - a. Provided rides to job searches, but was told by police we should not do this as this should be regulated by house supervision.
 - b. Gave a bicycle for them to travel, which was then taken away by the house
4. Jay states himself that these are "medically fragile individuals" requiring assistance "with de-escalation", and states himself that "it doesn't get any better than having professionals at the scene". This does not help make anyone comfortable to "meet and greet" these individuals.
5. There are over 100 group homes? Does this mean that the police receive over 700 calls from concerned neighbors and over 300 direct responses annually to these group homes? This is hard for us to understand or believe.

From: "Jay Freshour" <jay.freshour@genesishome.com>

Date: Sep 5, 2015 1:20 AM

Subject: Re: Ambulance and police cars just arrived - Friday 4Sept - 7:05 pm - 2650 Alvarado Lane

To: "Nabil Pruscini" <nabilpruscini@gmail.com>

Cc: "Kevin .Hannigan" <kevinhannigan8@gmail.com>, "jlong@plymouthmn.gov"

<jlong@plymouthmn.gov>, "Aaron Bodine" <abodine@renterswarehouse.com>, "Stacey Bitker"

<stacey.bitker@genesishome.com>, "Heather Bidwell"

<heather.bidwell@genesishome.com>

I want to slow this down a few notches. I appreciate everyone's concern, however people need to realize that this is a home for medically fragile individuals and people that also need assistance from time to time with de-escalation. You will see the police there as well as the ambulance, sometimes more frequently as we have certain protocols if someone is upset or there is a medical issue (for example a seizure). This is standard operating procedure for us. I realize it creates a lot of commotion in the neighborhood and everyone assumes the worst and I'm sure it creates a lot of questions.

This isn't something that just effects this neighborhood. There are over a hundred homes like this in Plymouth alone. I'm sure this is the first in our neighborhood as I can tell from the reactions of a few. While I do appreciate the concern, I do want everyone to know that these young men are part of this neighborhood and deserve some level of acceptance and understanding. I get that fact that some may feel disruption and for that I apologize.

I also want everyone to be aware that when police or medical personnel are called to any of our sites, we automatically report to their guardians, parents, affiliated programs, as well as DHS. I don't have the liberty of sharing private issues or health issues with people that call me. You can assume that if there are medical personnel or police officers at the scene that it is warranted and being handled effectively. It doesn't get better than having professionals at the scene. I'm sure if they felt something we're off or someone wasn't being cared for, they would take appropriate action. I have already visited with a couple officers at City Hall and we have an open line of communication.

It would also be welcomed if more people in the neighborhood might seek to know these young men a little better. Say hi, wave or have a light conversation. I realize there may be a comfort zone issue here and I am certainly willing to help in any way I can. I am happy to have a meet and greet with anyone.

I hope this sheds some light. I am happy to meet with anyone if desired.

Thank you,

Jay Freshour, CEO

Genesis Group Homes, Inc.

4650 Oak Grove Parkway | Brooklyn Park, MN 55445

O 763-390-0773 Ext. 302 | F 763-898-3693

This document may contain information covered under the Privacy Act, 5 USC 553 (a), and/or the Health Insurance Portability and Accountability Act (PL 104-191) and its various implementing regulations and must be protected in accordance with those provisions. Healthcare information is personal and sensitive and must be treated accordingly. If this correspondence contains healthcare information it is being provided to you after the appropriate authorization from the patient or under circumstances that don't require patient authorization. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Rediscovery without additional patient consent or as permitted by law is prohibited. Unauthorized rediscovery or failure to maintain confidentiality subjects you to application or appropriate sanction. If you have received this correspondence in error, please notify the sender at once and destroy any copies you have made.

On Sep 4, 2015, at 10:56 PM, Nabil Pruscini <nabilpruscini@gmail.com> wrote:

Dear Kevin,

thank you for contacting me.

I have forwarded your email message to the agency that is in charge of managing the property @ 2650 Alvarado Ln.

for your future reference please contact Aaron Bodine from Renters

Warehouse @ abodine@renterswarehouse.com.

Thanks

Nabil

----- Forwarded message -----

From: Kevin .Hannigan <kevinhannigan8@gmail.com>

Date: Fri, Sep 4, 2015 at 8:24 PM

Subject: Re: Ambulance and police cars just arrived - Friday 4Sept -
7:05 pm - 2650 Alvarado Lane

To: Jay.freshour@genesishgrouphomes.com, Nabilpruscini@gmail.com,
jlong@plymouthmn.gov, ghebr004@umn.edu

Cc: Kevin Hannigan <kevinhannigan8@gmail.com>

Dr Ghebre

I apologize

I should also have emailed you too

Please have Nabil call me as soon as possible
at [612-850-0473](tel:612-850-0473)

Sincerely

Kevin

On Fri, Sep 4, 2015 at 7:45 PM, Kevin .Hannigan
<kevinhannigan8@gmail.com> wrote:

Jay

Please call me.

I live right across the street from one of your Genesis Group houses, the one at .2650 Alvarado Lane.

This is the second time in five days that an ambulance and police have been at the house. What's going on?

I have concern regarding welfare of the residents there

Nabil, This is your house. Do you know what's going on? Is everyone OK there? The ambulance has been there for some time. Maybe your wife the doctor can help them. Please call me.

Sincerely

Kevin

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Kevin Hannigan
18920 27th Ave N
Plymouth, MN 55447
kevinhannigan8@gmail.com
[612-850-0473](tel:612-850-0473)

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Certified Letter to Dr. Bhebre-property owner, 7/20
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Dear Dr Ghebre,

Enclosed you will find a copy of an email I have sent to your husband and co-owner Nabil Pruscini. I have gotten no reply after several attempt to make contact.

I am a resident of greentree west in Plymouth MN, the location of your rental property at 2650 Alvarado Lane.

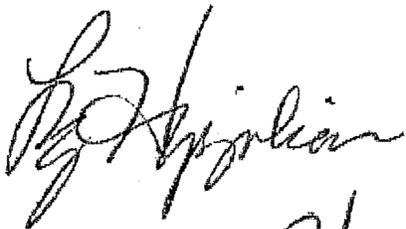
There have been several calls made to police regarding the tenants of your property. Neighbors are concerned for the safety of the tenants and quite frankly, their own safety. Some residents of greentree west do not feel safe in their own homes or the community. This situation is an annoyance to the neighborhood, at the very least.

If this is a lease situation, I would ask that you seriously reconsider renewing the lease that you currently have in effect.

I wanted to make you aware of the situation, as I am certain your intent is not to cause your fellow homeowners angst.

Sincerely,

Liz Hysjullien


7/20/15

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Communication Details, to Nabil-property owner, 7/16, 7/18, 7/19, 7/20
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|

NOTE: No additional response provided

From: Nabil Pruscini <nabilpruscini@gmail.com>
Date: July 25, 2015 at 10:41:23 AM CDT
To: Liz Hysjulien <lizhysjulien@yahoo.com>
Subject: Re: Excessive disturbances at your property

I am reviewing the letter and consulting with my lawyer.

I will get back to you shortly

Sincerely,

Nabil Pruscini

On Mon, Jul 20, 2015 at 12:33 AM, Liz Hysjulien <lizhysjulien@yahoo.com> wrote:

I am a resident in greentree west. There have been several disturbances at your property over the last several months where police have been called. I have included a letter sent to rental owners in 2010 by the Plymouth police department. Please review. As you can see from the underlined portions I highlighted.... You may be fined for nuisance calls within a calendar year. Each nuisance call may result in a fine of up to \$2000 PER CALL and jail time.

Consider this a notice that you are aware of said disturbances. It is your responsibility to stop the behavior occurring at your rental property. I would imagine it is within your rights to seek the details of each occurrence from the Plymouth police department.

Sincerely, Mary Hysjulien

Sent from my iPhone

February 23, 2010

Dear Rental Property Owner or Manager:

On May 27, 2008, Plymouth adopted changes to the City Code that affect both rental and non-rental property. Provisions were added to the existing rental licensing ordinance and a new ordinance addressing public peace and safety was adopted. Our goal in adopting these changes is to protect the health, safety, and welfare of our community by preventing and abating nuisance conduct and giving rental property owners and managers tools to

keep their properties safe. These ordinances can help us work together by addressing issues that arise on your property and encouraging non-compliant residents to stop disorderly activity (thus becoming better residents themselves). By becoming actively involved in addressing this behavior, you will be more likely to keep your good residents. In addition, these ordinances provide tools to help you evict residents who continue to disrupt the peace, safety, and welfare of the community. This is a win-win situation for everyone. I invite you to read through the Codes in their entirety. Below are highlights of some of the bigger changes and an explanation of how they may affect you.

Changes to Section 410 of the City Code

1. The application information required for a rental license has changed to ensure notification is made to the correct person or persons in the most efficient manner. The property owner must designate a person who is responsible for the maintenance and management of the property, if different than the owner. This designated person must live in the sixteen-county metro area. A notarized signature is required if this person is different than the owner. If the designated person changes, the owner must notify the City within 10 days.
2. Mandatory Crime Free Multi Housing (CFMH) training is required for all rental property owners or managers, except those who own or manage only one single rental unit. CFMH training is an 8-hour class, covering information important for owners and managers of rental property to know. The cost of a CFMH class is typically around \$25. Police departments around Minnesota host CFMH training on a regular basis. For owners who live outside of Minnesota, CFMH training is a nationwide program and training is offered by police departments around the country. If you are not sure whether a class will be accepted by the Plymouth Police Department, please call 763-509-5147.

Property owners and managers will have ample time to complete the CFMH training. Training must be completed prior to rental license renewal.

We have Minnesota CFMH training opportunities posted on the City of Plymouth website. The information can also be found on the Minnesota Crime Prevention Association website. Go to www.mncpa.net, click on the calendar on starred dates and look for CFMH Day One. You can also call 763-509-5147 for information on upcoming trainings.

Upon completion of the CFMH class, you will receive a certificate. You will be required to submit a copy of your CFMH certificate upon license renewal. If you lose your certificate, you will have to contact the agency where you received your certificate and request a duplicate or you will need to re-take the CFMH class. The City of Plymouth will not track down lost certificates.

<page1image26896.png> <page1image27056.png>

3. CFMH refreshers will be required every 3 years. The time clock begins once a copy of the CFMH certificate is received. Plymouth Police will offer refresher classes, but not all departments offer refreshers. You will receive a refresher certificate upon completion of the refresher class. You will be required to submit a copy of this refresher certificate when needed. If you are not sure whether a different training will be accepted by the Police Department as a refresher, please call 763-509-5147.

4. Additional types of violations were added to the disorderly use provision to address common disorderly behavior that affects the health, safety, and welfare of the community. Previously, only seven behaviors were covered in the rental licensing ordinance. Nine additional types of violations were added. When verified violations are discovered, the police department will be sending notification to the owner and/or designated manager. In

addition, the police department will also send a letter to the residents advising them of consequences for repeated disorderly behavior. It is our expectation that you will follow-up with your residents as well. As in the past, repeated violations by the same resident can affect your rental license. However, our goal is to bring residents into compliance. Hopefully, with notification from both owners/managers and the police department, the disorderly behavior will stop.

Adoption of Section 960 of the City Code

Section 960 is a new ordinance that applies to everyone, both rental and owner-occupied residences. However, this section is primarily intended for owner-occupied properties. This ordinance regulates certain behavior deemed to be a nuisance. Our goal is to prevent or stop nuisance behavior by holding people accountable for their behavior. Similar to the rental ordinance, Section 960 also has a "three strikes" provision. Three violations at the same residence within a 365-day period will result in financial penalties. Owners, occupants, and persons in control of the residence may be subject jointly and severally to an excessive nuisance service call fee in the amount of \$250 or more, up to \$2,000, based on the actual cost of the law enforcement response and criminal charges punishable by up to a \$1,000 fine and 90 days in jail for each incident beyond the 2nd violation. Again, the goal is to stop nuisance behavior.

Remember, if you are having issues with your residents, don't forget Community Mediation! Mediation is free for Plymouth residents. It can work for neighbor-neighbor disputes as well as landlord-tenant disputes. Referring a problem to mediation early can help nip many problems in the bud. For further information, contact Community Mediation at 763-561-0033 or www.mediationprogram.com.

If you have any questions about these changes, please contact me at 763-509-5147. Thank you for your commitment to keeping our City safe! Working together, we make a difference!

Sincerely,

Officer Angela Haseman CFMH/Crime Prevention Officer Plymouth Police Department 763-509-5147
ahaseman@plymouthmn.gov

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Communication Details; Renters Warehouse; July 17, 2015

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From: Liz Hysjulien <lizhysjulien@yahoo.com>
Date: July 17, 2015 at 1:34:57 PM CDT
To: Adam Wachutka <awachutka@renterswarehouse.com>
Subject: Re: 2650 Alvarado Ln Complaints

Enclosed you will find a synopsis of the trouble we are having.

From: Liz Hysjulien <lizhysjulien@icloud.com>
Subject: 2650 Alvarado Lane excessive disturbances
Date: July 16, 2015 at 10:09:17 PM CDT
To: Jdorfsman@plymouthmn.gov

Sgt Jeff Dorfsman;

I called and left you a message concerning the excessive annoyance/public nuisance/disorderly house occurring at 2650 Alvarado Lane. I would imagine you are busy, but I do not want to wait too much longer as I am very concerned about this situation escalating further with the level of frustration experienced by some in the neighborhood. Some progress would ease fears I believe.

Firstly, Police officers have been called to this residence MORE THAN 3 times in the last 365 days. According to the city code noted below, Police are to notify the owner of the residence of the nuisance service calls. The owner can then be fined for each call. This allows the city of Plymouth to recoup costs of service for the department. I have underlined the 2 appropriate portions for your review.

Secondly, the owner should have a license from the city to provide services. Being licensed by the city, the city manager then notifies the owner of the disorderly house, it is the responsibility of the owner to prevent any public nuisance that is occurring.

Thirdly, I have enclosed a letter, written in 2010 by the plymouth police department addressing similar circumstances.

Fourthly, there are certainly several members of our community that are annoyed by this behavior; one definition of public nuisance.

Lastly, Several members of the community have expressed concern for the safety of the residents at the home. Residents have been observed:

- being improperly dressed for the weather in the winter
- walking on highway 55 at night
- approaching people and asking for money and rides
- fighting
- staring excessively at the women in the community, making them feel unsafe on their property and in the community
- generating unnecessary noise (this occurs primarily from the visitors to the property)

I will wait for your return call. It is unclear as to who initiates this process, so.....tomorrow, I will approach the city manager with this information, since in the licensing process, the city will have the current contact information for the owner of 2640 Alvarado Lane. He and/or she should be made aware of the activity on the property. I see by tax records the names on record are Rahel Ghebre and Nabil Pruscini.

Mary (Liz) Hysjulien

612-669-6299

410.42. Rental dwelling licenses: Conduct on licensed premises. Subd. 1. It shall be the responsibility of the rental license holder to take appropriate action, with the assistance of the City, to prevent conduct by tenants or their guests on the licensed premises which is hereby deemed to be disorderly, in violation of any of the following statutes or ordinances:

Section 960 of Plymouth City Code:

K. Public nuisance, as defined by Section 960.03, subdivision 1, of this Code or Minnesota Statutes Sections 609.74 - .745.

609.74 PUBLIC NUISANCE.

Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (1) maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- (2) interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (3) is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided

Nuisance service call. Public officer response to a verified incident of any activity, conduct or condition occurring on private property that is likely to unreasonably interfere with the quiet enjoyment of neighboring properties or the safety, health, morals, welfare, comfort, or repose of the residents therein, including without limitation:

4. Public nuisance, as defined by Section 2010.01, Subdivision 1 of this Code or Minnesota Statutes Sections 609.74 - .745, as may be amended from time to time.

February 23, 2010

Dear Rental Property Owner or Manager:

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Remember, if you are having issues with your residents, don't forget Community Mediation! Mediation is free for Plymouth residents. It can work for neighbor-neighbor disputes as well as landlord-tenant

disputes. Referring a problem to mediation early can help nip many problems in the bud. For further information, contact Community Mediation at 763-561-0033 or www.mediationprogram.com.

If you have any questions about these changes, please contact me at 763-509-5147. Thank you for your commitment to keeping our City safe! Working together, we make a difference!

Sincerely,

Officer Angela Haseman CFMH/Crime Prevention Officer Plymouth Police Department 763-509-5147 ahaseman@plymouthmn.gov

Liz

Sent from my iPhone

On Jul 17, 2015, at 1:22 PM, Adam Wachutka <awachutka@renterswarehouse.com> wrote:

Hello,

It was brought to my attention that you have several complaints in regards to a rental property being managed by Renters Warehouse.

I would be happy to address whatever issues you are having with the tenants if you could please provide me with the issues that you are having.

If you have any further questions or concerns please let me know.

Kind Regards,

ADAM WACHUTKA

Lease Enforcement & Rent Collection | Renters Warehouse - The Professional Landlords
o: 952-224-4608 | RentersWarehouse.com | [Facebook](#) | [Twitter](#)

Renters Warehouse - Minneapolis-St. Paul, MN

6101 Baker Rd., Suite #200

Minnetonka, MN 55345

Renters Warehouse Headquarters & RW Realty

4950 West 78th Street

Bloomington, MN 55435

ProfessionalLandlords.com | RWHQ.com

Questions, Comments or Requests?

Visit our NEW Customer Center at RentersWarehouse.com!



Minnesota Department of **Human Services**

October 20, 2015

Michael Reed
3400 Plymouth Blvd.
Plymouth, MN 55447

RE: Genesis Group Homes, Inc., License No. 1072844
Report No. 20155776

Dear Mr. Reed:

Thank you for your report received on October 15, 2015. The Office of Inspector General, Division of Licensing, investigates suspected maltreatment and/or possible licensing violations in facilities licensed by DHS. Your report was assessed to determine if the reported incident(s) involved suspected maltreatment and/or possible licensing violations and whether further investigation was required.

After carefully reviewing all the information you provided and gathering some additional information, it was determined that there will be no further action on your report by the Division of Licensing. Your report will be maintained by the Division of Licensing for three years. If additional reports are received regarding the facility, your report will again be reviewed to determine whether there is a pattern of issues at the facility. If you have questions, please call Lisa Ostergaard at 651/431-6568.

The Department appreciates your concern regarding services provided to vulnerable persons.

Sincerely,

Christopher Muras, Intake
Office of Inspector General
Licensing Division

CAMPBELL KNUTSON

Professional Association

Direct Dial: 651-234-6215

E-mail Address: rknutson@ck-law.com

October 22, 2015

Thomas J. Campbell
Roger N. Knutson
Thomas M. Scott
Elliott B. Knetsch
Joel J. Jamnik
Andrea McDowell Poehler
Soren M. Mattick
John F. Kelly
Henry A. Schaeffer, III
Alina Schwartz
Shana N. Conklin
Amy B. Schutt
David H. Schultz
Kurt S. Fischer

Mr. Larry Christofaro
18910 27th Avenue North
Plymouth, MN 55447

Re: 2650 Alvarado

Dear Mr. Christofaro:

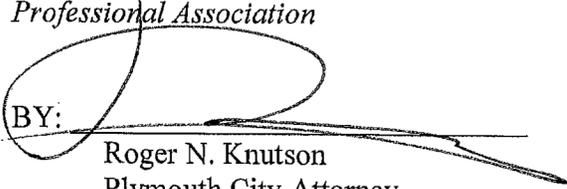
I am the Plymouth City Attorney. The City takes your concerns and the concern of your neighbors very seriously and shares those concerns.

As you know, the Plymouth Police Department has responded to numerous incidents at the home and will continue to do so if the need arises. The City does not, however, license or have any regulatory authority over the "independent Skill Services" being provided at the home. The Police Department has made a full report on the problems to the Minnesota Central Adult Reporting Center; Report No. 211-924-112. The phone number for the Center is 844-880-1574 Ext. 1. The Police Department has also been in contact with the Minnesota Department of Human Services, phone number 651-431-6500. The Police Department will continue to work with the State Agencies to try to resolve the problems at the home. You can certainly contact the State Agencies directly and express your concerns.

The City will keep you advised of any new developments.

Regards,

CAMPBELL KNUTSON
Professional Association

BY: 

Roger N. Knutson
Plymouth City Attorney

RNK:slc

cc: Chief Goldstein

Grand Oak Office Center 1
860 Blue Gentian Road
Suite 290, Eagan, MN 55121
651-452-5000
Fax 651-234-6237
www.ck-law.com

184088v1

245A.11 SPECIAL CONDITIONS FOR RESIDENTIAL PROGRAMS.

Subdivision 1. **Policy statement.** It is the policy of the state that persons shall not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings.

Subd. 2. **Permitted single-family residential use.** Residential programs with a licensed capacity of six or fewer persons shall be considered a permitted single-family residential use of property for the purposes of zoning and other land use regulations, except that a residential program whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use. This exception shall not apply to residential programs licensed before July 1, 1995. Programs otherwise allowed under this subdivision shall not be prohibited by operation of restrictive covenants or similar restrictions, regardless of when entered into, which cannot be met because of the nature of the licensed program, including provisions which require the home's occupants be related, and that the home must be occupied by the owner, or similar provisions.

Subd. 2a. **Adult foster care and community residential setting license capacity.** (a) The commissioner shall issue adult foster care and community residential setting licenses with a maximum licensed capacity of four beds, including nonstaff roomers and boarders, except that the commissioner may issue a license with a capacity of five beds, including roomers and boarders, according to paragraphs (b) to (f).

(b) The license holder may have a maximum license capacity of five if all persons in care are age 55 or over and do not have a serious and persistent mental illness or a developmental disability.

(c) The commissioner may grant variances to paragraph (b) to allow a facility with a licensed capacity of five persons to admit an individual under the age of 55 if the variance complies with section 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed facility is located.

(d) The commissioner may grant variances to paragraph (b) to allow the use of a fifth bed for emergency crisis services for a person with serious and persistent mental illness or a developmental disability, regardless of age, if the variance complies with section 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed facility is located.

(e) The commissioner may grant a variance to paragraph (b) to allow for the use of a fifth bed for respite services, as defined in section 245A.02, for persons with disabilities, regardless of age, if the variance complies with sections 245A.03, subdivision 7, and 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed facility is located. Respite care may be provided under the following conditions:

(1) staffing ratios cannot be reduced below the approved level for the individuals being served in the home on a permanent basis;

(2) no more than two different individuals can be accepted for respite services in any calendar month and the total respite days may not exceed 120 days per program in any calendar year;

(3) the person receiving respite services must have his or her own bedroom, which could be used for alternative purposes when not used as a respite bedroom, and cannot be the room of another person who lives in the facility; and

(4) individuals living in the facility must be notified when the variance is approved. The provider must give 60 days' notice in writing to the residents and their legal representatives prior to accepting the first respite placement. Notice must be given to residents at least two days prior to service initiation, or as soon as the license holder is able if they receive notice of the need for respite less than two days prior to initiation, each time a respite client will be served, unless the requirement for this notice is waived by the resident or legal guardian.

(f) The commissioner may issue an adult foster care or community residential setting license with a capacity of five adults if the fifth bed does not increase the overall statewide capacity of licensed adult foster care or community residential setting beds in homes that are not the primary residence of the license holder, as identified in a plan submitted to the commissioner by the county, when the capacity is recommended by the county licensing agency of the county in which the facility is located and if the recommendation verifies that:

- (1) the facility meets the physical environment requirements in the adult foster care licensing rule;
- (2) the five-bed living arrangement is specified for each resident in the resident's:
 - (i) individualized plan of care;
 - (ii) individual service plan under section 256B.092, subdivision 1b, if required; or
 - (iii) individual resident placement agreement under Minnesota Rules, part 9555.5105, subpart 19, if required;
- (3) the license holder obtains written and signed informed consent from each resident or resident's legal representative documenting the resident's informed choice to remain living in the home and that the resident's refusal to consent would not have resulted in service termination; and
- (4) the facility was licensed for adult foster care before March 1, 2011.

(g) The commissioner shall not issue a new adult foster care license under paragraph (f) after June 30, 2016. The commissioner shall allow a facility with an adult foster care license issued under paragraph (f) before June 30, 2016, to continue with a capacity of five adults if the license holder continues to comply with the requirements in paragraph (f).

Subd. 2b. Adult foster care; family adult day services. An adult foster care license holder licensed under the conditions in subdivision 2a may also provide family adult day care for adults age 18 or over. Family adult day services provided in a licensed adult foster care setting must be provided as specified under section 245A.143. Authorization to provide family adult day services in the adult foster care setting shall be printed on the license certificate by the commissioner. Adult foster care homes licensed under this section and family adult day services licensed under section 245A.143 shall not be subject to licensure by the commissioner of health under the provisions of chapter 144, 144A, 157, or any other law requiring facility licensure by the commissioner of health. A separate license is not required to provide family adult day services in a licensed adult foster care home.

Subd. 3. Permitted multifamily residential use. Unless otherwise provided in any town, municipal, or county zoning regulation, a licensed residential program with a licensed capacity of seven to 16 persons shall be considered a permitted multifamily residential use of property for the purposes of zoning and other land use regulations. A town, municipal, or county zoning authority may require a conditional use or special use permit to assure proper maintenance and operation of a residential program. Conditions imposed on the

residential program must not be more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones, unless the additional conditions are necessary to protect the health and safety of the persons being served by the program. Nothing in this chapter shall be construed to exclude or prohibit residential programs from single-family zones if otherwise permitted by local zoning regulations.

Subd. 4. Location of residential programs. In determining whether to grant a license, the commissioner shall specifically consider the population, size, land use plan, availability of community services, and the number and size of existing licensed residential programs in the town, municipality, or county in which the applicant seeks to operate a residential program. The commissioner shall not grant an initial license to any residential program if the residential program will be within 1,320 feet of an existing residential program unless one of the following conditions apply: (1) the existing residential program is located in a hospital licensed by the commissioner of health; (2) the town, municipality, or county zoning authority grants the residential program a conditional use or special use permit; (3) the program serves six or fewer persons and is not located in a city of the first class; or (4) the program is foster care, or a community residential setting as defined under section 245D.02, subdivision 4a.

Subd. 5. [Repealed, 2014 c 262 art 5 s 7]

Subd. 5a. Integration of residential programs. The commissioner of human services shall seek input from counties and municipalities on methods for integrating all residential programs into the community.

Subd. 6. Hospitals; exemption. Residential programs located in hospitals shall be exempt from the provisions of this section.

Subd. 7. Adult foster care; variance for alternate overnight supervision. (a) The commissioner may grant a variance under section 245A.04, subdivision 9, to rule parts requiring a caregiver to be present in an adult foster care home during normal sleeping hours to allow for alternative methods of overnight supervision. The commissioner may grant the variance if the local county licensing agency recommends the variance and the county recommendation includes documentation verifying that:

(1) the county has approved the license holder's plan for alternative methods of providing overnight supervision and determined the plan protects the residents' health, safety, and rights;

(2) the license holder has obtained written and signed informed consent from each resident or each resident's legal representative documenting the resident's or legal representative's agreement with the alternative method of overnight supervision; and

(3) the alternative method of providing overnight supervision, which may include the use of technology, is specified for each resident in the resident's: (i) individualized plan of care; (ii) individual service plan under section 256B.092, subdivision 1b, if required; or (iii) individual resident placement agreement under Minnesota Rules, part 9555.5105, subpart 19, if required.

(b) To be eligible for a variance under paragraph (a), the adult foster care license holder must not have had a conditional license issued under section 245A.06, or any other licensing sanction issued under section 245A.07 during the prior 24 months based on failure to provide adequate supervision, health care services, or resident safety in the adult foster care home.

(c) A license holder requesting a variance under this subdivision to utilize technology as a component of a plan for alternative overnight supervision may request the commissioner's review in the absence of a county recommendation. Upon receipt of such a request from a license holder, the commissioner shall review the variance request with the county.

(d) A variance granted by the commissioner according to this subdivision before January 1, 2014, to a license holder for an adult foster care home must transfer with the license when the license converts to a community residential setting license under chapter 245D. The terms and conditions of the variance remain in effect as approved at the time the variance was granted.

Subd. 7a. Alternate overnight supervision technology; adult foster care and community residential setting licenses. (a) The commissioner may grant an applicant or license holder an adult foster care or community residential setting license for a residence that does not have a caregiver in the residence during normal sleeping hours as required under Minnesota Rules, part 9555.5105, subpart 37, item B, or section 245D.02, subdivision 33b, but uses monitoring technology to alert the license holder when an incident occurs that may jeopardize the health, safety, or rights of a foster care recipient. The applicant or license holder must comply with all other requirements under Minnesota Rules, parts 9555.5105 to 9555.6265, or applicable requirements under chapter 245D, and the requirements under this subdivision. The license printed by the commissioner must state in bold and large font:

(1) that the facility is under electronic monitoring; and

(2) the telephone number of the county's common entry point for making reports of suspected maltreatment of vulnerable adults under section 626.557, subdivision 9.

(b) Applications for a license under this section must be submitted directly to the Department of Human Services licensing division. The licensing division must immediately notify the county licensing agency. The licensing division must collaborate with the county licensing agency in the review of the application and the licensing of the program.

(c) Before a license is issued by the commissioner, and for the duration of the license, the applicant or license holder must establish, maintain, and document the implementation of written policies and procedures addressing the requirements in paragraphs (d) through (f).

(d) The applicant or license holder must have policies and procedures that:

(1) establish characteristics of target populations that will be admitted into the home, and characteristics of populations that will not be accepted into the home;

(2) explain the discharge process when a resident served by the program requires overnight supervision or other services that cannot be provided by the license holder due to the limited hours that the license holder is on site;

(3) describe the types of events to which the program will respond with a physical presence when those events occur in the home during time when staff are not on site, and how the license holder's response plan meets the requirements in paragraph (e), clause (1) or (2);

(4) establish a process for documenting a review of the implementation and effectiveness of the response protocol for the response required under paragraph (e), clause (1) or (2). The documentation must include:

(i) a description of the triggering incident;

(ii) the date and time of the triggering incident;

(iii) the time of the response or responses under paragraph (e), clause (1) or (2);

(iv) whether the response met the resident's needs;

(v) whether the existing policies and response protocols were followed; and

(vi) whether the existing policies and protocols are adequate or need modification.

When no physical presence response is completed for a three-month period, the license holder's written policies and procedures must require a physical presence response drill to be conducted for which the effectiveness of the response protocol under paragraph (e), clause (1) or (2), will be reviewed and documented as required under this clause; and

(5) establish that emergency and nonemergency phone numbers are posted in a prominent location in a common area of the home where they can be easily observed by a person responding to an incident who is not otherwise affiliated with the home.

(e) The license holder must document and include in the license application which response alternative under clause (1) or (2) is in place for responding to situations that present a serious risk to the health, safety, or rights of residents served by the program:

(1) response alternative (1) requires only the technology to provide an electronic notification or alert to the license holder that an event is underway that requires a response. Under this alternative, no more than ten minutes will pass before the license holder will be physically present on site to respond to the situation; or

(2) response alternative (2) requires the electronic notification and alert system under alternative (1), but more than ten minutes may pass before the license holder is present on site to respond to the situation. Under alternative (2), all of the following conditions are met:

(i) the license holder has a written description of the interactive technological applications that will assist the license holder in communicating with and assessing the needs related to the care, health, and safety of the foster care recipients. This interactive technology must permit the license holder to remotely assess the well being of the resident served by the program without requiring the initiation of the foster care recipient. Requiring the foster care recipient to initiate a telephone call does not meet this requirement;

(ii) the license holder documents how the remote license holder is qualified and capable of meeting the needs of the foster care recipients and assessing foster care recipients' needs under item (i) during the absence of the license holder on site;

(iii) the license holder maintains written procedures to dispatch emergency response personnel to the site in the event of an identified emergency; and

(iv) each resident's individualized plan of care, coordinated service and support plan under sections 256B.0913, subdivision 8; 256B.0915, subdivision 6; 256B.092, subdivision 1b; and 256B.49, subdivision 15, if required, or individual resident placement agreement under Minnesota Rules, part 9555.5105, subpart 19, if required, identifies the maximum response time, which may be greater than ten minutes, for the license holder to be on site for that resident.

(f) Each resident's placement agreement, individual service agreement, and plan must clearly state that the adult foster care or community residential setting license category is a program without the presence of a caregiver in the residence during normal sleeping hours; the protocols in place for responding to situations that present a serious risk to the health, safety, or rights of residents served by the program under paragraph (e), clause (1) or (2); and a signed informed consent from each resident served by the program or the person's legal representative documenting the person's or legal representative's agreement with placement in the

program. If electronic monitoring technology is used in the home, the informed consent form must also explain the following:

- (1) how any electronic monitoring is incorporated into the alternative supervision system;
- (2) the backup system for any electronic monitoring in times of electrical outages or other equipment malfunctions;
- (3) how the caregivers or direct support staff are trained on the use of the technology;
- (4) the event types and license holder response times established under paragraph (e);
- (5) how the license holder protects each resident's privacy related to electronic monitoring and related to any electronically recorded data generated by the monitoring system. A resident served by the program may not be removed from a program under this subdivision for failure to consent to electronic monitoring. The consent form must explain where and how the electronically recorded data is stored, with whom it will be shared, and how long it is retained; and
- (6) the risks and benefits of the alternative overnight supervision system.

The written explanations under clauses (1) to (6) may be accomplished through cross-references to other policies and procedures as long as they are explained to the person giving consent, and the person giving consent is offered a copy.

(g) Nothing in this section requires the applicant or license holder to develop or maintain separate or duplicative policies, procedures, documentation, consent forms, or individual plans that may be required for other licensing standards, if the requirements of this section are incorporated into those documents.

(h) The commissioner may grant variances to the requirements of this section according to section 245A.04, subdivision 9.

(i) For the purposes of paragraphs (d) through (h), "license holder" has the meaning under section 245A.2, subdivision 9, and additionally includes all staff, volunteers, and contractors affiliated with the license holder.

(j) For the purposes of paragraph (e), the terms "assess" and "assessing" mean to remotely determine what action the license holder needs to take to protect the well-being of the foster care recipient.

(k) The commissioner shall evaluate license applications using the requirements in paragraphs (d) to (f). The commissioner shall provide detailed application forms, including a checklist of criteria needed for approval.

(l) To be eligible for a license under paragraph (a), the adult foster care or community residential setting license holder must not have had a conditional license issued under section 245A.06 or any licensing sanction under section 245A.07 during the prior 24 months based on failure to provide adequate supervision, health care services, or resident safety in the adult foster care home or community residential setting.

(m) The commissioner shall review an application for an alternative overnight supervision license within 60 days of receipt of the application. When the commissioner receives an application that is incomplete because the applicant failed to submit required documents or that is substantially deficient because the documents submitted do not meet licensing requirements, the commissioner shall provide the applicant written notice that the application is incomplete or substantially deficient. In the written notice to the applicant, the commissioner shall identify documents that are missing or deficient and give the applicant

45 days to resubmit a second application that is substantially complete. An applicant's failure to submit a substantially complete application after receiving notice from the commissioner is a basis for license denial under section 245A.05. The commissioner shall complete subsequent review within 30 days.

(n) Once the application is considered complete under paragraph (m), the commissioner will approve or deny an application for an alternative overnight supervision license within 60 days.

(o) For the purposes of this subdivision, "supervision" means:

(1) oversight by a caregiver or direct support staff as specified in the individual resident's place agreement or coordinated service and support plan and awareness of the resident's needs and activities; and

(2) the presence of a caregiver or direct support staff in a residence during normal sleeping hours, unless a determination has been made and documented in the individual's coordinated service and support plan that the individual does not require the presence of a caregiver or direct support staff during normal sleeping hours.

Subd. 7b. Adult foster care data privacy and security. (a) An adult foster care or community residential setting license holder who creates, collects, records, maintains, stores, or discloses any individually identifiable recipient data, whether in an electronic or any other format, must comply with the privacy and security provisions of applicable privacy laws and regulations, including:

(1) the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-1; and the HIPAA Privacy Rule, Code of Federal Regulations, title 45, part 160, and subparts A and E of part 164; and

(2) the Minnesota Government Data Practices Act as codified in chapter 13.

(b) For purposes of licensure, the license holder shall be monitored for compliance with the following data privacy and security provisions:

(1) the license holder must control access to data on residents served by the program according to the definitions of public and private data on individuals under section 13.02; classification of the data on individuals as private under section 13.46, subdivision 2; and control over the collection, storage, use, access, protection, and contracting related to data according to section 13.05, in which the license holder is assigned the duties of a government entity;

(2) the license holder must provide each resident served by the program with a notice that meets the requirements under section 13.04, in which the license holder is assigned the duties of the government entity, and that meets the requirements of Code of Federal Regulations, title 45, part 164.52. The notice shall describe the purpose for collection of the data, and to whom and why it may be disclosed pursuant to law. The notice must inform the individual that the license holder uses electronic monitoring and, if applicable, that recording technology is used;

(3) the license holder must not install monitoring cameras in bathrooms;

(4) electronic monitoring cameras must not be concealed from the residents served by the program; and

(5) electronic video and audio recordings of residents served by the program shall be stored by the license holder for five days unless: (i) a resident served by the program or legal representative requests that the recording be held longer based on a specific report of alleged maltreatment; or (ii) the recording captures an incident or event of alleged maltreatment under section 626.556 or 626.557 or a crime under chapter

609. When requested by a resident served by the program or when a recording captures an incident or event of alleged maltreatment or a crime, the license holder must maintain the recording in a secured area for no longer than 30 days to give the investigating agency an opportunity to make a copy of the recording. The investigating agency will maintain the electronic video or audio recordings as required in section 626.557, subdivision 12b.

(c) The commissioner shall develop, and make available to license holders and county licensing workers, a checklist of the data privacy provisions to be monitored for purposes of licensure.

Subd. 8. Community residential setting license. (a) The commissioner shall establish provider standards for residential support services that integrate service standards and the residential setting under one license. The commissioner shall propose statutory language and an implementation plan for licensing requirements for residential support services to the legislature by January 15, 2012, as a component of the quality outcome standards recommendations required by Laws 2010, chapter 352, article 1, section 24.

(b) Providers licensed under chapter 245B, and providing, contracting, or arranging for services in settings licensed as adult foster care under Minnesota Rules, parts 9555.5105 to 9555.6265; and meeting the provisions of section 245D.02, subdivision 4a, must be required to obtain a community residential setting license.

History: 1987 c 333 s 12; 1988 c 411 s 6; 1990 c 568 art 2 s 47; 1992 c 513 art 9 s 14; 1993 c 10 s 1; 1995 c 224 s 79; 1997 c 203 art 7 s 4; 1997 c 248 s 31; 2000 c 327 s 6; 2001 c 4 s 1,2; 1Sp2003 c 14 art 6 s 10-12; 2004 c 288 art 1 s 25; art 5 s 2; 2007 c 112 s 13; 2009 c 79 art 1 s 3-5; art 8 s 9; 2009 c 173 art 1 s 3; 2010 c 352 art 1 s 6; 1Sp2011 c 9 art 4 s 6; 2012 c 216 art 9 s 4,5; 2012 c 247 art 4 s 7-9; 2013 c 108 art 8 s 16-20; 2013 c 125 art 1 sec 108; 2015 c 78 art 4 s 13

245D.03 APPLICABILITY AND EFFECT.

Subdivision 1. **Applicability.** (a) The commissioner shall regulate the provision of home and community-based services to persons with disabilities and persons age 65 and older pursuant to this chapter. The licensing standards in this chapter govern the provision of basic support services and intensive support services.

(b) Basic support services provide the level of assistance, supervision, and care that is necessary to ensure the health and welfare of the person and do not include services that are specifically directed toward the training, treatment, habilitation, or rehabilitation of the person. Basic support services include:

(1) in-home and out-of-home respite care services as defined in section 245A.02, subdivision 15, and under the brain injury, community alternative care, community access for disability inclusion, developmental disability, and elderly waiver plans, excluding out-of-home respite care provided to children in a family child foster care home licensed under Minnesota Rules, parts 2960.3000 to 2960.3100, when the child foster care license holder complies with the requirements under section 245D.06, subdivisions 5, 6, 7, and 8, or successor provisions; and section 245D.061 or successor provisions, which must be stipulated in the statement of intended use required under Minnesota Rules, part 2960.3000, subpart 4;

(2) adult companion services as defined under the brain injury, community access for disability inclusion, and elderly waiver plans, excluding adult companion services provided under the Corporation for National and Community Services Senior Companion Program established under the Domestic Volunteer Service Act of 1973, Public Law 98-288;

(3) personal support as defined under the developmental disability waiver plan;

(4) 24-hour emergency assistance, personal emergency response as defined under the community access for disability inclusion and developmental disability waiver plans;

(5) night supervision services as defined under the brain injury waiver plan; and

(6) homemaker services as defined under the community access for disability inclusion, brain injury, community alternative care, developmental disability, and elderly waiver plans, excluding providers licensed by the Department of Health under chapter 144A and those providers providing cleaning services only.

(c) Intensive support services provide assistance, supervision, and care that is necessary to ensure the health and welfare of the person and services specifically directed toward the training, habilitation, or rehabilitation of the person. Intensive support services include:

(1) intervention services, including:

(i) behavioral support services as defined under the brain injury and community access for disability inclusion waiver plans;

(ii) in-home or out-of-home crisis respite services as defined under the developmental disability waiver plan; and

(iii) specialist services as defined under the current developmental disability waiver plan;

(2) in-home support services, including:

(i) in-home family support and supported living services as defined under the developmental disability waiver plan;

(ii) independent living services training as defined under the brain injury and community access for disability inclusion waiver plans; and

(iii) semi-independent living services;

(3) residential supports and services, including:

(i) supported living services as defined under the developmental disability waiver plan provided in a family or corporate child foster care residence, a family adult foster care residence, a community residential setting, or a supervised living facility;

(ii) foster care services as defined in the brain injury, community alternative care, and community access for disability inclusion waiver plans provided in a family or corporate child foster care residence, a family adult foster care residence, or a community residential setting; and

(iii) residential services provided to more than four persons with developmental disabilities in a supervised living facility, including ICFs/DD;

(4) day services, including:

(i) structured day services as defined under the brain injury waiver plan;

(ii) day training and habilitation services under sections 252.41 to 252.46, and as defined under the developmental disability waiver plan; and

(iii) prevocational services as defined under the brain injury and community access for disability inclusion waiver plans; and

(5) supported employment as defined under the brain injury, developmental disability, and community access for disability inclusion waiver plans.

Subd. 1a. **Effect.** The home and community-based services standards establish health, safety, welfare, and rights protections for persons receiving services governed by this chapter. The standards recognize the diversity of persons receiving these services and require that these services are provided in a manner that meets each person's individual needs and ensures continuity in service planning, care, and coordination between the license holder and members of each person's support team or expanded support team.

Subd. 2. **Relationship to other standards governing home and community-based services.** (a) A license holder governed by this chapter is also subject to the licensure requirements under chapter 245A.

(b) This chapter does not apply to corporate or family child foster care homes that do not provide services licensed under this chapter.

(c) A family adult foster care site controlled by a license holder providing services governed by this chapter is exempt from compliance with Minnesota Rules, parts 9555.6185; 9555.6225, subpart 8; 9555.6245; 9555.6255; and 9555.6265. These exemptions apply to family adult foster care homes where at least one resident is receiving residential supports and services licensed according to this chapter. This chapter does not apply to family adult foster care homes that do not provide services licensed under this chapter.

(d) A license holder providing services licensed according to this chapter in a supervised living facility is exempt from compliance with section 245D.04.

(e) A license holder providing residential services to persons in an ICF/DD is exempt from compliance with sections 245D.04; 245D.05, subdivision 1b; 245D.06, subdivision 2, clauses (4) and (5); 245D.071, subdivisions 4 and 5; 245D.081, subdivision 2; 245D.09, subdivision 7; 245D.095, subdivision 2; and 245D.11, subdivision 3.

(f) A license holder providing homemaker services licensed according to this chapter and registered according to chapter 144A is exempt from compliance with section 245D.04.

(g) Nothing in this chapter prohibits a license holder from concurrently serving persons without disabilities or people who are or are not age 65 and older, provided this chapter's standards are met as well as other relevant standards.

(h) The documentation required under sections 245D.07 and 245D.071 must meet the individual program plan requirements identified in section 256B.092 or successor provisions.

Subd. 3. **Variance.** If the conditions in section 245A.04, subdivision 9, are met, the commissioner may grant a variance to any of the requirements in this chapter, except sections 245D.04; 245D.06, subdivision 4, paragraph (b), and subdivision 6, or successor provisions; and provisions governing data practices and information rights of persons.

Subd. 4. [Repealed by amendment, 2013 c 108 art 8 s 23]

Subd. 5. **Program certification.** An applicant or a license holder may apply for program certification as identified in section 245D.33.

History: 2012 c 216 art 18 s 18; 2013 c 108 art 8 s 23; 2014 c 275 art 1 s 48; 2014 c 312 art 27 s 19-22,77; 2015 c 78 art 6 s 31



Minnesota Department of Human Services

CBSM

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Page posted: 12/08/09	Page reviewed: 10/11/13	Page updated: 6/02/14
Legal authority	Minn. Stat. §245A.03, subd. 7; Minn.Stat. §256B.092	
Background	The 2009 Minnesota Legislature authorized a moratorium on the growth of adult and child corporate foster care.	
Moratorium scope	<p>Effective Sept. 1, 2009, the Legislature established a statewide capacity threshold for the duration of the moratorium. This is based on results of an ongoing needs determination process. In 2011, a statewide capacity reduction of 'up to 128' corporate foster care beds through statute was put in place and was met by the June 30, 2014 deadline.</p> <p>Licenses that DHS issues for foster care settings in which the home is not the primary residence of the license holder are:</p> <ul style="list-style-type: none"> • Corporate foster care settings • Subject to the moratorium • Subject to de-licensing of vacancies and closures 	
Moratorium exceptions	<p>The moratorium exceptions include development of corporate capacity necessary to serve the following:</p> <ul style="list-style-type: none"> • Individuals with a hospital level of care (CAC or BI-NB waivers) • Settings that require MN Statute 144D housing with services registration (80 percent or more of the residents are age 55 or older) • Closure of a nursing facility, ICF/DD, regional treatment center, or due to restructuring of state-operated facilities and closure plans in place • Those transitioning out of Minnesota State Security Hospital • Those transitioning out of Anoka Regional Treatment Center <p>The 2012 legislature included an exemption to the capacity reduction for providers with a mental health certification. DHS is aware that some providers have been encouraged to seek mental health certification for their corporate adult foster care homes, even if that is not their particular specialty.</p> <p>The 2013 legislature added clarifying language only to allow an exception to the capacity reduction if the certified provider is providing services to an individual with a primary diagnosis of mental illness. Providers who do not meet all of the necessary criteria should not use this certification as a strategy to avoid de-licensing.</p>	
	Counties, through their county moratorium liaisons , manage the day-to-day capacity process for corporate foster care settings. Each liaison serves as the contact person between the lead agency, county licensing agent, DHS Licensing Division and DHS Disability Services Division.	

<p>Lead agency management</p>	<p>The county moratorium liaison works with lead agencies and provider partners to manage the corporate foster care moratorium and the need for new development and closures. The county of residence is the county that submits recommendations using the <u>Request to Close or Develop New Corporate Foster Care Form, DHS-6021 (PDF)</u> to the DSD residential financial planner for approval, who in turn reviews and, upon approval, sends back to the liaison for processing with licensing staff. The liaison's core activities include the following:</p> <ol style="list-style-type: none"> 1. Understand the corporate license capacity, moratorium exceptions, and identify opportunities to evaluate and adjust capacity to meet individuals' needs while reflecting individual choices. 2. Work with individuals and their teams, lead agency and provider(s) to determine if a corporate foster care setting is the best and most integrated community living option and, if so, determine priority needs for services in the corporate foster care setting. 3. Work with individuals and their teams, and the lead agency to identify and monitor situations regarding individuals currently served in corporate foster care, but who could be, based upon their preferences and needs, provided with less intensive services in alternative or less restrictive settings. For example, with a companion who could provide the same care. 4. Act as the county's point/contact person communicating with DSD and DHS Licensing regarding moratorium and capacity issues. 5. Complete the recently revised form DHS-6021 for all new corporate foster care development including exceptions and closures. The liaison submits, with their recommendation, the completed form to DHS for approval. 6. Attach the DHS-approved exception form to all corporate foster care licensing application materials and send on to the DHS Licensing Division. <p>Note: Submit licensing applications for settings registered under chapter 144D directly to DHS Licensing (without involvement of DSD's residential fiscal policy planner). In these settings, 80 percent or more of their residents are age 55 or older.</p>
<p>Voluntary closure rate adjustment</p>	<p>As required by legislation (<u>Minn. Stat. §256B.493</u>), DSD is providing a process for providers (license holders) to obtain approval for voluntary closure of foster care homes. This would include adjustment of rates during the closure period. This rate adjustment process is not available for retroactive closures or partial-home closures. A provider interested in a partial-home closure, or reduction in the licensed capacity of a home, should directly contact the host county's corporate moratorium liaison.</p> <p>Providers of corporate adult foster care may obtain approval for closure of a licensed foster care home and related rate adjustment through the following process:</p> <ol style="list-style-type: none"> 1. Write up your proposal on the <u>Voluntary Closure Application DHS-6021B (PDF)</u> 2. Submit it to the <u>county moratorium liaison</u> for the host county 3. Work in cooperation with the host county and case managers from the county of financial responsibility to identify a closure plan, relocation plan and planned closure rate adjustment. <p>Once agreement has been reached, the host county will:</p> <ol style="list-style-type: none"> 1. Include the final closure plan, relocation plan and rate adjustment details on the <u>Voluntary Closure Application DHS-6021B (PDF)</u> form 2. Attach it to the <u>Request to Close or Develop New Corporate Foster Care, DHS-6021 (PDF)</u> form 3. Either use the form's submit button or send it to the DSD residential fiscal policy planner for approval at <u>FCMoratorium@state.mn.us</u> <p>DHS reviews documentation and bases decisions on the following:</p> <ul style="list-style-type: none"> • Alternatives that are available with closure • Choices of persons residing in residence • Consideration of the need for homes in the region of the state • Licensing and certification status of the residence • Plan adherence to existing policy and applicable laws

	<p>DHS approves the request, denies the request or asks for additional information. Once DHS reaches a final decision, DHS notifies the host county and provider in writing. This application process is confidential until the provider has received approval of the application from the DHS Disabilities Services Division.</p> <p>The provider shall then give written notification within five working days to:</p> <ol style="list-style-type: none"> 1. The county of financial responsibility, which authorizes the licensed services for the residents of the affected adult foster care settings 2. Current and prospective residents, any legal representatives and family members involved. <p>This notification must occur at least 45 days prior to the implementation of the approved closure proposal.</p>
<p>Closure of vacant beds</p>	<p>As required by 2012 legislation (<u>Minn.Stat. §245A.03, subd. 7c</u>), DHS provides a process for counties to recommend the de-licensing of current unused licensed capacity of a foster care program or a community residential setting to accomplish the consolidation or closure of settings.</p> <p>When a county is making a de-licensing recommendation, the following will be considered:</p> <ul style="list-style-type: none"> • Capacity within the county and region to meet needs • Preferences and concerns of people living in the residence • Licensing and certification status of the residence (e.g. conditional) • Plan adherence to existing policy and applicable laws • Counties are not required to de-license a particular number of beds <p>The county must address service planning & fiscal considerations, such as the following, prior to making a de-licensing recommendation:</p> <ul style="list-style-type: none"> • County(s) of financial responsibility and the provider must agree on new service levels that will be in place after de-licensing • County(s) of financial responsibility must use the framework provided in the state's Rate Management System to determine a new rate after de-licensing <p>How de-licensing will affect rates:</p> <ul style="list-style-type: none"> • A reduction in licensed capacity will increase the rate calculated by the Rate Management System • Rate stabilization (banding) in place prior to de-licensing will continue after de-licensing <p>The county moratorium liaison at the county of residence should use the following process to notify DSD of its recommendation:</p> <ol style="list-style-type: none"> 1. Fill out the <u>Request to Close or Develop New Corporate Foster Care, DHS-6021 (PDF)</u> form, which includes, but is not limited to: <ul style="list-style-type: none"> • A request for information about location • Reason for de-licensing • Number of beds to be de-licensed • Effective date • How long the bed(s) has been unused/vacant • Relevant licensing history • Notice to provider regarding de-licensing • Notice to county(s) of financial responsibility (if applicable)

	<p>2. Attach a copy of the formal notice to the provider to the form DHS-6021.</p> <p>3. Sign, scan (with attachments) and email form DHS- 6021 to DSD's residential fiscal policy planner for approval at FCMoratorium@state.mn.us. A DSD internal advisory panel will review recommendations using a prompt, fair and consistent process.</p> <p>4. DHS approves the request, denies the request or asks for additional information based on criteria using the needs determination process.</p> <p>5. Once approved, DHS sends the approved form DHS-6021 to the county moratorium liaison at the county of residence who forwards to DHS Licensing for processing through the county licensing agent. The de-licensed bed(s) decision cannot be appealed.</p>
<p>Person-centered planning</p>	<p>To support the development of person-centered plans for people currently living in foster homes, local planning grants have been made available to counties through an RFP process to help people transition to other congregate settings or a home of one's own. The grants also will address education, outreach and assistance to consumers, families and communities about opportunities and supports for successful community living options. DHS currently is executing contracts with the selected counties.</p> <p>These efforts promote fully informed choices about:</p> <ul style="list-style-type: none"> • How to best meet client needs • How to create a plan to achieve it <p>More details and results will be available in the future.</p>
<p>Additional resources</p>	<p>County moratorium liaison contact list Housing access services Housing resources Licensing Look Up Changes to size of setting: 5th bed Services: adult and child foster care, transitional services</p> <p>If you have questions, please contact the DSD residential fiscal policy planner at FCMoratorium@state.mn.us</p>

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Updated: 6/2/14 4:10 PM



Minnesota Department of Human Services

CBSM

> [CBSM](#) > [Waiver Programs](#)

ISSUE DATE: 07/2013

Independent living skills training

Tier 1 Service

<p>Page posted: 10/01/03</p>	<p>Page reviewed: 5/29/15</p>	<p>Page updated: 5/29/15</p>
<p>Legal authority</p>	<p>Federally approved BI, CAC and CADI Waiver Plans, Minn. Stat. §245D.03</p>	
<p>Definition</p>	<p>Independent living skills training (ILS training): Services that develop, maintain and improve the community-living skills of a person.</p>	
<p>Covered services</p>	<p>ILS training is direct training from a staff person to address the identified skill development needs of a person in the areas of:</p> <ul style="list-style-type: none"> • Communication skills • Community living and mobility • Interpersonal skills • Reduction/elimination of maladaptive behavior • Self-care • Sensory/motor development involved in acquiring functional skills. <p>Assistance and supervision may occur during the delivery of ILS training services. However, training must be the primary service provided.</p> <p>See also Independent Living Skills (ILS) - BI Therapies.</p>	
<p>Non-covered services</p>	<p>The following are non-covered services:</p> <ul style="list-style-type: none"> • ILS training provided in licensed settings that are not the person's home • Overnight supervision • Services duplicated with other Minnesota state plan or waiver services. 	
<p>Secondary information</p>	<p>ILS training must be provided in:</p> <ul style="list-style-type: none"> • The person's home and/or • Community settings typically used by the general public. 	

	<p>Examples of ILS training in the person’s home and/or community setting:</p> <ul style="list-style-type: none"> • Learning how to cook in the person’s kitchen • Learning how to deposit money by going to a bank or ATM • Using the bus system to learn how to ride a bus. <p>Design the methods, materials and settings used to provide ILS training to meet the following outcomes:</p> <ol style="list-style-type: none"> 1. Increase the person’s independence by teaching skills so tasks and activities may be performed with decreased dependence on caregivers. 2. Increase the person’s opportunities to interact with people without disabilities who are not paid caregivers. 3. Provide daily schedules, routines, environments and interactions similar to those of people without disabilities of the same chronological age. 4. Provide skill training in an environment where the skill will be used. 5. Support development of decision-making skills and informed choices in all aspects of daily living including selection of service providers, goals and methods, location and decor of residence, roommates, daily routines, leisure activities and personal possessions. <p>Authorization</p> <p>Lead agencies may authorize ILS when the person’s community support plan documents the need for service identifies expected outcomes.</p> <p>The provider is responsible to:</p> <ul style="list-style-type: none"> • Document review of progress toward outcomes at least quarterly • Provide written reports to the case manager and person receiving services at a minimum of once a year or as established in the community support plan.
<p>Provider standards and qualifications</p>	<p>Payments will be made only to those entities or persons that meet the current licensure requirements of Minn. Stat. chapter 245D as an intensive support services provider.</p> <p>Providers licensed under 245D must report all uses of controlled procedures, emergency use of manual restraint and prohibited procedures according to <u>Minn. Stat. 245D.06, subd. 5</u> to DHS via the <u>Behavioral Intervention Report Form DHS-5148 (PDF)</u>.</p> <p><u>Minnesota Stat. 245C</u> requires all licensed programs to conduct background studies. Minn. Stat. 245D.03 lists individuals subject to background studies. Providers are required to complete and submit individual background studies using <u>New Electronically Transmitted Study (NETStudy)</u> through DHS licensing.</p> <p>Service providers may <u>apply for a 245D license</u>.</p>
<p>Additional resources</p>	<p><u>College of Direct Supports courses</u> <u>DHS Licensing</u> <u>MHCP Provider Training resources</u></p>

SOUTH METRO

Burnsville asks for help with group homes

The city plans to lobby the Legislature for help with governing adult group homes, citing a drain on police resources.

By Katie Humphrey (<http://www.startribune.com/katie-humphrey/34031089/>) Star Tribune |

JANUARY 7, 2012 — 10:02PM

Sometimes the calls come multiple times a day.

A resident with physical or developmental disabilities and traumatic brain injuries has wandered away from a group home for adults, and the staff asks Burnsville police to find the missing person.

"We might get three or four calls the same day on the same person," Police Chief Bob Hawkins said. "It really started to drain our resources."

The challenges with adult group homes, also known as adult foster homes, came to the fore as the city discussed its 2012 budget. Hawkins, who stressed that the police work to keep everyone safe, pointed to increased calls to group homes for things that could be handled differently -- for example, when residents are angry with one another or staff members, or false reports, neighbors' complaints about loud music or repeated calls about people leaving the facility.

Such calls accounted for 78 of the 230 police calls to group homes in 2011. That's up from 2009, when just 12 of the 239 calls to group homes were for the same types of incidents.

"That takes a lot of time away from true police service and adds a heck of a burden to law enforcement staff and their duties," Burnsville City Council Member Bill Coughlin said during a recent meeting with local legislators.

A new position in the city's 2012 legislative platform requests state help in regulating the concentration of group homes in neighborhoods or cities because of the cost and stress on city services.

"The impact to a neighborhood is pretty detrimental if two or three [group homes] cluster together," Mayor Elizabeth Kautz said, raising concerns about property values and the city's goal of having more owner-occupied homes.

Burnsville isn't the first city to try to restrict group homes, some licensed, some not.

Minneapolis and St. Paul have ordinances that aim to prevent concentrations of group homes, but suburbs so far do not, though not for lack of trying. There is currently a statewide moratorium on one type of group homes known as licensed corporate adult foster care facilities.

"It's been something that's come up more in the past year," Rep. Tara Mack, R-Apple Valley, told Burnsville council members, offering to work with them to find a solution, given her experience on the House human services committees. "It needs to be about prioritizing the level of care for these folks, but also make sure we're partnering with the people that should be doing these jobs and taking care of people."

But Bruce Nelson of the Association of Residential Resources in Minnesota, an organization that represents group home providers, said trying to limit the locations of those facilities is wrong.

"Would a community that is seeing an influx of people of color or another non-Caucasian ethnicity move to control the concentration, if you will, of those folks?" Nelson said. "Why are people with disabilities any different than anybody else in having a right to live in our neighborhoods that belong to all of us?"

He said there are hundreds of adult foster care facilities across the state that aim to be

good neighbors, take care of their residents and keep everyone safe.

"Sometimes that's a tricky balancing act," he said, adding that communication with local officials and law enforcement is key.

Hawkins, the Burnsville police chief, and the officer he has assigned to group home-related calls and follow-up have been working on that and learning more about the providers and residents who live in local facilities.

The city has 59 licensed adult foster care homes and an unknown number of unlicensed facilities housing dozens of residents, many of them scattered across the city in apartment buildings and townhouses.

The police have offered to work with group home providers on additional training for staff and on helping them learn how to defuse a tense situation. So far, at least, the home operators have been responsive.

"They acknowledged this is something we want to work on," Hawkins said. "As we continue to work with these folks, the No. 1 priority is the health and safety of the folks that need the service."

Katie Humphrey • 952-746-3286

katie.humphrey@startribune.com 952-746-3285 HumphreyKatie

To: Dave Callister, City Manager

**SPECIAL
COUNCIL MEETING**

Prepared by: Luke Fischer, Administrative Services Director

March 8, 2016

Item: Consider Council Goals and Legislative Priorities for 2016

1. ACTION REQUESTED:

Adopt the attached resolution adopting the Council Goals and Legislative Priorities for 2016.

2. BACKGROUND:

The Council met in a study session on February 16, 2016 to review its Goals, Legislative Agenda, and Departmental Work Plans for the upcoming year. This organizational planning establishes priorities for the Council and staff for the upcoming year. This year, the Council has elected to formally adopt its goals and legislative priorities (as it has in the past) and accepted departmental work plans at its study session.

Goal Setting

The Council's goals have remained largely constant over time. The goals focus in on broad themes, rather than actions or tactics.

Legislative Priorities

This year, the Council refined its legislative priorities – adding more clarity to its advocacy efforts. While the Legislative Priorities stake out the City's position on certain items, the Council has recognized other groups that represent its interests in St. Paul – primarily the Metropolitan Legislative Commission, Metro Cities, the League of Minnesota Cities, and the Minnesota Chiefs of Police Association. The draft legislative priorities are comingled – advocating among different levels of government. Staff may develop specific and expanded literature as needs warrant.

3. BUDGET IMPACT:

N/A

4. ATTACHMENTS:

Draft City Council Goals
Draft Legislative Priorities
Resolution

Protect Plymouth's Strong Financial Position.

Maintain Plymouth's fiscal health by ~~crafting~~implementing long-term revenue and expenditure plans to ensure sustainable operations ~~at a fair and equitable tax rate~~with a reasonable tax level. ~~Seek creative~~Utilize non-property tax funding sources, where appropriate.

Monitor Economic Challenges.

Continue to evaluate and prioritize services. Seek innovative solutions to maintain high quality core services, promote financial transparency and protect Plymouth's strong financial position and quality of life.

Provide Efficient and Effective Services.

Continue to explore partnerships with neighboring communities, school districts, businesses, watersheds, and other agencies to decrease costs through shared services and to eliminate duplicate efforts. Streamline ~~business~~ processes through the use of technology, including website enhancements, e-permits and expanded credit card processing. Evaluate community trends and consider associated facility and service needs.

Promote Transportation Solutions.

Focus on improvements to Highway 169, Highway 55 and ~~BRT~~continue to explore other transportation options. Seek funding partners for ~~bridge crossings of major rail lines~~rail crossing improvements and I-494 crossing improvements.

Pursue Northwest Greenway.

As development of northwest Plymouth progresses, continue planning and ~~begin~~continue construction of the Northwest Greenway and park system amenities,~~as directed by voter referendum~~.

Continue Environmental Initiatives.

Collaborate with watershed agencies to ensure effective progress on water quality mandates. Continue energy conservation efforts in city buildings, and promote recycling~~of expanded waste streams~~.

Continue Proactive Public Safety Initiatives.

Continue proactive policing strategies using technology and collaboration to promote and enhance livability. Build on the successes of fire prevention and fire service programs for a safe community.

Protect the City's Infrastructure Investment.

Ensure that the city can protect and enhance the useful life of City assets (streets, utilities, parks, trails, facilities, and fleet). Continue to monitor financial resources and economic conditions, and consider timing with regard to infrastructure needs as identified in the Capital Improvement Program.

Consider Development and Redevelopment Requests.

Continue to carefully consider land use related to development and redevelopment to ensure a well planned community with a varied tax base. ~~Begin Economic Development program and efforts~~Build on Plymouth Proud business initiatives.

EXECUTIVE SUMMARY

The City of Plymouth functions in a multijurisdictional environment and is often subject to mandates from the State of Minnesota, Hennepin County, the Metropolitan Council, and various watershed districts. This legislative agenda is intended to advocate for the community's residents and businesses, reduce waste and duplication of services, and enable the city to govern itself.

I. TRANSPORTATION

To efficiently transport commuters and promote business growth, the city encourages the legislature to identify long-term funding sources with growth potential to allow for the construction and maintenance of efficient transit and highway systems this session. Specifically, Plymouth supports the following:

Suburban Transit. The city supports preservation of suburban transit, expansion of the transit taxing district, and maintain full MVST funding to suburban transit providers. (Metropolitan Council, State of Minnesota)

Highway 169. The city supports improvements to Highway 169 in Plymouth. (Metropolitan Council, State of Minnesota)

Rockford Road Bridge. The city seeks funding to replace the bridge over Interstate 494 at Rockford Road. (Hennepin County, State of Minnesota)

County Road Maintenance Budgets. The city supports adequate funding for maintenance, repair, and timely replacement of the county road systems within Plymouth. (Hennepin County)

~~Highway 55 BRT. The city supports the continued study and funding for a Bus Rapid Transit Corridor on Highway 55. (State of Minnesota)~~

~~Transit Study. The city supports additional study of transit corridors through Plymouth. (Hennepin County, Metropolitan Council, State of Minnesota)~~

~~Safe Rail Crossings. The city seeks funding to improve-enhance the safety of rail crossings including the construction of bridges- improvements which would enable a whistle ban in Plymouth. (State of Minnesota)~~

~~Utility Coordination on Transportation Projects. The city supports legislation that would compel utility companies to complete improvements associated with a public transportation project in a timely manner – or enable the city to engage a private contractor to complete the work at the utility's expense. (State of Minnesota)~~

II. GENERAL GOVERNMENT

~~Local Control. The city opposes legislation that erodes local decision making and control. The city believes that decision making happens best at local level. (State of Minnesota) ~~local control or creates mandates without a corresponding state appropriation or funding mechanism.~~~~

~~Mandates. Remove unnecessary reporting and other mandates and provide a funding source for state-required mandates. (State of Minnesota)~~

Levy Limits. The city opposes levy limits. State-imposed limits on local decision making are inconsistent with local accountability. (State of Minnesota)

Improving Public Access to Information. The city supports legislation that would enable it to meet its official notice publication requirements on its website, rather than a designated newspaper. (State of Minnesota)

Water Management. The city must meet water quality standards from the Minnesota Department of Natural Resources, Board of Soil and Water Resources, Elm Creek Watershed District, Minnehaha Creek Watershed District, Shingle Creek Watershed District, Bassett Creek Watershed District, Metropolitan Council, United State Environmental Pollution Agency, Army Corps of Engineers, Minnesota Department of Health, Minnesota Pollution Control Agency, and Hennepin County. The city of Plymouth supports process improvements to streamline applications and standards.

Elections. The city supports a condensed early voting period, rather than an extended no-excuse absentee process. [\(State of Minnesota\)](#)

~~2.III. Fiscal Reform~~ FISCAL REFORM:

The city supports fiscal reforms that foster local independence from the state.

No Expansion of Local Government Aid. The city does not support the expansion of Local Government Aid and favors local autonomy and parity among like communities. Any city not receiving LGA should be free from any levy limits imposed by the state. (State of Minnesota)

No Expansion of Fiscal Disparities. The City of Plymouth contributes 87% of its tax base to fiscal disparities and does not support the expansion of the Program as a tool to appropriately balance the city's tax base. The city opposes any legislation that would repurpose fiscal disparity contributions for special projects. (State of Minnesota)

No Creation of the Home Grown Housing Fund. The Minnesota Housing Partnership has proposed an initiative to create a new funding source to pool one-third of the growth in tax capacity above \$350,000 on owner-occupied homes (fiscal disparities approach). The revenue generated from the pooled capacity would be administered by counties who develop housing strategies to use these funds to meet their communities' needs. The city believes that these decisions are best made at the local level – rather than the county level. The City strongly opposes any effort that in effect, transfers local property tax base and/or funds to support other public policy objectives. The city should be granted sufficient authority and flexibility to promote housing types that are best suited to meet local needs, public purposes, and goals. (State of Minnesota)

Market Value Exclusion. The city supports the retention of the market value exclusion. The city opposes reinstatement of the Market Value Homestead Credit program. The city believes the Market Value Exclusion phase-out value should be relative to a local housing market and not arbitrarily assigned. (State of Minnesota)

Property Tax Reforms. The city supports property tax relief initiatives that are available directly to the taxpayer, rather than the local government through the Local Government Aid program. (State of Minnesota)

Business Property Tax. The city supports reduction of the statewide business property tax. (State of Minnesota)

Tax Increment Financing (TIF). The city supports increased flexibility in the use of Tax Increment Financing. (State of Minnesota)

~~3-~~ Metropolitan Council. The city does not support expansion of the powers, duties, and responsibilities of the Metropolitan Council. Council Make-Up. The city supports a re-examination of the Metropolitan Council's make-up and supports municipal input in this process. (~~State of Minnesota,~~ Metropolitan Council, State of Minnesota)

Statutory Authority. The city supports the legislature confining the Metropolitan Council to its statutory authority. (~~State of Minnesota,~~ Metropolitan Council, State of Minnesota,)

Transportation Advisory Board. The city supports a re-examination of the Transportation Advisory Board's make-up and supports municipal input in this process. (Metropolitan Council)

###IV. PUBLIC SAFETY

Safe Driving/Diversion Programs. The city supports legislation that ensures a traffic diversion program designed to change driver behavior through sound, structured and consistent education as a means to mitigate future traffic violations and make roads safer. The city believes this type of program should focus on improving traffic safety, rather than generating revenue.

Traveling Data. The city supports classifying intelligence information shared by other law enforcement agencies as non-public data. (State of Minnesota)

~~DWI Forfeiture. The city supports existing DWI forfeiture statutes. The city opposes any legislation that would eliminate or restrict DWI forfeiture if the offender installs an ignition interlock system.~~

~~Marijuana. The city opposes the legalization of recreational marijuana use and expansion of the current medical marijuana law to include plant material or any expansion of qualifying medical conditions. The city opposes any changes to the classification of marijuana as a schedule 1 drug, until the Minnesota Department of Health determines its effectiveness.~~

Critical Incident Training. The city supports legislation that would fund Critical Incident Training for law enforcement agencies on calls for service where an individual is experiencing a mental health crisis. (State of Minnesota)

Body Cameras. The city supports classifying and clarifying when body-worn camera footage is public and accessible versus when the footage is non-public while properly balancing both public safety and privacy concerns. (State of Minnesota)

Prescription Drug Take-Back. The city supports legislation requiring pharmacies to "take back" unused prescriptions or over the counter medications at no charge. (State of Minnesota)

Criminal Background Checks. The city supports legislation preventing individuals who are not legally able to purchase a gun from doing so without a criminal background check where current loopholes exist (guns shows, online, or private transactions). (State of Minnesota)

IV. SUPPORT FOR REGIONAL ASSETS

Plymouth Ice Center. The city supports a capital appropriation of \$2.12 million for the Plymouth Ice Center renovation. Combined with matching funds from the City of Plymouth, this appropriation will make mandated and energy efficiency updates possible at one of the state's largest and busiest facilities. It will also allow for renovation and remodeling, helping meet long-term demands for regional, state and national amateur sports. (State of Minnesota)

County Road Retaining Walls. The city supports county funding for retaining wall replacement within city limits. The city has identified significant issues on County Road 6 and requests Hennepin County adequately fund and maintain its infrastructure in Plymouth. (Hennepin County)

~~Hennepin County Youth Sports Grant. The City of Plymouth has applied for Youth Sports Grant funding from Hennepin County to support recreational facility projects. The city supports more equitable distribution of funding for the grants county-wide. (Hennepin County)~~

Submitted by Councilmember Johnson – 2-29-2016
RE: Met Council Make-Up

Current:

Council Make-Up. The City supports a re-examination of the Metropolitan Council's make-up and supports municipal input in this process.

Proposed:

Council Make-Up. The City supports reform of the Metropolitan Council's make-up and municipal input in this process. A majority of members should be elected officials, appointed from cities and counties in the region. Terms of Metropolitan Council members appointed by the Governor should be staggered and not coterminous with the Governor. The Metropolitan Council should represent the entire region and voting should be structured on population and incorporate a system of checks and balances.

Anoka County is calling for the following:

Membership on the Metropolitan Council shall include representation from every metropolitan county government.

CITY OF PLYMOUTH

RESOLUTION No. 2016 -

RESOLUTION ADOPTING 2016 CITY COUNCIL GOALS AND LEGISLATIVE PRIORITIES

WHEREAS, the City Council has placed a high priority on strategic planning for the organization; and

WHEREAS, the City Council met on February 16, 2016 to review its Goals and Legislative Priorities; and

WHEREAS, the City has developed Goals which will guide the Council in its decision making; and

WHEREAS, the City has developed clear legislative priorities to communicate its priorities with the State of Minnesota, Hennepin County, the Metropolitan Council, and other regulatory agencies.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLYMOUTH, MINNESOTA, that the 2016 City Council Goals and Legislative Priorities are hereby approved.

APPROVED by the City Council on this 8th day of March, 2016.



Agenda
Number: **2C**

**SPECIAL
COUNCIL MEETING**

March 8, 2016

To: Mayor and Council

Prepared by: Dave Callister, City Manager

Reviewed by:

Item: Set Future Study Sessions

Currently, there are no study sessions to be scheduled. However, Councilmembers may add requests or schedule study session topics.

Calendars are attached to assist with scheduling of study sessions.

Pending Study Session Topics (at least 3 Council members have approved the following study items on the list):

Trail/sidewalk snow removal routes for 2016-2017 (JJ, MB, JWosje) *(Later in 2016)*

Other Council requests for Study Session Topics:

None at this time.

Staff requests for Study Session Topics:

None at this time.

March 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
		1 PRECINCT CAUCUSES	2 CANCELED PLANNING COMMISSION MEETING Council Chambers	3	4	5 11:00 AM-2:00 PM Spring Bridal Expo Plymouth Creek Center
6	7	8 5:30 PM SPECIAL COUNCIL MEETING Group Home Licensure and 2016 Council Goals and Legislative Priorities Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	9 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	10	11	12
13 1:00 PM - 4:00 PM Healthy Living Fair Plymouth Creek Center Daylight Savings Time Begins	14	15	16 7:00 PM PLANNING COMMISSION MEETING Council Chambers	17	18	19
20	21	22 5:30 PM SPECIAL COUNCIL MEETING Appeal process for massage therapy licenses and Ordinance amending Section 2.07 of the City Charter concerning Council vacancies Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	23	24 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	25	26
27	28	29	30	31		

Modified on 02/24/16

CHANGES ARE MADE IN RED

April 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
					1	2
3	4	5	6 7:00 PM PLANNING COMMISSION MEETING Council Chambers	7	8 6:00 PM - 9:00 PM PLYMOUTH HOME EXPO Plymouth Creek Center	9 9:00 AM - 1:00 PM PLYMOUTH HOME EXPO Plymouth Creek Center
10	11	12 7:00 PM REGULAR COUNCIL MEETING Council Chambers	13 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	14	15 Time Varies PRIMAVERA Plymouth Fine Arts Council Show Plymouth Creek Center	16 Time Varies PRIMAVERA Plymouth Fine Arts Council Show Plymouth Creek Center
17 Time Varies PRIMAVERA Plymouth Fine Arts Council Show Plymouth Creek Center	18	19 6:00 PM SPECIAL COUNCIL MEETING Economic Development Authority organization Medicine Lake Room	20 7:00 PM PLANNING COMMISSION MEETING Council Chambers 4:30 - 7:00 PM 2016 Hennepin County Open Book on Valuation Medicine Lake Room	21	22	23
24	25	26 5:30 PM SPECIAL COUNCIL MEETING Medical cannabis ordinance Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	27	28 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	29	30

Modified on 02/09/16

CHANGES ARE MADE IN RED

SUN	MON	TUES	WED	THUR	FRI	SAT
1	2	3 5:30 PM SPECIAL COUNCIL MEETING Comprehensive Plan draft vision, goals, and policies Medicine Lake Room	4 7:00 PM PLANNING COMMISSION MEETING Council Chambers	5	6	7
8	9	10 7:00 PM REGULAR COUNCIL MEETING Council Chambers	11 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	12 7:00 PM PARK & REC ADVISORY COMMISSION (PRAC) MEETING Council Chambers	13	14
15	16	17 6:00 PM SPECIAL COUNCIL MEETING Public Safety update Medicine Lake Room	18 7:00 PM PLANNING COMMISSION MEETING Council Chambers	19	20	21 10:00 AM - 2:00 PM BARK IN THE PARK Hilde Performance Center
22	23	24 7:00 PM REGULAR COUNCIL MEETING Council Chambers	25	26 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	27	28
29	30  MEMORIAL DAY Observed CITY OFFICES CLOSED	31				

Modified on 02/09/16

CHANGES ARE MADE IN RED

3400 Plymouth Boulevard
Plymouth, MN 55447

OFFICIAL CITY CALENDAR

Phone: 763-509-5000
Fax: 763-509-5060

June 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
			1 7:00 PM PLANNING COMMISSION MEETING Council Chambers	2	3	4
5	6	7	8 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	9 7:00 PM PARK & REC ADVISORY COMMISSION (PRAC) MEETING Plymouth Creek Center	10	11
12	13	14 7:00 PM REGULAR COUNCIL MEETING Council Chambers	15 7:00 PM PLANNING COMMISSION MEETING Council Chambers	16	17	18
19	20	21	22	23 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	24	25 8:00 AM Music in Plymouth 5K Fun Run
26	27	28	29 5:00 - 10:15 PM Music in Plymouth Hilde Performance Center	30		

Modified on 12/29/15

CHANGES ARE MADE IN RED