

Council Study Session
City Hall Council Chambers
June 13, 2022

AGENDA



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- 1. City Council Discussion of Agenda Items and Questions - 6 p.m.**
 - 2. Miscellaneous**
 - a. Commission Appointments
 - 3. Discussion of Work Session Agenda Item as Time Permits**
 - 4. Adjourn**

**CITY COUNCIL
MEETING**

City Hall Council Chambers
June 13, 2022

AGENDA



1. Informal Open Forum with City Council - 6:45 p.m.

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

I will first call on those who notified the Clerk that they would like to speak during open forum, and then I will ask if anyone else connected to this meeting would like to speak. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

- a. Open Forum information
 - *per 2022 Council Retreat Agreement*
 - *Limited to 15 minutes*
 - *Limit all comments to 2 minutes per person*
 - *Time for thoughts, ideas, feedback that is unrelated to council meeting agenda items*
 - *Show and verbally share other opportunities for sharing*

2. Invocation - 7 p.m. - Graves

3. Call to Order Regular Business Meeting

This meeting is being conducted electronically under Minnesota Statutes, section 13D.021 due to the pandemic. For those who are connected to this meeting, please keep your microphone muted. If there is an opportunity for public comment, you may unmute and speak when called upon. Please do not talk over others and anyone being disruptive may be ejected from the meeting. The packet for this meeting is on the City's website, which is linked on the calendar or can be found on "City Council" page.

- a. Council Norms

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered at the end of Council Consideration Items.

- a. Approval of Minutes

- Motion to approve the following minutes:
 - 5/23/2022 - Study Session
 - 5/23/2022 - Regular Session
- b. Approval of Licenses
 - Motion to approve the licenses as presented.
- c. Resolution Approving a Membership to the Fencing Consortium Joint Powers for Temporary Fencing
 - Adopt the resolution approving membership to the fencing consortium joint powers agreement for temporary fencing that can serve as a de-escalation resource and establishing a space for lawful protests
- d. Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project Nos. 2020-01, 02, 03 and 04, Grandview North Area Street, Storm Drainage and Utility Improvements
 - Motion to approve a resolution accepting work performed and authorizing final payment, Improvement Project Nos. 2020-01, 02, 03 and 04, Grandview North Area Street, Storm Drainage, and Utility Improvements.
- e. Resolution Adopting Annual Comprehensive Financial Report of the City of Brooklyn Center for the Calendar Year Ended December 31, 2021
 - Motion to approve a resolution adopting the annual comprehensive financial report, and accepting the special purpose audit reports, the management letter and the corrective action plan of the City of Brooklyn Center for the calendar year ended December 31, 2021.
- f. Amendment to the 2022 City Council Meeting Calendar
 - Motion to amend the 2022 city council meeting calendar to include August 11, 2022 at 5:30 p.m. to reconvene the canvassing board
- g. Resolution Authorizing Changing the Name of the Earle Brown Heritage Center to the Heritage Center of Brooklyn Center
 - Motion to approve a resolution to change the name of Earle Brown Heritage Center to the Heritage Center of Brooklyn Center

7. Presentations/Proclamations/Recognitions/Donations

- a. Housing Study Final Report
 - Motion to Accept Presentation

8. Public Hearings

The public hearing on this matter is now open. I will first call on those who notified the Clerk that they would like to speak to this matter, then I will ask if anyone else on this meeting would like to speak during this hearing. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

9. Planning Commission Items

10. Council Consideration Items

- a. Resolution Ordering a Negative Declaration on the Need for an Environmental Impact Statement for the Opportunity Site Phase I Environmental

Assessment Worksheet

*- Motion to approve a resolution ordering a negative declaration on the need for an environmental impact statement for the Opportunity Site Phase I
Environmental Assessment Worksheet*

11. Council Report

12. Adjournment

We Agree To

Internal Council Relations – Norms for 2021 – Practiced for next 90 days

- Seek to not repeat or re-iterate points that were already shared
- Engage in discussion and sharing alternate perspectives *without* weaponizing other people's words
- Recognize others with "What I heard you say is _____, with your permission, I'd like to move forward now."
- Call for consensus when it's time to make a decision.
- Allow new solutions in a time of dynamic change, process: (1) name the problem (2) find the process to resolve (3) have the discussion (4) make a decision.
- After open discussion, close down the chat during council chamber discussion (*need to vote on it).

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- Motion to approve the following minutes:

- 5/23/2022 - Study Session
- 5/23/2022 - Regular Session

Background:

In accordance with Minnesota State Statute 15.17, the official records of all meetings must be documented and approved by the governing body.

Budget Issues:

None

Inclusive Community Engagement:

None

Antiracist/Equity Policy Effect:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
5/23 Study Session	6/6/2022	Backup Material
5/123 Regular Session	6/6/2022	Backup Material

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

STUDY SESSION
MAY 23, 2022
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in a Study Session called to order by Mayor Mike Elliott at 6:14 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler (arrived at 6:30 p.m.), April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Reggie Edwards, Acting Police Chief Tony Gruenig, Finance Director Andy Splinter, Director of Public Works Elizabeth Heyman, Deputy Director of Public Works Mike Marsh, City Engineer Mike Albers, Community Development Director Meg McMahan, Communication and Community Engagement Manager Angel Smith, City Attorney Jason Hill, and City Clerk Barb Suci.

Mayor Elliott noted Councilmember Butler was running late and would arrive in about 10 minutes.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

None.

MISCELLANEOUS

SPECIAL WORK SESSION

City Manager Reggie Edwards stated the options for a special work session are June 1, 2, 7, 8, or 9 of 2022.

Councilmember Ryan noted he would prefer not to schedule a special work session on June 8 or 9 of 2022. Councilmember Graves stated she can do any of the dates, but she would prefer not to do a Thursday. Councilmember Lawrence-Anderson agreed she could make any of the dates work in her schedule.

Mayor Elliott stated June 1 or June 7, 2022, would be agreeable to most of the Council, but they would confer with Councilmember Butler once she arrived.

Dr. Edwards asked if 5:00 p.m. to 7:00 p.m. would work for the Council to meet.

(20:00) ???

COMMISSION APPOINTMENTS

Mayor Elliott stated he has been conducting interviews with 29 applicants. He is not prepared to present the applicants to the Council yet.

Councilmember Graves asked if Mayor Elliott was looking at attendance records for reappointment. For example, there was a Commissioner appointed by Mayor Elliott to the Parks and Recreation Commission that has only attended one of the six latest meetings. She asked who is responsible to handle attendance issues with Commissions.

Mayor Elliott stated it is concerning if Commissioners do not attend meetings. He explained he is scheduling meetings with Commission Chairs and the Commissions to get better insight into the Commissions. They want to prioritize accessibility while considering who can attend the meetings.

Councilmember Graves asked if the Council will know who is being replaced on the Commissions. Mayor Elliott confirmed that information would be included when the appointments are presented.

Councilmember Lawrence-Anderson asked how Mayor Elliott is addressing blank applications or those who did not specify which Commission they would be interested in. Mayor Elliott stated some people do not know how to talk about their experiences or relate their skills to a new opportunity. The conversation will supplement the application. Councilmember Lawrence-Anderson asked for the information to be provided to Council to do their follow-up.

Councilmember Ryan agreed Councilmember Lawrence-Anderson's suggestion would help allow the Council to do their due diligence. He added there are outstanding Commissioners on the Finance Commission with a background in finances and accounting, and their expertise is very helpful. Mayor Elliott noted people that who may be able to speak from lived experiences can add a necessary perspective beyond those with a strictly financial background. Councilmember Ryan noted the Finance Commissioners are both diverse and well-qualified.

Councilmember Graves asked what the timeline is for interviews. Mayor Elliott stated it should be completed in the next week or two, but it depends on capacity. Councilmember Lawrence-Anderson volunteered to assist with interviews.

SPECIAL WORKSESSION - continued

Mayor Elliott noted Councilmember Butler was present at the meeting. He asked her if June 1 or 7 would work in her schedule for a special work session. Councilmember Butler confirmed either date would work for her.

Mayor Elliott stated he would prefer June 7, 2022. City Clerk Barb Suciu noted there is a regular meeting on June 6, 2022.

Councilmember Graves stated she would not be able to be at a meeting on June 7, 2022, until 6:00 p.m. Mayor Elliott stated they would schedule a special work session on June 1, 2022.

Dr. Edwards explained they are considering the time frame of 5:00 p.m. to 7:00 p.m. However, they could move the meeting to 6:00 p.m. to 8:00 p.m. to accommodate June 7, 2022.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

OVERNIGHT PARKING PRESENTATION AND DISCUSSION

Dr. Edwards invited Acting Chief Gruenig to present the item.

Acting Chief Gruenig stated the current ordinance does not allow parking from 2:00 a.m. to 6:00 a.m. nor for more than six consecutive hours. They looked at what other cities do. Maple Grove, Plymouth, and Crystal have similar ordinances. Some cities have seasonal parking restrictions.

Acting Chief Gruenig explained there is a State Statute that allows for vehicles to be towed if sitting in a certain place for more than 48 hours. Also, it allows for towing of junk vehicles, which are vehicles that are older than three years, have significant damage, is unable to be driven, or do not have a registration.

Acting Chief Gruenig stated cars can be reported through phone calls or the website. There is no way to regulate complaints as there are many departments and phone numbers that people report cars to. Enforcement is primarily complaint-based. There are 104 miles of roadway in the City. A majority of parking enforcement is completed by Community Service Officers, who are unarmed. There is an option to easily obtain a free permit by calling the City.

Acting Chief Gruenig stated in 2021, there were 1,061 parking citations with 167 parking complaint calls through 911. If someone receives a citation, the fee is \$42. There is an added fee of \$5 after 25 days. There is another fee after an additional 25 days. The registered owner of the vehicle can speak with a court officer. There is also an option to take the citation to trial.

Acting Chief Gruenig explained there are three options for the Council. First, the Council can keep the ordinance as it currently is. There are multi-family homes and apartment complexes that may face issues with parking restrictions. Additionally, parking enforcement may be upsetting to residents. Roads are generally open for traffic and maintenance.

Acting Chief Gruenig added there is an option to make the restriction seasonal, similar to Brooklyn Park. It would be tailored to when there is typically snowfall. It wouldn't work for every part of the City as some areas of the City may need to have year-round parking restrictions.

Acting Chief Gruenig stated there is an option to eliminate the parking restrictions, similar to Minneapolis. It would be a minimal effort for residents, but abandoned vehicles may be more difficult to detect. There is potential for an increase in vehicle theft and break-ins, more traffic accidents, issues with street maintenance, a decrease in compliance with snow events, roadway deterioration, and an impact on two-way vehicle traffic.

Mayor Elliott stated he would like to hear from the Public Works Department about how they would coordinate the cleaning of streets. Public Works Director Elizabeth Heyman explained Minneapolis does outreach to residents. There is potential for cars to be left on the street, which would impact street cleaning and snow removal.

Councilmember Graves noted she is happy to finally discuss the topic of parking restrictions. If there are areas with consistent citations and towing, the Council could respond by finding parking alternatives for the area or working with local community members to address parking concerns.

Councilmember Lawrence-Anderson pointed out that the City coordinated use of City park parking lots to address parking concerns. She asked if the initiative was effective. Dr. Edwards stated there is data available, but it is not prepared for the current discussion.

Councilmember Ryan stated the original City planning efforts did not account for future parking concerns. The third option for no parking regulations includes a host of concerns, so it is clear there needs to be some sort of restriction that has minimal impact on residents. He added the blocking of the alley needs to be addressed in the ordinance.

Councilmember Lawrence-Anderson asked if the issue of parking is widespread or more specific to areas around apartment buildings. Dr. Edwards asked if there are additional data or concerns the Council would like to hear about.

Mayor Elliott noted Councilmember Lawrence-Anderson previously expressed concern with a fire truck's ability to drive on a street with parked cars. Dr. Edwards confirmed the information would be presented to the Council. Mayor Elliott added they need to look through a lens of equity in making decisions about parking restrictions.

Councilmember Ryan stated if Brooklyn Park is having success with the change to their parking ordinance, they could confer with Brooklyn Park regarding their process and any feedback. He added the Brooklyns are often thought of as one, so a similar ordinance would be beneficial.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Hearing no objection, Mayor Elliott adjourned the Study Session at 6:57 p.m.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of a Study Session of the City Council of the City of Brooklyn Center held on May 23, 2022.
2. That said meeting was held according to due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its June 13, 2022, Regular Session.

City Clerk

Mayor

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

REGULAR SESSION
MAY 23, 2022
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in the Informal Open Forum called to order by Mayor Mike Elliott at 6:57 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Reggie Edwards, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

Mayor Mike Elliott opened the meeting for the Informal Open Forum.

Lori B. requested a meeting be scheduled between Brooklyn Center Police Department and the public as there is a concern with how Officer Dan Lindstrom handled the situation with Katie Wright on Hwy. 252. She asked what type of reprimand, if any, occurred. She added the Police Union made an unsupportive comment. Lori B. addressed the question to Dr. Edwards.

Bruce P. explained construction vehicles are operating early in the morning near his home. He asked what the next step is. Councilmember Ryan asked for the address of the property in question. Bruce P. stated the business is across the street from him, and he has reported the details to the City before.

Mayor Elliott asked what bothers Bruce P. about the situation. Bruce P. stated it is the noise and the traffic. There is a school in his backyard, so the buses pass as well. The situation is frustrating, and the type of business is not supposed to be in a neighborhood. Mayor Elliott noted many people are hosting home businesses in their homes due to the economic downturn. The Council just discussed parking restrictions and they need to consider if business vehicles can be parked at a residential property.

Joy G. noted there is a new restriction on the length of the public forum to 15 minutes, but they are already over 15 minutes. However, it is important to continue to engage the public. Additionally, there is a new restriction of two minutes per commenter. The Councilmembers tend

to speak for more than two minutes, and they are rather repetitive. She asked if there will be any restrictions for the Council.

Joy G. added there is a part of the packet that addresses the Council complying with certain grant efforts per ordinances. The presentation given on parking was different than the presentation that was available online before the meeting.

Councilmember Graves stated the Council has been working together to avoid repeating comments and look for consensus. The Council wants to hear from the community regularly. However, public comment needs to be balanced with Council business. They have been working with Staff to create a quarterly listening session.

Katie Wright asked if the public listening sessions would include dialogue or if they would just provide follow-up. Councilmember Graves stated the Council would listen and provide follow-up.

Mayor Elliott moved and Councilmember Ryan seconded to close the Informal Open Forum at 7:12 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Butler read a quote from Margaret Mead, “Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in a Regular Session called to order by Mayor Mike Elliott at 7:14 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, City Clerk Barb Suci, and City Attorney Jason Hill.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Mayor Elliott seconded to approve the Agenda and Consent Agenda, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. May 9, 2022 – Study Session
2. May 9, 2022 – Regular Session

6b. LICENSES

MECHANICAL

Anderson's Residential Heating & A/C	1628 County Rd #34 Spring Lake Park 55432
Avid Heating & Cooling	7700 County Road 110 W Minnetrista 55364
Bartylla Plumbing & Heating Inc	15657 Forest Blvd N. Hugo 55038
JCX Heating and Cooling LLC	5912 Washburn Ave N Brooklyn Center 55430
Major Mechanical LLC	7601 Northland Drive N #110 Brooklyn Park 55428
Marsh Heating & A/C	6248 Lakeland Ave N Brooklyn Park 55428
Mcquillan Bros Plbg & Htg	1711 Highway 36 E Maplewood 55109
Myles Mechanical	17522 Concord Dr Ham Lake 55304
Precision Plumbing, Inc.	12255 43 rd St. NE St. Michael 55376
Professional Mechanical Services	19640 200 th Ave NW, Suite 9 Big Lake 55309
Sabre Plumbing, Heating & A/C	15535 Medina Rd Plymouth 55447

Tiger Plumbing Heating & Air 12448 Plaza Dr
Eden Prairie 55344

United Heating & A/C Inc PO Box 17
Hamel 55340

SIGNHANGER

Archetype Signmakers, Inc. 9611 James Ave S.
Bloomington 55431

- 6c. RESOLUTION NO. 2022-56; ADOPTING AMENDMENTS TO THE FINANCIAL POLICIES SECTION OF THE BROOKLYN CENTER CITY COUNCIL CODE OF POLICIES FOR UNIFORM GUIDANCE FOR FEDERAL PROGRAMS**
- 6d. RESOLUTION NO. 2022-57; APPROVING A MASTER PARTNERSHIP CONTRACT BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE CITY OF BROOKLYN CENTER**
- 6e. RESOLUTION NO. 2022-58; APPROVING CHANGE ORDER NOS. 8-12, IMPROVEMENT PROJECT NO. 2021-05, BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2 IMPROVEMENTS**
- 6f. AN ORDINANCE NO. 2022-02; AMENDING CHAPTER 6, SECTION 6.05, OF THE CITY CHARTER FOR THE CITY OF BROOKLYN CENTER (FIRST READING)**
- 6g. AN ORDINANCE NO. 2022-03; AMENDING CHAPTER 3, SECTION 3.08 OF THE CITY CHARTER FOR THE CITY OF BROOKLYN CENTER (FIRST READING)**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. BROOKLYN CENTER POLICE DEPARTMENT

City Manager Dr. Edwards introduced the item and invited Acting Police Chief Tony Gruenig to continue the Staff presentation.

Acting Chief Gruenig showed a slide of homicides in Hennepin County since 2018. In 2021, there were 122 homicides, which was close to breaking the record of 1995. As for other violent crimes in Hennepin County, rape has decreased but robbery and aggravated assault are on the rise.

Mayor Elliott called for a five-minute recess at 7:18 p.m. The meeting resumed at 7:23 p.m.

Acting Chief Gruenig stated murder has increased by 181 percent since 2018, robbery has increased by 102 percent since 2018, and motor vehicle theft has increased by 86 percent since 2018. There has also been increased firepower. In Minneapolis, the large majority of shooting victims are black males.

Acting Chief Gruenig explained fewer juvenile offenders are being booked and housed in the Hennepin County Juvenile Detention Center, but crime is increasing. Offenders are frequently being released on home monitoring to guardians.

Acting Chief Gruenig stated violent crime has increased by 10 percent and property crime has decreased. The Hennepin County murder rate was 9.52 per 100,000 residents in 2021. The record in 1995 was 9.98 per 100,000 residents. There were significantly more shootings in 2021. Also, there are many advances in life-saving emergency medicine from 1995 to 2021. The 2000 census population was 382,000 in Minneapolis, and the 2020 population was about 429,000.

Acting Chief Gruenig showed a structure of the Brooklyn Center Police Department for 49 sworn officers in comparison to the current staffing level and location for the 36 active sworn officers. He noted a couple of police officers are out on light duty and one officer will be leaving permanently soon.

Acting Chief Gruenig noted in 2017, Brooklyn Center had 0 homicides. In 2021, there were 7. Rape went down in the City, but robbery and aggravated assault also increased in recent years. There was a 900 percent increase in carjackings from 2017 to 2021. As for fleeing police, there was a 300 percent increase from 2017 to 2021. Fleeing police in a motor vehicle have been increasing significantly all over the State.

Acting Chief Gruenig added there has been an increase in shots heard calls at a rate of 309 percent. There has been an increase in the number of weapons recovered. He then showed a slide with year-to-date comparisons from 2019, 2020, 2021, and a projected 2022 total for various crimes.

Acting Chief Gruenig stated there are some challenges with the 34 officers. There is no street crimes unit, which is meant to be a proactive effort. There are three detectives instead of five. Also, there is no Violent Offender Task Force Officer or Auto Theft Officer. The staff minimum for patrol has been reduced to four during shifts, but it used to be five.

Acting Chief Gruenig pointed out that crime rates, both nationally and regionally, are on the rise. It is difficult to investigate a crime with current staffing levels. Violent crimes take more time,

effort, and energy to investigate. The current climate calls for a high degree of de-escalation, which takes more time and resources for the Department.

Acting Chief Gruenig explained they are decreasing hiring timelines, focusing more on lateral hiring, adding a lateral hiring incentive, and increasing partnerships with community stakeholders to address the gaps. The Department currently has a grant through the county with We Push for Pease to combat violent crime. They have also partnered with the Hennepin County Sheriff's Office to add additional patrol shifts.

Acting Chief Gruenig stated the Department is working on a camera registration program for citizens and community members to register their cameras with the City and working towards a citizen reporting web-based system. They need to be strategic in which crimes they investigate and how resources are utilized.

Acting Chief Gruenig added the Brooklyn Center Police Department has lost 28 police officers since September 2020, which is a 57 percent loss of Staff. Since February of 2020, the Department has hired 16 police officers while trying to streamline the hiring process and prioritizing diversity and inclusion.

Mayor Elliott asked if the Department is currently at 36 officers. Acting Chief Gruenig confirmed they are at 36 officers, but it is changing pretty regularly. Mayor Elliott asked if there are figures regarding staffing levels for 2019, 2020, and 2021. Acting Chief Gruenig stated that information is recorded, but he does not have it with him currently. Mayor Elliott asked for an estimate of previous staffing levels. Acting Chief Gruenig stated he would not be comfortable estimating the answer. Mayor Elliott asked if there were 49 officers in any of those years. Acting Chief Gruenig stated he does not know the numbers.

Mayor Elliott stated he has asked for the information before, and he believes they have not been up to 49 officers for a number of years. He asked what the research was on the presentation and who put the presentation together. Acting Chief Gruenig stated they obtained information from Hennepin County CESA and it was compiled by Police Department Staff.

Mayor Elliott asked if there is data available from before 2018. Acting Chief Gruenig confirmed there is earlier data available. Mayor Elliott asked if the information can be shared with the Council. Acting Chief Gruenig stated the data from the City can be given to the Council, but he was not sure what data is available from Hennepin County.

Mayor Elliott stated the trend from the last five years in comparison to a longer amount of time may look very different. He has seen charts for Hennepin County that are consistently decreasing since 2006 with a minor increase recently. He explained he would like to see a more long-term analysis and presentation of data.

Mayor Elliott asked if Brooklyn Center or the County are looking into why more people are fleeing law enforcement. Acting Chief Gruenig stated he is not aware of any studies being done on the topic.

Mayor Elliott asked if there is a breakdown on if the seized weapons have been used in a crime or are illegal. Acting Chief Gruenig stated he does not have the information presently, but it may not be readily available. He added it would be a rare scenario to seize a legal weapon.

Councilmember Ryan noted there are a larger number of less experienced officers operating with fewer sergeants. He asked if that situation presents a possibility of inexperienced officers running into issues. Acting Chief Gruenig confirmed that the situation does happen. They focus on more supervision, but many of the supervisors are young as well.

Councilmember Ryan asked what the usual staffing levels are for non-sworn positions. Acting Chief Gruenig stated the support staff is fully staffed at six, but they currently have three. One is on Family and Medical Leave Act leave and another recently resigned. Councilmember Ryan asked if there is a person tracking statistics in the Department. Acting Chief Gruenig confirmed there is an employee tracking statistics and trends, and the position is filled.

Councilmember Ryan asked how Acting Chief Gruenig would assess the morale of the Department. Acting Chief Gruenig stated they are trying to build up morale.

Councilmember Ryan stated there were similar trends when he first got involved with the Council as there are now. There used to be a lot of engagement between neighborhood watches and businesses with the Police Department. However, there has never been such a high amount of firearm discharges. If public safety fails, everything else the Council tries to achieve will fail. He thanked Acting Chief Gruenig for the Department's policy and noted his support of the Department in its pursuit of maintaining its policies.

Councilmember Butler asked how Brooklyn Center's relationship with neighboring cities impacts law enforcement efforts and if current staffing levels impact those relationships. Acting Chief Gruenig explained they tend to receive assistance more than provide it to surrounding jurisdictions. There are agreements of mutual assistance with neighboring agencies.

Councilmember Butler noted her appreciation of email updates. Shooting crimes are up both regionally and nationally, but Brooklyn Center is making an impact by catching some of the serious criminals in the area.

Councilmember Butler asked if more officers would decrease crimes from happening or would they aid in solving the crimes more quickly after the fact. Acting Chief Gruenig stated there are a lot of things law enforcement can do to be proactive, but they are unable to do that with current staffing levels. They could do more outreach and engagement, and that would both decrease crime and increase community trust.

Councilmember Graves stated she has a concern that Brooklyn Center doesn't have a street crime unit, which does some proactive work. Also, she is concerned about the lack of detectives and juvenile officers. Nationally, there have been many issues lately concerning weapons, and that is not something the Brooklyn Center City Council can solve. Parts of guns can be printed with 3D printers.

Councilmember Graves noted Brooklyn Center can do more work to build accountability, transparency, and community trust. It is the responsibility of the Council to make Brooklyn Center a safer place to attract residents and business owners. She noted her nephew is a police officer, and there are some other good officers she has worked with.

Councilmember Graves pointed out that the Council unanimously passed a Resolution supporting Police Officer Memorial Day recently, but they did not read the Resolution. She asked Mayor Elliott to read the Resolution in full. Mayor Elliott stated they would continue the discussion.

Councilmember Lawrence-Anderson thanked Acting Chief Gruenig for his work in the past year and the presentation. She stated the street crime unit is very important and businesses have shown a desire for that unit to return.

Councilmember Lawrence-Anderson asked if the grant for the Auto Theft Officer has expired. Acting Chief Gruenig stated the grant hasn't expired, but they do not have enough patrol officers to even fill the role. There need to be 26 officers on street patrol. There is a similar issue with the street crimes unit.

Councilmember Lawrence-Anderson noted her appreciation of the crime statistics. She explained she has lived there for several years, and she has experienced a change in the crime environment in recent years. It would be helpful to see a more long-term crime trend.

Councilmember Lawrence-Anderson asked what Acting Chief Gruenig needs to help address the increases in crimes. Acting Chief Gruenig stated they are trying to add portable cameras as a substitute for law enforcement. However, they just need more officers. The process takes three or four months, and they can only have five officers go through the process at a time. The Crime Analyst is looking into more options as well. However, he can return to the Council with more specific ideas.

Acting Chief Gruenig asked how far back the Council wants the data to go. Mayor Elliott stated there are not a whole lot of numbers for them to crunch, but the horizon would be helpful for them to process. He suggested looking at trends back to 1990. Acting Chief Gruenig stated he is not sure if they have data back that far. Mayor Elliott stated the data is available through the FBI, and Brooklyn Center Police Department will have some of their data.

Councilmember Ryan stated the FBI changed the reporting standard in recent years. They will run into methodical issues if they go way back. There isn't much of a point in going farther back than

2000. It is evident to the community that things are different now. They should not hide what the data is telling them.

Mayor Elliott stated he wants the data since 1990 to set the context. They can see if there is a cycle of crime increasing and decreasing. For example, there could be trends related to economic downturns. They can use the information to evaluate what they have implemented in the past and if the efforts were successful. He explained he has a daughter and if anyone thinks he doesn't want to protect her, they are wrong. The discussion at hand is only one aspect of safety.

Mayor Elliott stated people should not be mugged going into Cub Foods. He noted he spoke to a woman who was mugged in broad daylight in front of Cub. That is unacceptable. They have to think about the solution soberly and ask what it truly takes to make the community safe. He asked if it takes more law enforcement personnel or other people on the street or more cameras. They cannot merely react without having a conversation.

Mayor Elliott noted the safest communities in the State have the most resources. It is not a matter of black or white, although the communities may reflect that. He asked if they have enough activities, safe and stable housing, or accessible food in Brooklyn Center.

Mayor Elliott explained he is not interested in playing games about whether they should have more law enforcement or not. They need to have real conversations, and Brooklyn Center has not done that so far. The people want to see real change rather than politics.

Councilmember Graves noted her agreement with some of Mayor Elliott's comments but pointed out they are having real conversations. Mayor Elliott stated he would call on people to speak when there is time to do so.

Councilmember Graves stated there are programs the Council has funded, programs related to food safety and stable housing. The Council and Staff have had discussions about safety and expanded health and wellness. It seems as though Mayor Elliott is saying otherwise. If the Council and Staff don't feel their work is acknowledged by the Mayor, then there is not a sense of team and community being promoted.

Mayor Elliott stated he is not talking about the Council. Councilmember Graves stated they are talking about the presentation and the City currently. Mayor Elliott stated safety is not a matter for Staff to solve. Instead, it is something the community needs to solve. The Council has talked about the Community Center and housing initiatives. He noted he has been a strong proponent of affordable housing and the like. The community, regardless of color, needs to have a conversation. They have not done enough of that. He has been there for the work.

Councilmember Lawrence-Anderson stated the City needs to create a sort of bandage to curb the current criminal happenings. There is a trend of more serious crimes in Brooklyn Center. Until they come up with a long-term solution, they do need to implement short-term strategies. Mayor Elliott stated they need to have a conversation with community members.

Mayor Elliott asked if the question is about resources. He asked how many officers the department is authorized to hire. Dr. Edwards stated there is an upcoming presentation on the topic. Mayor Elliott stated they are not saying law enforcement is the only measure to promote public safety.

Mayor Elliott asked how many people the Department is authorized to hire. Acting Chief Gruenig stated the issue of public safety does not have one solution. Complicated problems need complicated answers. The Department is authorized for 49 officers, and there is a freeze on three positions. Therefore, they are looking to have 46 officers.

Mayor Elliott asked how many the Department currently has. Acting Chief Gruenig stated there are 36 officers currently, but there are a couple of people on leave. Mayor Elliott stated at least ten people can be hired. He stated the issue isn't about having enough money to hire more people. He asked what the issue is. Acting Chief Gruenig stated there are some issues with logistics. They can only take on five new people at a time. The training takes about four months. Additionally, there isn't an abundance of good quality people to hire.

Councilmember Graves read the Resolution recognizing Police Week and Police Officer Memorial Day passed at a previous meeting.

Mayor Elliott moved and Councilmember Graves seconded to accept the presentation by the Brooklyn Center Police Department.

Motion passed unanimously.

Mayor Elliott stated the issue is complicated. However, they need to have conversations with community members. All community members play a role in coming to a solution.

7b. PRESENTATION OF EMERGING BROOKLYN CENTER COMMUNITY JOURNEY (AN ELEMENT OF EVOLVING BROOKLYN CENTER - A COMMUNITY CENTERED CITY

Dr. Edwards explained in May 2021, the City embarked upon an effort referenced as "Evolving Brooklyn Center: A Community-Centered City". It was founded with a vision to transform the City of Brooklyn Center into a Community City Center, innovatively transform the approach to public safety, reduce the occurrence and severity of negative encounters between law enforcement and the community, and actively confront racial disparities and our history of racism in our City to improve safety, trust, and the greater well-being among Black, Indigenous, and People of Color (BIPOC).

Dr. Edwards stated the description of Evolving Brooklyn Center is a consortium of committed residents, community partners, and civic and public agencies. The mission is to dismantle systemic racism and inequities while cultivating a healthy community for all people for seven generations within the City of Brooklyn Center.

Dr. Edwards stated a number of residents, community partners, Staff departments, and foundations are involved in the effort. He showed a more detailed list of the participants and the Emerging Brooklyn Center Community Journey Planning Team.

Dr. Edwards noted the past year and a half has been unprecedented for Brooklyn Center. COVID-19 disproportionately affected BIPOC and residents of Brooklyn Center. Additionally, there was the shooting death of Daunte Wright by a police officer and the ensuing unrest.

Dr. Edwards explained he has received a number of hateful phone calls. It was about societal and systemic issues. He still receives a fair amount of mail and email that are hateful. They need to consider what has historically been present in the City.

Dr. Edwards stated they recognized the assets and honored the wisdom of community members. They are acting as one community and shifting from a transactional to a relational community. They will go forward looking at the four pillars of health, safety, business, and life-essential resources.

Dr. Edwards explained an important part of the ideation framework is how one addresses patterns, structures, and mindsets through a process of co-sensing, co-presencing, and co-creating together. Co-sensing is beginning to rethink the events of the past and go on a journey together that frees them to imagine a new future together. Learning journeys include visiting other cities that have experienced similar trauma as their own to talk with the community first-hand to gather stories, and information and understand what they learned as a result of the process.

Dr. Edwards stated that co-presence is when they open hearts and minds to seeing that there are not two experiences, but one experience in the community. It is where they remove our old patterns of reality and begin to open, warm, and illuminate what is emerging from what they see together as social systems. In the end, they want to co-create together a prototype of what the community can look like as a result of the co-sensing and co-presence work we do together. The purpose of prototyping is to create a microcosm that will allow our community to explore the future by doing.

Dr. Edwards noted to aid the City of Brooklyn Center's evolution into a "Community-Centered City" it will undergo an 18-month planning and prototyping community process. The process will involve monthly two-day convening of 30 residents and 10 city staff or elected officials or community partners, two learning journeys, project prototyping, and evaluation.

Dr. Edwards explained the learning journeys involve 25 residents who are predominately BIPOC community members or reflective of the demographical makeup of Brooklyn Center and 10 city staff or elected officials or community partners. This involves traveling to communities that have and continue experiencing trauma similar to their own. Examples include Flint, Michigan, New Orleans, Baltimore, and Charleston to gather nuggets of wisdom.

Dr. Edwards added the process used will be modeled on the “Theory U Process and Monte Fleur” process used in South Africa following the transformation of the social and political construct of Apartheid. Both time and space are crucial to healing. They are aiming for a long-term sustained process with actionable steps. The systems change framework is premised on addressing patterns of behavior and structure rather than responding to events. Intent matters.

Councilmember Graves noted her appreciation of the time and effort Staff and community have put into the process. She thanked the funders for their support of the project. They cannot change people’s hearts and minds. It is one thing to change policies, but they need to change attitudes and the culture.

Councilmember Ryan stated the work is very important to transformation, and the journey is only beginning. The only constant in life is change.

Mayor Elliott stated the conversations of community and reconciliation were had by Mayor Elliott and Dr. Edwards during the uprisings. Brooklyn Center is not unique. There is a connection between the spark of various events and the economic conditions. However, the City and Country both respond with militarization. Instead, they need to address education, housing, and jobs.

Councilmember Graves stated there are many levels of social determinants. If the foundation isn’t steady, it is more likely to breed criminal happenings. The work the City is doing with the Implementation Committee is not only a better response but encompasses a culture change. Mayor Elliott added they need to continue asking if they are properly engaging the community and considering who is not at the table.

Mayor Elliott moved and Councilmember Ryan seconded to accept the presentation of the Emerging Brooklyn Center Community Journey, which is part of Evolving Brooklyn Center.

Motion passed unanimously.

8. PUBLIC HEARINGS

8a. AN ORDINANCE NO. 2022-01; AMENDING CHAPTER 2 SECTION 2.06 OF THE BROOKLYN CENTER CITY CHARTER

City Manager Reggie Edwards introduced the item and invited Charter Commission Chair Mark Goodell to continue the presentation.

Chair Goodell stated the review of the Mayor’s emergency powers began due to concerns with how it was used in 2021. The Commission solicited feedback from the City Attorney and researched similar ordinances in neighboring municipalities. The City Attorney stated the ordinance was legal but may be out of place due to how command structures have developed since the creation of the Charter. After looking at other charters, 40 percent had no provision and 50 percent had a similar provision with variations.

Chair Goodell noted the Commission discussed the divisive impact of the use of emergency powers including communication issues, a change in the power structure, and confusing processes. The Charter engaged with community members and reviewed recent changes to Crystal's charter. A subcommittee was formed to draft a proposed amendment.

Chair Goodell explained on March 31, 2022, the Commission reviewed and discussed the amendment and voted to present the amendment to the Council. Twelve Commissioners voted in favor of the amendment while two voted against the same. Some supporting concerns included that unlicensed, untrained individuals would be in direct control of the Police Department. Also, the emergency ordinance, when invoked in 2021, caused confusion and disorder about who was in control. The provision circumvents the structure of the City Manager form of government. There were also concerns about opening the City up to litigation. Dissension included a preference to eliminate the emergency power altogether. The other dissenter believed community members were not aware of the issues that prompted the change.

Mayor Elliott asked if anyone on the Commission asked the Mayor about any issues. Chair Goodell stated the Commission asked City Staff for input. Mayor Elliott stated he asked a yes or no question. Chair Goodell stated no one on the Commission asked the Mayor about any concerns.

Councilmember Ryan stated the change to the Charter was not directed at a certain person but was done in the interest of the good government. They would not allow an unqualified medical professional to run a clinic. Similarly, turning over control of the Police Department to someone with no law enforcement experience during a time of public danger and emergency would be unwise. Anyone who occupied the Mayor's chair would be in a similar position.

Councilmember Ryan asked if the Council were to pass the Ordinance, it would require a unanimous vote. City Attorney Jason Hill confirmed a Charter amendment requires a unanimous vote. Councilmember Ryan noted the first reading of the proposal showed dissension. Therefore, it is unlikely to pass.

Councilmember Ryan asked if the Charter Commission voted that if the Council didn't pass the ordinance then it would be put on a ballot as a referendum item. Chair Goodell confirmed the statement was true.

Councilmember Graves asked if to put the Mayor in power at the time of the unrest, did the Council vote to give power to the Mayor. Mr. Hill confirmed the current provision requires a vote from the Council, but it does not have to be unanimous.

Councilmember Graves asked what the process is to put the matter on the ballot. Chair Goodell stated the Charter Commission can recommend an amendment to go directly to the ballot with a two-thirds vote.

Mayor Elliott noted it was interesting no one on the Charter Commission reached out to the Mayor concerning an amendment directly related to his role. He asked why that was. Chair Goodell stated he read the history of the work of the Commission, and there has not been a reach-out to the Mayor historically. Additionally, the amendment was not directed at an individual but the issues, and the powers introduced.

Mayor Elliott stated to understand a so-called problem, it must be discussed with the individuals involved. Chair Goodell stated he is not privy to the reasoning of each Commissioner, and he cannot speculate. Mayor Elliott asked if anyone brought up the idea of reaching out to the Mayor. Chair Goodell stated he did not recall the idea being proposed.

Councilmember Lawrence-Anderson stated she has had the opportunity to review the Charter, and much of it is outdated as it was written in the 1960s. She noted she believes the Commission should review the Charter section by section. Having attended recent meetings, the dialogue was very respectful and clinical. Chair Goodell added the meetings are public, and the minutes are available online.

Councilmember Graves noted the Council voted to give Mayor Elliott the power near the beginning of the unrest. They voted without much information or updates. They heard from the community members but not much from Staff. There was a motion to fire the City Manager and give his powers to the Mayor. She explained she was in support of that effort because of the rubber bullets and tear gas that was used the night before. However, she is still not clear on who released the rubber bullets and tear gas.

Councilmember Graves explained the power should be shared. The more shared the power is, the less likely someone will try to use power to their ends. Therefore, it makes sense to change it or eliminate it. She would like further discussions on the matter, but it will likely not be discussed as it will not be supported unanimously.

Mayor Elliott moved and Councilmember Ryan seconded to open the Public Hearing.

Motion passed unanimously.

Joylenna G. noted Chair Goodell stated the Commission can recommend the amendment be brought to a ballot with a two-thirds vote. She asked if that was sufficient to put the item on the ballot. Mr. Hill confirmed that was sufficient to put the item on the ballot. She asked if they have to follow the Statute. Mr. Hill stated that the method does follow the State Statute. There is a specific provision that allows the Charter Commission to bring an item before the Council. Typically, it would go to the ballot straightaway. The process allows the amendment to be adopted by the City Council which requires a unanimous vote of the Council. From there, the Commission can make a recommendation for it to be on the ballot. There is a limit if the item is not Constitutional.

Joy G. stated she is disappointed the information was not available online. She explained she doesn't support the amendment. The public is choosing an elected official and the elected official would receive the shifted powers in the time of an emergency. However, the amendment would shift the power to an appointed position.

Chaz N. read part of the City Charter and read definitions related to the vocabulary used in the Charter. The Charter is undemocratic and portrayed as a business. American democracy calls for the people to enjoy freedom and basic rights. The amendment removes the people's ability to vote on who can have control.

Chaz N. noted he took a class on charters to learn more. He pointed out that Councilmember Lawrence-Anderson made a key point that charters all over the Country are extremely old. The City should not be run like a corporation. If it were, it would be bankrupt. There are empty businesses and the mall and hotels are gone. The Council needs to unite the community rather than fight over semantics.

Chaz N. asked how many people go to the transit center or local stores. If the amendment goes through, it takes away the democratic power from the community. The current City Manager does not even live in Brooklyn Center.

A community member asked why the Mayor is calling on community members on Zoom who aren't brave enough to attend in-person meetings. Mayor Elliott stated they have established rules of speaking at meetings, and he will follow them.

Mayor Elliott asked if people are on Zoom that wish to speak. City Clerk Barb Suciu requested Mayor Elliott go through the blue cards first. Mayor Elliott asked if there are people on Zoom who wish to speak. Ms. Suciu stated Alfred D. has her hand raised on Zoom.

Alfreda D. asked who the power would go to if it is taken away from the Mayor. Mr. Hill stated the amendment authorizes the Mayor to coordinate with the Fire Chief, Police Chief, and City Manager to create a coordinated response.

Mayor Elliott noted the City Manager is in charge of the Police Department currently. He added the Charter authorizes the City Council to allow the Mayor to take command in times of emergency.

Alfreda D. stated they have a Mayor who is well-intentioned currently. If they elect a Mayor with a different perspective, then the current arrangement could pose a problem. Therefore, she is in support of the amendment as long as there are checks and balances.

Randy C. stated there is a process on how to handle such matters. He noted he understands if the Council would prefer to put the issue on the ballot for the people to decide. The Planning Commission has a lot of public hearings, and they listen to public commenters on a rotation of

those for and against the item. He requested for the Council to establish procedures for the public to better understand the process.

Kevin S. thanked Dr. Edwards for his work. He noted his agreement with the concern that the Mayor was not engaged in the amendment process. Kevin S. asked if they are taking power away from the Mayor and giving it to the police or the City Manager. The police have too much power in general. The committee needs to be well-rounded.

Asama G. stated she is not in favor of removing the emergency power from the Mayor.

Mohamed D. stated this is very strange to him.

Tanya J. asked Councilmember Ryan if he voted on the item due to his position on the Charter Commission. Councilmember Ryan confirmed he voted on the amendment. Tanya J. asked if he would be able to vote on the item that evening as well. Councilmember Ryan stated he will vote as a member of the Council as well.

Tanya J. asked where the community involvement is because he can vote twice. Councilmember Ryan stated he has one vote on the Charter Commission and one on the City Council. According to attorneys with the Minnesota League of Cities, it is a good idea for a member or members of the Council to be on the Charter Commission, as long as it doesn't constitute a quorum.

Tanya J. asked if the emergency powers change, then there is no point in having an election. It seems like the Council is trying to backdoor Mayor Elliott. She added the City Manager posted something about how Daunte Wright could have been his son. That was disrespectful as he hasn't done anything to prevent it from happening to his son. Until he does, she does not like to hear him speak on Daunte Wright.

Tanya J. explained she showed up in person to show her support for the Mayor and noted she hopes he is reelected. She stated the Council is being shady toward the Mayor. Mayor Elliott knows there needs to be community engagement, but the rest of the Council doesn't understand that. She explained she is from Little Rock, Arkansas, and they catch their murderers by paying informants rather than hiring more law enforcement. She stated the Council, besides Mayor Elliott, would not be welcome in the South.

Tanya J. noted she was antagonized by police that day, and she flipped them off. She added the people need to be empowered, particularly the ones that care about the community. However, Dr. Edwards is not one of those people.

Jean L. noted he was one of the last people called on from Zoom though he was one of the first people to raise his hand. He explained he is a community organizer in Brooklyn Center, and he is concerned about democracy. City Staff is important, but the Mayor is an elected role. The Council should consider what power-sharing may look like in Brooklyn Center.

Jean L. added there has been a lack of community engagement in the process, which is undemocratic. Democracy rests on the Council and the people sharing power. If they are considering a Charter change, they need to center the change on democracy. It doesn't make sense for the Charter Commission to have the power to bring a provision straight to the ballot without the community understanding the provision in the first place. Ultimately, it is more democratic for elected officials to make such important decisions.

Lori B. suggested the hot topics, such as the one at hand, be covered earlier on in the meeting. She stated the amendment is written where Staff gets more power. The role of the City Manager is to oversee fiscal responsibilities and enact the desires of the Council. It is borderline fascist for the City Manager, Police Chief, and Fire Chief to gain more control. The amendment intended to take power away from the Mayor. However, the amendment allows the Mayor to converse with the City Manager, Police Chief, and Fire Chief.

Lori B added it is a conflict of interest for Councilmember Ryan to vote on the matter in his role as a Councilmember. Councilmember Ryan added he should know it is not right.

Chair Goodell stated the form of government in the City is where the City Manager acts under the direction of the City Council and Mayor. The City Manager cannot operate independently of the Council. The Charter can be changed in one of three ways. First, an amendment could be considered by the Council, the Charter Commission can put a matter on a ballot for the public to vote on, or anyone can create a referendum and collect signatures to put a matter on a ballot for the public to vote. He offered to explain more details about the Charter and the Charter Commission. He encouraged people to get involved.

Councilmember Graves moved and Councilmember Ryan seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves thanked the public for their comments. She noted she worked with colleagues and community members in her career to create a power-sharing framework. The way the current ordinance is written puts all of the power into the hands of one person. They know the current person is Mayor Elliott, but they do not know who it may be down the line. Therefore, it is a bit of concern. There is also an opportunity to include more community voices in decision-making processes during times of crisis.

Councilmember Graves added she is feeling triggered by a white woman who is not from the community repeatedly addressing the Council and yelling at her and their black City Manager. She noted her support of Dr. Edwards and pointed out he is innovative and caring.

Councilmember Butler noted the decision is difficult for her and pointed out that invoking the emergency powers was difficult and traumatic. She explained she doesn't see the current arrangement putting all of the power into the hand of one person. After all, the Council has to vote to enact the emergency powers. Also, when the emergency powers were enacted, there was no

City Manager, and the Police Chief was on his way out. Councilmember Butler noted her support of Dr. Edwards and Ms. Suci.

Councilmember Lawrence-Anderson stated she likes the language of the amendment as it points to the Mayor as the official figurehead of the City and allows the Mayor, City Manager, Fire Chief, and Police Chief to work collaboratively in a dire situation. In the future, the Mayor may not have the best interest of the entire community.

Mayor Elliott stated the amendment fundamentally takes power from the people of Brooklyn Center. Democracy means there is civilian control of the armed forces. On a national level, half of the people do not like the person in charge. That is not a defect. The solution is not to put the power into the hands of someone else.

Mayor Elliott added they want someone specific in charge during times of crisis. If the Charter Commission would have asked him about what happened, he would have told them he collaborated with the City Manager. There needs to be someone in charge in a time of emergency. The amendment is ambiguous, and nobody is in charge. It also takes away the opportunity for future Councils to decide between putting an elected official in charge. It takes away an option rather than providing another option.

Councilmember Ryan noted Mayor Elliott made a number of points that are errored and can be refuted. The item will go to the public, which is the ultimate act of democracy. The City Manager is the chief administrative officer who serves at the discretion of the Mayor.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to adopt an Ordinance Amending Chapter 2 Section 2.06 of the Brooklyn Center City Charter. Councilmember Butler and Mayor Elliott voted against the same. Councilmember Graves abstained. Motion failed.

9. PLANNING COMMISSION ITEMS

10. COUNCIL CONSIDERATION ITEMS

11. COUNCIL REPORT

12. ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded the adjournment of the City Council meeting at 10:11 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of a Regular Session of the City Council of the City of Brooklyn Center held on May 23, 2022.
2. That said meeting was held according to due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its June 13, 2022, Regular Session.

City Clerk

Mayor

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- Motion to approve the licenses as presented.

Background:

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

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Garbage Hauler License

Suburban Waste MN LLC	7125 126th St W #500 Savage MN 55378
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Mechanical Licenses

Air Rite Heating & A/C	6935 146th St W #3 Apple Valley MN 55124
East Central Mechanical Services LLC	2134 290 th Ave Mora MN 55051
Shac LLC	1408 Northland Dr Mendota Heights MN 55120

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Signhangers License

Signcoink	37464 Jasper St NW Dalbo MN 55017
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Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
Rentals 6-13-2022	6/7/2022	Backup Material

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

b. Police Service Calls.

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

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

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

Subtype			Renewal or Initial		Owner	Violations		Type	Police CFS *		Type **
o		Initial			Brian Neidermeier		0	Type I		N/A	Type II
e		Initial			SFR Acquisitions 2 LLC		3	Type II		N/A	Type II
e		Initial			ANTONIO VIZCARRA-MORENO		4	Type II		N/A	Type II
e		Initial			Logan U'u & Daisy Giles U'u		9	Type III		N/A	Type III
e		Initial			Florence Simms Epic Homes LLC		1	Type I		N/A	Type II
Family 2 Units	Renewal				Georgetown-BC Company LLP		236 = 2.56 per unit	Type III		7/30/2021 Aggravated Assault (712 66th Ave) 8/2/21 Theft From Motor Vehicle (726 66th Ave) 10/1/21 Motor Vehicle Theft (708 66th Ave) 10/2/21 Destruction/Damage/Vandalism of Property (878 66th Ave) 11/22/21 Theft from Motor Vehicle (886 66th Ave) 12/1/21 Robbery (720 66th Ave) 12/8/21 Destruction/Damage/Vandalism of Property (742 66th Ave N) 1/19/22 Theft from Motor Vehicle (882 66th Ave) 3/28/22 Disturbance (812 66th Ave) 5/31/22 Theft from Motor Vehicle (856 66th Ave) 10 CFS = .10 per unit	Type III
Family 18 Units	Renewal				Victoria Townhouses 1		244 = 5.08 per unit	Type IV		7/27/21 Theft from Motor Vehicle (6820 Grimes Pl) 8/30/21 Aggravated Assault (6821 Grimes Pl) 9/12/21 Motor Vehicle Theft (6853 Grimes Pl) 12/21/21 Motor Vehicle Theft (6775 Grimes Pl) 4 CFS = .08 per unit	Type IV
Family 10 units	Renewal				Evergreen Park Manor		210 = 2.63 per unit	Type III		3/2/22 All Other Larceny (7218 Camden Ave N) 5/3/22 Burglary/Breaking & Entering (7218 Camden Ave N) 2 CFS = .025 per unit	Type III
Family	Renewal				Robert Gardner Jr - Did Not Meet Requirements		18	Type IV		0	Type IV
e	Renewal				Outreach Six Acres, Inc.		11	Type IV		0	Type IV
e	Renewal				Outreach Six Acres, Inc. Did Not Meet Requirements		0	Type I		0	Type IV
e	Renewal				FRY - SFR Borrower LLC Met Requirements		6	Type III		0	Type III
e	Renewal				Bryan D Aitkens		5	Type II		0	Type II

e	Renewal	Llc	Did Not Meet Requirements	12	Type IV	0	Type IV
e	Renewal	Adegbola Fola Ogundipe Easy Home Offer Llc Trustee		1	Type I	0	Type I
e	Renewal	Buster F Fallah	Did Not Meet Requirements	20	Type IV	0	Type IV
e	Renewal	Resi Sfr Sub Llc		6	Type III	0	Type III
e	Renewal	Ih2 Property Illinois Lp		16	Type IV	0	Type IV
e	Renewal	Lance Rosenberg Juniper Land Trust		9	Type III	0	Type III
e	Renewal	Ih2 Property Illinois Lp Met Requirements		6	Type III	0	Type III
e	Renewal	Chris Raisch		9	Type III	0	Type III
e	Renewal	Njeri Enterprises Llc Met Requirements		5	Type II	0	Type II
e	Renewal	Gao Qiang Liu	Met Requirements	14	Type IV	0	Type IV
e	Renewal	Yue Liu		12	Type IV	0	Type IV
e	Renewal	Crystal Brummer Brummer Realty, LLC		16	Type IV	0	Type IV
e	Renewal	Crystal Brummer Brummer Realty, LLC	Did Not Meet Requirements	4	Type II	0	Type IV
e	Renewal	Zamzam Gesaade	Did Not Meet Requirements	2	Type I	0	Type III
e	Renewal	Ih2 Property Illinois Lp		10	Type IV	0	Type IV
e	Renewal	Ih3 Property Minnesota Lp		4	Type II	0	Type II
e	Renewal	Edwina P McGill	Did Not Meet Requirements	6	Type III	0	Type III
e	Renewal	Sean Bannerman Bannerman Real Estate Llc					
e	Renewal	Did Not Meet Requirements		3	Type II	0	Type IV

Initial Licenses Only (Initial licenses are not applicable to calls for service and will be listed N/A)

Year, Type II = 2 Year, Type III = 1 Year, Type IV = 6 months
and property taxes

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Todd Berg, Emergency Manager

SUBJECT: Resolution Approving a Membership to the Fencing Consortium Joint Powers for Temporary Fencing

Requested Council Action:

- Adopt the resolution approving membership to the fencing consortium joint powers agreement for temporary fencing that can serve as a de-escalation resource and establishing a space for lawful protests

Background:

In the spring of 2021, a significant number of public agency professionals (with police, fire, public works, and emergency management backgrounds) joined together to form a Fence Working Group to explore the identified challenges and develop a collective path forward. Based on the experience with civil unrest in Minneapolis and Brooklyn Center, the critical role that anti-scale fencing can serve for de-escalation and establishing a space for lawful protests became apparent. That said, it was also found that obtaining anti-scale fencing is a significant challenge due to a number of factors, as well as being very expensive. To respond to this identified need, a Fence Working Group was established.

The Fence Working Group's efforts have led to the formation of a Fencing Consortium. The Fencing Consortium is made up of local government agencies (members) that will; jointly contract with a fencing vendor for the availability, storage, maintenance, and transportation of anti-scale fencing (including vehicle gates and pedestrian doors). The Consortium will have, at a minimum, enough fencing for the largest police department building in the Consortium. However, the Consortium has the flexibility to increase the amount of fencing, gates, and doors as additional local governments join the Consortium.

The intent of the Fencing Consortium is to provide anti-scale fencing within hours, not days, around potentially impacted government building(s) in response to a critical incident. The goal of the anti-scale fencing is to de-escalate the potential tensions and try to reduce/eliminate the non-tangibles associated with civil unrest such as:

1. Provide physical separation between law enforcement and protestors
 - a. Promotes improved mental health environment for all (reduce PTSD)
 - b. Pre-plan and standardize perimeter layout
2. Reduce the need for crowd control measures to be used
 - a. Improved safety for all
 - b. Minimize potential impact on adjacent properties
 - c. Crowd control measures are seen as escalating
 - d. Another tool for law enforcement facilitating peaceful protests
3. Create a space for protesting

- a. Not seen as officers vs. protestors, but protestors just protesting (including optics)
 - b. Supports efforts to coordinate/communicate with specific protest groups and organizers ahead of time
 - c. Improved distinction between legal protestors and “violent and destructive actors” (I)
 - d. Officers are more likely to be able to remain out of sight of legal protestors
4. Reduce resource demands committed to one location
- a. Local law enforcement agencies are too small to handle large-scale civil disturbance
 - b. Potentially need fewer officers for security at the site
 - c. Free up more resources to continue to respond to calls for service in impacted community
 - d. Takes into consideration that protests may be protracted event
- The purpose and structure of the Fence Consortium is to provide experienced leadership for fence deployment operations across multiple jurisdictions in a unified command structure and coordinate during the deployment of anti-scale fencing. This includes considering and planning for operational logistics and tactical planning associated with fence deployment. The Fence Consortium itself is a multi-agency, pre-planned, coordinated resource management system to continue efforts to minimize multiple local and state agencies from being over-extended.

Budget Issues:

The costs associated with being a member of this Joint Powers Consortium will be approximately 5,285 dollars annually. The portion that the City of Brooklyn Center will be budgeted through the Emergency Management department since this fencing would be available to us for any city owned location we deem necessary.

Inclusive Community Engagement:

Provide space for peaceful gatherings while eliminating the confrontation between the police and protesters.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Estimated cost	5/27/2022	Backup Material
Fence JPA Memo	5/27/2022	Cover Memo
Resolution	6/8/2022	Resolution Letter

	Yes	Yes		3.72%	\$
	No	Yes		3.65%	\$
	No	Yes		3.48%	\$
	Yes	Yes	Yes	3.23%	\$
	Yes	Yes		3.19%	\$
	Yes	Yes		3.18%	\$
	No	Yes		3.08%	\$
	No	Yes		2.95%	\$
	Yes	Yes		2.79%	\$
	No	Yes		2.79%	\$
	Yes	Yes		2.55%	\$
	Yes	Yes		2.47%	\$
	No	Yes		2.46%	\$
	Yes	Yes		2.45%	\$
	Yes	Yes		2.31%	\$
	Yes	Yes		2.21%	\$
	Yes	Yes		2.07%	\$
ka	Yes	Yes		2.06%	\$
	No	Yes		2.00%	\$
	Yes	Yes		1.99%	\$
	No	Yes		1.97%	\$
	Yes	Yes		1.95%	\$
	No	Yes		1.92%	\$
ounty Sheriff	Yes	Yes		1.86%	\$
	No	Yes		1.75%	\$
ights	No	Yes		1.74%	\$
	No	Yes		1.71%	\$
	Yes	Yes		1.67%	\$
hts	Yes	Yes		1.61%	\$
)	Yes	Yes		1.57%	\$
	No	Yes		1.53%	\$
nts	No	Yes		1.53%	\$
	No	Yes		1.51%	\$
	No	Yes		1.51%	\$
	Yes	Yes		1.49%	\$
	No	Yes		1.47%	\$
n PD	No	Yes		1.46%	\$
er	Yes	Yes		1.45%	\$
rk	Yes	Yes	Yes	1.36%	\$
ret	No	Yes		1.34%	\$

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Reggie Edwards, City Manager

THROUGH: N/A

BY: Todd Berg, Fire Chief/Emergency Manager

SUBJECT: Fence Consortium JPA Memo

Background:

In the spring of 2021, a significant number of public agency professionals (with police, fire, public works, and emergency management backgrounds) joined together to form a Fence Working Group to explore the identified challenges and develop a collective path forward. Based on the experience with civil unrest in Minneapolis and Brooklyn Center, the critical role that anti-scale fencing can serve for de-escalation and establishing a space for lawful protests became apparent. That said, it was also found that obtaining anti-scale fencing is a significant challenge due to a number of factors, as well as being very expensive. To respond to this identified need, a Fence Working Group was established.

The Fence Working Group's efforts have led to the formation of a Fencing Consortium. The Fencing Consortium is made up of local government agencies (members) that will; jointly contract with a fencing vendor for the availability, storage, maintenance, and transportation of anti-scale fencing (including vehicle gates and pedestrian doors). The Consortium will have, at a minimum, enough fencing for the largest police department building in the Consortium. However, the Consortium has the flexibility to increase the amount of fencing, gates, and doors as additional local governments join the Consortium.

The intent of the Fencing Consortium is to provide anti-scale fencing within hours, not days, around potentially impacted government building(s) in response to a critical incident. The goal of the anti-scale fencing is to de-escalate the potential tensions and try to reduce/eliminate the non-tangibles associated with civil unrest such as:

- 1) Provide physical separation between law enforcement and protestors
 - a. Promotes improved mental health environment for all (reduce PTSD)
 - b. Pre-plan and standardize perimeter layout
- 2) Reduce the need for crowd control measures to be used
 - a. Improved safety for all
 - b. Minimize potential impact on adjacent properties
 - c. Crowd control measures are seen as escalating
 - d. Another tool for law enforcement facilitating peaceful protests
- 3) Create a space for protesting
 - a. Not seen as officers vs. protestors, but protestors just protesting (including optics)
 - b. Supports efforts to coordinate/communicate with specific protest groups and organizers ahead of time
 - c. Improved distinction between legal protestors and “violent and destructive actors” (I)
 - d. Officers are more likely to be able to remain out of sight of legal protestors
- 4) Reduce resource demands committed to one location
 - a. Local law enforcement agencies are too small to handle large-scale civil disturbance
 - b. Potentially need fewer officers for security at the site
 - c. Free up more resources to continue to respond to calls for service in impacted community
 - d. Takes into consideration that protests may be protracted event

The purpose and structure of the Fence Consortium is to provide experienced leadership for fence deployment operations across multiple jurisdictions in a unified command structure and coordinate during the deployment of anti-scale fencing. This includes considering and planning for operational logistics and tactical planning associated with fence deployment. The Fence

Consortium itself is a multi-agency, pre-planned, coordinated resource management system to continue efforts to minimize multiple local and state agencies from being over-extended.

Fence deployment team

One of the biggest costs and factors for the deployment of any fence is the labor, equipment, and scheduling of staffing to setup the fence. Because of this the Working Group determined that the best way to meet these challenges is to use the existing Statewide Public Works Mutual Aid Pact to provide the labor and equipment needed to deploy the fence. Just like police and fire use existing mutual aid agreements during civil unrest, public works would do the same. One key reason for this is that the JPA can leverage these other existing mutual aid agreements when it comes to labor considerations.

Each Consortium member would need to provide between 1 and 3 people who would be assigned to the Fence Deployment Team. This team would train 3 times a year (2 times in person) so that when the call to deploy the fence was made, everyone would be familiar with what needed to be done and it could be done as efficiently as possible. Each Consortium member would cover the costs, including if there was a deployment (likely overtime), of their staff on the Fence Deployment Team. Considerations will be made for really small public works departments (just a few members) or agencies with no public works staff.

Prerequisites

Any agency participating in the Fence Consortium must be a member of the Statewide Public Works Mutual Aid Pact. Police and fire agency resources must be members of relevant mutual aid agreements.

Budget Issues:

The costs associated with being a member of this Joint Powers Consortium will be approximately 5,285 dollars annually. The portion that the City of Brooklyn Center will be budgeted through the Emergency Management department since this fencing would be available to us for any city owned location we deem necessary.

Strategic Priorities and Values:

Safe, Secure, Stable Community,

ATTACHMENTS:

Description:



Estimated cost.pdf

Recommended action:

Motion authorizing the resolution adopting the Fencing Consortium Joint Powers Agreement.

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING THE MEMBERSHIP TO THE FENCING
CONSORTIUM JOINT POWERS AGREEMENT

WHEREAS, the governmental units in the state have experienced an increase in incidences of civil unrest with violent and destructive actors who pose a threat to the public, public personnel, buildings, and critical infrastructure; and

WHEREAS, the First Amendment of the United States Constitution protects the freedom of speech, the press, and the right of the people peaceably to assemble, and to petition the government for a redress of grievances; and

WHEREAS, recent experience has shown that the use of anti-scale fencing has greatly de-escalated tension between law enforcement and protesters; and

WHEREAS, by de-escalating the tension, the anti-scale fencing helps to reduce the trauma on the community, improve the safety for all, minimize the impact on neighboring properties, and reduce the community resources that have to be committed to such events; and

WHEREAS, governmental units have recognized the need to have ready access to anti-scalable fencing as a tool for de-escalation and community safety while protecting against violent and destructive actors; and

WHEREAS, the best means for a governmental unit to access such fencing in a timely and cost-effective manner is to work cooperatively with other governmental units; and

WHEREAS, the Fencing Consortium Joint Powers Agreement (“Fencing JPA”), which is incorporated herein by reference, establishes a joint board to obtain and make available to members anti-scalable fencing in response to critical incidences, sets out the powers of the joint board, requires members to pay their share of the fencing costs and operational costs of the Fencing Consortium, requires members to provide staffing to assemble and disassemble the fencing as part of the Public Works Mutual Aid Pact, and otherwise provides for the operation of the Fencing Consortium as a joint powers entity; and

WHEREAS, the City of Brooklyn Center is a member of the Public Works Mutual Aid Pact and is otherwise eligible to adopt the Fencing JPA; and

WHEREAS, it is in the best interests of the City of Brooklyn Center to become a member and participate in the Fencing Consortium.

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

Center, Minnesota:

1. The Fencing JPA is hereby approved and adopted.
2. The City Manager is authorized and directed to make nominations and to cast votes on persons to be elected to the Fencing Consortium Board of Directors.
3. Staff are authorized and directed to do each of the following:
 - a. Submit a fully executed copy of this Resolution as directed in the Fencing JPA to indicate membership in the Fencing Consortium;
 - b. Designate a primary and secondary point of contact for the Fencing Consortium for administrative purposes.
 - c. Coordinate with the other Fencing Consortium members and the Board on the selection of staff from the public works department to serve on the fencing deployment team; and
 - d. To take such other actions as may be needed to carry out the intent of this Resolution and as may be required under the terms of the Fencing JPA.

June 13, 2022

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project Nos. 2020-01, 02, 03 and 04, Grandview North Area Street, Storm Drainage and Utility Improvements

Requested Council Action:

- Motion to approve a resolution accepting work performed and authorizing final payment, Improvement Project Nos. 2020-01, 02, 03 and 04, Grandview North Area Street, Storm Drainage, and Utility Improvements.

Background:

On February 24, 2020, the City Council awarded Improvement Project Nos. 2020-01, 02, 03 and 04 to R.L. Larson Excavating, Inc. of St. Cloud, Minnesota for construction of the Grandview North Area Street, Storm Drainage, and Utility Improvements. R.L. Larson Excavating, Inc. has successfully completed the construction work and is requesting final payment for the project.

Budget Issues:

The original contract amount with R.L. Larson Excavating, Inc. for the project improvements was \$5,074,230.28. The total value of work certified for final payment is \$5,095,024.18. The total project cost including contingencies/administration/engineering/legal is \$5,656,953.323 and was completed 7.0 percent under budget in the amount of \$423,940.70. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/7/2022	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, IMPROVEMENT PROJECT NOS. 2020-01, 02, 03 AND 04, GRANDVIEW NORTH AREA STREET, STORM DRAINAGE AND UTILITY IMPROVEMENTS

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, R.L. Larson Excavating, Inc. of St. Cloud, Minnesota has completed the following improvements in accordance with said contract:

Improvement Project Nos. 2020-01, 02, 03 and 04, Grandview North Area Street, Storm Drainage and Utility Improvements

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

1. Final payment shall be made on Improvement Project Nos. 2020-01, 02, 03 and 04, Grandview North Area Street, Storm Drainage and Utility Improvements, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be \$5,095,024.18.
2. The estimated project costs and revenues are hereby amended as follows:

COSTS	<u>As Original Award</u>	<u>As Final</u>
Contract	\$ 5,074,230.28	\$ 5,095,024.18
Lighting	\$ 26,063.74	\$ 20,850.00
Contingency	\$ 408,100.00	\$ 6,484.02
Subtotal Construction Cost	\$ 5,508,394.02	\$ 5,122,358.20
Admin/Legal/Engr.	\$ 572,500.00	\$ 534,595.12
Total Estimated Project Cost	\$ 6,080,894.02	\$ 5,656,953.32

RESOLUTION NO. _____

REVENUES	<u>As Original Award</u>	<u>As Final</u>
Street Assessment	\$ 655,062.47	\$ 655,062.47
Storm Drainage Assessment	\$ 218,505.97	\$ 218,505.97
Sanitary Sewer Utility	\$ 1,166,211.50	\$ 1,072,492.34
Water Utility Fund	\$ 772,796.00	\$ 793,489.59
Storm Drainage Utility Fund	\$ 1,032,797.03	\$ 894,238.23
Street Light Utility	\$ 33,663.74	\$ 23,790.28
Street Reconstruction Fund	\$ 2,170,833.31	\$ 1,967,824.44
CenterPoint Energy	\$ 30,224.00	\$ 30,725.00
Miscellaneous (plan sales)	<u>\$ 800.00</u>	<u>\$ 825.00</u>
Total Estimated Revenue	\$ 6,080,894.02	\$ 5,656,953.32

June 13, 2022

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Andrew Splinter, Finance Director

SUBJECT: Resolution Adopting Annual Comprehensive Financial Report of the City of Brooklyn Center for the Calendar Year Ended December 31, 2021

Requested Council Action:

- Motion to approve a resolution adopting the annual comprehensive financial report, and accepting the special purpose audit reports, the management letter and the corrective action plan of the City of Brooklyn Center for the calendar year ended December 31, 2021.

Background:

On June 6, 2022 the City Council and Financial Commission met in a joint work session to hear from Jackie Huegel of Malloy, Montague, Karnowski, Radosevich & Co. (MMKR), the City's auditors, about the results of their audit of the City's financial statements for the period ended December 31, 2021. During the session Ms. Huegel reviewed the purpose of the audit process and the results of the firm's audit of the 2021 Annual Comprehensive Financial Report.

Most importantly, the City received an unmodified opinion, which is commonly referred to as a "clean audit opinion". This means that, in the auditor's opinion, the financial statements conform with applicable accounting standards. In addition to formulating an opinion on the City's financial statements, the auditors reviewed the City's internal controls, legal compliance and financial management practices. Those results were included in the Special Purpose Report which is issued under a separate cover.

Overall, the information in the 2021 annual report continues to show the City is in good financial condition and should continue to monitor itself to ensure its continued fiscal health.

The attached resolution ratifies the work done by City staff and accepts the ACFR, Audit Opinion and related materials.

Budget Issues:

The 2020 annual financial report conveys the fiscal condition of the City as of December 31, 2020 and lays the groundwork for understanding the financial resources available to the City when planning for the future.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Resident Economic Stability, Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/7/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT, THE SPECIAL PURPOSE AUDIT REPORTS, THE MANAGEMENT LETTER OF THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2021

WHEREAS, the City of Brooklyn Center is required by State Statute and City Charter to annually produce financial statements for submission to the Office of the State Auditor by June 30 each year; and

WHEREAS, the City of Brooklyn Center is required to provide an auditor's opinion as to the representations in the annual financial statements; and

WHEREAS, the financial statements have been audited by the independent CPA firm of Malloy, Montague, Karnowski, Radosevich & Co., P.A. as required; and

WHEREAS, Malloy, Montague, Karnowski, Radosevich & Co., P.A. opined that the general-purpose financial statements present fairly, in all material respects, the financial position of the City of Brooklyn Center as of December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the Annual Comprehensive Financial Report for the City of Brooklyn Center for the calendar year ended December 31, 2021, and all supporting documentation, is hereby adopted as the official financial record for the 2021 fiscal year.

June 13, 2022

Date

Mayor

ATTEST: _____
City Clerk

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

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

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk/Interim Assistant City Manager

SUBJECT: Amendment to the 2022 City Council Meeting Calendar

Requested Council Action:

- Motion to amend the 2022 city council meeting calendar to include August 11, 2022 at 5:30 p.m. to reconvene the canvassing board

Background:

With the number of candidates that have filed for Mayor and City Council a primary election will be held on August 9, 2022. By state statute 205.065; Subd. 5; the canvass must be conducted on either the second or third day after the primary. Staff is proposing to convene the canvassing board on Thursday, August 11, 2022 at 5:30 p.m.

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Operational Excellence

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Cordell Wiseman, Director of Recreation Department

BY: Carissa Goebel, Program Supervisor

SUBJECT: Resolution Authorizing Changing the Name of the Earle Brown Heritage Center to the Heritage Center of Brooklyn Center

Requested Council Action:

- Motion to approve a resolution to change the name of Earle Brown Heritage Center to the Heritage Center of Brooklyn Center

Background:

Request from City Council to explore other name options for the Earle Brown Heritage Center and other city properties that hold that name. Dayta Marketing was hired to research naming possibilities that cater to the wedding and corporate event industry. Community engagement was done to gather feedback on the names brought forward by Dayta Marketing and to solicit other possible names.

Budget Issues:

Earle Brown Heritage Center: Costs incurred to date, \$14,500. Estimated total cost of name change, \$165,800.

Inclusive Community Engagement:

An in-person and virtual meeting were held where Dayta Marketing presented their process and findings as well as gave the community an opportunity to give their feedback. An online survey was available to those who could not make the meeting to provide naming feedback. There was a story featured on the website about the engagement process as well as a postcard sent to each resident with the details. In total, 213 people participated in the meetings and survey.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
April 25 Council Presentation	6/7/2022	Backup Material
Resolution	6/9/2022	Resolution Letter

Earle Brown Heritage Center & Street Renaming



City Council Meeting, 4/25/22
Cordell Wiseman, Recreation Director

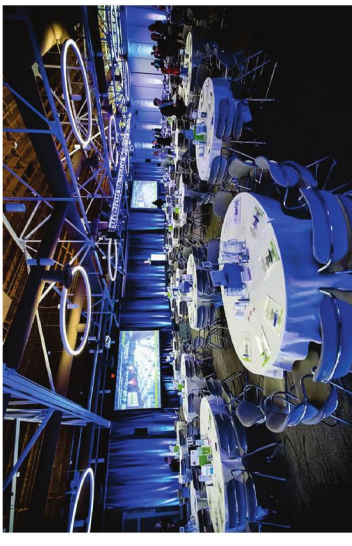
Background

- Earle Brown research
- Council direction for name change
- Recommendations



What Has Been Done:

- Dayta Marketing worked with EBHC staff to begin exploration of new name possibilities
- Community Engagement
 - Postcards sent to all residents, news story on city website
 - In-person at EBHC (14 people present)
 - Zoom (12 people present)
 - Online Survey (187 people responded)



Survey Results:

- ~~Earle Brown Heritage Center~~
- Heritage Center of Brooklyn Center
- Red Farm Crossings
- The Barns
- Ruby Red Farms



Street Renaming:

- Ruby Red Circle



- Red Farm Way



- Heritage Drive



Staff Recommendation:

- Rename Earle Brown Heritage Center to:
 - Heritage Center of Brooklyn Center
- Rename Earle Brown Drive to:
 - Heritage Drive



Policy Questions:

- Is there a consensus of the Council regarding the proposed name change for the *Earle Brown Heritage Center* to the *Heritage Center of Brooklyn Center*?
- Is there a consensus of the Council regarding the proposed name change for the *Earle Brown Drive* to the *Heritage Drive*?



Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-_____

CITY OF BROOKLYN CENTER, MINNESOTA

RESOLUTION AUTHORIZING CHANGING THE NAME OF THE EARLE BROWN
HERITAGE CENTER TO THE HERITAGE CENTER OF BROOKLYN CENTER

WHEREAS, the Earle Brown Heritage Center, located at 6155 Earle Brown Drive in the City of Brooklyn Center (the “City”), also known as the Earle Brown Farmstead, is named after Earle Brown, former Hennepin County Sheriff, the first chief of the Minnesota Highway Patrol and former gubernatorial candidate, and is the location of the formation of the Village of Brooklyn Center in 1911; and

WHEREAS, the Brooklyn Center Economic Development Authority (the “EDA”) is a public body corporate and politic under the laws of the state of Minnesota; and

WHEREAS, the EDA owns and operates the Earle Brown Heritage Center; and

WHEREAS, beginning with the publication of a book with regard to the Ku Klux Klan in Minnesota in 2013, revelations have been made with regard to Earle Brown’s connections to racist and supremacist organizations such as the Ku Klux Klan and the Minnesota Eugenics Society; and

WHEREAS, the revelations with regard to Earle Brown generated a great deal of discussion and concern in the City, particularly in the context of efforts similar to the renaming of Lake Calhoun in the City of Minneapolis to Lake Bde Mka Ska and subsequent to the shooting of Daunte Wright on April 11, 2021; and

WHEREAS, in July 2020, in response to the revelations regarding Earle Brown, the Brooklyn Center Community School Board changed the name of Earle Brown Elementary School to Brooklyn Center Elementary; and

WHEREAS, the City, recognizing it is not in a position to decide the historical accuracy of the revelations, conducted numerous works sessions and study sessions to discuss the potential renaming of the Earle Brown Heritage Center, conducted significant community engagement with regard to the issue and directed City staff to conduct further research into the revelations regarding Earle Brown; and

WHEREAS, in response to the revelations regarding Earle Brown, the City changed the name of its community celebration from “Earle Brown Days” to “Brooklyn Center Days” in January 2021; and

WHEREAS, on the direction of the Brooklyn Center City Council (the “City Council”), City staff worked with Earle Brown Heritage Center staff to begin exploration and review of

possible new names for the Earle Brown Heritage Center, including further community engagement that included notice to City residents and on the City’s website, in-person and online meetings and an online survey; and

WHEREAS, in April 2022, City staff recommended renaming the Earle Brown Heritage Center to the Heritage Center of Brooklyn Center.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center and the Board of Commissioners of the Economic Development Authority of Brooklyn Center (the “Board”) as follows:

1. The Earle Brown Heritage Center shall be renamed the Heritage Center of Brooklyn Center (the “Center”).

2. The City Council and the Board hereby authorize and direct City staff and Earle Brown Heritage Center Staff to take any and all necessary actions to change the name of the Earle Brown Heritage Center to the Heritage Center of Brooklyn Center, including, but not limited to, updating the Center’s website, social media, marketing materials, signage, water tower, entrance floor medallion and artwork/photographs to reflect the name change.

CITY OF BROOKLYN CENTER

June 13, 2022
Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Meg McMahan, Community Development Director

SUBJECT: Housing Study Final Report

Requested Council Action:

- Motion to Accept Presentation

Background:

Background

In March 2020, staff presented a housing policy work plan for comprehensively addressing the City's housing policy needs. At that meeting the Council discussed a number of policy approaches and a timeline for addressing these items. Council then directed staff to move forward on a number of action items related to housing.

Over the two years progress has been made on the work plan; however, there were delays related to the pandemic, civil unrest, and staff capacity.

The checklist and tentative timeline as it was discussed with the City Council in March was as follows:

1. Q1 2020 Fair Housing Policy
2. Q1 2020 Housing Study and Impact Assessment - Gaps analysis and identify best practices for anti-displacement
3. Q2 2020 NOAH Preservation program
4. Q4 2020 Tenant Protections
5. Q1 2021 Single Family Housing Stabilization

Fair Housing Policy

A Fair Housing Policy was drafted by staff and the City Attorney, reviewed by the Housing Commission, and adopted by the City Council in the spring of 2021.

NOAH Preservation Program

Staff drafted a NOAH Preservation program and presented it to the City Council in November 2020. The Council's direction at that time was to wait until the city-wide housing study was completed before taking action on starting a NOAH Preservation program.

Tenant Protections

An initial Tenant Protection Ordinance was adopted by the City Council in January 2022, and has since gone into effect. Staff and the City Attorney are working on a subsequent Tenant Protection Ordinance which is to include broader protections related to maintenance and repair issues. A draft is anticipated to be

presented to the City Council later in 2022.

Housing Study and Impact Assessment

In November 2020, the City engaged the University of Minnesota's Center for Urban and Regional Affairs (CURA) and Dr. Brittany Lewis to conduct a city-wide housing study and assessment.

Dr. Lewis and her team have been working with community over the last year and a half to complete the study, which has included both a qualitative and quantitative understanding of the City's housing stock and needs. The goal of the study was to develop a housing policy plan that addresses policies and practices that ensure that the current and future housing needs of the community are met. The City was seeking to provide stable and affordable housing options for current and future residents while providing a balance of land uses that support a resilient community. This housing study aims to help the City become more aware of the ways that future development could potentially widen the affordability gap and help to identify measures that can be tracked to mitigate gentrification pressures.

The project included the following:

- Understand existing housing conditions and trends in the City of Brooklyn Center.
- Provide an analysis of the likely impact of forecasted growth on property values and rents with a focus on the potential for gentrification.
- Survey residents in the City of Brooklyn Center to understand their perspectives on current housing conditions, affordability, experience, preferences, and housing needs.
- Complete a best practices literature review and analysis on impacts of major investment on property values and residential rents (i.e., "opportunity site master plan").
- Co-facilitate a conversation with the City Council about gentrification and the affordability crisis to present data and gain mutual understanding (Fall of 2020)
- Final report and presentation of findings to local leadership.

The consultant team also worked in partnership with City staff and Bolton & Menk to inform the Opportunity Site master planning work. This included preparing analysis that will be included in the master plan and inform the housing goals of the plan. Similarly, the housing study looked at the potential impact that a development such as the Opportunity Site might have on the City's housing, and provides policy recommendations on how to address issues of anti-displacement and gentrification.

Dr. Lewis also worked with the recent ULI Technical Advisory Panel on housing to present her research findings and recommendations to be used as a launching pad for their deeper dive analysis of the City's housing policy needs.

Dr. Lewis and her team have completed their work and will be presenting their findings and recommendations to the City Council. The final report will be available following the presentation to the City Council.

Budget Issues:

There are no budget issues to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Resident Economic Stability

ATTACHMENTS:

Description	Upload Date	Type
Housing Policy Executive Study	6/9/2022	Executive Summary
Housing Policy Study Proposal	9/8/2020	Backup Material
Research in Action Budget Proposal	9/8/2020	Backup Material
Contract	9/8/2020	Backup Material



BROOKLYN CENTER HOUSING REPORT

LIVABILITY, AFFORDABILITY, ACCESSIBILITY, AND SAFETY

EXECUTIVE SUMMARY

Author: Principal Investigator, Dr. Brittany Lewis,
Senior Research Associate

Contributing Authors: Marci Exsted, Adam Le,
Kyle Malone, Jeff Matson, and Justin Baker



Center for Urban and
Regional Affairs | **cura**
UNIVERSITY OF MINNESOTA

BACKGROUND & INTRODUCTION



JACOBBOONSM/SHUTTERSTOCK

Brooklyn Center, Minnesota is a growing community and one of the most diverse suburbs in the Twin Cities metro area. Like many growing metropolitan locales, they face the challenge of providing current and future residents with stable, accessible housing options, while actively addressing issues of growing gentrification and affordability concerns. To help address these emerging issues, the city reached out to the Center for Urban and Regional Affairs (CURA) to design a study that would aid their urban planning efforts and begin to head off current and future housing concerns.

Brooklyn Center initially partnered with CURA in 2020 to collect qualitative and quantitative data to provide a comprehensive picture of current housing conditions, affordability, resident experiences, preferences, and housing needs in the city and to provide tangible policy and practice recommendations that welcome new investment in the community while mitigating the negative impacts of gentrification. In 2021 CURA was contracted by the City of Brooklyn Center to continue this partnership by conducting rigorous investigation into the upstream causes and downstream effects of gentrification on the city. CURA conducted an intensive mixed-methods analysis of the housing conditions prevalent throughout Brooklyn Center. In the qualitative analysis, the focus was to gain insight into the experiences of renters, homeowners, and landlords in Brooklyn Center. The second phase of the quantitative analysis built upon the data demonstrated in the first phase, which identified gaps in affordability along with racial disparities in incomes and key housing outcomes.

The decision-making body that formed the backbone of the analysis was an advisory council composed of a wide variety of Brooklyn Center stakeholders, which included residents, landowners, members of government, and members of various community organizations who do community-engagement

work in Brooklyn Center. Over a series of seven meetings, and with the help of CURA staff and researchers, the advisory council established four guiding principles to lead the qualitative research. The guiding principles began as core values in small groups before being synthesized into the four categories of livability, affordability, accessibility, and safety. After these categories were determined, the advisory council sought to engage with multiple stakeholders in the city to understand the phenomenon of gentrification. Ultimately, a survey and focus groups were chosen as the methods of qualitative analysis to complement the quantitative analyses.

RESEARCH THEMES



Livability



Affordability



Accessibility

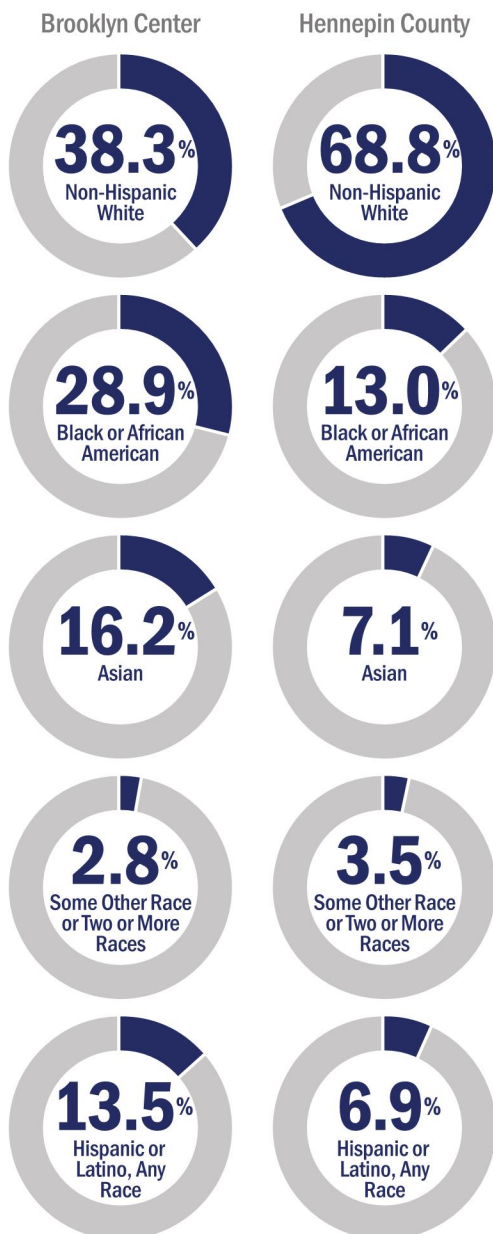


Safety

Brooklyn Center Demographics

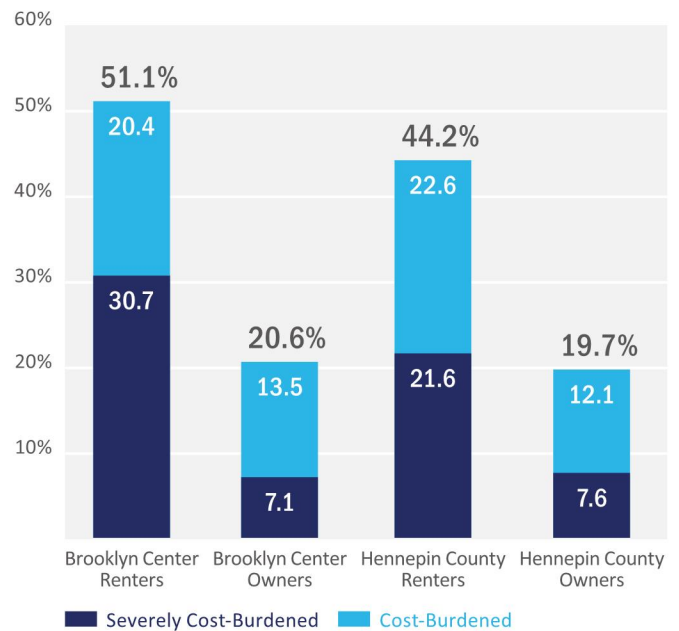
Brooklyn Center is a city of nearly 31,000 residents living in 10,400 households. It is one of the most diverse communities in the entire Twin Cities metro. Only about 38% of its population identifies as non-Hispanic white, compared to 69% of Hennepin County residents. Conversely, 29% of the city's inhabitants identify as Black or African American and nearly 16% as Asian, both of which are more than double the county averages. Among Twin Cities suburbs, Brooklyn Park is the only other city where at least half of the residents identify as non-white.

Racial Composition of Brooklyn Center as Compared to Hennepin County



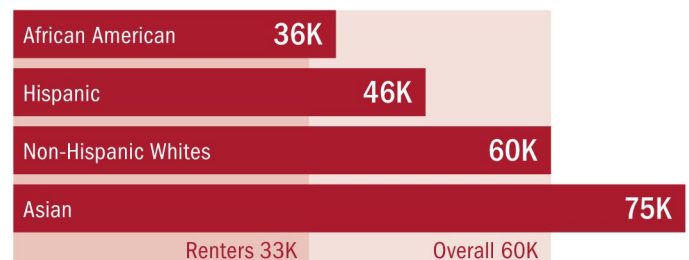
Among 34 suburbs in the Twin Cities metro, Brooklyn Center ranks near the bottom of median household incomes, both overall – about \$60,000 per year—and among renters—about \$33,000 per year. Meanwhile, because median gross rent is near the middle of the pack at \$1,083 per month, a large share of Brooklyn Center renters—who comprise 39% of the city's households—are paying more than 30% of their monthly income on housing.

Percentage of Renters and Owners Cost-Burdened



Like many other communities, there are significant disparities along racial lines. Households headed by non-Hispanic whites earn significantly more than African-American or Hispanic households—just under \$60,000 compared to \$36,000 and \$46,000, respectively. Asian-headed households have the highest median income at slightly less than \$75,000. Yet despite earning more than non-Hispanic whites by a significant margin, an equal proportion of Asian-headed households own their homes, about 79-80%. Other demographic groups are disproportionately renters. More than 50% of Hispanic-headed households and nearly 75% of African-American households must hand over money to a landlord each month.

Median Household Income

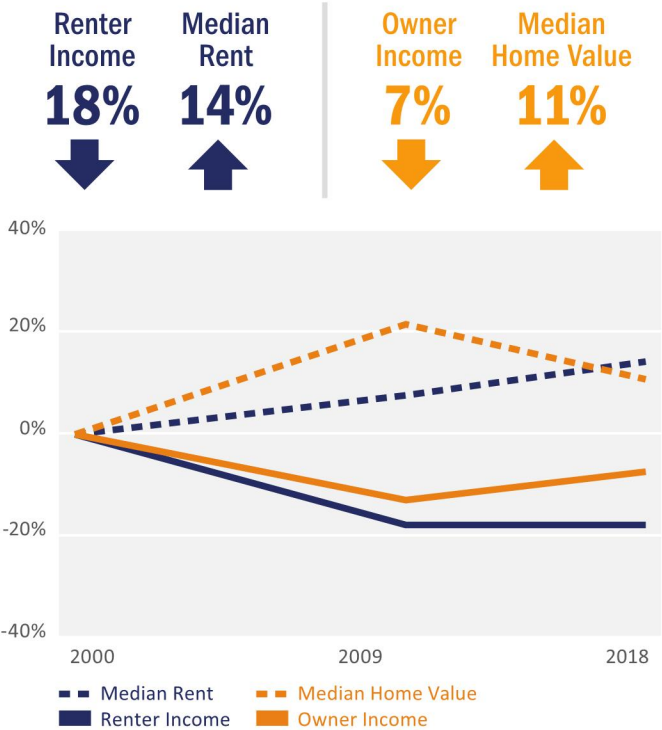


Trends in Incomes and Housing Costs

Incomes for both renters and owners have not kept pace with housing costs, although the problem is more acute for renters. From 2000 to 2019, the median income for renter households had fallen by 18%, from \$40,421 to \$33,217. Over that same span, median rents increased by 14%.

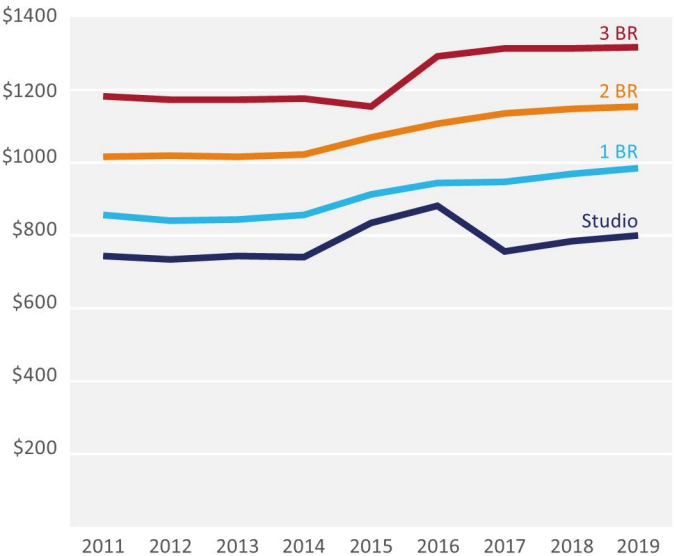
While not nearly as dramatic, incomes fell 7% while the median home value rose 11% between 2000 and 2019. Income growth has also lagged behind most other Twin Cities suburbs. The city’s overall median income fell by 10% in inflation-adjusted terms between 2000 and 2019, the ninth-worst performance among 34 included suburbs.

Change in Incomes and Housing Costs Since 2000



A closer look at year-by-year changes in asking rents reveals that rents were falling or stagnant until 2014, after which they began a precipitous upward climb. In the span of five years, the median asking rent rose from \$963 to \$1,094. This trend holds for one-, two-, and three-bedroom apartments. The exception is for studio apartments, where rents rose in tandem with the other units until 2017, when they fell by \$127, or 14%, compared to 2016. The reason for this sudden drop is not clear, but it may be tied to the completion of The Sanctuary at Brooklyn Center, a 158-unit affordable housing development.

Median Asking Rent by Number of Bedroom, 2011-2019

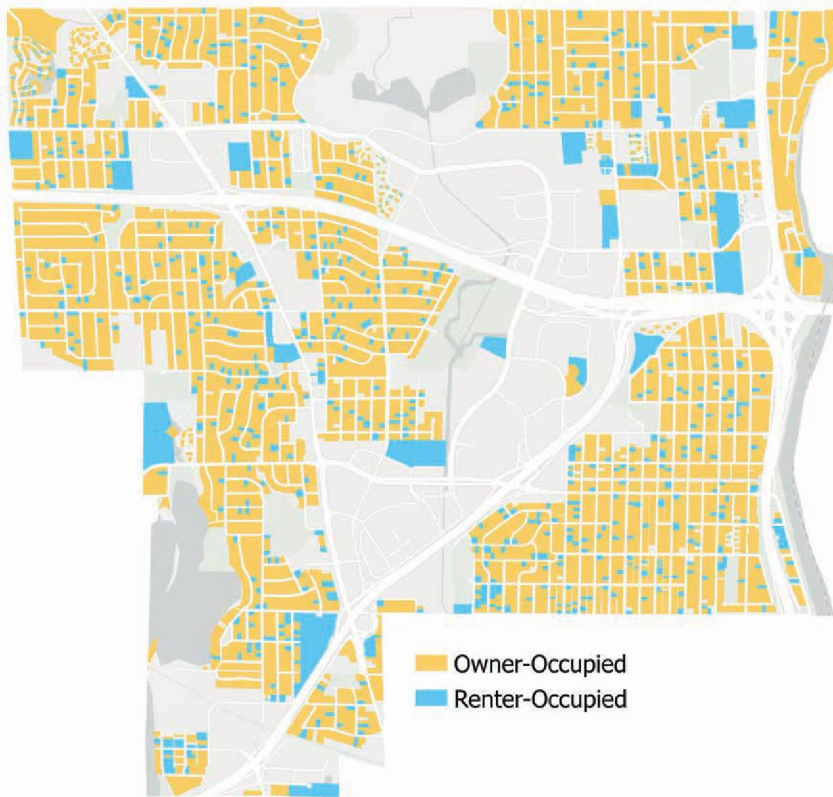


However, renters are not the only ones feeling the pinch. Home prices have increased even more rapidly since the housing crash. In Brooklyn Center, the median sale price for a home doubled between 2011 and 2019, jumping from just under \$110,000 to \$220,000 in real terms. Renters thus have greater difficulty becoming homeowners and building wealth while current owners benefit from appreciation in home values, potentially widening the wealth gap.

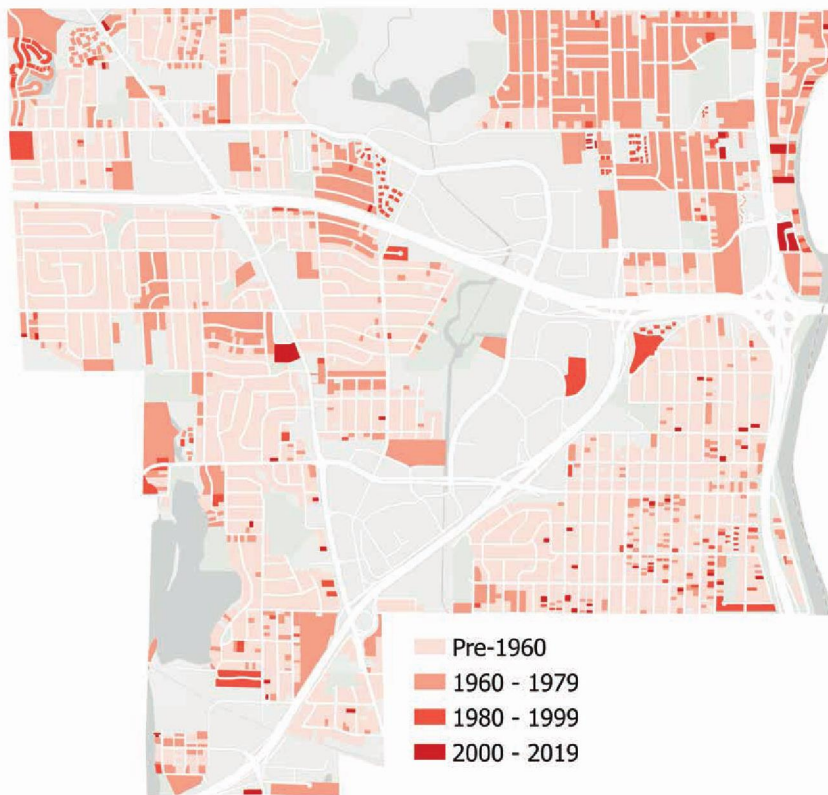


GOOGLE STREET VIEW THE SANCTUARY AT BROOKLYN CENTER MARCH 2022

Map of Housing in Brooklyn Center by Tenure



Map of Housing in Brooklyn Center by Year Built



Housing Stock

The city has an estimated 11,295 housing units, approximately 38% of which, about 4,300 units, are licensed rentals. Of the nearly 7,000 owner-occupied units, 90% are detached single-family homes. Many of those buildings are aging: more than 90% of the residential units in the city were built more than 40 years ago, compared to just 2% constructed after 2000. Owner-occupied units skew older, with nearly two-thirds built prior to 1960, while 75% of renter-occupied housing was built in the 1960s and 1970s.

These findings present a complex picture of the housing challenges Brooklyn Center residents face. Given the convergence of stagnating incomes and rising rents, it is no surprise that affordability and gentrification have become pressing concerns. Black and Latinx households in particular struggle to achieve homeownership, the primary wealth-building tool for families in the U.S., instead remaining caught in a rental market that fails to provide affordable options for households at the bottom of the income ladder.



GOOGLE STREET VIEW

Research Design and Methods

The Center for Urban and Regional Affairs (CURA) advocates for the necessity of community-engaged research—centering the knowledge and inclusion of community members throughout the research process. This research model relies heavily on collaboration with community members to bolster trust, usage, and accessibility for practitioners and policymakers. Once this data was established, at the request of the City of Brooklyn Center and the advisory council, CURA dug into these issues further. Working from this initial data dive, we determined that there was more demographic and market information needed, as well as direct input from individuals who rent and own in Brooklyn Center.

This is a mixed-method research project, applying both qualitative and quantitative research approaches. The project’s quantitative data was generated from existing Brooklyn Center and Hennepin County data. Qualitative data was collected through a project survey and focus groups. Focus groups, which would typically have been held in-person to increase

rapport between researchers and participants, were conducted virtually due to the pandemic.

In total, we received 373 responses to the survey from participants in Brooklyn Center.

What we found throughout our survey analysis was a lack of representation in BIPOC voices. We also did not effectively capture the experiences of renters and landlords within the city of Brooklyn Center. These pitfalls are expected when dealing with a convenience sample: certain categories, in this case white people, were overrepresented in the survey responses. To fill this gap we also conducted focus groups with Hmong homeowners and renters, Latinx homeowners and renters, Black (and specifically East African) renters, and landlords from different backgrounds and differing levels of scale (e.g., a few homes, multiple properties, multiple properties in different cities, etc.).

SURVEY PARTICIPANT DEMOGRAPHICS

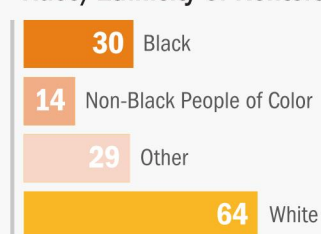
373 Participants



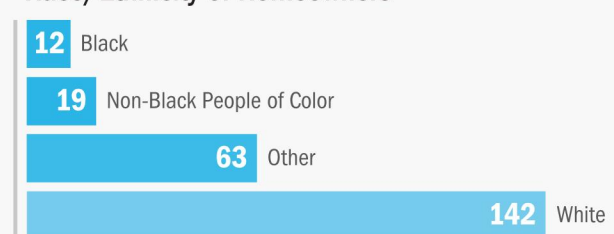
Gender



Race/Ethnicity of Renters



Race/Ethnicity of Homeowners



KEY FINDINGS

The data analysis can be broken down into the four main themes of this research project: livability, affordability, accessibility, and safety. In each category, evaluations of respondents from the survey were categorized into positive, neutral, and negative responses. We asked respondents to rate their opinion on how livable, affordable, accessible and safe Brooklyn Center was on a scale of 1 to 10, with 0 being the most negative rating and 10 being the most positive rating. Scores from 0 to 4 were rated as negative, scores of 5 and 6 were neutral, and scores from 7 to 10 were positive. Survey results provided scaffolding for the concerns that were top-of-mind of those who live in and plan for Brooklyn Center. Detailed quotes from the focus groups were paired to the survey summations, highlighting the lived experiences of individuals living and doing business in the city.

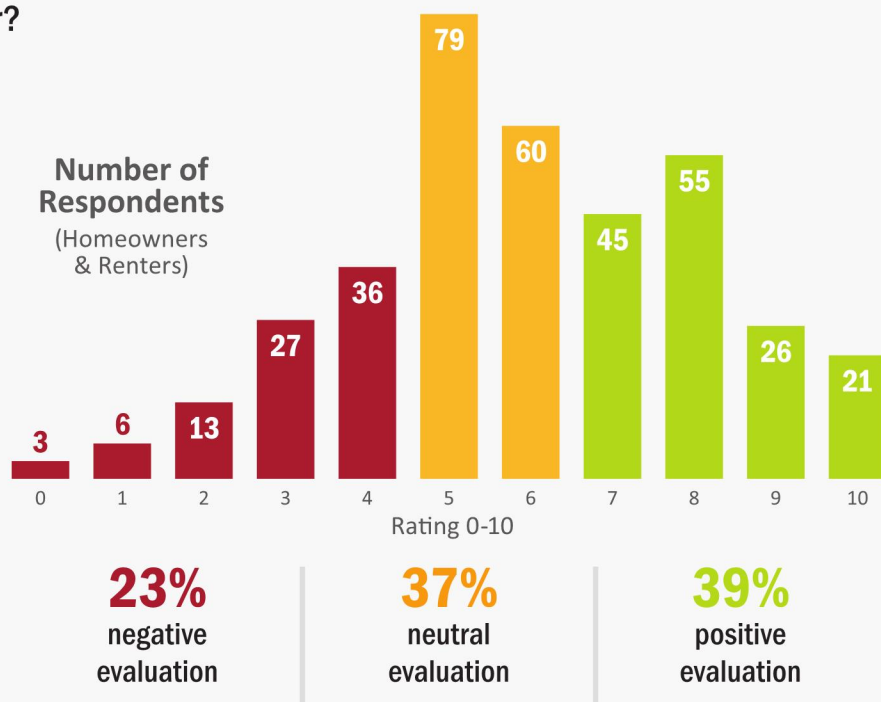
Livability

How Livable is Brooklyn Center?

In terms of the home: Is the structure comfortable? Is there access to fresh air and good sanitation?

In the neighborhood: How safe is it? How accessible is it? Are there social amenities? Are there outdoor spaces? Is there access to schools?

Looking into the future: Is it possible to live comfortably? What's the tenable condition to live there in the future? Ultimately, both the natural and built environments are equally important to determine livability.



When respondents were asked how livable Brooklyn Center was on a scale of 1-10, 85 (23%) respondents gave a negative evaluation, with 139 (37%) giving a neutral evaluation, and 147 (39%) with a positive one.

A significant number of both renters and homeowners discussed the condition of their housing, with 130 homeowners in the survey talking positively about their housing condition and 17 renters talking negatively about their housing condition.

Maintenance

In the focus groups we found a discrepancy between landlords/property managers and tenants. Landlords and property managers reported covering maintenance within a timely and reasonable manner to maintain their properties, while tenants in our focus groups have not had timely responses to their maintenance requests. Other landlords agreed on the quick responsiveness and the extent to which reasonable maintenance

Survey Responses Evaluating Housing, Renters/Owners



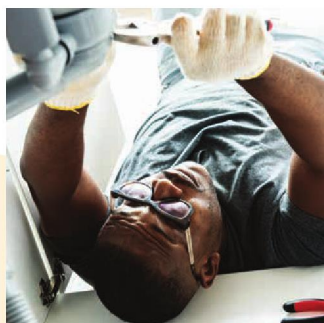
is covered by the landlord. Renters, on the other hand, found that “maintenance work is not done on time” and reported waiting months before anything was fixed. Renters resorted to calling the city to have inspectors (who they see as “the city”) force landlords to make fixes, which often happened after receiving a letter from the city.

“I would say renting in Brooklyn Center is pretty bad. Maintenance wise, I have to do mostly everything myself and it’s just the house itself when I moved in was already in pretty bad shape.” (Hmong Renter)

“One time I had a door that it was broken, and it took him three months of trying to get it repaired until I finally decided to call the city. And as soon as they got the letter for the city, immediately the door was fixed.” (Latinx Renter)

“I mean, if it’s routine maintenance, it gets fixed. A tenant broke it and it’s obvious or they say, “Hey, my toilet won’t flush.” And go down there and there’s five diapers down there, they pay for it. I mean, we try to be realistic about it.” (Brooklyn Center Landlord)

Tenants across all of our focus groups also reported having to do work on their own, which included scrubbing and cleaning the building after the previous renters and maintaining units that were “already in pretty bad shape.” This relates to another big theme



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we found from renters in the city: the buildings and utilities were reported to be very out-of-date.

Inspections

This finding of maintenance concerns leads to the second main theme with respect to livability: inspections. Landlords across all of our focus groups were extremely frustrated with the inspections process and the rules and regulations of the city of Brooklyn Center. Landlords reported that Brooklyn Center was “by far...the hardest city to pass an inspection” and the hardest city to get through licensing inspections.

Tenants, on the other hand, felt like not enough was being done in inspections. When contemplating on what can be done to improve livability, an East African participant recalled:

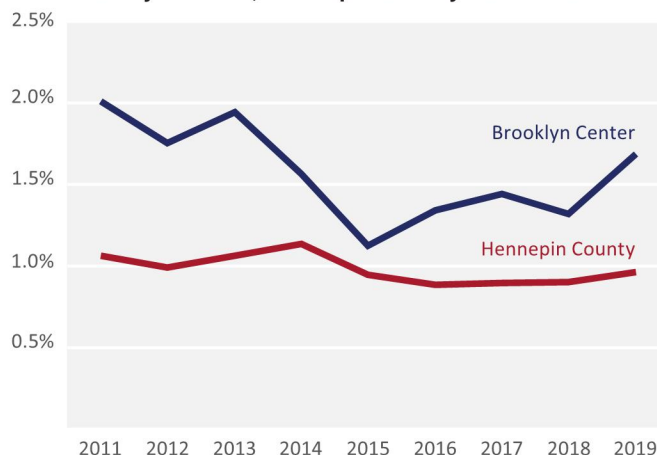
“I think a city inspection. The city inspectors, I blame them for most of the problem, because they come, they see the problem. They do nothing. It’s either they know the management and they don’t know the renters. So they approve them and they keep it moving when they need to fail them on what they’re not doing. So that was one of the problems we were trying to find the last time we met was why our city inspector giving people clean bill of health, management company clean bill of health, when they can literally come into an apartment and see the things that are not working, see the things that’s not functioning...I think the last time somebody said they wanted proof that there was a rodent in your house, I think you’re supposed to catch it and then keep it there until they come to evaluate. So I blame the inspectors, because I think that’s where the city can make a difference.”

Evictions

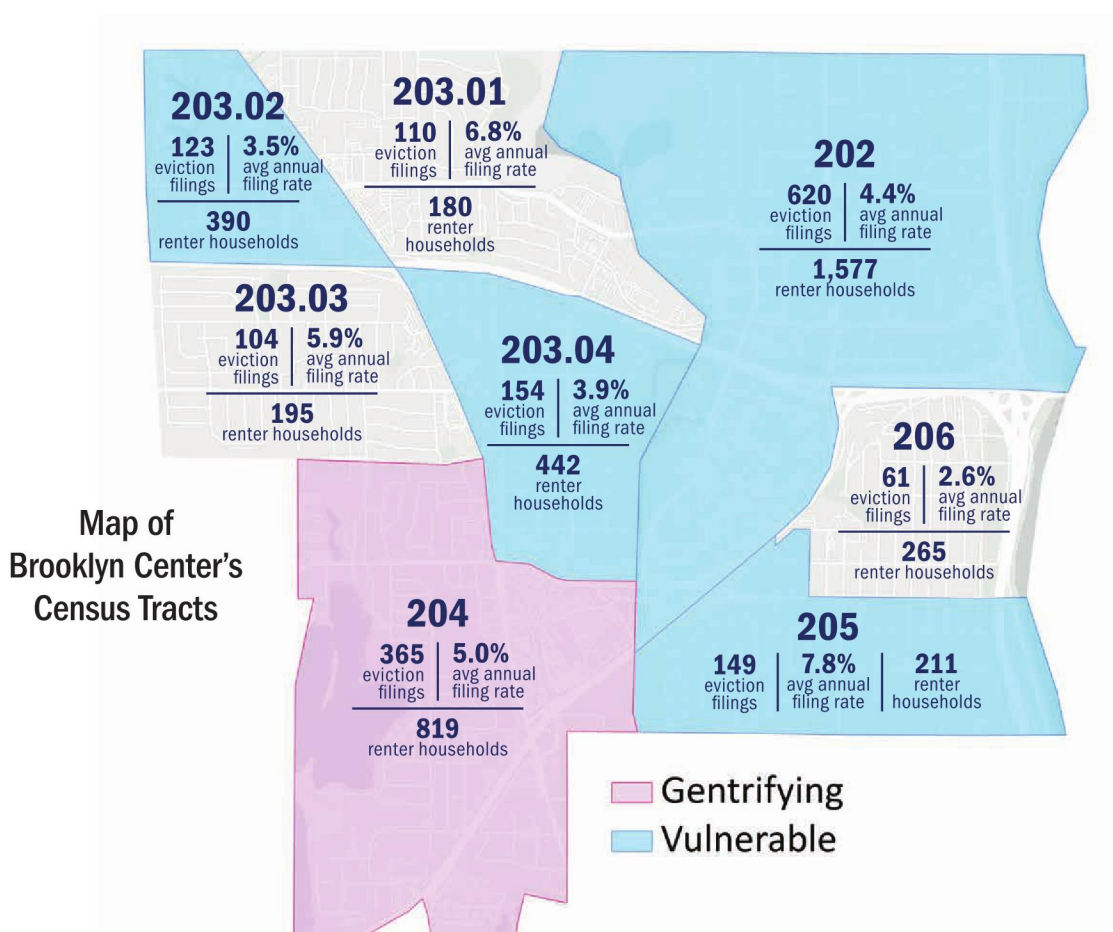
One notable absence in conversations with both renters and landlords is the subject of evictions. This is particularly surprising given Brooklyn Center's elevated eviction rate relative to Hennepin County as a whole: between 2011 and 2019 the rate of eviction filings in the city was on average 1.8% points above the county-wide rate. The rate of filings ending in an eviction judgment also exceeded the county-wide rate every year over that span, with 594 total judgments—assuming each judgment is for a unique household—means that at least 16% of all renters were evicted from their homes over those nine years. This of course excludes all “informal” evictions, including those that were never filed in court and agreements between tenants and landlords to vacate a home during the proceedings but prior to an official judgment.

We also wanted to determine whether there was a connection between neighborhood change and evictions. Social researchers have suggested that landlords in gentrifying neighborhoods may trigger displacement by increasing rents or issuing no-cause evictions to make room for more affluent tenants who pay higher rents. Could this be true in Brooklyn Center? While a rigorous statistical analysis is beyond the scope of this report, the data do allow for a few observations.

Eviction Filing Convictions
Brooklyn Center, Hennepin County 2011-2019



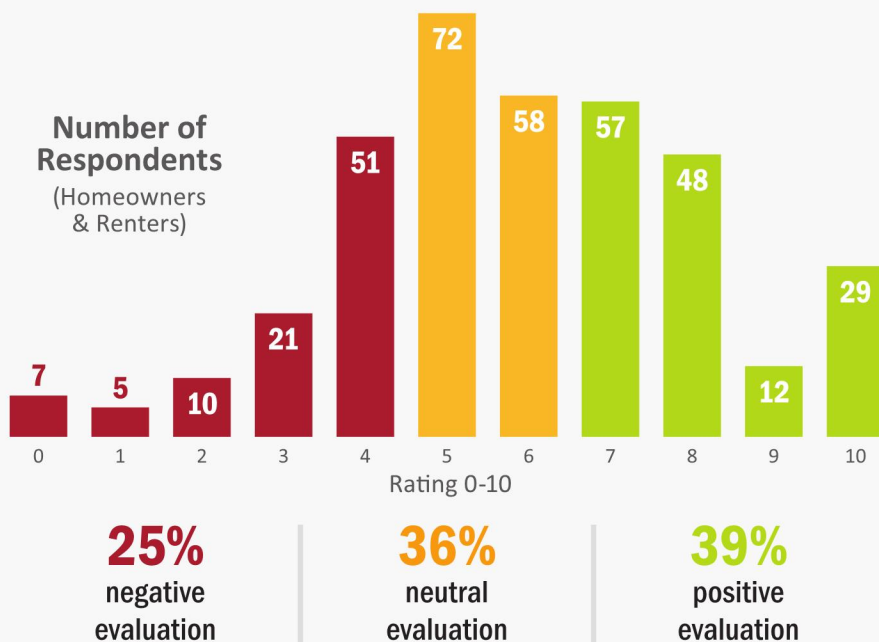
The city's sole tract exhibiting signs of gentrification hosted 365 eviction filings, or about 22% of the city's total. However, this tract also has the second-largest number of renter households, making the average eviction rate 5% of households per year, which is fourth-highest among the eight tracts. The four vulnerable tracts witnessed 1,046 eviction filings, 62% of the total, and collectively had an average annual eviction rate of 4.4%.



How Affordable is Brooklyn Center?

“Affordable” housing is something that is different for everyone since it depends upon a person’s income. We view it as “what’s left over” after spending money on housing. Is there “enough” left over for other things like food, transportation, childcare, etc.? Those elements dictate what is “affordable” for any particular individual, household, or family.

“Brooklyn Center is within my income range, [but] sometimes I struggle to pay my bills.” (Resident)



Of the respondents, 94 (25%) felt that the city was not affordable, 133 (36%) were ambivalent or neutral, and 146 (39%) felt positively towards affordability.

In terms of important deciding factors in moving to Brooklyn Center, respondents cited price as a main motivating factor (162 homeowners and 74 renters, for a total of 236) as well as proximity to work (131 homeowners and 72 renters, for a total of 203). Respondents also found price to be important, as well as the size of the unit (125 homeowners and 53 renters, for a total of 178) and the proximity to their families (110 homeowners and 61 renters, for a total of 171).

Differing Views

In the focus groups, landlords and renters again had differing views on the role of affordability. Landlords in our focus groups blamed the government for the lack of affordability in the city of Brooklyn Center. Renters, on the other hand, felt extremely cost-burdened in multiple different ways. A theme that was prevalent across focus groups is the cost relative to what was being rented, as rents are high not only for individual cost-of-living making them rent-burdened, but also that rents are high relative to the size of the units and the amenities, cleanliness, and livability that tenants are getting in the units where they currently live.

“I try to keep it affordable and I also try to make sure I’m not losing on the properties. I will say, I have a very small margin and I still, I do say I’m doing this for the community. And so, I’m not out there just to make a lot of money, but it’s getting really hard to keep it affordable for the people.” (Brooklyn Center Landlord)

“If you cannot afford a unit, move out and find a more affordable unit for you. You don’t have to live in the nicest house in town. There’s affordable units and you have to make sure it’s affordable for you. I can tell you I have an affordable unit, but if you’re one person and you want to get a three bedroom house, ‘I’m sorry, you don’t need that.’ So, I think it’s really...I’m happy I’m not the only crazy person, I would pay my tenant to move out before I take them to eviction.” (Brooklyn Center Landlord)

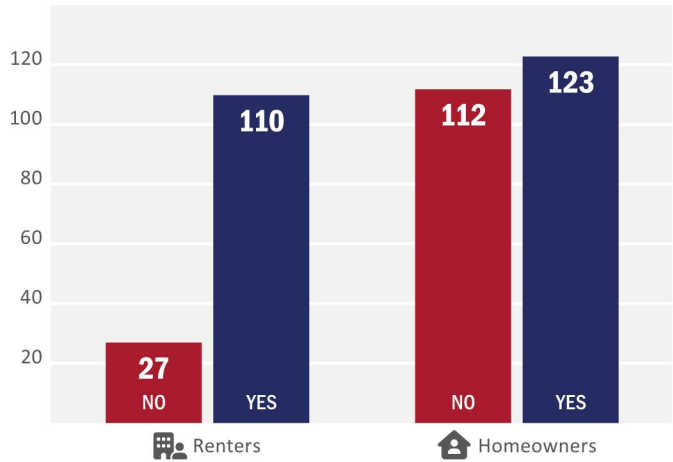
“My husband hasn’t left the job he’s in now. He hasn’t gotten a raise in there. So for our rent—and he’s in school, and school tuition is going up. It seems like \$600, \$700 every semester. So for us, it seems like, okay, when’s going to be the cap? How much can the rent go up for our one bedroom in Brooklyn Center?” (East African Renter)

Cost-Burdened

Respondents were also asked whether they spend more than 30% of their income on housing costs, and 62% of the survey respondents said that they did. When broken down between renters and homeowners, we find a wider disparity. While homeowners were pretty even between who spent more than 30% on housing costs and who didn’t, among renters the story is quite different. Renters significantly and overwhelmingly spent more of their housing costs on rent when compared to homeowners.

Housing Costs Across Renters and Owners

Do you spend >30% of your gross income on housing costs?



PLANETHEMIAH/NAPPY.CO

Brooklyn Center’s affordability challenges can be summed up in one statement—there are fewer deeply affordable units than households that need them. Using data provided by CoStar, we were able to determine that only 180 rental units—and only 24 market-rate units—are affordable to the more than 1,600 households earning less than \$30,000, or 30% of the Area Median Income (AMI) for a family of three, so it is no surprise that 85% of those households are cost-burdened.



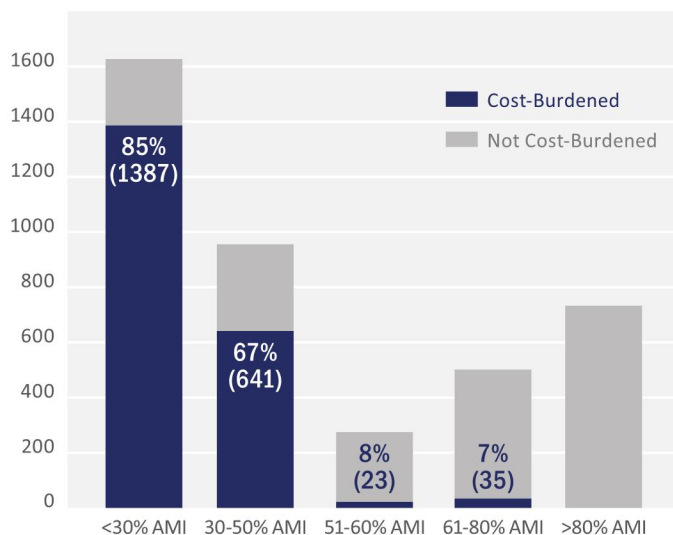
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Market Availability Compared to Household’s Income-based Need

HOUSEHOLD INCOME	RENTER HOUSEHOLDS	UNSUBSIDIZED UNITS	SUBSIDIZED UNITS	ADJUSTED AFFORDABILITY GAP*
<\$30,000	1,626	24	156	(1,416)
\$30,000-\$50,000	955	1,986	0	1,367
\$50,001-\$60,000	274	432	860	1,237
\$60,001-\$80,000	502	156	20	(296)
>\$80,000	730	41	0	(682)

*These data include only larger multifamily units, omitting several hundred single-family, townhome, and duplex rentals. To correct for this omission, the “adjusted gap” column assumes that the distribution of units by income range of the missing units is equal to the distribution of the included units. For example, 4.9% of units in our data are affordable to households earning no more than \$30,000. Multiplying this percentage by 4,297 yields an estimate of 210 affordable units at this income level, and a 1,416-unit shortage.

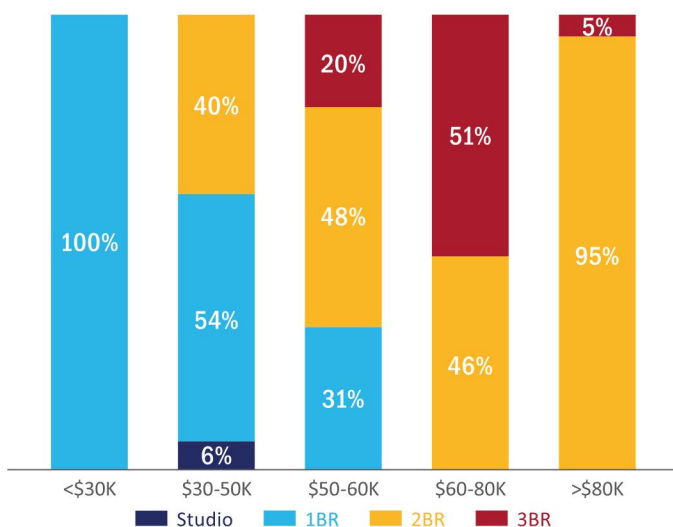
Percentage of Renters and Owners Cost-Burdened



Meeting Needs

Even among affordable rental units, there is a notable lack of diversity in size. Every one of the 156 subsidized units available to \$30,000-and-under households is a one-bedroom apartment, and no apartments with more than two bedrooms are affordable to households in the \$30,000-\$50,000 range. However, a large share of Brooklyn Center's larger rental units are single-family homes, so these numbers may overstate the shortage of larger affordable rentals. A sample of 10 four-bedroom rental units from Rental Revue revealed that two were affordable to households earning up to \$50,000, while eight were affordable to households in the \$60,000-\$80,000 range. But with an estimated 200 households with six or more members, it is unlikely there are enough larger units to serve this population.

Distribution of Cost and Rental Unit Size



In short, the need for affordable housing is most pressing for households at the bottom of the income ladder, but most new developments do not serve this population. For instance, Sonder House, Brooklyn Center's newest affordable housing development, is income-restricted to those earning up to 60% AMI. Fortunately, some relief may be coming for low-income renters in the first stage of the Opportunity Site redevelopment. A preliminary development agreement with Project for Pride in Living calls for 250 affordable units, including 147 units for renter households earning 30-50% AMI, with an additional 48 units further restricted to those earning less than 30% AMI. While the 30-50% AMI units have the potential to significantly reduce the rate of cost-burdened households among this group, the proposal amounts to less than 4% of the 1,387 cost-burdened households in the <30% AMI group.

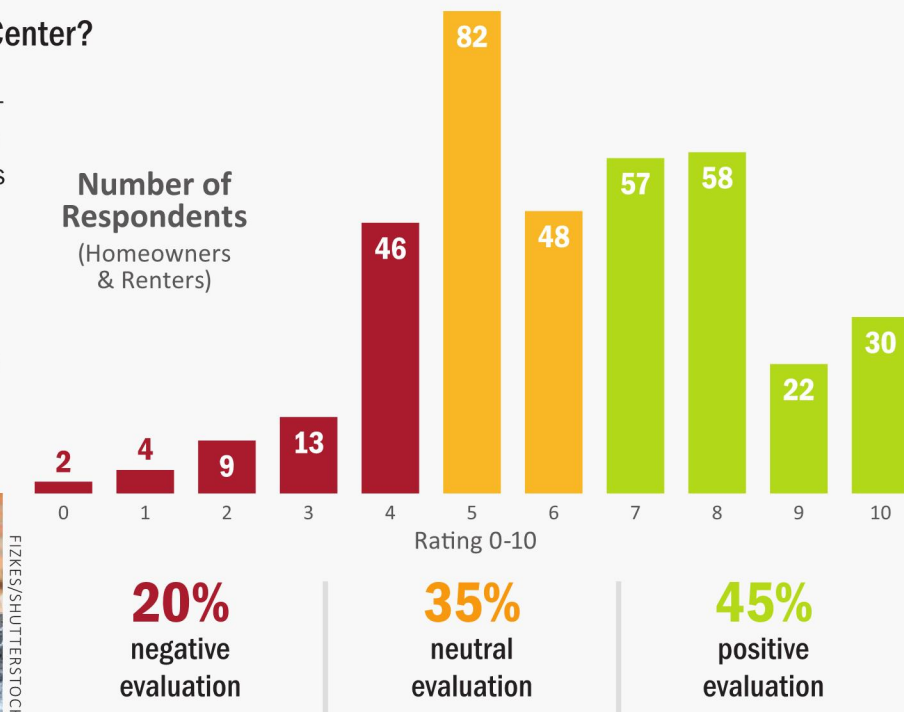
A trade-off between the level of affordability and the quantity of units built is an inevitable feature of the current structure of affordable housing financing in the U.S., so it is vital that decision makers understand the nature of these decisions. The city must also consider the trade-offs between subsidizing new construction and preserving existing affordable housing. More than 170 units across three properties reached the end of their mandated affordability period in 2018 and 2019, with another 300 set to do so in the next five years. These do not automatically convert to market-rate units, but owners may opt to raise rents at any time absent a proactive plan to ensure those units remain affordable to households of modest means (e.g., through acquisition by a non-profit, as Aeon has done with two properties containing 178 units in recent years).



TONY WEBSTER/Flickr

How Accessible is Brooklyn Center?

Knowledge of available rental or home-ownership options. The ability to utilize financial literacy and housing programs to access either option. Being able to find affordable, accessible (regardless of physical abilities), and functional housing when it is needed. Housing access is the ability for a household to find, obtain, and retain housing that is affordable to them.

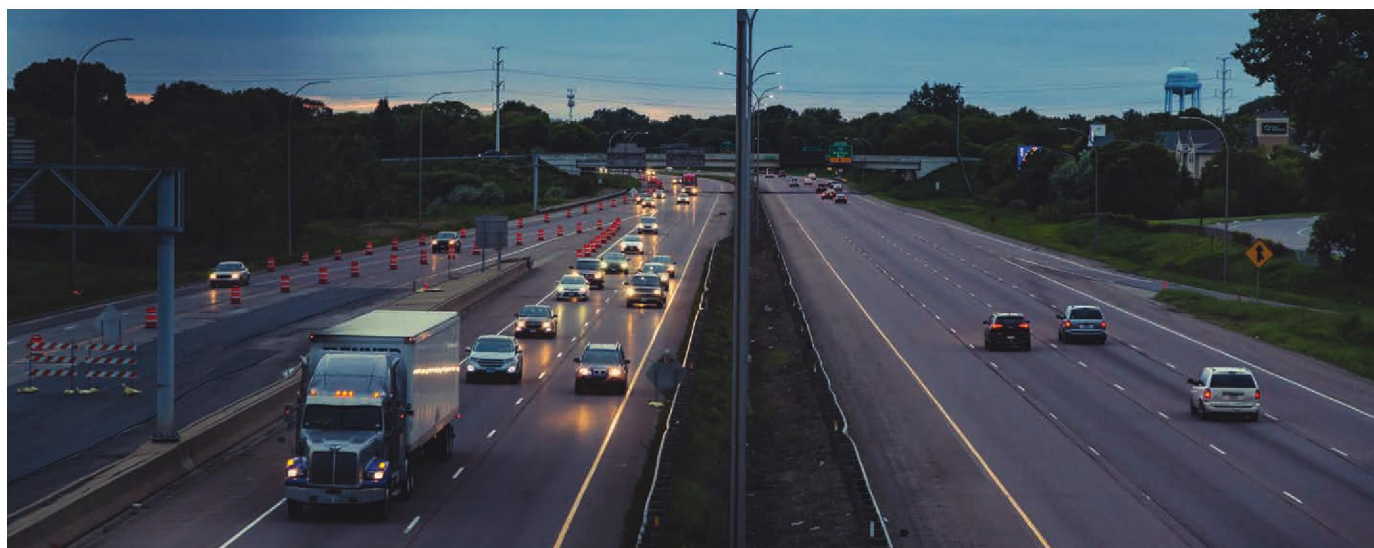


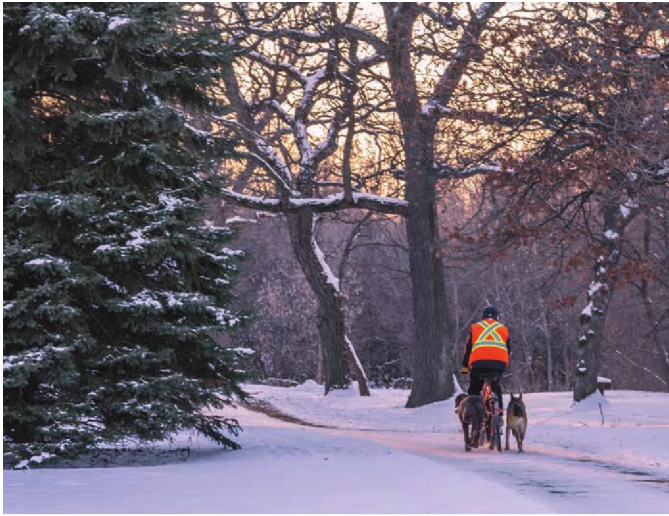
Of the respondents, 74 (20%) reported that they do not feel Brooklyn Center is accessible, 130 (35%) felt neutral or ambivalent, and 167 (45%) felt positively that Brooklyn Center is accessible.

Renters reported concerns related to rising rent and housing prices as well as credit scores and income restrictions affecting the accessibility of the city. Homeowners cited similar problems such as housing prices, social stratification with respect to housing, and finding nicer homes to move to.

Proximity & Cleanliness

In our focus groups, the convenience of Brooklyn Center was remarked on by many, noting that it is in the center of everything, it is close to the highway, and it is close to transit. Ethnic stores such as African stores and other cities such as Brooklyn Park were close to Brooklyn Center, and another respondent recounted that anywhere they wanted to go was within a fifteen-minute distance. We saw positive associations with accessibility related to proximity and cleanliness.





TONY WEBSTER/Flickr

“Well, one thing. Because the area here is really clean, really quiet. The housing are not too clustered together. There are really good neighbors helping each other. It feels like it’s freely to live in the area here.” (Hmong Homeowner)

“Anywhere I want to go is like 15 minutes.” (East African Renter)



TONY WEBSTER/Flickr

Employment

However, we saw negative accessibility related to the job market.

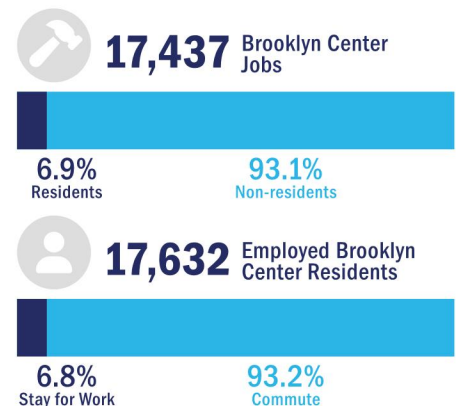
“Me, personally, I feel like Brooklyn Center don’t have a lot of job options compared to Brooklyn Park. For example, if I was to check indeed.com, I [inaudible 00:37:21] ask for you to put your zip code or what area you’re interested in, if I put Brooklyn Center there’s probably one to two jobs out of probably 50 jobs that’s available. It’d be nice to have more jobs that’s not fast food, but it’s more industrial jobs that’s available to us, because most of the jobs that’s available is all the way in Brooklyn Park.” (Hmong Renter)

One measure of accessibility is the relationship between jobs and housing in a community. These two are inherently linked as income is directly related to housing affordability. The higher one’s wages the more likely one is to own a home and the less likely a household is to be cost-burdened. Distance and time to reach employment can also be barriers to affordability as one needs both the means (car, accessible transit) and resources (gas, insurance, etc.) to achieve job stability.

We have found that Brooklyn Center has an equal mix of both employed residents and the number of jobs, with surprising alignment between the industries that people work in and jobs that are available. Also notable is the fact that Brooklyn Center residents have much shorter commute times than metro averages. However, we also notice that the wages paid by local jobs are lower than those of Brooklyn Center residents. This means that a large number of people are forced to leave the city every day to find higher paying jobs in neighboring communities.

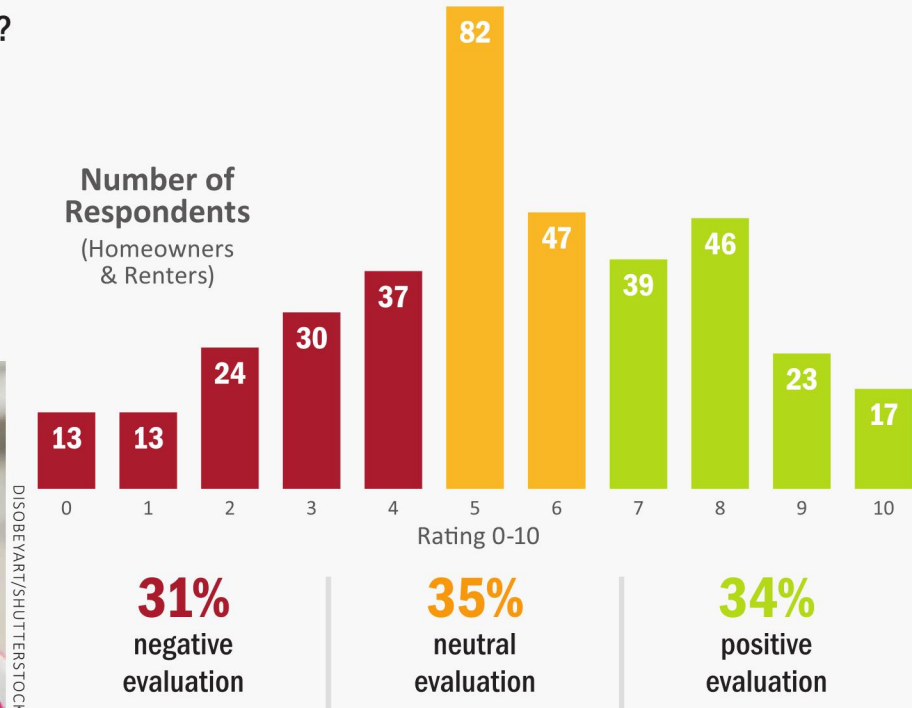
There is a close match between the number of jobs available and employed residents, but the vast majority of residents commute out for their work.

Jobs Inflow & Outflow



How Safe is Brooklyn Center?

Feeling safe and comfortable living in a place, without fear of being a victim of crime or bullying. Having trust that the resources and strategies used to provide a safe community are responsive to the community's needs.



Of respondents, 117 (31%) reported that they do not feel Brooklyn Center is safe, 129 (35%) replied ambivalently or neutrally, and 125 (34%) reported that they do feel Brooklyn Center is safe. These responses were fairly even, showing how different the experiences of safety are across residents.

Homeowners and renters rated positively the security of their units and the overall neighborhoods that they lived in, and security in general seems to be an important theme in making sure people feel safe not only in their individual unit or house but within the community at large.

The second theme that people expressed was positive feelings about crime: people were glad that there was low crime and they felt that the low crime rate contributed to their sense of safety.

The third theme was interactions with police: seven homeowners and five renters had a negative view of police interactions, and this may be a salient topic due to the murder of Daunte Wright. Nonetheless, other citizens still avoided certain areas of the city and cited grievances with the police.

Both homeowners and renters were concerned about navigating the city at night. In terms of what stable housing meant to the respondents, having a safe neighborhood with low crime rates was the most significant response among both homeowners and renters. Renters also wanted responsive landlords, while both renters and homeowners wanted a good school system and a walkable city.

Safety was a large theme in every focus group. Tenants, homeowners, and landlords all cited increases in crime and vandalism within their residences and properties in Brooklyn Center. In particular, our focus group respondents reported an increase in carjackings and vandalism and an overall lack of responsiveness from police. While the racialized groups in our focus groups reported relatively positive experiences with police and wanted more presence, the respondents in our Black and East African focus group in particular had issues with police and actively avoided law enforcement. One respondent's story was particularly salient and deserves to be told in full:

"Someone tried to break in all the units on my floor a couple of weeks ago. We called for help. They didn't come until about an hour later, but never let us know that they were in the building. We didn't hear a siren. This man was still in the building going on different floors. We didn't know. The only reason I know they came in is because I saw their heads go past the peephole. So it's like, okay, so who's here to help us? I feel like the ones that are supposed to enforce that on the ground is the police, or some form of policing. But we don't have that right now in Brooklyn Center. I don't know if we don't have enough officers, or they all over north."



TONY WEBSTER/FLICKR

“Lately within the last two years, I feel like there’s been an increase in vandalism in my neighborhood. My street is a private road and it’s dark. Just in the past two years, there’s been an increase in vandalism in our block. My car has gotten broken into once, searched twice. Just last week, our mailboxes were vandalized. So there has been an increase in that kind of activity, and I am a little concerned.” (Hmong Homeowner)

“We are very, very concerned about what’s going on in Brooklyn Center. The increase in crime has skyrocketed last three months and I’m not sure the city is doing what they should be doing to address this. It’s getting to the point that we are looking to get out of Brooklyn Center.” (Brooklyn Center Landlord)

I don’t know, but when we call for help, they don’t come. And if they do come, they’re aggressive, like you’re the person that is committing the crime. So it’s like, I don’t want call and then you kill me, but I’m calling you for somebody trying to kill me, you get what I’m saying? My kids are terrified of them now. So I don’t know. I don’t know what anybody else feels like, but I try my best to avoid them.”

This respondent’s experience highlights multiple pieces of safety issues that were prevalent in our focus groups in different ways. First, an increase in crime in general and personal property being broken into. Second, the lack of security and security cameras in rental units. Third, the lack of police presence within the city, and last the salience of police brutality that was on Black renters’ minds during the focus groups.

“I just wanted to see if Brooklyn Center can provide a little bit more security to maintain the city, so that we still continue to having the safety in our neighborhood here.” (Hmong Homeowner)

“So, I feel like I’m feeling safe where I live. Because even though, say I left something outside, forgot to close the garage, it’s still there. Nobody touching it. So, I feel that it’s safe.” (Hmong Homeowner)

“But for the most part, it’s a heavy police presence around. So I don’t worry about safety.” (East African Renter)

Crime rates in Brooklyn Center may be higher than many parts of the metro area, but overall have been declining in all but one major category (auto theft) since 2008. In fact, most categories of crime have seen levels drop to between 20% and 60% of 2008 levels. Rates of auto theft have been increasing in recent years, which matches what focus group respondents have reported.



BETTERABBA/SHUTTERSTOCK

RECOMMENDATIONS

Below you will find recommendations under each of the major themes identified by the advisory council and covered in our findings. In each we attempt to directly address those major thematic findings by laying out each as its own heading: livability, affordability, accessibility, and security. Importantly, these recommendations are, naturally, interrelated and build upon each other in order to be responsive to the complexities and interconnection of housing issues. Under these themes, we provide specific, actionable recommendations to be utilized by the city and the advisory council in ongoing planning activities. To support implementation, we recommend ongoing work to engage the community in order to effectively address their needs.

Livability

The most common complaints were around quality and habitability of rental unit conditions and the timing and enforcement of maintenance in rental units. At the same time, some property owners and managers felt that the city was too strict with repair enforcement. We recommend the establishment of a board (or an update of the composition and role of the existing Housing Commission) which represents both the rental and property owner community (with particular attention to representing the disempowered renters in this study), which is charged with addressing the conflicts and issues highlighted here, and has authority to recommend policy, programs, and resource allocations to address the issues raised by community members.

Create a Rental Unit Quality Board with authority to update codes and enforcement procedures, which can be enforced through existing maintenance inspection authorities on an emergency basis.

Composition and role of the Board: Whether a new body, or an adaptation of an existing board, the body should consist of

representatives from the rental community and property owner and management community, with the balance favoring the less empowered renters, particularly the financially vulnerable renters highlighted by this study, and should focus on the following issues:

- Adapting the rental unit code to cover quality and livability of rental conditions
- Evaluating and updating the current accountability, resident reporting, and inspection process if necessary
- Establishing an emergency repair procedure with authority to make statute-based repairs without the consent of property owners and levy the cost
- Investing in a fund for costly quality repair issues
- Developing a communication plan for the new guidelines and process

Affordability

Brooklyn Center's affordability challenges are most severe among extremely low income households. The limited amount of affordable housing at the <30 percent AMI level leaves renter households who are not fortunate enough to secure a spot in one of the city's 156 subsidized units paying a large portion of their monthly income on rent, leaving many only one or two missed paychecks away from eviction. While the Opportunity Site redevelopment has the potential to provide low-income renters with high-quality affordable housing, there is a risk that it induces gentrification, driving up rents and displacing residents in nearby neighborhoods. Our recommendations work

to address these challenges, particularly to protect those who are at the highest risk to lack access to or lose housing due to their income.

Create a Naturally Occurring Affordable Housing (NOAH) Preservation Program to encourage rehabilitation of older units while maintaining affordability, particularly in buildings that serve renters earning less than 60% AMI.

Develop a data monitoring program to track changes in key housing metrics, including rents and evictions.

Accessibility

Participants reiterated concerns about the affordability and availability of the types of homes they desired and the local availability of the type of employment opportunities they desired. This is borne out by data that shows that while there are enough jobs to match employed residents, they tend to be lower paying and not attracting residents of the city. Our recommendations involve preserving and building on some of the assets of convenience, while continuing to improve affordability by boosting public transit options and promoting development that produces high quality jobs, which could have the downstream effect of improving resident finances and easing affordability concerns.

Work with businesses and industry to develop and maintain living-wage jobs in Brooklyn Center that align with the educational backgrounds and skills of residents.

Connect local transportation infrastructure to incoming Blue Line Extension to streamline commutes.

Partner with commercial land trusts to preserve affordable commercial spaces for local businesses.

Safety

Homeowners, property owners, and renters all expressed concerns about rising crime and unresponsive police. Residents of color additionally expressed difficulty trusting law enforcement, creating a situation where they felt unsafe but also hesitant to call the police. As the city embarks on their reform process, we recommend targeting policing practices and policies, data collection and sharing, and how the reform initiatives are facilitated, led, and designed.

Audit of Policing Practices and Policies: Task a community-led board to perform a systematic review of crucial areas of police practice and policy, namely response procedures (process, timelines, and utilization of unarmed response teams) and how officers are hired, trained, and promoted.

- Have the review led by the Community Safety and Violence Prevention Committee or by a similar body created specifically for this purpose.
- Include a majority of community members who have interacted with police: those seeking assistance, informal interactions, participation in protests, arrest or detainment, and those who have supported someone across these interactions.
- Utilize an outside research/technical team to support the evaluation strategy, and hold regular public meetings to maintain transparency.

Expanded Data Collection and Sharing

- Hiring third-party consultants to do a literature review and key informant analysis of policing data collection practices in and outside of the state
- Building a partnership with the Minnesota POST Board and the Minnesota Department of Public Safety to regularly exchange data collection tools, processes, and policy

knowledge that informs the City of Brooklyn Center's comprehensive data collection metrics that keep state process and protocols in mind

- Regular public meetings for community updates and input

Facilitation, Leadership and Design of Reform Initiatives

- Facilitate/co-facilitate the relevant committees or boards to mitigate potential conflicts of interest that occur when elected officials or other stakeholders facilitate these processes
- Co-design the timeline and deliverable schedules and hold each entity accountable to those timelines and deliverables, adjusting where necessary
- Help support the community dialogue, data collection, and healing strategies across projects using equity-based community engaged methods



TONY WEBSTER/FLICKR

Understanding Dr. Brittany Lewis's Actionable Research Model

There is power in defining research questions and in controlling the production of knowledge. When research is done in communities of color and low-wealth communities, a power imbalance often exists between researchers and community-based organizations that must be disrupted. Community-engaged action research values community knowledge and people's lived experiences. It reflects meaningful collaboration between academics, advocates, policymakers, service providers, and impacted communities. It leads to more robust and holistic data, more effective policy solutions, and stronger community action. When we use a community-based action research model, community members are not the subjects of research—they are the co-producers of knowledge.

Dr. Brittany Lewis employs an action research model that uses a mixed methodological research approach to:

- (1) Build community power
- (2) Assist local grassroots campaigns and local power brokers in reframing the dominant narrative
- (3) Produce community-centered public policy solutions that are winnable

This model relies heavily on the development of reciprocal relationships across sectors that embrace an open process where the collective develops shared understandings for the purpose of creating social transformation.

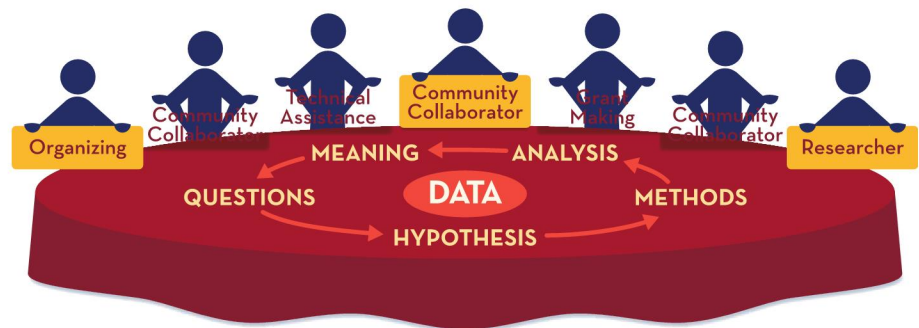
This actionable research model embraces a racial equity framework that asserts we must:

- (1) Look for solutions that address systemic inequities
- (2) Work collaboratively with affected communities
- (3) Add solutions that are commensurate with the cause of inequity

CURA's Research Model and Racial Equity Framework



Shared Expertise: Live-in Model of Research



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Project Proposal for the Brooklyn Center Housing Study

The Center for Urban and Regional Affairs (CURA)

University of Minnesota

& Research in Action (RIA)

Principal Researcher: Dr. Brittany Lewis

The Center for Urban and Regional Affairs (CURA) connects the resources of the University of Minnesota with the interests and needs of urban communities and the region for the benefit of all.

The City of Brooklyn Center is ultimately looking to develop a housing policy plan that addresses policies and practices that ensure that the current and future housing needs of the community are met. The City is seeking to provide stable and affordable housing options for current and future residents while providing a balance of land uses that support a resilient community. This housing study aims to help the City become more aware of the ways that future development could potentially widen the affordability gap and help to identify measures that can be tracked to mitigate gentrification pressures.¹

The City Council of Brooklyn Center is currently grappling with what it should do with its surplus of underdeveloped land and do it in a manner that does not directly displace or harm its current community members while also trying to create the most resilient community possible. The City of Brooklyn Center's housing stock is incredibly homogenous with a majority of single-family homes built in the pre-1970s that are single level ramblers. The multifamily rental properties were also built primarily in the pre-1970s with 1- & 2-bedroom units primarily. Half or more of Brooklyn Center renters are paying more than they can afford in housing. The City of Brooklyn Center staff reported that a significant number of renters are on month to month leases. Further, through engagement, renters in the community have reportedly experienced 3 or 4 rent increases a year, and fear retaliation when they file complaints over rental conditions or issues with maintenance.

The Center for Urban and Regional Affairs (CURA) and Research in Action (RIA) submits this proposal to the City of Brooklyn Center to support its efforts to do the following:

- Understand existing housing conditions and trends in the City of Brooklyn Center.

¹ At the core of the debate over gentrification are the issue of displacement and the question of who benefits and who is harmed by the neighborhood changes induced by it. Gentrification describes a specific type of neighborhood change, that is, the upgrading of previously disinvested neighborhoods. Physical displacement was one of the defining characteristics of gentrification in its original usage. In Ruth Glass's study of London published in 1964 in which she coined the term, she wrote of gentrification as the changing social status of neighborhoods occurring "as the middle class—or the 'gentry'—moved into working-class space, taking up residence, opening businesses, and lobbying for infrastructure improvements." She adds, "Once this process of 'gentrification' starts in a district it goes on rapidly until all or most of the working-class occupiers are displaced and the whole social character of the district is changed" (Glass, Ruth. 1964. Introduction: Aspects of change. In Centre for Urban Studies (ed.) *London: Aspects of change*, London: MacGibbon and Kee.).

- Provide an analysis of the likely impact of forecasted growth on property values and rents with focus on the potential for gentrification.
- Survey residents in the City of Brooklyn Center to understand their perspectives on current housing conditions, affordability, experience, preferences, and housing needs.
- Complete a best practices literature review and analysis on impacts of major investment on property values and residential rents (i.e., “opportunity cite master plan”).Co-facilitate a conversation with the City Council about gentrification and the affordability crisis to present data and gain mutual understanding (Fall of 2020)
- Final report and presentation of findings to local leadership.

CURA and RIA believe in the power and impact of mixed methodological research. The goal is to collect qualitative and quantitative data to provide a stronger and more comprehensive picture of the housing conditions and experiences in the City of Brooklyn Center with tangible policy and practice recommendations that aim to mitigate the negative impacts of gentrification. The strength of a mixed methods approach is that each method can provide different types of information and can minimize the limitations of the other method, which is critical in the study of an elusive and complex process such as the study of housing stability/instability, evictions, gentrification, and disinvestment.

In addition, RIA believes there is power in defining research questions and in controlling the production of knowledge. When research is done in communities of color and low-wealth communities, a power imbalance often exists between researchers and community-based organizations that must be disrupted. Community-engaged action research values community knowledge and people’s lived experiences. It reflects meaningful collaboration between academics, advocates, policymakers, service providers, and impacted communities. It leads to more robust and holistic data, more effective policy solutions, and stronger community action. When we use a community-based action research model, community members are not the subjects of research—they are the co-producers of knowledge. Dr. Brittany Lewis employs an actionable research model that uses a mixed methodological research approach to: (1) build community power, (2) assist local grassroots campaigns and local power brokers in reframing the dominant narrative, and (3) produce community centered public policy solutions that are winnable. This model relies heavily on the development of reciprocal relationships across sectors that embrace an open process where the collective develops shared understandings for the purpose of creating social transformation. This actionable research model embraces a racial equity framework that asserts that we must: (1) look for solutions that address systemic inequities, (2) work collaboratively with affected communities, and (3) add solutions that are commensurate with the cause of inequity.

Quantitative Analysis

Research Approach/Design

CURA will undertake the quantitative analysis portion of the Housing Study using a variety of data sources and methods relating to the key points of analysis outlined in the Proposed Scope of Work. This includes completing an inventory of current housing in Brooklyn Center that focuses on housing type, age and cost. Housing will be classified as either single-family or multi-family, rental or owner-occupied, and whether it is considered affordable. Affordability can be either naturally occurring (generally in older multi-family buildings) or subsidized (usually with income limits related to area median income) and will be noted as such. Current and historic rents will be examined for affordability and whether change (increases) in rent differs by housing type or geography. The cost of housing and its relationship to household income will also be analyzed with attention paid to cost-burdened households (>30% of income spent on housing) that are both owner-occupied and renter occupied, and the degree to which housing in the city is affordable to its residents. Particular attention will be paid to signs of gentrification or involuntary displacement. CURA completed a gentrification study of suburban Hennepin County in 2019 (using 200-2016 data) and found that all eight census tracts in Brooklyn Park were vulnerable to gentrification. This study will update that data and look for additional evidence of neighborhood change.

Expected growth in both the housing market and the city's population will be compared to existing housing stock and proposed developments in order to answer the question of whether gaps in housing types and affordability exist. The potential loss of affordability, especially the risk of naturally occurring affordable housing (NOAH) units being sold, remodeled and upscaled will also be noted. A key component to this will be an examination of property tax rates and revenues for both residential and commercial/industrial properties. The disproportionate amount of revenue generated by existing residential property tax is of concern and efforts will be made to estimate the increase in development necessary to offset or reduce the burden on current homeowners and landlords, and to identify land uses which might help achieve this.

In addition, this quantitative analysis will look at and assess what affordability goals and bands should be put into place around the "opportunity site" helping to identify affordability policies that the City of Brooklyn Center should adopt. This should also include the use of CoStar or HousingLink data on the average rents in the area overtime. Acknowledging that there is a huge gap in housing options in the City of Brooklyn Center and the need to identify the housing needs now and into the future. This might include a comparative analysis of the amount of rental housing in the City of Brooklyn Center compared to adjacent communities, looking at year built, its characteristics, and size. Lastly, the City of Brooklyn Center will make their rental licensing data available to the quantitative team to analyze. The CURA quantitative team will get access to a report on rental complaints, inspection reports, landlord rental types, who accepts section 8, and analysis of a recent landlord survey conducted by the City of Brooklyn Center for quantitative analysis. This portion of the analysis will also address health-related impacts of housing. Health can be affected by the age of housing stock (eg. presence of lead paint or asbestos) and the condition of rental housing (tenant complaints related to unhealthy living conditions.)

Data Sources:

- Hennepin County parcels - housing type / land use, tenure, year built, property tax
- HousingLink Streams - subsidized housing (AMI limits, senior housing, expiration date)
- HousingLink Rental Revue - rents asked on new openings (includes single-family rentals and duplexes)
- CoStar - current and historic rents for 4+ unit properties
- American Community Survey - housing costs, cost-burdened status, household income
- Met Council - population and housing growth forecasts
- City of Brooklyn Center rental license data

Project Outputs:

It is expected that tables, charts, graphs and/or maps will accompany the final report. These will provide a visual and easy to understand look at housing in Brooklyn Center.

Qualitative Analysis

Goals:

- (1) Better understand housing stability/instability and quality of life in the City of Brooklyn Center by engaging with up to 40 residents for in-depth analysis.
- (2) Conduct (online) surveys and brief (30 minute) semi-structured interviews with tenants for the purpose of helping to identify the conditions that often lead up to housing instability and eviction as well as to gain a clearer understanding of these tenants' housing composition/stability overtime and the various income streams they rely on to help better inform the development of targeted interventions, needs, and policy prescriptions.
- (3) Conduct (online) surveys and brief (30 minute) semi-structured interviews with landlords to learn more about, a) their investment strategies and interests, b) what policies and procedures they have in place to determine that eviction is the best course of action for dealing with a tenant (during a regular rental context), b) how they determine the cost benefit of evicting a tenant and owning rental property more generally speaking, and c) what practices they employ once that decision is made and whether and why those practices are employed for certain rental populations to help better inform the ways that the city can work with landlords as partners in community building and help the city produce targeted incentives for landlords illustrating positive behaviors. A recent survey conducted by the City found that landlords during the pandemic were presently working with tenants on payment plans with 2/3 not planning to evict any tenants.
- (4) Ensure that multiple stakeholders will benefit from this research including, but not limited to academics, philanthropists, the City of Brooklyn Center, Hennepin County, the Minnesota Multi Housing Association, the courts, tenant advocacy organizations,

landlords and many others. CURA will make concrete policy and program recommendations for local government, housing practitioners and investors, and tenant advocacy organizations.

Research Design:

In preparing for the qualitative side of the project, the first step would be to connect with relevant stakeholders (elected and neighborhood leaders) and those most affected by housing instability (residents) in the City of Brooklyn Center to understand the landscape. The second step would be to convene an Advisory Council comprising of tenants, landlords, community organizers, community-based staff members, and staff members from the city of Brooklyn Center to inform the interview questions and outreach strategy. These engagements would frame the project and inform the scope of work, survey and semi-structured interview questions and methodology.

Proposed Timeline:

Fall 2020

- Solidify research partnerships with City of Brooklyn Center
- Finalize research design and fiscal support.
- Submit Institutional Review Board (IRB) application for University of Minnesota approval (application approving human subject research)
- Begin Quantitative analysis and initial policy analysis.
- Complete a “mini” quantitative report/analysis highlighting the affordability landscape, development possibilities, and areas for further exploration.
- Begin literature review.
- Complete early engagement process with Brooklyn Center City Council and solidify community research advisory council and community-based housing partners to establish collective outreach efforts and identify community interview sites.
- Work with the advisory council to define survey and semi-structured interview questions and methods for interviews in the Spring of 2021.

Spring 2021

- Complete expansive quantitative analysis.
- Identify and make initial contact with tenants and landlords (20)
- Conduct initial intake of all interviewee(s)
- Begin interviews (complete 20 of 40 interviews)
- Transcribe and analyze simultaneously
- Complete literature review and finalize policy analysis.

Summer 2021

- Complete remaining interviews (20)
- Transcribe and analyze simultaneously
- Meet with advisory council
- Produce a working internal draft of data findings

Fall 2021

- Write and deliver a final quantitative and qualitative based report with data findings with policy recommendations by October/November 2021
- Meet with advisory council & discuss the dissemination of findings

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Proposed One Year Project Budget

Phase I Payment (Fall 2020)

<i>Description</i>	<i>Expense</i>
Quantitative CURA Staff Supervisor	\$12,000
CURA 25% Quantitative Graduate Research Assistant	\$9,000
CURA 25% Qualitative Graduate Research Assistant	\$9,000
Research in Action (RIA) Project lead and architect, methodological advisory, and qualitative technical professional.	\$30,000

Fall 2020 Payment Schedule

CURA = \$30,000 (Paid directly to the University foundation)

RIA = \$20,000 (paid directly to Research in Action)

Total = \$50,000

See payment instructions below

Phase II Payment (Spring 2021-Fall 2021)

<i>Description</i>	<i>Expense</i>
CURA 25% Quantitative Graduate Research Assistant (GRA) Spring 2021	\$9,000
CURA Qualitative Junior Research Support Spring 2021	17,000
CURA 25% Qualitative Graduate Research Assistant (GRA) Spring 2021	\$9,000
CURA 25% Qualitative Graduate Research Assistant (GRA) Summer 2021	\$9,000
CURA 25% Qualitative Graduate Research Assistant Fall 2021	\$9,000

Research in Action (RIA) Project lead and architect, methodological advisory, and qualitative technical professional (Spring 2021-Fall 2021)	\$40,000
Translator Fee	\$1,000
Research/Staff Support/Food Parking/Software/Travel Costs	\$4,000
Participant Stipends	\$2,000

Spring 2021-Fall 2021 Payment Schedule

CURA = \$60,000 (Paid directly to the University foundation)

RIA = \$40,000 (Paid directly to Research in Action)

Total = \$100,000

Payment Instructions

For Research in Action (RIA)

Make checks to: Research in Action

Send direct payments to the following address: 1222 Washburn Avenue North, Minneapolis, MN 55411.

For the Center for Urban and Regional Affairs (CURA)

Make check out to: University of Minnesota Foundation

Send direct payments to the following address: 200 Oak Street SE, Suite 500, Minneapolis MN 55455

***Accompany CURA payment addressed to the University Foundation with a letter that states the following (required):

Dr. Brittany Lewis

Center for Urban and Regional Affairs

301 19th Avenue SE

Minneapolis, MN 55455

Dear Dr. Brittany Lewis,

Please find a check from the City of Brooklyn Center for your research endeavors in the area of housing stability and gentrification. We are happy to support your actionable research agenda in local and national urban contexts.

Sincerely,

XXX

XXXXXXX

AGREEMENT FOR PROFESSIONAL SERVICES

HOUSING STUDY

CITY OF BROOKLYN CENTER, MINNESOTA

This Agreement, made this _____ day of September, 2020 by and between CITY OF BROOKLYN CENTER, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430, hereinafter referred to as CLIENT, and The Center for Urban and Regional Affairs (CURA), University of Minnesota and Research in Action (RIA), hereinafter referred to as CONSULTANTS.

WITNESS, whereas the CLIENT requires professional services in conjunction with a housing study and policy plan whereas the CONSULTANT agrees to furnish the various professional services required by the CLIENT.

NOW, THEREFORE, in consideration of the mutual covenants and promises between the parties hereto, it is agreed:

SECTION I - CONSULTANT'S SERVICES

- A. The CONSULTANT agrees to perform the various Basic Services in connection with the proposed project as described in Exhibit I.
- B. Upon mutual agreement of the parties hereto, Additional Services may be authorized as described in Exhibit I or as described in Paragraph IV.B.

SECTION II - THE CLIENT'S RESPONSIBILITIES

- A. The CLIENT shall promptly compensate the CONSULTANT in accordance with Section III of this Agreement.
- B. The CLIENT shall place any and all previously acquired information in its custody at the disposal of the CONSULTANT for its use. Such information shall include but shall not be limited boundary surveys, topographic surveys, preliminary sketch plan layouts, building plans, soil surveys, abstracts, deed descriptions, tile maps and layouts, aerial photos, utility agreements, environmental reviews, and zoning limitations. The CONSULTANT may rely upon the accuracy and sufficiency of all such information in performing services unless otherwise instructed, in writing, by CLIENT.
- C. The CLIENT will guarantee access to and make all provisions for entry upon both public and private portions of the project and pertinent adjoining properties.
- D. The CLIENT will give prompt notice to the CONSULTANT whenever the CLIENT observes or otherwise becomes aware of any defect in the proposed project.
- E. The CLIENT shall designate a liaison person to act as the CLIENT'S representative with respect to services to be rendered under this Agreement. Said representative shall have the authority to transmit instructions, receive instructions, receive information, interpret and define the CLIENT'S policies with respect to the project and CONSULTANT'S services.

- F. The CLIENT shall provide such legal, accounting, independent cost estimating and insurance counseling services as may be required for completion of the consultant services described in this agreement.
- G. The CLIENT will obtain any and all regulatory permits required for the proper and legal execution of the project.

SECTION III - COMPENSATION FOR SERVICES

A. FEES.

1. The CLIENT will compensate the CONSULTANT in accordance with the following schedule of fees for the time spent in performance of Agreement services.

Schedule of Fees

Phase I Payment (Fall 2020)

<i>Description</i>	<i>Expense</i>
Quantitative CURA Staff Supervisor	\$12,000
CURA 25% Quantitative Graduate Research Assistant	\$9,000
CURA 25% Qualitative Graduate Research Assistant	\$9,000
Research in Action (RIA) Project lead and architect, methodological advisory, and qualitative technical professional.	\$30,000

Fall 2020 Payment Schedule

CURA = \$30,000 (Paid directly to the University foundation)

RIA = \$20,000 (paid directly to Research in Action)

Total = \$50,000

Phase II Payment (Spring 2021-Fall 2021)

<i>Description</i>	<i>Expense</i>
CURA 25% Quantitative Graduate Research Assistant (GRA) Spring 2021	\$9,000
CURA Qualitative Junior Research Support Spring 2021	17,000
CURA 25% Qualitative Graduate Research Assistant (GRA) Spring 2021	\$9,000
CURA 25% Qualitative Graduate Research Assistant (GRA) Summer 2021	\$9,000
CURA 25% Qualitative Graduate Research Assistant Fall 2021	\$9,000

Research in Action (RIA) Project lead and architect, methodological advisory, and qualitative technical professional (Spring 2021-Fall 2021)	\$40,000
Translator Fee	\$1,000
Research/Staff Support/Food Parking/Software/Travel Costs	\$4,000
Participant Stipends	\$2,000

Spring 2021-Fall 2021 Payment Schedule

CURA = \$60,000 (Paid directly to the University foundation)

RIA = \$40,000 (Paid directly to Research in Action)

Total = \$100,000

- B. **Payments to CURA** will be in the form of checks made out to: University of Minnesota Foundation Payments shall be sent directly to: 200 Oak Street SE, Suite 500, Minneapolis, MN 55455
Payments shall be made in two installments. One shall be made at the beginning of the contract for the Phase I amount. The second shall be made February 1, 2021, for the Phase II amount.
- C. **Payments to RIA** will be made by the CLIENT upon billing at intervals not more often than monthly at an amount proportionally divided from the beginning of the contract through the end of the contract.

SECTION IV - GENERAL

A. STANDARD OF CARE

Professional services provided under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the Consultant's profession currently practicing under similar conditions. No warranty, express or implied, is made.

B. CHANGE IN PROJECT SCOPE

In the event the CLIENT changes or is required to change the scope of the project from that described in Section I and/or the applicable addendum, and such changes require Additional Services by the CONSULTANT, the CONSULTANT shall be entitled to additional compensation at a mutually agreed upon amount. Any expansion in the scope of services must first be authorized in writing by CLIENT and CONSULTANT shall give notice to the CLIENT of any Additional Services, prior to furnishing such additional services. The CLIENT may request an estimate of additional cost from the CONSULTANT, and upon receipt of the request, the CONSULTANT shall furnish such, prior to authorization of the changed scope of work.

C. LIMITATION OF LIABILITY

CONSULTANT shall indemnify, defend, and hold harmless CLIENT and its officials, agents and employees from any loss, claim, liability, and expense (including reasonable attorneys' fees and expenses of litigation) resulting from the negligent act or omission of CONSULTANT'S

employees, agents, or subconsultants. In no event shall CONSULTANT be liable to CLIENT for consequential, incidental, indirect, special, or punitive damages. This indemnification requirement shall include defense of indemnified party, but only to the extent that defense is insurable under the indemnifying party's liability insurance policies.

CLIENT shall indemnify, defend, and hold harmless CONSULTANT and its employees from any loss, claim, liability, and expense (including reasonable attorneys' fees and expenses of litigation) resulting from the negligent act or omission of CLIENT'S employees, agents, or consultants. In no event shall CLIENT be liable to CONSULTANT for consequential, incidental, indirect, special, or punitive damages. This indemnification shall include defense of indemnified party, but only to the extent that defense is insurable under the indemnifying party's liability insurance policies.

Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the CLIENT or the CONSULTANT. The CONSULTANT'S services under this Agreement are being performed solely for the CLIENT'S benefit, and no other entity shall have any claim against the CONSULTANT because of this Agreement or the performance or nonperformance of services provided hereunder. The CLIENT agrees to include a provision in all contracts with contractors and other entities involved in this project to carry out the intent of the paragraph.

D. INSURANCE

The CONSULTANT agrees to maintain, at the CONSULTANT'S expense, statutory worker's compensation coverage.

The CONSULTANT also agrees to maintain, at CONSULTANT'S expense, general liability insurance coverage insuring CONSULTANT against claims for bodily injury, death or property damage arising out of CONSULTANT'S general business activities (including automobile use). The liability insurance policy shall provide coverage for each occurrence in the minimum amount of \$1,000,000.

During the period of design and construction of the project, the CONSULTANT also agrees to maintain, at CONSULTANT'S expense, Professional Liability Insurance coverage insuring CONSULTANT against damages for legal liability arising from an error, omission or negligent act in the performance of professional services required by this agreement, providing that such coverage is reasonably available at commercially affordable premiums. For purposes of this agreement, "reasonably available" and "commercially affordable" shall mean that more than half of the design professionals practicing in this state in CONSULTANT'S discipline are able to obtain coverage. The professional liability insurance policy shall provide coverage for each occurrence in the amount of \$1,000,000 and annual aggregate of \$1,000,000 on a claims-made basis.

Upon request of CLIENT, CONSULTANT shall provide CLIENT with certificates of insurance, showing evidence of required coverages.

E. OPINIONS OR ESTIMATES OF CONSTRUCTION COST

Where provided by the CONSULTANT as part of Exhibit I or otherwise, opinions or estimates of construction cost will generally be based upon public construction cost information. Since the CONSULTANT has no control over the cost of labor, materials, competitive bidding process, weather conditions and other factors affecting the cost of construction, all cost estimates are opinions for general information of the CLIENT and the CONSULTANT does not warrant or

guarantee the accuracy of construction cost opinions or estimates. The CLIENT acknowledges that costs for project financing should be based upon contracted construction costs with appropriate contingencies.

F. CONSTRUCTION SERVICES

It is agreed that the CONSULTANT and its representatives shall not be responsible for the means, methods, techniques, schedules or procedures of construction selected by the contractor or the safety precautions or programs incident to the work of the contractor.

G. USE OF ELECTRONIC/DIGITAL DATA

Because of the potential instability of electronic/digital data and susceptibility to unauthorized changes, copies of documents that may be relied upon by CLIENT are limited to the printed copies (also known as hard copies) that are signed or sealed by CONSULTANT. Except for electronic/digital data which is specifically identified as a project deliverable by this AGREEMENT or except as otherwise explicitly provided in this AGREEMENT, all electronic/digital data developed by the CONSULTANT as part of the PROJECT is acknowledged to be an internal working document for the CONSULTANT'S purposes solely and any such information provided to the CLIENT shall be on an "AS IS" basis strictly for the convenience of the CLIENT without any warranties of any kind. As such, the CLIENT is advised and acknowledges that use of such information may require substantial modification and independent verification by the CLIENT (or its designees). Provision of electronic/digital data, whether required by this Agreement or provided as a convenience to the Client, does not include any license of software or other systems necessary to read, use or reproduce the information. It is the responsibility of the CLIENT to verify compatibility with its system and long-term stability of media. CLIENT shall indemnify and hold harmless CONSULTANT and its Subconsultants from all claims, damages, losses, and expenses, including attorneys' fees arising out of or resulting from third party use or any adaptation or distribution of electronic/digital data provided under this AGREEMENT, unless such third party use and adaptation or distribution is explicitly authorized by this AGREEMENT.

H. REUSE OF DOCUMENTS

Drawings and Specifications and all other documents (including electronic and digital versions of any documents) prepared or furnished by CONSULTANT pursuant to this AGREEMENT are instruments of service in respect to the Project and CONSULTANT shall retain an ownership interest therein. Upon payment of all fees owed to the CONSULTANT, the CLIENT shall acquire an ownership interest in all identified deliverables, including Plans and Specifications, for any reasonable use relative to the Project and the general operations of the CLIENT. CLIENT may make and disseminate copies for information and reference in connection with the use and maintenance of the Project by the CLIENT. However, such documents are not intended or represented to be suitable for reuse by CLIENT or others on extensions of the Project or on any other project and any reuse other than that specifically intended by this AGREEMENT will be at CLIENT'S sole risk and without liability or legal exposure to CONSULTANT.

I. DATA PRACTICES

CONSULTANT shall manage all data created, collected, received, stored, used, maintained, or disseminated by CONSULTANT pursuant to this Agreement in accordance with, and subject to the requirements of, the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13

("Act"). CONSULTANT shall immediately notify CLIENT if it receives a request for data related to the services and shall work with CLIENT to respond to the request in accordance with the Act. Any reports, information, or other data given to, prepared, or assembled by CONSULTANT under this Agreement which CLIENT requests be kept confidential must not be made available to any individual or organization without CLIENTS prior written approval unless disclosure is required by law or the information is already part of the public domain.

J. PERIOD OF AGREEMENT

This Agreement will remain in effect for the longer of a period of two years or such other explicitly identified completion period, after which time the Agreement may be extended upon mutual agreement of both parties.

K. PAYMENTS

If CLIENT fails to make any payment due CONSULTANT for services and expenses within thirty days after date of the CONSULTANT'S invoice, a service charge of one and one-half percent (1.5%) per month or the maximum rate permitted by law, whichever is less, will be charged on any unpaid balance. In addition after giving seven days' written notice to CLIENT, CONSULTANT may, without waiving any claim or right against the CLIENT and without incurring liability whatsoever to the CLIENT, suspend services and withhold project deliverables due under this Agreement until CONSULTANT has been paid in full all amounts due for services, expenses and charges.

L. TERMINATION

This Agreement may be terminated by either party for any reason or for convenience by either party upon seven (7) days written notice.

In the event of termination, the CLIENT shall be obligated to the CONSULTANT for payment of amounts due and owing including payment for services performed or furnished to the date and time of termination, computed in accordance with Section III of this Agreement.

M. CONTINGENT FEE

The CONSULTANT warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT to solicit or secure this Contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from award or making of this Agreement.

N. NON-DISCRIMINATION

The provisions of any applicable law or ordinance relating to civil rights and discrimination shall be considered part of this Agreement as if fully set forth herein.

The CONSULTANT is an Equal Opportunity Employer and it is the policy of the CONSULTANT that all employees, persons seeking employment, subcontractors, subconsultants and vendors are treated without regard to their race, religion, sex, color, national origin, disability, age, sexual orientation, marital status, public assistance status or any other characteristic protected by federal, state or local law.

O. CONTROLLING LAW

This Agreement is to be governed by the law of the State of Minnesota.

P. DISPUTE RESOLUTION

CLIENT and CONSULTANT agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice of dispute prior to proceeding to formal dispute resolution or exercising their rights under law. Any claims or disputes unresolved after good faith negotiations shall then be submitted to mediation using a neutral from the Minnesota District Court Rule 114 Roster, or if mutually agreed at time of dispute submittal, a neutral from the American Arbitration Association Construction Industry roster. If mediation is unsuccessful in resolving the dispute, then either party may seek to have the dispute resolved by bringing an action in a court of competent jurisdiction.

Q. SURVIVAL

All obligations, representations and provisions made in or given in Section IV of this Agreement will survive the completion of all services of the CONSULTANT under this Agreement or the termination of this Agreement for any reason.

R. AUDIT

CONSULTANT must allow CLIENT, or its duly authorized agents, and the state auditor or legislative auditor reasonable access to the Consultant's books, records, documents, and accounting procedures and practices that are pertinent to all Services provided under this agreement for a minimum of six years from the termination of this Agreement.

S. INDEPENDENT CONTRACTOR

CONSULTANT shall be deemed an independent contractor. CONSULTANT'S duties will be performed with the understanding that CONSULTANT has special expertise as to the services which CONSULTANT is to perform and is customarily engaged in the independent performance of the same or similar services for others. The manner in which the services are performed shall be controlled by CONSULTANT; however, the nature of the services and the results to be achieved shall be specified by CLIENT. CONSULTANT is not to be deemed an employee or agent of CLIENT and has no authority to make any binding commitments or obligations on behalf of CLIENT except to the extent expressly provided herein. All services provided by the CONSULTANT pursuant to this agreement shall be provided by the CONSULTANT as an independent contractor and not as an employee of CLIENT for any purpose including, but not limited to, income tax withholding, workers' compensation, unemployment compensation, FICA taxes, liability for torts, and eligibility for employee benefits.

T. NOT EXCLUSIVE

This agreement does not constitute an exclusive contract between CLIENT and the CONSULTANT. CLIENT remains free to contract for similar services from other consultants and the CONSULTANT remains free to contract to provide similar services to others, provided that any such contracts do not interfere with the delivery of services under this agreement.

U. ASSIGNMENT

Neither party will assign any part of this agreement, nor any interest arising herein, without the written consent of the other party.

V. ENTIRE AGREEMENT

This document, including the above recitals, the attached exhibits, and documents expressly incorporated herein by reference, constitute the entire agreement between the parties and it supersedes all oral agreements and negotiations between the parties regarding the subject matter of this agreement.

W. SEVERABILITY

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon CLIENT and CONSULTANT, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

SECTION V - SIGNATURES

THIS INSTRUMENT embodies the whole agreement of the parties, there being no promises, terms, conditions or obligation referring to the subject matter other than contained herein. This Agreement may only be amended, supplemented, modified or canceled by a duly executed written instrument signed by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their behalf.

CLIENT: _____

CONSULTANT: _____

CONSULTANT: _____

Council Regular Meeting

DATE: 6/13/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Meg McMahan, Community Development Director

SUBJECT: Resolution Ordering a Negative Declaration on the Need for an Environmental Impact Statement for the Opportunity Site Phase I Environmental Assessment Worksheet

Requested Council Action:

- Motion to approve a resolution ordering a negative declaration on the need for an environmental impact statement for the Opportunity Site Phase I Environmental Assessment Worksheet

Background:

An Environmental Assessment Worksheet (EAW) is a document that is designed to review a proposed project and evaluate whether an Environmental Impact Statement (EIS) is needed. The format is set by the Minnesota Environmental Quality Board (EQB) and consists of questions that provide the information necessary to determine if the project will have significant environmental impacts. The EAW also provides permit information, informs the public about the project, and identify ways to protect the environment. The EAW is intended to be used to act as a source of information to guide other approvals and permitting decisions.

Projects that meet or exceed threshold set out in Minnesota Rules 4410.4300 are required to complete an EAW. There are also thresholds (in Minnesota Rules 4410.4400) for when an EIS is required.

Here are the steps in the EAW process:

1. City determines that an EAW is required based on the size, scale and scope of a particular development project
2. Project proposer (developer) prepares a draft EAW
3. Draft EAW is reviewed by the City to determine if it is complete
4. When complete, the EAW is published by the City and made public. The document is distributed to regional affected jurisdictions, and a 30 day comment period is required
5. Comments are collected during the 30-day review period
6. All comments are gathered and responded to
7. Once the comment period closes, the City has 30 days to determine if the EAW is sufficient, or if an EIS is required. This includes preparing a record of decision and findings of fact, as well as responses to all comments submitted.
8. If an EIS is not required the project may proceed. If an EIS is determined to be required, the City must provide direction on what additional studies are required to be completed before the project can proceed.

Opportunity Site #1 EAW

The proposed project is a mixed-use site redevelopment in Brooklyn Center, Minnesota. The site would be developed with the construction of eight commercial and residential buildings; public plazas; park area; and stormwater ponds.

The Opportunity Site #1 required an EAW under Rule 4410.4300 Subpart 14 Industrial, Commercial, and Institutional Facilities; and Subpart 19 Residential Development.

The EAW was published in the EQB Monitor and the Sun Post on April 19, 2022. A notice was also posted on the city website and in the Sun Post. These notices provided information on where copies of the EAW were available, notified the public of a virtual community meeting, and invited the public to provide comments during the 30-day comment period, which ended on May 19, 2022.

An informational meeting was conducted on April 26, 2022. This was a virtual meeting intended to provide information about the EAW process, highlight the document, and provide information on how to submit comments.

Six distinct comments were received during the public comment period. A separate document (Response to Comments), provides a discussion of the comments received and the responses. None of the comments requested an EIS or additional analysis of specific impacts. The comments and responses to comments is attached to this memo.

No significant environmental issues were identified in the EAW.

Braun Intertec, who prepared the EAW document, will be available at the Council meeting to provide an overview of the EAW, the findings of fact, and answer any questions about the process.

Next Steps

The City Council is being asked to consider the draft EAW, findings of fact, comments submitted and the responses to the comments, and make a determination on whether additional environmental review is required to make a decision, and so require an EIS.

If the City Council determines that no EIS is required, the EAW will be made final and will serve as the environmental review document for the project. The project will then be able to move forward with the land use approval and entitlement process.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

The EAW process requires a 30 public comment period. The development team and their consultant hosted a virtual community meeting to provide an overview of the EAW process, highlights from the document, and how to submit comments to be included in the final findings of fact. All submitted comments, and responses are attached to this report.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/8/2022	Resolution Letter
Draft Findings of Fact	6/7/2022	Backup Material
EAW Comments Response	6/7/2022	Backup Material
Phase I - Environmental Assessment Worksheet	6/7/2022	Backup Material

Member
adoption:

introduced the following resolution and moved its

RESOLUTION NO. 2022-____

CITY OF BROOKLYN CENTER, MINNESOTA

A RESOLUTION MAKING A NEGATIVE DECLARATION OF THE NEED FOR AN
ENVIRONMENTAL IMPACT STATEMENT FOR THE BROOKLYN CENTER
OPPORTUNITY SITE #1

WHEREAS, Alatus, LLC (“Proposer”) is proposing a mixed-use site redevelopment in the City of Brooklyn Center, Minnesota (the “City”), including the removal of existing buildings/pavement and the construction of eight commercial and residential buildings, above-ground and underground parking, private and public roads and drives, a public plaza, a park area and stormwater ponds on the SE ¼ of the NW ¼ of Section 2, Township 118N, Range 21W (the “Project”); and

WHEREAS, in accordance with Minnesota Rules, part 4410.4300, subparts 1, 14 and 19, the City was required to prepare an environmental assessment worksheet (“EAW”) as the Responsible Governmental Unit (“RGU”); and

WHEREAS, the City retained Braun Intertec (“Consultant”) to assist the City in completing the EAW process; and

WHEREAS, on April 19, 2022, the City provided public notice of the EAW and distributed it to the Minnesota Environmental Quality Board (the “EQB”) mailing list and to the Project mailing list; and

WHEREAS, the EQB published notice of availability in the EQB Monitor on April 19, 2022, and notice was also posted on the City’s website and in the Sun Post. The published notice and notice posted by the City provided information on where copies of the EAW were available, notified the public of a virtual community meeting, and invited the public to provide comments during the 30-day comment period, which ended on May 19, 2022; and

WHEREAS, the EAW was ordered and submitted for review and comment as is required by law; and

WHEREAS, during the public comment period, six distinct comments were received from the public and agencies, including Hennepin County, the Minnesota Pollution Control Agency, the U.S. Army Corps of Engineers, Metropolitan Council and the Minnesota Department of Natural Resources; and

WHEREAS, the Consultant prepared a report titled Findings of Fact and Record of Decision (“Record of Decision”), which includes a list of all comments and responses to the comments as Appendix A and Appendix B, and is incorporated herein by reference; and

WHEREAS, the City Council considered the EAW and the Record of Decision at its regular meeting held on June 13, 2022; and

WHEREAS, the City Council, as the RGU, hereby finds and determines as follows:

1. Notice of availability of the EAW for public review for a 30-day comment period was published on the Town's website on April 19, 2022, in the Sun Post on April 19, 2022 and in the EQB Monitor on April 19, 2022;
2. The following factual discrepancies or impact issues were identified during the EAW process, either during its development or public review:
 - a. The Project is listed in the incorrectly in the EAW as 25.7 acres. The total Project size is 19.45 acres.
 - b. The EAW did not include the number of parking spaces for the Event Center portion of the Project. A total of 87 parking spaces are planned for the Event Center;
3. None of the comments received requested an environmental impact statement ("EIS") or additional analysis of specific impacts. The comments received are addressed in detail in the Record of Decision and did not result in any change to the text of the EAW; and
4. The City has compared the impacts that may be reasonably expected to occur from the Project with four criteria by which potential impacts must be evaluated in accordance with Minnesota Rules, part 4410.1700, subparts 6 and 7. The following is that comparison:
 - a. Type, extent and reversibility of environmental effects.

The City finds that the analysis completed during the EAW process is adequate to determine whether the Project has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the Project. In addition to the information in the EAW, the public/agency comments received during the public comment period were taken into account in considering the type, extent and reversibility of Project impacts. None of the impacts considered raised to the level of significant and none of the environmental effects are irreversible.
 - b. Cumulative effects of related or anticipated future projects.

Cumulative effects of related or anticipated future projects include the development of the rest of the Brooklyn Center Opportunity Site. An

alternative urban areawide review (“AUAR”) or individual EAWs would be required for future development.

- c. Extent to which the environmental effects are subject to mitigation by ongoing public regularly authority.

The Proposer will acquire any required permit and approvals that may be required by federal, state and local agencies and implement any required conditions necessary, including those that will reduce impacts and further protect the environment. Table 9-1 in the EAW lists the permits or approvals that may be required for project construction and operation. Depending on final design, it is expected that not all these permits will be required.

The Proposer will be required to obtain a building permit from the City for the construction of the Project. The City would be able to access the property during construction to determine if conditions are being met.

As discussed in the EAW, the Project will also require a Construction Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program and develop a Stormwater Pollution Prevention Plan (SWPPP) before starting construction. The Project will adhere to the SWPPP to prevent stormwater runoff during construction of the Project including the implementation of erosion and sediment control best management practices.

Other permits may be required once the Project design is complete. These permits and approvals necessary to construct and operate the Project will require enforceable measures and conditions that will further reduce environmental effects.

- d. Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the Project Proposer, or of environmental reviews previously prepared on similar projects.

Although not exhaustive, the City reviewed the following documents as part of the environmental analysis for the Project:

- i. Data presented in the EAW and their associated references; and
- ii. Permits and environmental review of similar projects.

The Project is not to the final design stage and Project elements would be reconsidered during further development to minimize impacts. The environmental effects of the Project have been assessed and the list of permits and approvals identified in Table 9-1 I in the EAW will require the Proposer to obtain approvals prior to construction. The Proposer would also

be required to conform with regional and local plans. There are no elements of the Project that pose the potential for significant environmental effects.

NOW, THEREFORE, BE IT RESOLVED, based on the information and advice of the Consultant, the Record of Decision, and the findings contained herein, the City Council of the City of Brooklyn Center resolves as follows:

1. The City Council adopts the Record of Decision, including the responses to comments contained therein.
2. The EAW and the Record of Decision were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, parts 4410.1000 to 4410.1700.
3. The EAW and the Record of Decision have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
4. The Project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria, in accordance with Minnesota Rules, part 4410.1700, subpart 7:
 - a. Type, extent, and reversibility of environmental effects.
 - b. Cumulative effects of related or anticipated future projects.
 - c. Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
 - d. Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the Project Proposer, or of environmental reviews previously prepared on similar projects.
5. The City Council makes a negative declaration on the need for an EIS for the Project.
6. The City Council authorizes and directs the Consultant to distribute this Resolution and the Record of Decision as required by Minnesota Rule, part 4410.1700, subpart 5.
7. The City Council authorizes the Mayor, the City Manager, City staff and the City Attorney to take all necessary steps and actions, including the execution of necessary documents, to otherwise complete the environmental review process and to accomplish the intent of this Resolution.
8. This Resolution is effective immediately.

June 13, 2022

Date

Mayor

ATTEST: _____
City Clerk

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

**FINDINGS OF FACT AND RECORD OF DECISION
ENVIRONMENTAL ASSESSMENT WORKSHEET**

For Brooklyn Center Opportunity Site #1

Location: 2500 CO and 5900 Shingle Creek Parkway, Brooklyn Center, Minnesota

Responsible Governmental Unit: City of Brooklyn Center

	<u>Responsible Governmental Unit</u>
Contact Person	City of Brooklyn Center
Title	Meg Beekman
Address	Community Development Director
City, state, ZIP	6301 Shingle Creek Parkway
Phone	Brooklyn Center, MN 55430
E-mail	763.569.3305
	mmcmahan@ci.brooklyn-center.mn.us

	<u>Proposer</u>
Contact person	Alatus, LLC
Title	Chris Osmundson
Address	Director of Development
City, state, ZIP	80 S 8 th Street, Suite 4155
Phone	Minneapolis, MN 55402
E-mail	612.455.0712
	cbosmundson@alatusllc.com

Final action: Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for the above project, the City of Brooklyn Center concluded the following on June 13, 2022:

1. The Environmental Assessment Worksheet, including public comments and responses to comments, this “Findings of Fact and Record of Decision” document, and related documentation for the “Brooklyn Center Opportunity Site #1” were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700.
2. The Environmental Assessment Worksheet, including public comments and responses to comments, this “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.4300 Subp. 3):
 - Type, extent, and reversibility of environmental effects.
 - Cumulative effects of related or anticipated future projects.
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the project by the City and cannot be relied upon as an indication of such approval. This finding allows Alatus, LLC to formally initiate the City's and other agencies' processes for considering the specific permits and approvals necessary for development and operation of the project, and for the City in this process, informed by the record of the EAW, to identify and encourage conditions for compatible project construction, and assure their implementation at the project site.

Consequently, the City makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement for the project.

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The City of Brooklyn Center prepared a Mandatory Environmental Assessment Worksheet (EAW) for the Brooklyn Center Opportunity Site #1 according to the Environmental Review Rules administered by the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 Subpart 14 Industrial, Commercial, and Institutional Facilities; and Subpart 19 Residential Development. The proposed project is a mixed-use site redevelopment in Brooklyn Center, Minnesota. The site would be developed with the construction of eight commercial and residential buildings; public plazas; park area; and stormwater ponds.

II. EAW NOTIFICATION AND DISTRIBUTION

On April 19, 2022, the City provided public notice of the EAW and distributed it to the EQB mailing list and to the project mailing list. The EQB published notice of availability in the *EQB Monitor* on April 19, 2022.

A notice was also posted on the city website and in the Sun Post. These notices provided information on where copies of the EAW were available, notified the public of a virtual community meeting, and invited the public to provide comments during the 30-day comment period, which ended on May 19, 2022.

III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION

The official comment period on the EAW extended for 30 days, from April 19, 2022, to May 19, 2022.

During the public notice period 6 distinct comments were received from the public and agencies. A Response to Comment document was prepared. Appendix A includes a list of all the comments received. Appendix B contains the distinct comments received.

The Brooklyn Center City Council considered the EAW and "Findings of Fact and Record of Decision" during its June 13, 2022, meeting. Notification of this public meeting was distributed via the City's standard notification methods.

IV. COMMENTS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

The City received 6 distinct comments during the public comment period. A list of the

comments received is attached to the Response to Comment document as Appendix A.

The City analyzed the comment letters to identify individual comments that were substantive in nature and required a specific response. Responses were prepared for all comments in the Response to Comment document. The complete comments can be found as Appendix B to the Response to Comment document.

V. ISSUES IDENTIFIED IN THE EAW

The following factual discrepancies or impact issues were either identified during the EAW process, either during its development or public review. They are listed by the EAW item number.

6. The proposed project is listed in the incorrectly in the EAW as 25.7 acres. The total project size is 19.45 acres.

6. The EAW did not include the number of parking spaces for the Event Center. A total of XX parking spaces are planned for the Event Center.

None of the comments received requested an EIS or additional analysis of specific impacts. The comments received are addressed in detail in the Responses to Public Comments and did not result in any change to the text of the EAW.

VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subp. 6 & 7) require the responsible governmental unit, the City in this case, to compare the impacts that may be reasonably expected to occur from the project with four criteria by which potential impacts must be evaluated. The following is that comparison:

A. Type, Extent, and Reversibility of Environmental Effects

The city finds that the analysis completed during the EAW process is adequate to determine whether the project has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the proposed project. In addition to the information in the EAW, the public/agency comments received during the public comment period (see the Response to Comment document) were taken into account in considering the type, extent and reversibility of project impacts. None of the impacts considered raised to the level of significant and none of the environmental effects are irreversible.

B. Cumulative Effects of Related or Anticipated Future Projects

Cumulative effects of related or anticipated future projects include the development of the rest of the Brooklyn Center Opportunity Site. An AUAR or individual EAWs would be required for future development.

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

Alatus, LLC will acquire any required permit and approvals that may be required by federal,

state and local agencies and implement any required conditions necessary, including those that will reduce impacts and further protect the environment. Table 9-1 in the EAW lists the permits or approvals that may be required for project construction and operation. Depending on final design, it is expected that not all these permits will be required.

Alatus, LLC will be required to obtain a building permit from the City for the construction of the project. The city would be able to access the property during construction to determine if conditions are being met.

As discussed in the EAW, the proposed project will also require a Construction Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program and develop a Stormwater Pollution Prevention Plan (SWPPP) before starting construction. The project will adhere to the SWPPP to prevent stormwater runoff during construction of the project including the implementation of erosion and sediment control best management practices.

Other permits may be required once the project design is complete. These permits and approvals necessary to construct and operate the project will require enforceable measures and conditions that will further reduce environmental effects.

D. Extent to which Environmental Effects Can be Anticipated and Controlled as a Result of other Environmental Studies Undertaken by Public Agencies or the Project Proposer, or of Environmental Reviews Previously Prepared on Similar Projects.

Although not exhaustive, the City reviewed the following documents as part of the environmental analysis for the Project:

- Data presented in the EAW and their associated references
- Permits and environmental review of similar projects

The project is not to the final design stage and project elements would be reconsidered during further development to minimize impacts. The environmental effects of the Project have been assessed and the list of permits and approvals identified in Table 9-1 I in the EAW will require Alatus, LLC, to obtain approvals prior to construction. Alatus, LLC, would also be required to conform with regional and local plans. There are no elements of the Project that pose the potential for significant environmental effects.

VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for this project, the City of Brooklyn Center, the responsible governmental unit (RGU) for this environmental review, concludes the following:

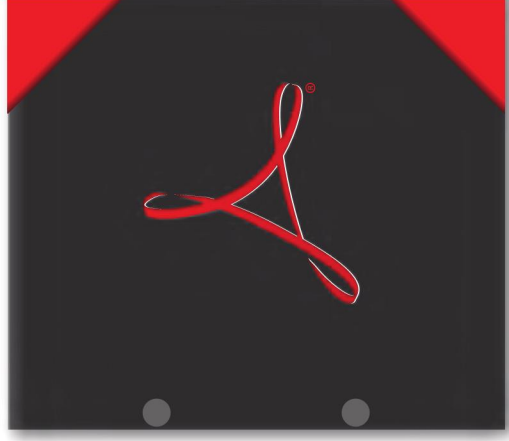
1. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision” document, and related documentation for the Frontier Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700.
2. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp.

7):

- Type, extent, and reversibility of environmental effects.
- Cumulative effects of related or anticipated future projects.
- Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.

VIII. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the project by the City and cannot be relied upon as an indication of such approval. This finding allows Alatus, LLC to formally initiate the City's process for considering the specific permits and approvals necessary for development and operation of the project, and for the City in this process, informed by the record of the EAW, to identify and encourage conditions for compatible project construction, and assure their implementation at the project site.

Consequently, the City makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement for the project.



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Environmental Assessment Worksheet

Brooklyn Center Opportunity Site #1
2500 CO and 5900 Shingle Creek Parkway
Brooklyn Center, Minnesota

Prepared For

Alatus, LLC

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Environmental Assessment Worksheet

September 2021 version

Note to reviewers: Comments must be submitted to the RGU during the 30-day comment period following notice of the EAW in the *EQB Monitor*. Comments should address the accuracy and completeness of information, potential impacts that warrant further investigation and the need for an EIS.

1. Project Title

Brooklyn Center Opportunity Site #1

2. Proposer

Company: Alatus, LLC
Contact person: Chris Osmundson
Title: Director of Development
Address: 80 S 8th Street, Suite 4155
City, State, ZIP: Minneapolis, MN 55402
Phone: 612.455.0712
Email: cbosmundson@alatusllc.com

Contact person: Meg Beekman
Title: Community Development Director
Address: 6301 Shingle Creek Parkway
City, State, ZIP: Brooklyn Center, MN 55430
Phone: 763.569.3305
Email: mbeekman@ci.brooklyn-center.mn.us

3. RGU

RGU Agency: City of Brooklyn Center

4. Reason for EAW Preparation:

Required:

☐ EIS Scoping

☒ **Mandatory EAW**

Discretionary:

☐ Citizen petition

☐ RGU discretion

☐ Proposer initiated

If EAW or EIS is mandatory give EQB rule category subpart number(s) and name(s):

Mandatory EAW: Minn. Rules 4410.4300 Subp. 14 Industrial, Commercial, and Institutional Facilities; and Subp. 19 Residential Development

5. Project Location:

County: Hennepin

City/Township: City of Brooklyn Center

PLS Location (¼, ¼, Section, Township, Range): SE 1/4, NW 1/4, Section 2, T 118N, R 21W

Watershed (81 major watershed scale): Mississippi River- Twin Cities (20)

GPS Coordinates: 45.060 N, -93.312 W

Tax Parcel Numbers: 0211821240019; 0211821240020

6. Project Description:

- a. Provide the brief project summary to be published in the EQB Monitor, (approximately 50 words).**

The proposed project is a mixed-use site redevelopment in Brooklyn Center, Minnesota. The site would be developed with the construction of eight commercial and residential buildings; public plazas; park area; and stormwater ponds.

- b. Give a complete description of the proposed project and related new construction, including infrastructure needs. If the project is an expansion include a description of the existing facility. Emphasize: 1) construction, operation methods and features that will cause physical manipulation of the environment or will produce wastes, 2) modifications to existing equipment or industrial processes, 3) significant demolition, removal or remodeling of existing structures, and 4) timing and duration of construction activities.**

The site is currently occupied by a restaurant, impervious pavement and landscaping. The proposed project mixed-use site redevelopment in Brooklyn Center, Minnesota.

Table 6-1-Proposed Site Construction Dimensions Site:

Building	Number of stories	GSF without parking	Number of units	Number of Parking Stalls
Resurrecting Faith World Ministries (RFWM) Event Center	1 story	31100		
Alatus Market Rate	varies from 4 to 6	269300	295 units	458 stalls
Alatus Mixed Income	varies from 2 to 6	203200	215 units	334 stalls
Project for Pride in Living (PPL) Affordable Housing 1	4	74500	65 units	101 stalls
PPL Affordable Housing 2	4	74500	65 units	101 stalls
PPL Affordable Housing 3	4	74500	65 units	101 stalls
PPL Workforce Housing	4	74500	75 units	117 stalls

The proposed project would also include a plaza, underground, and aboveground parking. There would be a total of 780 units (295 market-rate units, 215 mixed income units, 270 affordable units) and 1,212 parking stalls. All buildings would include outdoor courtyards, sidewalks, and landscaping. Two stormwater ponds would be added to the east side. Site plans and architectural renderings of the proposed project are shown in Appendix A.

Physical manipulation of the environment would be necessary for removal of existing buildings/ pavement. Construction would include soil excavation and grading for proposed project site preparation. New utilities would connect with the existing utilities present at and adjacent to the Site. An existing bike trail would be re-routed through the proposed project. In addition, private roads and driveways would be constructed between the buildings, and a public road would be constructed along the north side of the site.

This project does not involve permanent equipment or industrial processes. All existing facilities would be demolished, and a new mixed-use development would be constructed.

Construction timeline:

The proposed project would include the following construction activities on portions of the project site from fall of 2022 through 2025:

- RFWM Event Center October 2022
- Alatus Market-Rate November 2022
- Alatus Mixed-Income December 2022
- PPL Affordable Housing #1 Q4 2023
- PPL Workforce Housing Q4 2024
- PPL Housing #2 & #3 Q4 2025

c. Project magnitude:

Table 6-2 Project Magnitude

Total Project Acreage	Approximately 25.7 acres
Linear project length	Not applicable
Number and type of residential units	780 Units Total, 295 Market Rate Units, 215 Mixed-Income Units, 270 Affordable Units
Residential building area (in square feet)	770,500 square feet
Commercial building area (in square feet)	31,100 square feet
Industrial building area (in square feet)	Not applicable
Institutional building area (in square feet)	Not applicable
Other uses – Parking (in square feet)	318,676 square feet
Structure height(s)	1-6 stories

d. Explain the project purpose; if the project will be carried out by a governmental unit, explain the need for the project and identify its beneficiaries.

The project would be carried out by a private entity. The purpose of the project is to redevelop largely vacant parcels existing surface parking lot and existing building into a mixed-use residential and commercial development and provide needed residential housing to accommodate an increasing population in the City of Brooklyn Center.

e. Are future stages of this development including development on any other property planned or likely to happen? ☒Yes ☐No

If yes, briefly describe future stages, relationship to present project, timeline and plans for environmental review.

The site would be redeveloped as the first stages of a larger area known as the Brooklyn Center Opportunity Site. The Opportunity Site is planned for redevelopment in approximately 13 separate blocks. This project represents the first component. Additional development, including a potential road on the north side and park improvements would take place as separate projects. As the future projects are not fully defined, additional environmental review will be conducted as those developments are proposed.

f. Is this project a subsequent stage of an earlier project? ☐Yes ☒No

If yes, briefly describe the past development, timeline and any past environmental review.

Not applicable.

7. Climate Adaptation and Resilience:

- a. **Describe the climate trends in the general location of the project (see guidance: *Climate Adaptation and Resilience*) and how climate change is anticipated to affect that location during the life of the project.**

The proposed site is located within the Mississippi River – Twin Cities watershed. The Minnesota Climate Explorer (<https://arcgis.dnr.state.mn.us/ewr/climateexplorer/main/historical>) was used to evaluate the climate trends based on this watershed. The 1895 to 2021 profile shows a wide variability of temperature and precipitation data from year to year. The overall trends are described below:

- Average daily mean temperature of 43.76 °F and an increase of 0.21 °F per decade.
- Average daily maximum temperature of 53.63 °F and an increase of 0.09 °F per decade.
- Average daily minimum temperature of 33.90 °F and an increase of 0.33 °F per decade.
- Average annual precipitation of 39.39 inches and an increase 0.33 inches per decade.

The future projected data from the Minnesota Climate Explorer was also used to evaluate the anticipated climate conditions within the Mississippi River – Twin Cities watershed during the life of the project. Thus, the mid-century (2040-2059) projections were used in this evaluation, as summarized below. This range of years is assumed at a representative concentration pathway (RCP) of 4.5 which is an intermediate scenario where emissions decline after peaking around the year 2040. The values presented below are the model mean, with the upper and lower ranges from the eight general circulation global climate models obtained from CMIP5 (Coupled Model Intercomparison Project, Phase 5 (<https://pcmdi.llnl.gov/mips/cmip5/>)):

- Average daily mean temperature of 48.98 °F with an upper range of 57.01 °F and a lower range of 36.94 °F.
- Average daily maximum temperature of 55.99 °F with an upper range of 64.41 °F and a lower range of 46.72 °F.
- Average daily minimum temperature of 42.2 °F with an upper range of 50.12 °F and a lower range of 27.02 °F.
- Average annual precipitation of 32.43 inches with an upper range of 71.95 inches and a lower range of 9.99 inches.

If future climate conditions follow the projected values, the average daily mean, maximum, and minimum temperatures are each expected to rise over the life of the project. These conditions may slightly change energy inputs for heating and cooling of the buildings. The climate models also project an increase in the average annual precipitation over the life of the project. This increase would be accounted for in the future emergency overflow plan (EOF) which would be prepared as more of the Brooklyn Center Opportunity Site are developed.

- b. **For each Resource Category in the table below: Describe how the project's proposed activities and how the project's design will interact with those climate trends. Describe proposed adaptations to address the project effects identified.**

Table 7-1 Climate Considerations by Resource Category

Resource Category	Climate Considerations	Project Information	Adaptations
Project Design	All buildings in this phase of construction would have solar panels as part of their design. Geothermal heat pumps are being considered for affordable housing units and VRF HVAC would be used for the remaining residential units. The proposed project would increase infiltration at the site.	Climate change risks and vulnerabilities identified include: During intense rainfall events, impervious surface on a site may result in more localized flooding in the immediate area of the project, in addition to other stormwater effects, especially if vegetative buffers are absent. However, the proposed project would increase the potential for infiltration at the site by increasing green spaces.	The facility would utilize stormwater best management practices to effectively manage stormwater runoff including sizing stormwater ponds and systems to the expected increased levels of precipitation. The solar panels would decrease the need for other sources of electricity to the Site
Land Use	The site is located in an area designated as Zone X, areas of minimal to no flood risk, with a small area of the Site in a moderate flood risk area, according to the FEMA map, which is attached as Appendix B. Increased flooding associated with climate change is not anticipated to be of significant concern at the site.	Climate change risks and vulnerabilities identified include: - The removal of low-lying areas reduces the ability of these areas of the land to retain and absorb stormwater, leading to more intense stormwater runoff, nutrient loading, and more effects. - The change in weather would cause increased freeze/thaw, resulting in increased icing of roadways, trails, sidewalks, and parking lots, resulting in the need for increased salting. Chlorides degrade lake water quality and impact aquatic life. Chlorides also degrade soil and can kill landscape plantings.	The facility would utilize stormwater best management practices to effectively manage stormwater runoff and road salting best management practices to minimize salt usage.

Resource Category	Climate Considerations	Project Information	Adaptations
Water Resources	Addressed in item 12	Addressed in item 12	Addressed in item 12
Contamination/ Hazardous Materials/Wastes	No hazardous waste is expected to be generated during construction. Any hazardous or universal waste generated would be stored indoors in marked containers, in accordance with all applicable laws, and disposed of at facilities licensed to accept such wastes. Changes to climate patterns would not pose any concerns related to storage of hazardous materials or wastes at the site.	No climate change risks and vulnerabilities identified.	N/A
Fish, wildlife, plant communities, and sensitive ecological resources (rare features)	Addressed in item 14	Addressed in item 14.	Addressed in item 14.

8. Cover Types:

Estimate the acreage of the site with each of the following cover types before and after development:

Table 8-1 Cover Types

Cover types	Before (Acres)	After (Acres)
Wetlands and shallow lakes (<2 meters deep)	0	0
Deep lakes (>2 meters deep)	0	0
Rivers/streams	0	0
Wooded/forest	0	0
Brush/Grassland	0	0
Cropland	0	0
Lawn/landscaping	2.92	7.62
Green infrastructure (from table 8-2 below)	N/A	N/A
Impervious surface	16.53	10.88
Stormwater (wet) Pond	0	0.95
Other (describe)	N/A	N/A

Cover types	Before (Acres)	After (Acres)
TOTAL	19.45	19.45

Table 8-2 Green Infrastructure

Green Infrastructure	Before (Acres)	After (Acres)
Constructed infiltration systems (infiltration basins, infiltration trenches, rainwater gardens, bioretention areas without underdrains, swales with impermeable check dams)	0	N/A
Constructed tree trenches and tree boxes	N/A	N/A
Constructed wetlands	N/A	N/A
Constructed green roofs	N/A	N/A
Constructed permeable pavements	N/A	N/A
Other	N/A	N/A
TOTAL (add to table 8-1 above)	0	N/A

Table 8-3 Trees

Trees	Percent	Number
Percent tree canopy removed, or number of mature trees removed during development	N/A	N/A
Number of new trees planted	N/A	N/A

9. Permits and Approvals Required:

List all known local, state and federal permits, approvals, certifications and financial assistance for the project. Include modifications of any existing permits, governmental review of plans and all direct and indirect forms of public financial assistance including bond guarantees, Tax Increment Financing and infrastructure. *All of these final decisions are prohibited until all appropriate environmental review has been completed. See Minnesota Rules, Chapter 4410.3100.*

Table 9-1 Permits and Approvals

Unit of Government	Type of Application	Status
State		
Economic Development Authority	Tax Increment Financing, Purchase and Redevelopment Agreement	To be submitted
Minnesota Department of Health	Water Main Installation Permit	To be submitted, if needed
	Drainage Permit	To be submitted, if needed
Minnesota Pollution Control Agency	NPDES/SDS Construction Stormwater Permit	To be submitted
	Construction Contingency Plan	To be submitted
	Sanitary Sewer Extension Permit	To be submitted, if needed
	Storage Tank Registration	To be submitted
Minnesota Department of Natural Resources	Water Appropriation Permit	To be submitted

Unit of Government	Type of Application	Status
Regional		
Metropolitan Council	Sewer Availability Charge (SAC) Determination Request	To be submitted
	Sanitary Sewer Extension Permit	To be submitted
Shingle Creek Watershed District	Stormwater	To be submitted
Local		
City of Brooklyn Center	Preliminary Concept Approval	To be submitted
	Planned Unit Development (PUD) Rezoning	To be submitted
	Community Benefit Agreements	To be submitted
	Purchase and Redevelopment Agreement	To be submitted
	Building Permits	To be submitted
	Demolition Permit	To be submitted
	Emergency Generator for Fuel Storage Permit	To be submitted
	Erosion and Sedimentation Control Plan Approval and Grading Permit	To be submitted
	Stormwater Management Plan Approval	To be submitted
	EIS Need Decision (EAW Process)	In progress
	Temporary Water Discharge Permit	To be submitted, if needed
	After Hours Work Permit	To be submitted, if needed
	Utility Repair Permit	To be submitted, if needed
	Sidewalk Construction Permit	To be submitted, if needed
	Testing and Inspection Permit	To be submitted, if needed
	Remediation Permit	To be submitted, if needed
	Temporary On-Site Storage of Impact Soil Approval	To be submitted, if needed
	Approval of Impacted Soil Reuse	To be submitted, if needed
	Preliminary and Final Plat Approval	To be submitted
	Municipal Water Connection Permit	To be submitted
	Sanitary Sewer Connection Permit	To be submitted

Table 9-2 Financial Assistance

Unit of Government	Type of Financial Assistance	Status
City of Brooklyn Center, Economic Development Authority	Tax Increment Financing	To be submitted
	Installation of utilities	To be complete

10. Land Use:

a. Describe:

- i. **Existing land use of the site as well as areas adjacent to and near the site, including parks and open space, cemeteries, trails, prime or unique farmlands.**

According to the *Brooklyn Center Official Zoning Map* the Site is zoned for commercial use and currently consists of parking lots with several landscaped islands and a small commercial building. The existing building is currently occupied by the Ocean Buffet restaurant. The Site is bound by Shingle Creek Parkway to the west and Bass Lake Road (County Road 10) to the south.

Land use in the surrounding area is mixed, and includes Centennial Park, municipal buildings, commercial development, single family homes and multi-family residential complexes.

The Shingle Creek Regional Trail is planned to be re-routed through along the northern edge of the proposed project Site.

There are no prime or unique farmlands or cemeteries on or near the Site.

- ii. **Plans. Describe planned land use as identified in comprehensive plan (if available) and any other applicable plan for land use, water, or resources management by a local, regional, state, or federal agency.**

The Site is part of Brooklyn Center's core, which is described as the "Center City" in the *Brooklyn Center Comprehensive Plan Update 2040 (2040 Plan Update)*. The Center City area also includes the location of the former Brookdale Mall and has been a focus of continued study by the city as they have explored redevelopment options for the existing vacant and underdeveloped parcels present. The Site is currently zoned for commercial use but new land use designations for the Center City, including the Site and the planned 80-acre area around the Site, are discussed in the *2040 Plan Update* (Chapter 3- Land Use and Redevelopment) to encourage mixed-use and transit-oriented development in particular locations within the city.

Increases in mixed-use and transit-oriented development that include housing are key land use changes discussed in the *2040 Plan Update*. These changes in land use, particularly along major transportation routes through the city are important steps toward the city meeting current market trends for urban development. Additionally, these proposed land use changes would provide increased housing stock, and economic development to under-utilized areas of Brooklyn Center. Additional housing, increased employment opportunities and economic development are all vital to Brooklyn Center's future growth and were also reflected in community input to the *2040 Plan Update*.

Additionally, these proposed changes in land use are consistent with recommendations provided to the city from the Metropolitan (Met) Council for the *2040 Plan Update*. The Met Council recommended that redevelopment or new development within the city occur around key transportation corridors or where investments in regional transit systems are known. Since the Site is near both Highway 100 and the Brooklyn Center Transit Center (which is now connected to the Bus Rapid Transit C-Line route to and from Minneapolis and

would be connected to the planned D-Line route in the future), it is well positioned for a mixed-used development like the proposed project.

iii. Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.

According to Federal Emergency Management Agency (FEMA) flood maps (Appendix B), the site is zoned X, with a small area of the western portion of the Site located within the Shingle Creek floodplain (located west of the Site across Shingle Creek Parkway). This location is mapped as an area of moderate flood hazard by FEMA with the potential for flooding to occur between the limits of 100 and 500-year flood events. Since Shingle Creek has been deeply channelized near the Site to manage regional stormwater flow, flooding is not anticipated to be a significant concern for the proposed project.

The current city zoning for the Site is Planned Unit Development/Commerce.

The Site is not located within a shoreland, wild and scenic river, critical area or agricultural preserve.

iv. If any critical facilities (i.e. facilities necessary for public health and safety, those storing hazardous materials, or those with housing occupants who may be insufficiently mobile) are proposed in floodplain areas and other areas identified as at risk for localized flooding, describe the risk potential considering changing precipitation and event intensity.

No critical facilities would be located in floodplain areas.

b. Discuss the project's compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.

The proposed project's mixed-use development which includes a significant number of residential units is not compatible with the Site's current zoning for commercial use. (Appendix C) The area would need to be re-zoned. This process is listed in the permits required in Table 9-1 above.

Land use surrounding the Site is currently mixed and the proposed project would complement the surrounding development, since the Site has been primarily vacant land over the past decade. The proposed project would benefit the project site by decreasing the amount of existing impervious surface. The comprehensive plan outlines the area as a transit-oriented development which may encourage future development.

c. Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 10b above and any risk potential.

As discussed in the *2040 Plan Update*, seven new zoning districts would be created for Brooklyn Center to allow for transit-oriented development and new mixed-use (neighborhood, commercial and business mixed-use designations would be included) within the city. The new zoning districts would be applied to areas in the city where there is potential for redevelopment or new mixed-use development, such as the Center City parcels (including the Site). The new zoning is waiting approval by the City Council, and once approved would then be written into

code. The Site would be appropriately zoned, and the proposed project would meet all applicable land use regulations.

11. Geology, Soils, and Topography/Land Forms:

- a. Geology - Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.**

The unconsolidated sediments within the Site vicinity are late Pleistocene age terrace deposits which consist of fine to coarse grained sand and gravel. These terrace deposits typically contain scattered organic sediments and coarsen with depth. These sediments are associated with meltwater from glacial River Warren and the ancestral Crow and Mississippi Rivers (Steenberg et. al 2018). The surficial geology is shown in Figure 7.

The depth to bedrock within the Site vicinity is estimated to be between 50-100 feet below ground surface. The uppermost bedrock units within the vicinity of the Project Area are the Ordovician period St. Peter Sandstone, and the Shakopee Formation of the Prairie du Chien group (Steenberg et. al 2018). The bedrock geology is shown on Figure 8.

The St. Peter Sandstone is a white to tan fine to medium grained, friable quartzose sandstone typically without structures or bedding in the upper 110 to 140 feet of its deposits. The lower most 20-40 feet of its deposits include white, gray, red and green feldspathic shale and siltstone interbedded with coarser grained sandstone. Deposits of the St. Peter vary from 150-175 feet in thickness. The Shakopee Formation is a light brown to red-brown, thin to medium bedded dolostone, sandy dolostone, sandstone and shale. It commonly contains oolites, intraclasts, microbial mounds, chert nodules, quartz sandstone and green-gray shale partings. The Shakopee Formation averages 40 feet in thickness where it is present (Steenberg et. al 2018).

No sinkholes or karst conditions are known to be present on the Site. According to the Phase II ESA by Braun Intertec in 2019 (Appendix I), a shallow water table on the site ranges from approximately 7 to 15 feet below ground surface and is representative of the regional water table aquifer at the Site. The water table aquifer is not a significant source of groundwater within Hennepin County.

Since the proposed project involves redevelopment of a previously developed parcel, the construction of new buildings, roads, parking lots, stormwater basins and utility infrastructure are not anticipated to adversely affect the geologic conditions at the Site.

- b. **Soils and topography** - Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability or other soils limitations, such as steep slopes, highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 12.b.ii.

According to the USDA-NRCS Web Soil Survey, the soil at the proposed project area consists of the following classifications (Figure 6):

Table 11-1 USDA-NRCS Soil Types

Map Unit Symbol	Map Unit Name	% of Project Area
U1A	Urban land-Udorthents, wet substratum complex, 0 to 2 percent slopes	12%
U4A	Urban land-Udipsamments (cut and fill land) complex, 0 to 2 percent slopes	88%

The urban fill soils at the Site are classified as well drained to excessively drained and little additional information on the physical properties of the two mapped soil units was available from the USDA-NRCS Web Soil Survey.

No limitations or construction suitability concerns of the Site's soil are currently known. If any soil is of limited use for construction purposes, implementation of additional engineering practices may be necessary to achieve the proposed project's goals. If any soil is deemed to be completely unsuitable for the proposed project's construction, it may be excavated and replaced with suitable imported fill material. The earthwork contractor would be responsible for the reuse or export of any excess soil generated during construction.

The topography of the Site is relatively level with a gentle slope to the west towards Shingle Creek Parkway. Elevations at the Site range from approximately 845 to 850 feet above mean sea level.

12. Water Resources:

- a. **Describe surface water and groundwater features on or near the site in a.i. and a.ii. below.**
- i. **Surface water** - lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, shoreland classification and floodway/flood fringe location, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include the presence of aquatic invasive species and the water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within 1 mile of the project. Include DNR Public Waters Inventory number(s), if any.

No lakes, streams, wetlands, or intermittent channels are located on or directly adjacent to the Site (Figure 9). Shingle Creek (County Ditch 13) is located approximately 150 to 200 feet

west of the Site. Shingle Creek is identified as a Minnesota Department of Natural Resources (DNR) Public Water – inventory number M-058. It is identified as an Impaired Water (07010206-506) for aquatic life and aquatic recreation. Numerous wetlands are present along Shingle Creek, particularly in Centennial Park to the north of the Site and within Lions Park located south of Highway 100 (Figure 9).

Upper Twin Lake is the only other natural waterbody within 1 mile of the Site and is also a Minnesota DNR Public Water – inventory number 27004201. Upper Twin Lake is identified as an Impaired Water (27-0042-01) for fish consumption and aquatic recreation.

Several additional wetlands and small ponds are mapped as excavated basins within 1 mile of the Site by the National Wetlands Inventory (NWI). These wetlands and ponds are primarily located along Highway 100 and Interstate 94. Given their locations and that they are mapped as excavated, these wetlands and ponds were presumably created as stormwater management features for the highways.

- ii. **Groundwater – aquifers, springs, seeps. Include: 1) depth to groundwater; 2) if project is within a MDH wellhead protection area; 3) identification of any onsite and/or nearby wells, including unique numbers and well logs if available. If there are no wells known on site or nearby, explain the methodology used to determine this.**

According to the 2019 Phase II Environmental Site Assessment completed by Braun Intertec, the depth to groundwater at the Site ranges from approximately 7 to 15 feet below ground surface and is representative of the regional water table aquifer at the Site. The water table aquifer is not a significant source of groundwater within Hennepin County. The deeper Prairie du Chien – Jordan Aquifer is the most heavily used aquifer for public water supply within the Site vicinity and in Hennepin County (Kanivetsky, 1989).

The Site is located within the Minnesota Department of Health (MDH) wellhead protection area and specifically in the Brooklyn Center Drinking Water Supply Management Area (DWSMA). The Brooklyn Center DWSMA is listed as moderately vulnerable to groundwater contamination.

Based on a review of the MDH Minnesota Well Index (MWI), one well was identified on the Site and a second well is mapped within a quarter mile of the Site. According to MWI well records, well #203424 is located approximately a quarter mile southwest of the Site and was sealed on September 2, 2011. Well #203425 is located in the southeast portion of the Site and was associated with the former Brookdale Ford dealership. This well is listed as active in the MWI well record. Additional details of both wells 203424 and 203425 are listed in the table below.

Table 12-1 Wells

Unique ID	Well Name	Depth (ft)	Aquifer	Listed Use	Date
203424	Brookdale Shopping Center	192	St. Peter- Prairie Du Chien	Domestic	09/02/2011 (sealed)
203425	Brookdale Ford	150	St. Peter- Prairie Du Chien	Commercial	06/22/1964 (completed)

- b. Describe effects from project activities on water resources and measures to minimize or mitigate the effects in Item b.i. through Item b.iv. below.**
- i. Wastewater - For each of the following, describe the sources, quantities and composition of all sanitary, municipal/domestic and industrial wastewater produced or treated at the site.**
- 1) If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.**

Estimates for wastewater flow from the proposed project are listed below

The estimated wastewater flow for the proposed project is 176,569 gallons per day (GPD). The usage is based on the Metropolitan Council 2022 Sewer Availability Charge (SAC) Procedure Manual. According to the *Brooklyn Center Comprehensive Plan Update 2040*, the existing sewer main connected to the Site along with downstream sanitary sewer have sufficient capacity for the proposed project and anticipated 2040 sewer flow rates. The proposed project's estimated wastewater flow is based on the following calculations:

- 780 residential units at 274 gallons per unit per day (with 20% discount for units without in-unit laundry) = 170,976 GPD
- 77,563 square feet of commercial/retail space at 274 gallons per day 3,800 square foot per day = 5,593 GPD
- Estimated total = 176,569 GPD

The Site discharges to the City of Brooklyn Center wastewater collection system, which is connected to the Metropolitan Council Metropolitan Wastewater Treatment Plant in St. Paul, Minnesota. According to the Metropolitan Council Environmental Services Plant Inflow Summary Report for the 12-month period ending November 2020, the Metro wastewater treatment plant handles approximately 176 million gallons per day (GPD) and can handle up to 314 million GPD. The treatment plant would not need additions or improvements to treat the estimated wastewater flow for the proposed project, which would be an additional 176,569 (0.17 million GPD).

- 2) If the wastewater discharge is to a subsurface sewage treatment systems (SSTS), describe the system used, the design flow, and suitability of site conditions for such a system. If septic systems are part of the project, describe the availability of septage disposal options within the region to handle the ongoing amounts generated as a result of the project. Consider the effects of current Minnesota climate trends and anticipated changes in rainfall frequency, intensity and amount with this discussion.**

No STS is present on the Site or planned for the proposed project.

- 3) If the wastewater discharge is to surface water, identify the wastewater treatment methods and identify discharge points and proposed effluent limitations to mitigate impacts. Discuss any effects to surface or groundwater from wastewater discharges, taking into consideration how current Minnesota climate trends and anticipated climate change in the general location of the project may influence the effects.**

No wastewater from the proposed project would be discharged to surface water.

- ii. Stormwater – Describe changes in surface hydrology resulting from change of land cover. Describe the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss environmental effects from stormwater discharges on receiving waters post construction including how the project will affect runoff volume, discharge rate and change in pollutants. Consider the effects of current Minnesota climate trends and anticipated changes in rainfall frequency, intensity and amount with this discussion. For projects requiring NPDES/SDS Construction Stormwater permit coverage, state the total number of acres that will be disturbed by the project and describe the stormwater pollution prevention plan (SWPPP) including specific best management practices (BMPs) to address erosion and sedimentation during and after project construction. Discuss permanent stormwater management plans, including methods of achieving volume reduction to restore or maintain the natural hydrology of the site using green infrastructure practices or other stormwater management practices. Identify any receiving waters that have construction-related water impairments or are classified as special as defined in the Construction Stormwater permit. Describe additional requirements for special and/or impaired waters.**

Pre-construction stormwater drainage on the Site occurs via overland flow, primarily to the west-southwest following topography toward storm drains along the existing parking lot perimeter. These storm drains flow to a municipal storm sewer system. There are no current stormwater best management practices (BMPs) located within the Site. Runoff from the Site likely contains pollutants associated with the current land use which is primarily parking lots. These pollutants include but are not limited to road salts, sediment, oil, grease, heavy metals, and chemicals from motor vehicles. Runoff captured by the municipal stormwater system drains untreated to Shingle Creek and eventually to the Mississippi River.

Post-construction, BMPs, such as stormwater ponds and landscaped areas, would be implemented as applicable at the Site to manage and treat stormwater runoff generated. Using these BMPs, stormwater runoff leaving the Site would meet the applicable Minnesota Pollution Control Agency (MPCA) and local treatment requirements, including requirements for sizes of stormwater pond, basin design requirements, and decreasing runoff from rain events. Other features of the proposed project that would also serve as stormwater BMPs include multiple stormwater retention ponds along the eastern portion of the Site and decreasing impervious surfaces on the Site.

Since the proposed project would involve disturbance of more than one acre of land (15 acres), a Stormwater Pollution Prevention Plan (SWPPP) and an MPCA administered National Pollutant Discharge Elimination System (NPDES) permit is required. The proposed project would be required to provide both temporary and permanent erosion and sediment control as required by MPCA's stormwater construction general permit. Temporary and

permanent erosion and sediment control measures may include rock entrances, silt fence, wood chip logs, inlet protection, rock check dams, temporary seeding and mulching, erosion control blankets for disturbed areas, filtration treatment devices, and seeding or placement of sod or other vegetative material for final stabilization.

- iii. Water appropriation - Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Discuss how the proposed water use is resilient in the event of changes in total precipitation, large precipitation events, drought, increased temperatures, variable surface water flows and elevations, and longer growing seasons. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation. Describe contingency plans should the appropriation volume increase beyond infrastructure capacity or water supply for the project diminish in quantity or quality, such as reuse of water, connections with another water source, or emergency connections.**

The estimated water usage for the proposed project is 194,226 gallons per day (GPD). This estimate is based on water consumption is approximately 110 percent of estimated wastewater generation. Please see Section 11.b.i.1 for a discussion on the estimated wastewater generation for the proposed project. It is assumed the existing water main connected to the Site has sufficient capacity for the proposed project.

The well on site would be abandoned by a licensed contractor and would be reported to MDH as an unactive/sealed well.

The Site is connected to Brooklyn Center's water supply that is drawn from the Prairie du Chien – Jordan Aquifer through nine municipal groundwater wells. The City has a 7 million GPD water treatment facility with a peak capacity of 10 million GPD. Based on this information, Brooklyn Center would not need additional capacity or improvements to supply the estimated water demand for the proposed project.

Once complete, permanent dewatering is not anticipated for the proposed project and would not cause environmental impact. After construction, permanent dewatering and water appropriation is not anticipated to be necessary.

Temporary dewatering during construction is not anticipated but may be required for deeper excavations or in the event of extreme rainfall. If required, a Minnesota Department of Natural Resources temporary dewatering water appropriations permit would be obtained and discharge would comply with NPDES, state and City permit requirements.

iv. Surface Waters

- a) Wetlands - Describe any anticipated physical effects or alterations to wetland features such as draining, filling, permanent inundation, dredging and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed, and identify those probable locations.**

No wetlands are present on or adjacent to the Site (Figure 9). No impacts to wetlands or wetland features are anticipated for the proposed project. The closest surface water is Shingle Creek across Shingle Creek Parkway, which is not anticipated to be impacted by the project.

- b) Other surface waters- Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal and riparian alteration.**

Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.

No physical alterations or effects to existing surface waters are anticipated from the proposed project.

13. Contamination/Hazardous Materials/Wastes:

- a. Pre-project site conditions - Describe existing contamination or potential environmental hazards on or in close proximity to the project site such as soil or ground water contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.**

The Minnesota Pollution Control Agency (MPCA) "What's in My Neighborhood" (WIMN) online database was reviewed to determine if any existing contamination or potential environmental hazards exist on or near the Site. The former Brookdale Ford dealership is mapped in the southeast portion of the Site and is listed for multiple MPCA programs. The MPCA program listings include one Voluntary Investigation and Clean Up (VIC) entry (VP24140), two Petroleum Remediation Leak Site entries (LS0011810, LS0017135) and one Tank Site entry (TS0001557). Numerous other sites within a quarter mile were identified in the WIMN database, the majority

of which are businesses with hazardous waste generator permits or various construction stormwater permit sites.

Several environmental investigations have been completed at the Site, primarily involving the former Brookdale Ford dealership. A Phase I Environmental Site Assessment (ESA) was prepared for the Site by Braun Intertec dated April 22, 2019 (2019 Phase I ESA). The 2019 Phase I ESA also included review of additional parcels within the opportunity site.

The historical information reviewed indicates the Site was first developed by 1937 as a farmstead with cultivated crop land or pastures. By 1964 the buildings of the former Brookdale Ford dealership had been constructed and by 1972 the last farmstead buildings were removed. Brookdale Ford consisted of two buildings that were used for vehicle sales and service. Lifts, underground storage tanks, and aboveground storage tanks were associated with the dealership. The existing Ocean Buffet restaurant building was constructed on the Site by 1984. The Brookdale Ford buildings were demolished by 2018 and the majority of the Site has since been used as a parking lot.

The 2019 Phase I ESA identified the following recognized environmental conditions (RECs) in connection with the Site:

- Part of the Site was developed by 1964 with an automobile dealership, Brookdale Ford, that consisted of two buildings that were used for vehicle sales and service. Lifts, underground storage tanks, and aboveground storage tanks were associated with this development. Based on previous investigations, contamination remains in association with those activities. The presence of the documented contamination and the potential for contamination resulting from the past uses of the Site represents a potential that soil, groundwater, and or soil vapor contamination may be present. This potential represents a recognized environmental condition.
- The regulatory information suggests that contamination has been identified or is suspected at facilities located in the vicinity of the Site. Although it appears that some of these surrounding sites have been remediated and/or redeveloped in accordance with the oversight and approval of the MPCA, there is a potential that these sites, or past unreported releases from the historical uses of the surrounding area, may have caused soil, groundwater and/or soil vapor impacts at the Site. This potential represents a recognized environmental condition.

Based on the results of the 2019 Phase I ESA, a Phase II ESA was completed at the Site by Braun Intertec (2019 Phase II ESA). The objective of the Phase II ESA was to characterize Site soil, groundwater and soil vapor to identify environmental issues that could potentially affect future land use. The investigation focused on delineating previously identified contamination and investigating previously unassessed areas of the Site. Like the Phase I, the 2019 Phase II ESA also included investigation of additional parcels within the opportunity site.

Fill soils were encountered during the 2019 Phase II ESA from the ground surface to the terminal depths of all the borings, which ranged from 12 to 20 feet. The fill soils generally consisted of poorly graded sand and poorly graded sand with silt, clay, and/or gravel. Groundwater was encountered at depths of 7 to 15 feet below ground surface (bgs) across the Site. Various debris,

including concrete, brick, bituminous, plastic and wood fragments was observed in the upper 7 feet of soil within several borings in the northern portion of the Site.

Analytical results of soil samples collected during the 2019 Phase II ESA did not identify impacts above MPCA action levels. Except for the soil boring locations where debris observed in the northern portion of the Site, the soils characterized by the 2019 Phase II ESA meet the MPCA definition of unregulated fill and may be reused on-Site or at off-Site properties.

Groundwater sample analytical results from the 2019 Phase II ESA did not identify impacts greater than MDH drinking water criteria. However, based on the results of previous environmental investigations at the Site, groundwater impacts are present in the vicinity of the former Brookdale Ford Dealership (southeast portion of the Site).

Laboratory analysis of soil vapor samples collected during the 2019 Phase II ESA did not identify Volatile Organic Compounds (VOCs) at concentrations greater than the MPCA action levels that would require vapor mitigation (33X Intrusion Screening Values (ISVs)) for the proposed development. However, based on the detection of benzene, ethylbenzene, and tetrachloroethene (PCE) at concentrations greater than MPCA ISVs, as well as the previously identified soil vapor impacts at the former Brookdale Ford Dealership, additional soil vapor sampling was conducted in March 2020 (2020 Heating Season Soil Vapor Sampling Report). No VOCs were detected at concentrations greater than 33X their respective ISVs in the soil vapor samples collected during the March 2020 Soil Vapor Sampling. Based on the soil vapor sample results from the 2019 Phase II ESA and the March 2020 Soil Vapor Sampling, vapor intrusion is not a concern at the Site and vapor mitigation would not be required for the proposed development.

Both the debris containing soils identified in the northern portion of the Site and known contaminated groundwater associated with the former Brookdale Ford dealership may be encountered during construction of the proposed project. A Construction Contingency Plan (CCP) would be prepared for the proposed project and submitted for review and approval by MPCA Voluntary Investigation Cleanup (VIC) and Petroleum Brownfields (PB) Programs. The CCP would outline methods for segregating and handling unexpected or unknown contaminated media (soil, groundwater etc.) during construction.

A Limited Hazardous Building Materials Inspection (2019 Hazardous Building Materials Inspection) of the Ocean Buffet restaurant building was completed concurrently with the 2019 Phase I ESA in April 2019. The 2019 Hazardous Building Materials Inspection identified 17 materials found or assumed to contain asbestos including mirror mastic and adhesives, floor and wall tile grout and adhesives, carpet adhesives, foundation waterproofing and roofing materials. No lead-based paint was found on any of the surfaces tested within the restaurant building.

Other regulated wastes identified in the restaurant building include fluorescent lights, batteries, electronics (TVs, computers, monitors, microwaves etc.), printer inks, a water heater, refrigerators, freezers and HVAC units. Mercury containing components were also identified in the building's heating and electrical systems. Additionally, the refrigerants used in the HVAC system, refrigerators, freezers and walk in cooler are assumed to contain chlorofluorocarbons (CFCs) and/or hydrochlorofluorocarbons (HFCs).

Section 12.d. discusses how these materials would be handled and disposed of prior to demolition of the restaurant building for construction of the proposed project.

- b. Project related generation/storage of solid wastes - Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.**

Typical construction wastes from the project, such as concrete, bituminous, drywall, wood, metal, and plastic sheeting, etc., would result from construction of the buildings and associated facilities. The construction contractor would have a waste minimization and recycling program to reduce the volume of solid waste, including segregating and recycling concrete. Waste produced during construction would be disposed of by a licensed waste hauler at an appropriate facility.

Mixed municipal waste and recyclable waste, typical of commercial and residential properties, would be generated by the proposed project once construction is complete. The waste would be handled by an appropriately-licensed waste hauler and would be disposed of in accordance with applicable regulations. It is anticipated that the mixed municipal wastes would be hauled to the Hennepin County Waste Incinerator in Minneapolis and recyclable materials would be separated at disposal and hauled to an appropriately licensed facility.

- c. Project related use/storage of hazardous materials - Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location and size of any new above or below ground tanks to store petroleum or other materials. Indicate the number, location, size and age of existing tanks on the property that will be utilized in the project. Discuss potential environmental effects from accidental spill or release of hazardous materials. Identify measures to avoid, minimize or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.**

Hazardous waste is not currently generated on the Site. Toxic or hazardous materials would not be present at the construction site, except for construction materials such as paint and adhesives and fuel and lubricants as necessary for the construction equipment used on the proposed project. Cleaning solutions and synthetic oils/lubricants may be used during project construction and as part of Site operations and would be stored in marked containers in accordance with all applicable laws. All required spill kits and containment materials would be present during work activities and easily accessible if needed. Any hazardous materials generated by the contractor during construction would be disposed of by the contractor at facilities licensed to dispose of such wastes. If a spill were to occur during construction, the Minnesota Duty Officer would be contacted and appropriate action to remediate would be taken immediately in accordance with MPCA guidelines and regulations in place at the time of project construction.

Following construction, the use of chemicals/hazardous materials is expected to be limited. Types, quantities, and composition of chemicals/hazardous materials would be typical of residential and non-machine commercial activities. These chemicals and materials would be labeled, stored, and disposed of in accordance with applicable regulations.

No below ground storage tanks would be present once the project is complete. A small above ground fuel tank would be present to power an emergency generator for the development once the project is complete. The generator and associated fuel tank would be installed with a secondary containment system to prevent leaks. The generator and fuel tank would also be registered and inspected regularly in accordance with all applicable MPCA and local regulations.

- d. Project related generation/storage of hazardous wastes - Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of hazardous waste including source reduction and recycling.**

Hazardous materials present within the Ocean Buffet restaurant including all asbestos containing materials would be removed by a licensed abatement contractor prior to demolition of the restaurant building. The abatement contractor would be responsible for removing and disposing of the materials in a manner that meets state and federal regulations. Asbestos containing materials would be sealed in plastic sheeting or barrels after removal and transported for disposal at an appropriate land fill licensed to accept this type of hazardous waste. Other regulated wastes present inside the restaurant building (ballast lights, appliances, electronics, grease etc.) would be disposed of by the project contractor at facilities licensed to dispose of such wastes.

Following construction, the proposed project is not anticipated to generate hazardous waste but would generate universal waste such as spent fluorescent lamps and bulbs. These materials would be labelled, stored and disposed of in accordance with applicable regulations.

14. Fish, Wildlife, Plant communities, and Sensitive Ecological Resources (rare features):

- a. Describe fish and wildlife resources as well as habitats and vegetation on or in near the site.**

The Site is located across Shingle Creek Parkway to the east of the Site and approximately 1.2 miles west of the Mississippi River and the Mississippi River Corridor Critical Area. The existing Site provides little or no habitat value for fish and wildlife. Nearly the entire surface area is paved and/or impervious in an urban environment. A few landscaped islands with turf grasses and trees are present. However, these small, vegetated areas contain no native plant communities or rare ecological features.

- b. Describe rare features such as state-listed (endangered, threatened or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number (LA-997) and/or correspondence number (ERDB _____) from which the data were obtained and attach the Natural Heritage letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe the results.**

A review of the Minnesota DNR Natural Heritage Inventory System was conducted per license agreement LA-997 within three radial miles of the Site. The database includes the known Element Occurrence Records (EOR) of any rare natural feature or state endangered, threatened,

or special concern species. The review identified EORs that have been documented within three miles of the Site. Also, the US Fish & Wildlife Service database Information for Planning and Conservation (IPaC) was queried for federally listed species and critical habitat (January 5, 2022; Consultation Code 03E19000-2022-SLI-1194; Event 03E19000-2022-E-04048). The IPaC report is attached as Appendix D.

Results of both reviews include the following:

Table 14-1 State and Federal Species or Rare Features within 3 miles of the Site

Species or Rare Feature	Status	Habitat
Autumn Fimbry (<i>Fimbristylis autumnalis</i>)	State Special Concern	Wet meadows underlain by primarily sandy soils with a thin peat layer, lakeshores
Beach Heather (<i>Hudsonia tomentosa</i>)	State Threatened	Sand dunes, upland prairie and savanna
Black Sandshell- mussel (<i>Ligumia recta</i>)	State Special Concern	Medium to large rivers and streams
Blanding's turtle (<i>Emydoidea blandingii</i>)	State Threatened	Wetland complexes and adjacent sandy uplands.
Colonial Waterbird Nesting Area	Rare natural feature	Island with sand dunes along the Mississippi River
Fawnsfoot- mussel (<i>Truncilla donaciformis</i>)	State Threatened	Large rivers
Ghost Tiger Beetle (<i>Cicindela lepida</i>)	State Threatened	Savanna, typically on sand dunes
Lance-leaf Violet (<i>Viola lanceolata</i> var. <i>Lanceolata</i>)	State Threatened	Wet meadows with sandy substrates, lake shores
Least Darter (<i>Etheostoma microperca</i>)	State Special Concern	Small rivers and streams, lakes
Marginated Rush (<i>Juncus marginatus</i>)	State Endangered	Shallow wetlands in the Anoka Sandplains
Monarch Butterfly (<i>Danaus plexippus</i>)	Federal Candidate	Fields and parks where native plants are common
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Federal Threatened; State Special Concern	Overwintering hibernacula in caves and mines; summer roosts in trees with loose bark and cavities.
Peregrine Falcon (<i>Falco peregrinus</i>)	State Special Concern	Cliffs and tall buildings
Plains Hog-nosed Snake (<i>Heterodon nasicus</i>)	State Special Concern	Upland prairie and savanna
Rusty-patched Bumble Bee (<i>Bombus affinis</i>)	Federal Endangered	Variety of native herbaceous and woody plant species and urban gardens that provide floral resources April through

Species or Rare Feature	Status	Habitat
		October. It nests and winters underground.
Seaside Three-awn (<i>Aristida tuberculosa</i>)	State Threatened	Upland prairie and savanna
Tall Nutrush (<i>Scleria triglomerata</i>)	State Endangered	Sand dunes, upland prairie and savanna
Twisted Yellow-eyed Grass (<i>Xyris torta</i>)	State Endangered	Wet Meadow
Water-willow (<i>Decodon verticillatus</i> var. <i>laevigatus</i>)	State Special Concern	Boggy or marshy margins of lakes, slow moving streams and wetlands.

The IPaC report also listed several species of migratory birds that are “Birds of Conservation Concern,” but that list is neither a comprehensive list of migratory birds that may occur in the area nor does it include all birds protected under the Migratory Bird Treaty Act. The IPaC report identified no areas of federally designated critical habitat within the Site vicinity.

- c. Discuss how the identified fish, wildlife, plant communities, rare features and ecosystems may be affected by the project including how current Minnesota climate change and anticipated climate change in the general location of the project may influence the effects. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.**

Since the existing Site consists of paved/bituminous parking lots, it has little value as a habitat for fish and wildlife, native ecosystems or plant communities. Development of the Site is not anticipated to adversely affect the rare and protected species identified in federal and state databases. The Site is not within a township containing known hibernacula or roosting sites of Northern long-eared bats, and suitable habitat is absent from the Site. The few trees present at the Site may provide potential nesting habitat for migratory birds.

The listed species of fish and mussels are aquatic and occur only in the Mississippi River or small lakes within the Site vicinity, neither of which would be affected by the proposed project. Peregrine falcon roosts are present in nearby downtown Minneapolis and the species coexists with features of the urban landscape. Additionally, grassland, prairie or savanna habitat is not present at the Site. No adverse effects to any of the listed plants, aquatic species, Ghost Tiger beetle, Plains Hog-nosed snake or Peregrine falcons would occur from the proposed project.

According to the U.S. Fish and Wildlife Service (USFWS), the Site is located within a high potential zone for the Rusty Patched Bumble Bee (RPBB). Despite this location, suitable RPBB foraging habitat (abundant floral resources that bloom throughout the growing season) is not present at the Site. Overwintering/nesting habitat (dense wooded cover with abundant leaf litter and/or undisturbed soils) for the bee is also absent from the Site. Subsequently, no impacts to Rusty Patched bumble bees are anticipated from the proposed project.

A separate RPBB habitat evaluation of the Site was completed following the steps outlined in the USFWS Endangered Species Action Section 7(a)(2) guidance document for the RPBB. The Xerces Society RPBB Assessment Form & Guide was used to define the specific parameters to evaluate. The RPBB habitat evaluation is attached as Appendix E.

There is little risk for the introduction and spread of invasive species from the proposed project. Project plans are for construction of buildings, impervious surfaces and landscaped areas. The landscaping would be planted with native or naturalized plant species and managed to control establishment and growth of invasive vegetation.

d. Identify measures that will be taken to avoid, minimize, or mitigate the adverse effects to fish, wildlife, plant communities, ecosystems, and sensitive ecological resources.

Based on recommendations from guidance documents from the USFWS including the Migratory Bird Treaty Act and *Conservation Management Guidelines for the Rusty Patched Bumble Bee* (USFWS 2018) the following conservation measures would be implemented with the proposed project:

- Conduct vegetation and tree clearing between September 1 and April 30 to avoid impacts to nesting migratory birds (nesting season is typically May to August).
- Incorporate native trees, shrubs and flowering plants in landscaping, use plants that bloom spring through fall and remove/control invasive plant species present.

These measures would allow successful construction of the proposed project while avoiding impacts to migratory birds and assist with conservation efforts for the RPBB.

15. Historic Properties:

Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include: 1) historic designations, 2) known artifact areas, and 3) architectural features. Attach letter received from the State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.

The Minnesota State Historic Preservation Office (SHPO) conducted a search of the Minnesota Archaeological Inventory and Historic Structures Inventory in addition to the National Register of Historic Places. No known historic structures, designations, districts, architectural features, archeological sites, cultural properties or artifact areas were identified at the Site by SHPO. A comment letter from SHPO is provided in Appendix F.

No adverse effects to any historic properties, archeological sites or cultural resources are anticipated from the proposed project.

16. Visual:

Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.

The project site is in an urban/suburban landscape. Land use in the surrounding area is mixed, and includes Centennial Park, municipal buildings, commercial development, single family homes and multi-family residential complexes. Roads border three sides of the site, including Highway 100, Bass Lake Road, and Shingle Creek Parkway. There are no unique scenic views or vistas near the project site.

The proposed redevelopment project would enhance the visual features and aesthetics of the site and surrounding neighborhood. The proposed buildings would provide a modern design that would include open space and landscaping, in contrast with the current appearance that is mostly paved and vacant land. The proposed project would also increase shading in the surrounding area.

The proposed buildings would be 65 ft high, which is taller than the single existing structure. The buildings would be visible from more distant vantage points than the current structure. There are taller buildings present in and around the Earle Brown Center to the north.

There would be no unusual plumes, lighting or glares from the proposed development. All exterior lighting would be provided for safety and security in a manner consistent with other structures in the area.

17. Air:

- a. Stationary source emissions - Describe the type, sources, quantities and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health or applicable regulatory criteria. Include a discussion of any methods used assess the project's effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.**

There are minimal stationary sources of emissions associated with the proposed project and they are typical of other mixed-use developments. There is no anticipated effect on air quality in the area from stationary source air emissions associated with the proposed project.

Design of the heating and cooling systems for the proposed project is not yet finalized, but the anticipated system is a Variable Refrigerant Flow System. This is not a fuel-fired system and therefore there are no air emissions generated by the equipment itself. The system uses a refrigerant. Refrigerants are greenhouse gases, but the system would be designed, installed, and maintained according to American Society of Heating, Refrigerating, and Air-Condition Engineers standards to prevent releases of refrigerant to the atmosphere.

The proposed project would have an emergency generator. Emissions from the generator would be infrequent as the generator is designed to provide backup power. Emissions from the generator include small amounts of criteria pollutants, hazardous air pollutants, and greenhouse gases. Based on the magnitude of emissions from this type of equipment, minimal effect on air quality in the area is expected. Impacts from the generator can be minimized through best practices such as venting emissions upwards, sizing the generator to the appropriate load, and maintaining the generator according to the manufacturer's recommendations.

Other stationary sources or air emissions are very small and include air emissions from fuel use for the production of hot water or food preparation, routine housekeeping, janitorial activities, and fugitive dust from paved roads and parking lots.

- b. Vehicle emissions - Describe the effect of the project's traffic generation on air emissions. Discuss the project's vehicle-related emissions effect on air quality. Identify measures (e.g. traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.**

As described further under item 20, there would be some increase in traffic as a result of the project which would result in an increase in the type of air pollution generated by vehicle exhaust. These air pollutants include carbon monoxide, nitrogen oxides, volatile organic compounds, particulate matter, greenhouse gases, and air toxics; however, the project would not substantially worsen traffic conditions and therefore a significant decrease in air quality is not expected.

Additional air pollution from the project's traffic generation can be minimized by the mitigation measures identified in item 18 that would promote efficient flow of traffic in the area.

- c. Dust and odors - Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.**

The construction of the proposed project would generate dust. Construction is anticipated to last approximately three years. Fugitive dust is expected from the handling of soils or other silt-containing or dusty material, including activities associated with demolition and debris removal, site preparation, construction, and wind erosion of storage piles. Fugitive dust is also expected from resuspension of loose material on both paved and unpaved roads from construction vehicle traffic. The amount of fugitive dust generated would vary by the type of construction activity, the level of activity, and the prevailing meteorological conditions. Effects on air quality from fugitive dust generated from construction activities would be temporary and localized. Fugitive dust from construction would be minimized with water application as necessary and other best practices to minimize dust that would be outlined in the Construction Stormwater SWPPP.

Fugitive dust associated with operation of the project is described in item 16a.

Odors associated with the construction phase of the project include diesel exhaust fumes. Minimal and temporary odors onsite during construction would include solvent and adhesives, but that are not expected to be long term or noticeable outside of the project area. No other odors are expected from the construction of the project or after the site is developed. Odor mitigation measures include minimizing equipment used on-site, minimizing idling, and maintaining engines in good repair.

18. Greenhouse gas (GHG) emissions/Carbon footprint

- a. **GHG Quantification: For all proposed projects, provide quantification and discussion of project GHG emissions. Include additional rows in the tables as necessary to provide project-specific emission sources. Describe the methods used to quantify emissions. If calculation methods are not readily available to quantify GHG emissions for a source, describe the process used to come to that conclusion and any GHG emission sources not included in the total calculation.**

Table 18-1 includes a summary of the potential GHG emissions for this project. The supporting calculations are included in Appendix H.

The primary greenhouse gases emitted from the buildings include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) from the combustion of fossil fuels. A common way to report emissions of these gases is to multiply the emissions of each gas (in tons) by its global warming potential (GWP) and to report the total GHG emissions as total carbon dioxide equivalents (CO₂e).

The following assumptions were made in estimating the greenhouse gas emissions from the project site buildings:

- Heating and cooling systems for all buildings would be either variable refrigerant flow (VRF) or geothermal heat pump systems
- Multifamily housing units would use only electric cooking and clothes drying appliances
- Natural gas would be used for water heating for all buildings
- The 58,453 square foot commercial building would use natural gas-fired cooking appliances
- The market rate housing building would include a diesel emergency generator engine with a rated power of approximately 2,750 horsepower, which would operate no more than 500 hours per year
- The mixed income housing building would include a diesel emergency generator engine with a rated power of approximately 2,561 horsepower, which would operate no more than 500 hours per year
- The affordable housing building would include a diesel emergency generator engine with a rated power of approximately 680 horsepower, which would operate no more than 500 hours per year

The total building GHG emissions from the project site (stationary source emissions) are estimated to be approximately 4,403 tons per year (tpy) of CO₂e.

Other direct sources of emissions added under Scope 1 include:

- Land Use Change
- Mobile Sources (vehicle tailpipe emissions) from for onsite operations
- Mobile Sources for construction

Mobile source emissions associated with onsite building operations (deliveries, building maintenance, etc.) are expected to be minimal and infrequent, and have not been quantified. Vehicle trips taken by building employees, residential building occupants, and commercial building business tenant employees were determined to be out of scope of this greenhouse gas analysis and were not included.

With emissions from these sources included, the total Scope 1 GHG emissions are approximately 4,780 tpy of CO₂e.

- b. Indirect Emissions include Scope 2 emissions from offsite electricity generation for electricity consumed at the facility (approximately 2,900 tpy of CO₂e) and Scope 3 emissions from offsite waste management (approximately 342 tpy of CO₂e). Actual electricity consumption would be dependent on the efficiency of the building heating systems, electrical fixtures, and appliances installed in the buildings. Actual types and quantities of wastes generated onsite would depend on the types of residential and commercial wastes generated and waste diversion programs implemented onsite (e.g. diversion of compostable organic materials and/or diversion of recyclable materials).

Table 18-1. Greenhouse Gas Emissions

Direct Emissions (Scope 1)

Emission Source		CO ₂ e TPY
Facility Natural Gas Use		659
Emergency Generator Engine 1 (Market Rate Housing Building)		3,744
Emergency Generator Engine 2 (Mixed Income Housing Building)		2,615
Emergency Generator Engine 3 (Affordable Housing Building)		199
Facility Total GHG Emissions		4,403
Other Scope 1 Emission Sources	Mobile Sources (Onsite Operations) ¹	-
	Mobile Sources (Construction)	377
	Land-Use (Construction) ²	-
All Scope 1 Emissions	Total Direct Emissions	4,780

¹ Following the completion of the construction phase, mobile source emissions associated with onsite operations (deliveries, maintenance, etc.) are expected to be minimal and infrequent, and have not been quantified.

² Carbon flux associated with land-use changes is expected to be negligible and has not been quantified. The land-use category for the site prior to construction is "settlement" and would remain categorized as "settlement" after the project is completed.

Indirect Emissions (Scope 2 and 3)

Scope	Emission Source	CO ₂ e TPY
Scope 2	Off-Site Electricity Production	2,899
Scope 3	Off-Site Waste Management	342

Atmospheric Removal of GHGs

Scope	Emission Source	CO ₂ e TPY
Other	Land-Use (Sinks) ³	-

³ Carbon flux associated with land-use changes is expected to be negligible and has not been quantified. The land-use category for the site prior to construction is "settlement" and would remain categorized as "settlement" after the project is completed.

Total Emissions including Sinks = Direct Emissions + Indirect Emissions + Sinks

Scope	Emission Source	CO ₂ e TPY
Scope 1, 2, and 3	Total	8,022

c. GHG Assessment

i. Describe any mitigation considered to reduce the project's GHG emissions

Design of the heating and cooling systems for the proposed project is not yet finalized, but the anticipated systems include a variable refrigerant flow (VRF) system for the Market-Rate residential building and Mixed-Income residential building. Geothermal heat pump heating and cooling systems are currently being considered for affordable housing units. These are not fossil fuel-fired systems and therefore there are no greenhouse gas emissions generated by the equipment itself. The systems use refrigerants. Refrigerants are greenhouse gases, but the system would be designed, installed, and maintained according to American Society of Heating, Refrigerating, and Air-Condition Engineers standards to prevent releases of refrigerant to the atmosphere.

Onsite solar power generation would be implemented to reduce greenhouse gas emissions associated with electricity consumption at the project site.

Reduction of solid waste generation is another greenhouse emissions mitigation approach that was evaluated. For the construction phase of the project, the construction contractor would have a waste minimization and recycling program to reduce the volume of solid waste, which would in turn reduce greenhouse gas emissions associated with landfilling or incinerating this material.

ii. Describe and quantify reductions from selected mitigation, if proposed to reduce the project's GHG emissions. Explain why the selected mitigation was preferred.

A 2013 study to characterize multifamily building energy consumption in Minnesota found that multifamily housing building heating systems with 50 or more units use approximately 380 therms of natural gas/year per unit for space heating.¹ 2012 commercial buildings energy consumption data presented by the U.S. Energy Information Administration (U.S. EIA) shows that commercial buildings located in the "very cold/cold" climate region with building floorspaces of 10,001 to 100,000 square feet had natural gas consumption rates of approximately 37.4 to 44.0 cubic feet of natural gas per square foot of floorspace.²

Based on these average natural gas usage rates, the theoretical natural gas usage avoided by the non-fossil fuel heating systems for the proposed project (up to 744 residential units and up to 77,365 sq ft of commercial or institutional space) would be approximately 23.5 million cubic feet (MMcf) of natural gas per year, or approximately 1,405 tons per year (tpy) of avoided direct CO₂e emissions. Some of the power required for these building heating systems would be provided by onsite solar power generation, but the remainder would be supplied by power from the electrical grid. Power generation in Minnesota comes from coal combustion (33.6%), natural gas combustion (17.0%), fuel oil combustion (0.1%), renewable energy (22.8%), and nuclear power (26.5%).³ The net greenhouse gas emissions reductions associated with using non-fossil fuel building systems are dependent on the energy efficiency of the heating systems installed, the net power generation of the onsite solar panels, and the percentage of electrical grid power generation derived from renewables (wind and solar) and nuclear power vs. fossil fuels (coal, natural gas, and fuel oil).

iii. Quantify the proposed project's predicted new lifetime GHG emissions (total tons/# of years) and how those predicted emissions may affect achievement of the Minnesota Next Generation Energy Act goals and/or other more stringent state or local GHG reduction goals.

It is conservatively assumed that the project lifetime is 30 years. Over this 30-year period, the estimated greenhouse gas emissions associated with this project are approximately 241,000 tons of CO₂e. As discussed earlier, this estimate includes emissions from onsite natural gas combustion, construction-phase mobile source emissions, electricity usage, and waste generation. This estimate does not include mobile source emissions associated with vehicle trips to and from the site.

Additional power requirements for building heating systems above what is generated using onsite solar panels would use electricity from the power grid. The estimated electricity usage from the building heating is included in the overall greenhouse gas emissions from offsite energy generation provided in Table 18-1 above. This estimate is expected to be slightly conservative, as it includes electricity usage estimates for building heating based on older, less-efficient electrical building heating systems. Actual electricity consumption from the heating systems would depend on the energy efficiency of the heating systems installed. As Minnesota's power generation portfolio shifts toward using more renewable power generation sources such as wind and solar, the greenhouse gas emissions from offsite power generation would continue to be reduced over the lifetime of these buildings.

According to a report published by the Minnesota Department of Labor and Industry, buildings are responsible for over 40% of energy use in Minnesota⁴. Installing high-efficiency building heating systems that do not rely on fossil fuel combustion is necessary in order for Minnesota to achieve greenhouse gas emissions reduction targets under the Minnesota Next Generation Act.

The proposed location of the project may also assist Minnesota in meeting greenhouse gas emissions reduction targets. The project site is uniquely located approximately 1,000 feet to the east of the Brooklyn Center Transit Station. The proximity of the project site to this transit station may enable some building occupants to use public transportation instead of single-occupancy vehicles for routine trips to and from the site, thereby reducing greenhouse gas emissions associated with these trips.

¹ Energy Center of Wisconsin, "Minnesota Multifamily Rental Characterization Study," July 2013

² U.S. Energy Information Administration (US EIA), "Commercial Buildings Energy Consumption Survey, Table C30. Natural gas consumption and conditional energy intensity by climate region, 2012," May 2016
<https://www.eia.gov/consumption/commercial/data/2012/c&e/cfm/c30.php>

³ U.S. Energy Information Administration (US EIA), "Minnesota End-use energy consumption 2019, estimates,"
<https://www.eia.gov/beta/states/states/mn/overview>

⁴ Minnesota Department of Labor and Industry, "Improving building energy efficiency in commercial and multi-family construction," December 2020
<https://www.dli.mn.gov/sites/default/files/pdf/BuildingsEnergyEfficiency2020.pdf>

19. Noise:

Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area, 2) nearby sensitive receptors, 3) conformance to state noise standards, and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.

Existing noise levels/sources in the area

The Site is located in an urban area with typical noise levels and sources associated with commercial and mixed-use developments.

The Site is approximately three miles East of the Crystal Airport. Based on the noise contours prepared by the Metropolitan Airports Commission for the Crystal Airport 2035 Long Term Comprehensive Plan, the site is well outside of the 60 Day-Night Average Sound Level (DNL) contour for both the existing conditions and the 2035 Preferred Alternative Condition. The Federal Aviation Administration considers the 65 decibel (dB) DNL contour line as the threshold of significance for noise impacts.

The site is not in the vicinity of any railroads or industrial noise sources. The largest noise source is expected to be roadway noise from Bass Lake Road (County Road 10) to the South, Shingle Creek Parkway to the West, and Highway 100 to the East.

The MN Department of Transportation's (MNDOT) "flat-earth noise level estimating tool" was used to estimate noise at the residential building façade nearest to the intersection of County Road 10 and Shingle Creek Parkway, approximately 50 feet from both roadways. This location is considered the "worst-case" noise location as it is closest to both roadways. The tool was designed to estimate traffic noise levels from up to two roadways using the calculations tools from the Federal Highway Administration Stamina noise model. The tool is a screening tool and therefore provides estimates only of the potential noise impact from roadways.

Inputs into the calculator include the roads' posted speed limits and an estimate of hourly cars, medium truck, and heavy trucks. The hourly traffic count estimates were based on the most recent year of Annual Average Daily Traffic data for the road segments at the intersection of County Road 10 and Shingle Creek Parkway from MNDOT's Traffic Mapping Application. The percentage of medium and heavy trucks was estimated using the US Department of Housing and Urban Development's default assumptions for vehicle type distributions for major roadways in urban areas. The tool calculated an estimated equivalent sound level (Leq) of 68 dB. Leq is the average sound pressure level over time but can be thought of as an average sound level over time. The flat-earth noise level estimating tool inputs and outputs are contained in Appendix G.

Conformance to state and local noise standards

State noise standards are contained in Minn. R. ch. 7030. The noise standards are based on the land use at the location of the person that hears the noise and the sound level in A-weighted decibels (dBA) over ten percent (L10) or fifty percent (L50) of an hour. Noise limits for residential locations are L10=56 dBA and L50=60 dBA during the daytime and L10=55 dBA and L50=50 dBA during the nighttime.

Additionally, Brooklyn Center City Ordinance contains general prohibitions on noise which would unreasonably annoy, injure, or endanger the safety, health, morals, conform or repose of any number of members of the public.

Under Minn. Stat. 116.07 subd. 2a(3), except for in the cities of Minneapolis and St. Paul, an existing or newly constructed segment of a road, street, or highway under the jurisdiction of a road authority of a town, statutory or home rule charter city, or county, except for roadways for which full control of access has been acquired is exempt from the state's noise standards. Although roadway noise may be exempt from state noise standards, the standards still provide a reasonable benchmark for the suitability of the noise environment for residential uses.

Based on the noise estimates using the flat-earth noise level estimating tool noise mitigation may be appropriate for the residential units in the facing County Road 10 and Shingle Creek Parkway. Mitigation can be achieved with exterior wall construction, windows, and doors that provide adequate attenuation. Based on the proposed wall construction and window type and the Federal Highway Administration's (FHWA) Guidance on Insulation of Buildings Against Highway Noise, adequate attenuation is achieved by the building and no further mitigation is recommended based on FHWA guidance. Appendix G contains this analysis. Based on the proposed site layout, potentially noise sensitive outdoor spaces are largely shielded from the roadway noise by site structures or topography.

Minnesota noise standards were established consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within residential areas. However, they do not identify the limiting levels of impulsive noise needed for the preservation of public health and welfare. Sources of impulsive noise such as industrial operations were not identified in the vicinity of the site.

Additionally, the proposed site is not expected to generate significant noise. Noise associated with construction of the project would be typical of the noise impacts from construction and there are no especially sensitive receptors nearby. Noise generated from the site after construction would be negligible compared to the noise from surrounding roadways. Additional traffic volume on County Road 10 and Shingle Creek Parkway due to the project is not expected to greatly increase roadway noise experienced at the site. Therefore, the proposed project is not expected to contribute to excessive noise or nonconformance with the noise standards on or off-site.

20. Transportation:

- a. Describe traffic-related aspects of project construction and operation. Include: 1) existing and proposed additional parking spaces, 2) estimated total average daily traffic generated, 3) estimated maximum peak hour traffic generated and time of occurrence, 4) indicate source of trip generation rates used in the estimates, and 5) availability of transit and/or other alternative transportation modes.**

The existing site consists of surface parking lots. All existing parking would be replaced at the project site. This portion of the Opportunity Site consists of Blocks 11, 12, and 13 as identified in the 2040 Plan Update. Plans for the Brooklyn Center Opportunity Site #1 include 75 surface parking stalls, 722 below grade parking stalls, 217 podium stalls, and 121 parallel stalls. This would allow for 140 stalls for the event center, childcare center, therapy suites, and barber suites, 47 flex street stalls, 441 stalls for market rate units, 286 stalls for mixed income, and 227 stalls for affordable units (1135 total stalls).

The site is anticipated to have multiple access points to the existing roadway network. A Traffic and Transportation Analysis was prepared by Bolton & Menk, Inc. for the EAW comparing to the Opportunity Site. The analysis includes trip generation estimates determined using historical traffic data and the Institute of Transportation Engineers (ITE), Trip Generation Manual 10th Edition. Using this method, the Traffic and Transportation Analysis report presented trip generation estimates for the Brooklyn Center Opportunity Site #1 of AM trip peaks totaling 231 entering and 332 exiting and PM peaking at 304 trips entering and 293 trips exiting), and total weekday trips totaling 2587 entering and 2587 exiting). No disruption to traffic operations is expected.

Shingle Creek Road and Bass Lake Road near the site are served by an existing suburban local bus route that connects to several other suburban local and urban local routes as well as express routes that provide ridership to downtown Minneapolis. The Brooklyn Center Transit Station is a transit hub located at Bass Lake Road and Northway Drive, approximately 1,000 feet to the west of the southwest corner of the site. The Transit Station provides local connection and opportunities to transfer between intersecting routes. The C-Line Bus Rapid Transit offers frequent bus service on dedicated bus lanes and the service runs between the Brooklyn Center Transit Station and downtown Minneapolis and offers connection to the Blue Line and Green Line of the Light Rail Transit system.

The Downtown Brooklyn Center Master Plan that includes the Opportunity Site highlights the goals for a transportation system that reduces the need to own a car by providing safe, affordable, and convenient alternatives; a mobility hub that offers convenient connections between BRT Lines, Park and Ride, cycling, and private vehicles; complete pedestrian and bicycle connectivity within the downtown area and beyond to connect to the rest of the City; and the use of emerging transportation technologies, such as an AV circulator, drop off zones, and micro mobility, that reduce the need to use a single occupancy vehicle for many trips within the downtown area.

b. Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional transportation system.

The Traffic and Transportation Analysis report also provided a traffic operations analysis. The analysis uses software models that models take the forecasted traffic volumes, roadway geometry, and the estimated trip generation volume to analyze future traffic operations. Traffic analysis results are described as Level of Service (LOS) ranging from A to F. LOS is a qualitative measure of the effect of traffic flow factors, such as speed and travel time, interruption, freedom to maneuver, driver comfort and convenience, and indirectly, safety and operating costs. LOS A through D is commonly considered an acceptable design year LOS. LOS F indicates an intersection where demand exceeds capacity and drivers experience substantial delay.

The model for year 2022 traffic that takes into account an increase in traffic as a result of the site's development indicates that all intersections operate within an acceptable LOS with the eastbound left and thru movement at the Earle Brown Drive and Summit Drive N intersection reaching a LOS F during the PM peak. The model for 2022 full Opportunity Site development and

the model for 2042 full Opportunity Site development indicate a number of individual movements reaching a LOS of F during the PM peak hour.

c. Identify measures that will be taken to minimize or mitigate project related transportation effects.

Signal retiming is recommended to optimize the roadway system around the site after development.

Roadway improvement options are recommended to mitigate the impacts associated with the full Opportunity Site development, but not for the traffic impacts from this site alone. Modeling using the mitigation improvements described below for the full Opportunity Site development in year 2022 and 2042 result in all intersections operating within acceptable LOS.

Mitigation:

- Construct a westbound channelized right turn lane at the Shingle Creek Parkway and Summit Drive N. Intersections. Construct an acceleration lane that continues into the existing northbound right turn lane to I94 eastbound ramp.
- Install a traffic control signal at the Summit Drive N and Earle Brown Drive Intersection, east of Shingle Creek Parkway.

21. Cumulative Potential Effects:

a. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.

The area of Brooklyn Center in which the site is located is undergoing active redevelopment and revitalization. Nearby to the south, the site for the former Brookdale Mall has been experiencing growth. The larger Opportunity Site, of which the proposed project is the first phase, is 81 acres of both public and private landownership that is a subject of a City of Brooklyn Center master plan. The objective of the plan is to redevelop underutilized properties and create a vibrant new downtown that would combine low, medium, and high-density housing, commercial and institutional spaces, as well as open space and new parks.

The exact timeline for development of the Opportunity Site has not been defined, but substantial progress is expected over the next three to five years. The City has engaged planners, engineers, community groups and the general public in a process to define the objectives and purposes of the redevelopment.

b. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.

As the vision of the Opportunity Site is realized, further development would combine with impacts of the current project as cumulative potential effects. While the current project is the first phase, it is anticipated as plans develop, further environmental review would either be accomplished through an Alternative Urban Area-wide Review process (Minn. Rules 4410.3610) or individual EAWs.

- c. **Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.**

Development of the Opportunity Site would increase demands for water supply and wastewater treatment. It is anticipated that City infrastructure would be sufficient to accommodate these increases in demand. The Site previously had more use by businesses and is connected to City infrastructure. However, the planned objectives would include higher density use than in the past. City planning and future environmental review through EAWs or an AUAR would have to consider the capacity of infrastructure to serve the new demands.

The redevelopment of the Opportunity Site and expected higher density use would incur environmental effects in the areas of air emissions, dust, noise, odor, and traffic.

The effects on air quality would be similar to those described above for this project because develop would be for commercial, institutional, and housing purposes. Minor emissions from heating and cooling equipment and potentially infrequent emissions from onsite generators. Emissions, dust, odor, and noise from construction activities should be temporary and can be mitigated to be of minor impact.

As the site grows and businesses and residents relocate to the area, traffic would increase. A traffic study has been developed for the larger Opportunity Site. Mitigation measures to accommodate increased traffic are described above in Section 18c.

22. Other Potential Environmental Effects:

If the project may cause any additional environmental effects not addressed by items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.

No other environmental effects or issues from the proposed project have been identified.

RGU CERTIFICATION. *(The Environmental Quality Board will only accept **SIGNED** Environmental Assessment Worksheets for public notice in the EQB Monitor.)*

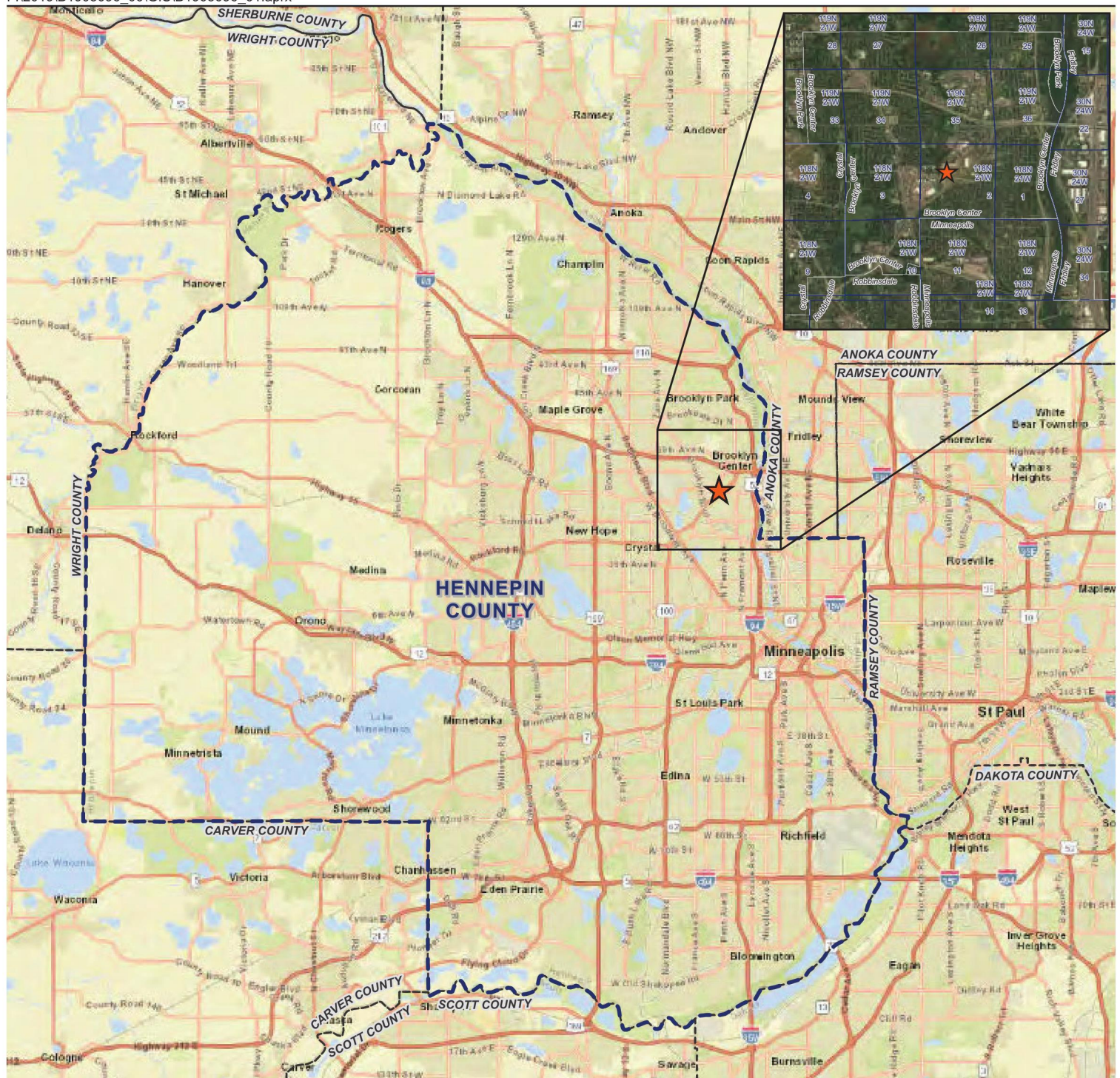
I hereby certify that:

- The information contained in this document is accurate and complete to the best of my knowledge.
- The EAW describes the complete project; there are no other projects, stages or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively.
- Copies of this EAW are being sent to the entire EQB distribution list.

Signature _____ Date _____

Title _____

Figures



Data Sources: Esri, USGS, OpenStreetMap



★ Project Site



0 2.5 5 Miles

Scale 1" = 5 mi

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Project No:
B1905096_01

Drawing No:
Fig1_CountyLoc

Drawn By: JPM
Date Drawn: 12/18/2020
Checked By: BR
Last Modified: 1/13/2022

Brooklyn Center Opportunity Site Phase #1

Shingle Creek Parkway & Bass Lake Road

Brooklyn Center, Hennepin County, Minnesota

**County
Location
Map**

Figure 1

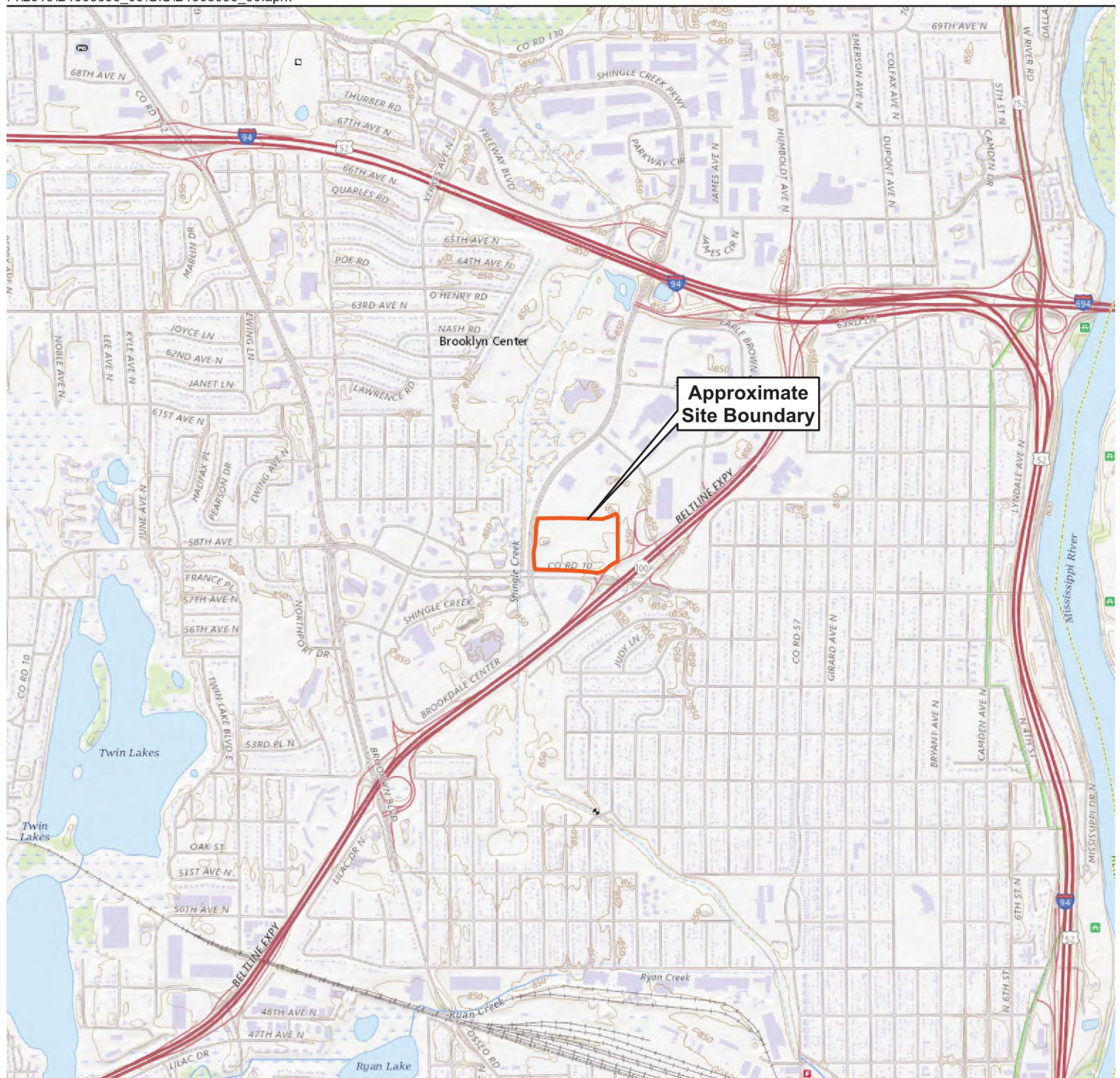
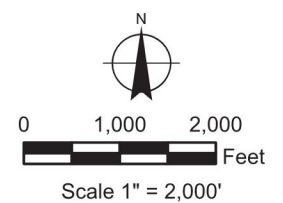


Image Source: USGS US Topo Map

Approximate Site Boundary



**BRAUN
INTERTEC**
The Science You Build On.

11001 Hampshire Avenue S
Minneapolis, MN 55438
952.995.2000
braunintertec.com

Project No:
B1905096_00

Drawing No:
Fig2_ProjectLoc

Drawn By: CMF
Date Drawn: 12/18/2020
Checked By: BR
Last Modified: 1/22/2021

Brooklyn Center Opportunity Site Phase #1

Shingle Creek Parkway & Bass Lake Road

Brooklyn Center, Hennepin County, Minnesota

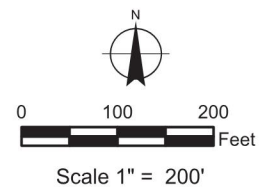
**USGS, Project
Location Map**

Figure 2



Data Sources: Hennepin County GIS, MNDOT

- Hennepin County Parcels within Site Boundary
- Hennepin County Parcels
- Approximate Site Boundary



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11001 Hampshire Avenue S
Minneapolis, MN 55438
952.995.2000
braunintertec.com

Project No:
B1905096_00

Drawing No:
Fig3_Existing

Drawn By: JPM
Date Drawn: 12/18/2020
Checked By: BR
Last Modified: 1/22/2021

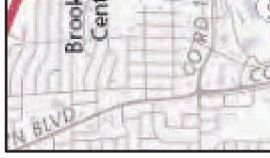
Brooklyn Center Opportunity Site Phase #1

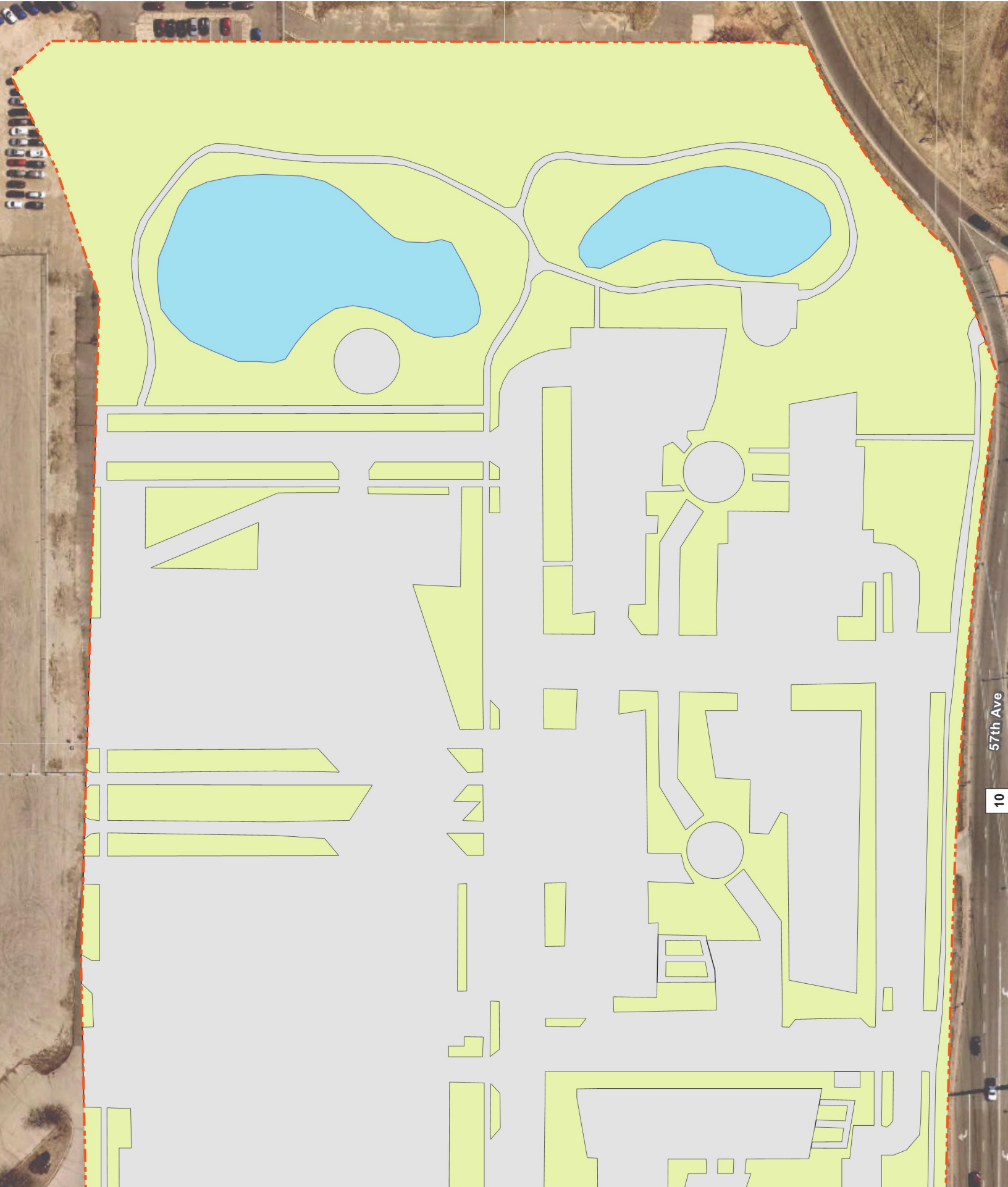
Shingle Creek Parkway & Bass Lake Road

Brooklyn Center, Hennepin County, Minnesota

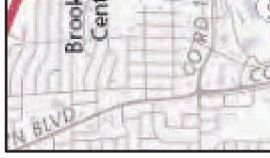
**Existing
Conditions**

Figure 3



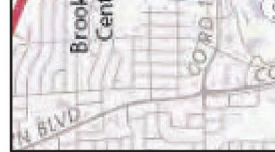


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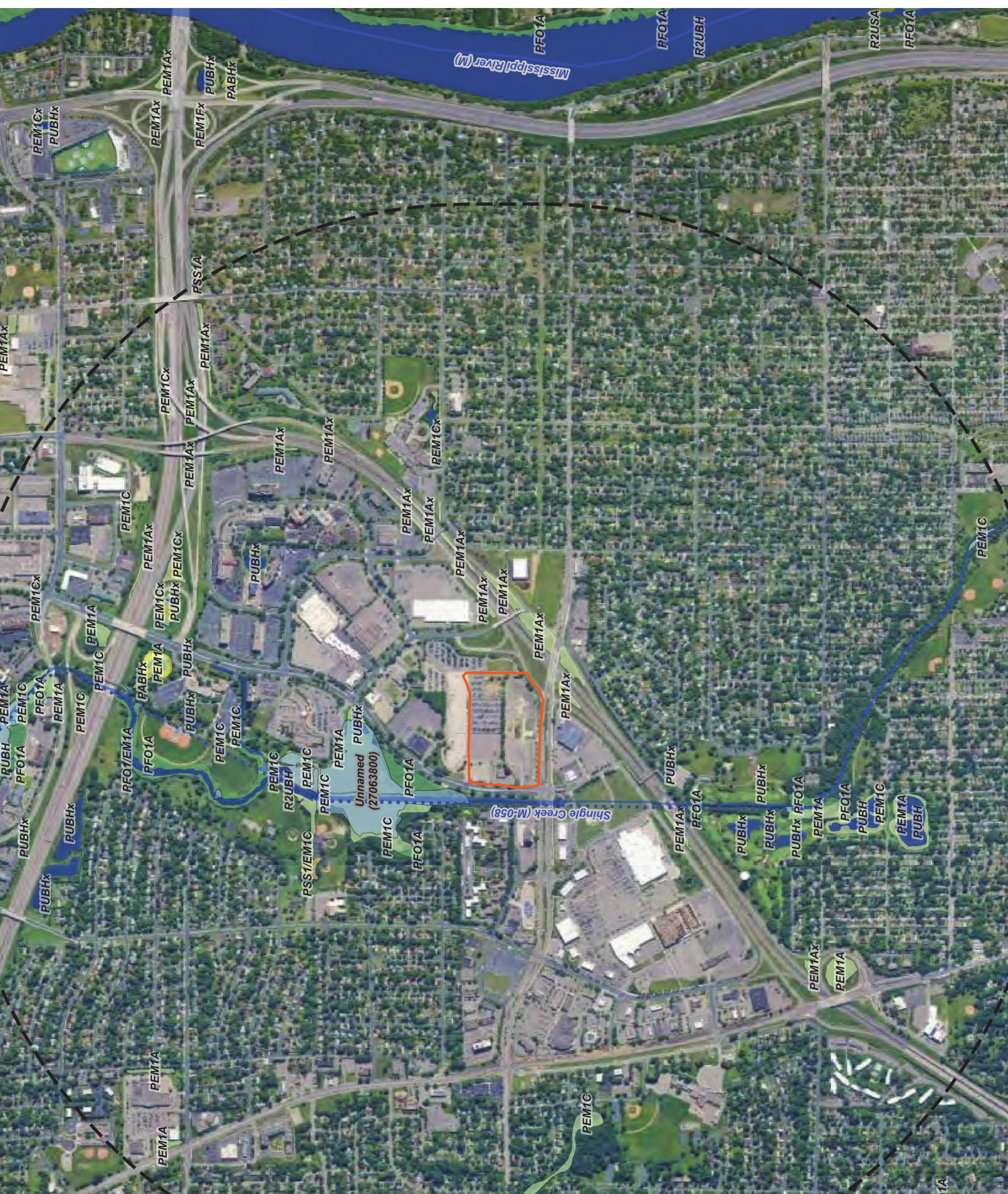
Qat, Terra



Ops, Prati
Shakopee
Opo, Prati
Oneota Do



- Public Ditch
- Watercourse
- Public Water
- NWI Cowardin Classification
- Aquatic Bedrock
- Emergent
- Emergent
- Forested
- Scrub-Shrub
- Unconsolidated (Water)
- Unconsolidated (Sandbars)
- East-Central



Commercial
Domestic
Monitor View
Other (spec)





Appendix A

Project Plans



City of Brooklyn Center
Community Development Director
Attn: Ms. Meg Beekman
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Delivered via Email – Monday, November 8th, 2021

Ms. Meg Beekman,

Alatus LLC (“Alatus”), Project for Pride in Living (“PPL”), and Resurrecting Faith World Ministries (“RFBM”) are pleased to present the following Concept Site Plan Review application for the proposed redevelopment of the parcels located at 2500 CO and 5900 Shingle Creek Parkway, Brooklyn Center, MN 55430. The proposed project, the “Pilot Site”, will encompass a significant area of the land on the tax parcels PID #0211821240019 and PID #0211821240019, both currently owned by the City of Brooklyn Center Economic Development Authority.

Project goals and public benefits envisioned for the Pilot Site are as follows:

- Spectrums of Housing & Affordability – Market-rate, mixed-income, and low-income rental opportunities will allow for diverse demographic and socioeconomic populations to live and occupy the same spaces. Development sponsor PPL will be creating phased development of family oriented low-income housing tax credit properties with rent and income thresholds from 30% AMI to 60% AMI and with 2, 3, and 4 BDR offerings. These types of units are tremendously undersupplied in the Twin Cities metropolitan area and will be very valuable to the Brooklyn Center community.
- Wholistic Community Enhancing Spaces and Places – Development sponsor RFBM is proposing a ~27,500 sqft Gathering and Event Space focused on a campus orientation development proposal that includes the aforementioned housing spectrum and other offerings to wholistically help communities grow and thrive. The Pilot Site will also include the development of a community-based Business Incubator as a focal point for the entire development staging. This Business Incubator will be programmed and owned by the City of Brooklyn Center and will help to advance equitable outcomes for entrepreneurs and business owners in and around the city of Brooklyn Center. The programming of this space will be informed by input sessions crafted by NEOO and the City of Brooklyn Center and the spatial programming will be further enhanced by Design by Melo and their robust engagement initiatives.

IDS Center
80 South 8th Street
Suite 4155
Minneapolis, MN 55402
Phone 612.455.0700
Fax 612.455.0740
www.alatusllc.com



- **Environmentally and Fiscally Sustainable** – the Pilot Site will be both fiscally and economically sustainable. Residential developments within the Pilot Site will achieve LEED Certifications and/or Well Built Certifications to ensure a high threshold of livability for all resident populations. The Pilot Site’s location next to a strong retail hub with two value oriented grocers and a Metro Transit Bus Rapid Transit Line C facility with direct access to Downtown Minneapolis should help to minimize car dependency and allow for cheaper multi-modal last-mile trips.
- **Future Equitable Development Opportunities** – the Pilot Site is an initial opportunity to craft a business plan and scope and ultimately physical programming that touches on many of the development processes that have often been lacking in diverse communities. Inevitably, there will be ideas that cannot be incorporated, missed opportunities, or process breakdowns. As the Pilot Site is just a small portion of the total amount of land owned by the City of Brooklyn Center Economic Development Authority, the engagement, entitlement, and development processes can be refined and modified moving forward for a more complete process with respect to the next phase of development on the larger Opportunity Site.

The nature of the proposed development is concentrated on creating a spectrum of opportunities for community members of all different backgrounds. The proposed housing mix will include the creation of a gateway 4 to 6-story market-rate multi-family rental housing development with shared plaza a public spaces with the Business Incubator, next to a mixed-income multi-family project with shared pedestrian and vehicular infrastructure, phased low-income housing tax credit properties as further defined below, the integration of the Gathering and Event Space and its campus concept, all woven together with permeable pedestrian infrastructure and traffic calming vehicular access points. At this time the Concept Site Plan estimates the following unit types and counts for housing options on the development site:

- **Area B + D, Building C:** Public Plaza, ~20,000 sqft Community Business Incubator, and Flex Street / Woonerf
- **Building F:** 4 to 6-story market-rate multi-family rental community with 289 units and 441 parking stalls (below grade, podium, and parallel surface); Building F will also host the shared fitness, remote working facility, training, and locker room facilities that will be accessible to all residents in the Pilot Site
- **Building E:** ~27,500 sqft Gathering & Event Space with mental health and therapy suites, private event spaces, 24/7 childcare, and barber shop spaces



- **Building G:** 2 to 6-story mixed-income* multi-family rental community with 205 units and 286 parking stalls (below grade, podium, and parallel surface)
 - * – Note – Mixed-income refers to 51% of the total units, or 103 units, being at or less than 80% AMI rental and income restricted; it should also be noted that a majority of these affordable units will be 2 and 3 BDR units
- **Building(s) H:** 4 phased low-income housing tax credit developments; 3 phases will consist of 4 to 5-story low-income housing tax credit multi-family rental communities with 60 units and ~55 parking stalls (below grade, and parallel surface)**; 4th phase will consist of a 4-story low-income housing tax credit multi-family rental community with 70 units and ~55 parking stalls (below grade, and parallel surface)***
 - ** – Note – these first three phases will consist of a majority of family unit sizes from 2 to 4 BDR offerings at 30% to 60% AMI rental and income restrictions
 - *** – Note – this final phase will consist of workforce housing with smaller unit types

It is very important to note that Area B + D, and Building C, as well as portions of Building E will continue to be investigated and shaped as the respective development sponsors continue engagement with the community of Brooklyn Center. Even at the time of this submission, the development sponsors have been considering other programming additions such as an autonomous EV bus-circulator to and from the Shingle Creek Crossing Retail Center, the inclusion of a commercially scaled community garden or greenhouse, community commercial kitchens for start-up food enterprises, and the ability to create commercial space ownership opportunities for community business proprietors.

There will be numerous engagement opportunities moving forward from this point on in formal and informal settings. The development sponsors will make every effort to make recordings available for viewing and comment or questions for those that cannot physically participate or would prefer to give feedback in a different medium. Materials will be shared at the following URL with re-direction to various other site planning materials and documents:

<https://clients.bolton-menk.com/brooklyncenter2019/opportunitysite/>

Other formal engagement dates will be as follows:

- Neighborhood Meeting – Preliminary Concept Site Plan – Wednesday, December 8th, 2021
- Open Comments & Questions Period – Environmental Assessment Worksheet – Mid-January to Mid-February
- Neighborhood Meeting – Final Concept Site Plan – Wednesday, February 9th, 2022
- Neighborhood Meeting – Final Concept Site Plan #2 – Wednesday, February 23rd, 2022

IDS Center
80 South 8th Street
Suite 4155
Minneapolis, MN 55402
Phone 612.455.0700
Fax 612.455.0740
www.alatusllc.com



These dates are subject to change and advance notice on times, dates, locations, and other opportunities for engagement will be communicated over the website and via various communication channels including social media platforms. The development sponsors will also be facilitating meetings with community organizations, including, but not limited to, ACER, Brooklyn Bridge Alliance for Youth, Empire Smile, Liberian Business Association, MN African Coalition, MN Africans United, Paadio, and MN Zej Zog.

The development sponsors of Alatus LLC, Project for Pride in Living, and Resurrecting Faith World Ministries are looking forward to partnering with the City of Brooklyn Center and other community stakeholders on this tremendous once in a generation redevelopment opportunity in one of the most diverse cities in the state of Minnesota.

Sincerely,

Chris Osmundson

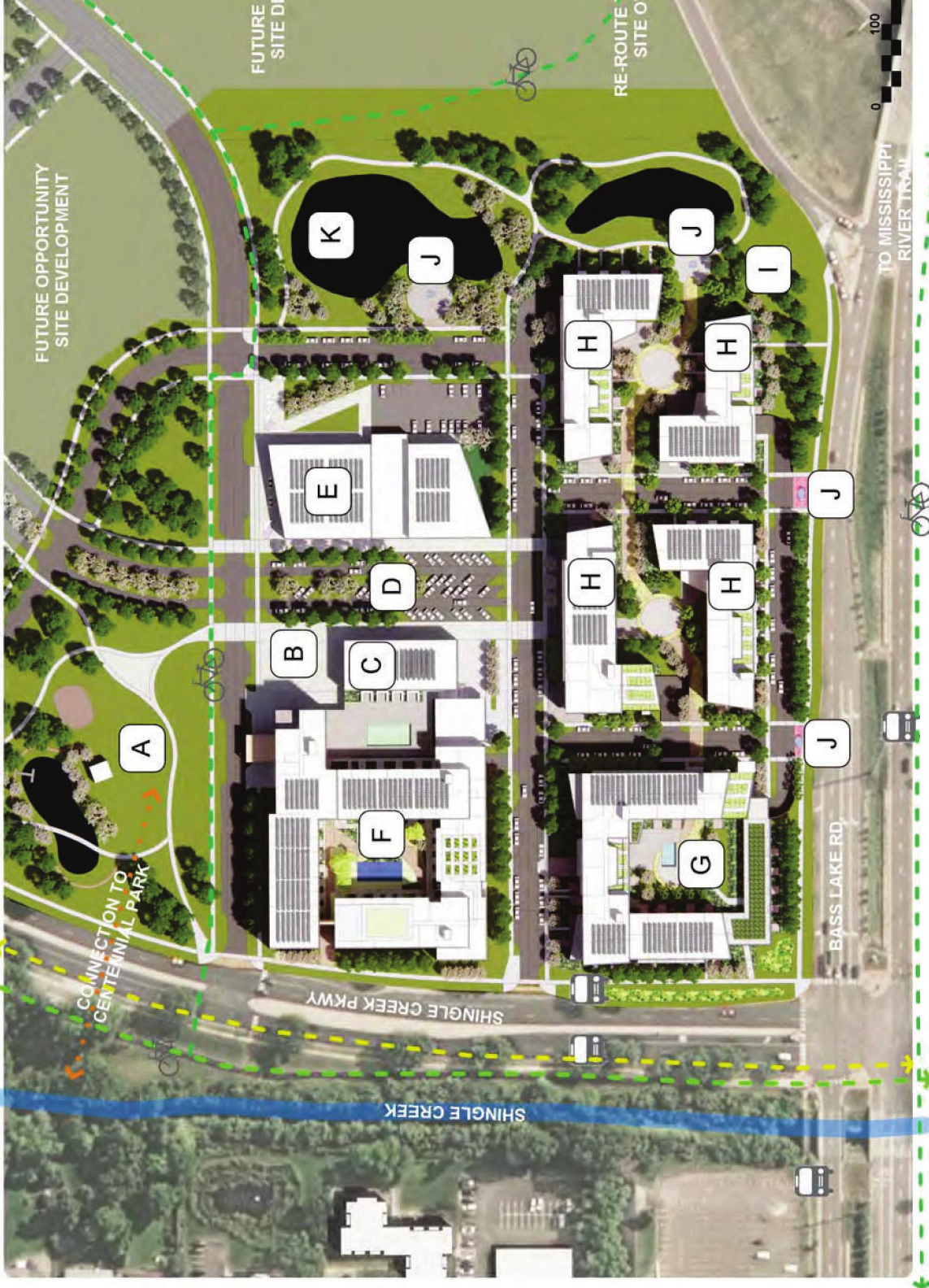
Director of Development

(O): 612.455.0712 | (C): 612.201.8487

email@alatusllc.com

IDS Center
80 South 8th Street
Suite 4155
Minneapolis, MN 55402
Phone 612.455.0700
Fax 612.455.0740
www.alatusllc.com

- A THREE RIVERS PARK
- B PUBLIC PLAZA
- C INCUBATOR
- D FLEX STREET
- E EVENT CENTER, CHILDCARE CENTER, THERAPY SUITES, & BARBER SUITES
- F MARKET RATE RESIDENTIAL
- G MIXED INCOME RESIDENTIAL
- H AFFORDABLE RESIDENTIAL
- I COMMUNITY GARDENS
- J PUBLIC ART OPPORTUNITY
- K [STORM WATER PARK]
- COMMUTER BIKE LANES
- SHINGLE CREEK TRAIL
- TWIN LAKES TRAIL
- METRO TRANSIT STOP

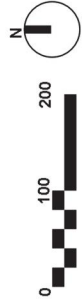


BUILDING NAME	STORIES	GROSS AREA (INCLUDES PARKING)	UNITS	AVG. UNIT
ENTER, CHILDCARE THERAPY SUITES, & SUITES	2	19,110		
MARKET RATE RESIDENTIAL	4 - 6	58,453	289	730
MIXED INCOME RESIDENTIAL	2 - 6	401,541	205	777
AFFORDABLE RESIDENTIAL		314,394		
COMMUNITY GARDENS	5	83,432	60	908
PUBLIC ART OPPORTUNITY	4	83,432	60	908
[STORM WATER PARK]	4	83,432	60	908
COMMUTER BIKE LANES	4	76,482	70	713
SHINGLE CREEK TRAIL		1,120,276	744	

	EVENT CENTER, CHILDCARE CENTER, THERAPY SUITES, & BARBER SUITES	FLEX STREET	MARKET RATE	MIXED INCOME	AFFORDABLE	OVERALL SITE
	36	39				
	75		280	187	180	
			134	83		
	29	8	27	16	41	
TOTAL	140	47	441	286	221	1135
PER UNIT			1.53	1.40	0.88	

 UNDERGROUND/PODIUM PARKING

 PARALLEL/SURFACE PARKING



PROJECT FOR
 PRIDE IN
 LIVING

DESIGN
 EHELO

CENTER
 AT THE CENTER



PILOT SITE WITHIN MASTER PLAN



PILOT SITE – COMMUNITY FEATURES



FUTURE OPPORTUNITY SITE
DEVELOPMENT

FUTURE OPPORTUNITY
DEVELOPMENT

VIEW LOOKING SOUTHWEST

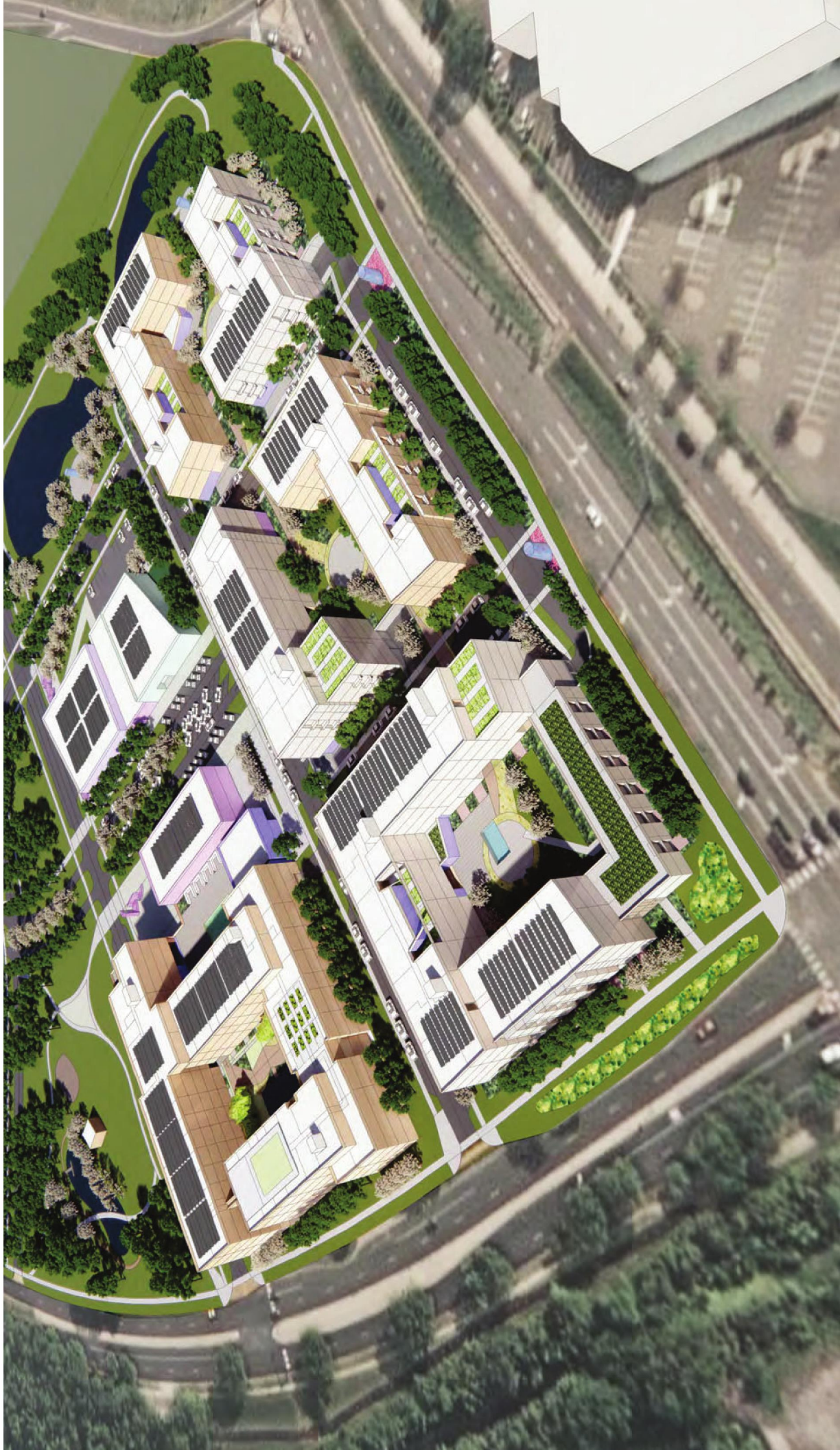


PROJECT FOR
PRIDE IN
LIVING



BROOKLYN CENTER, MN | 2344.03 | 11/8/2021







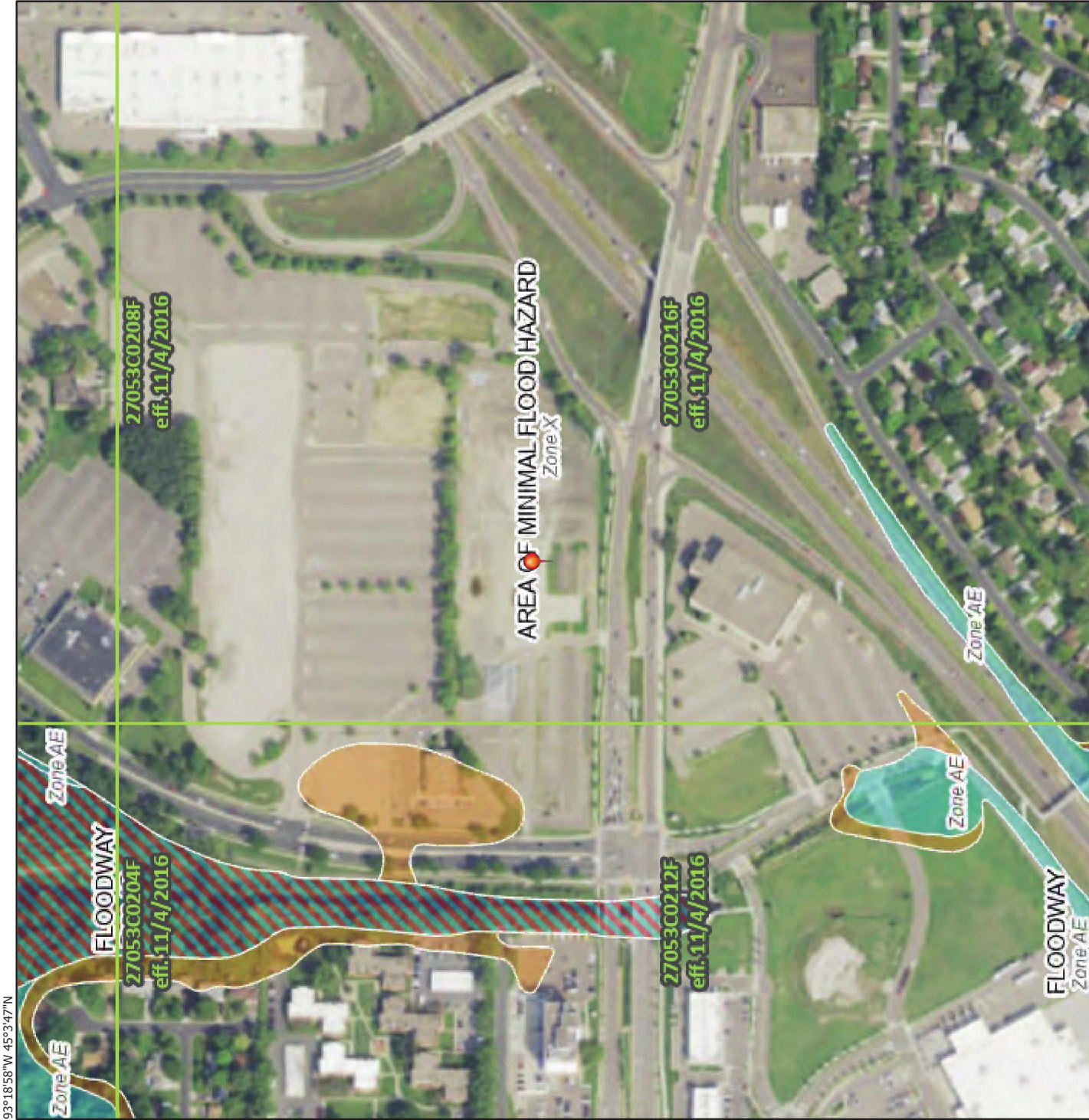
Appendix B

FEMA Map

National Flood Hazard Layer FIRMMette



93°18'58"W 45°34'7"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Without Base Flood Elevation (BFE)
Zone A, V, A99

With BFE or Depth Zone AE, AO, AH, VE, AR

Regulatory Floodway

SPECIAL FLOOD HAZARD AREAS

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X

Future Conditions 1% Annual Chance Flood Hazard Zone X

Area with Reduced Flood Risk due to Levee, See Notes, Zone X

Area with Flood Risk due to Levee Zone D

OTHER AREAS OF FLOOD HAZARD

NO SCREEN

Area of Minimal Flood Hazard Zone X

Effective LOMRs

Area of Undetermined Flood Hazard Zone D

OTHER AREAS

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

GENERAL STRUCTURES

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

OTHER FEATURES

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

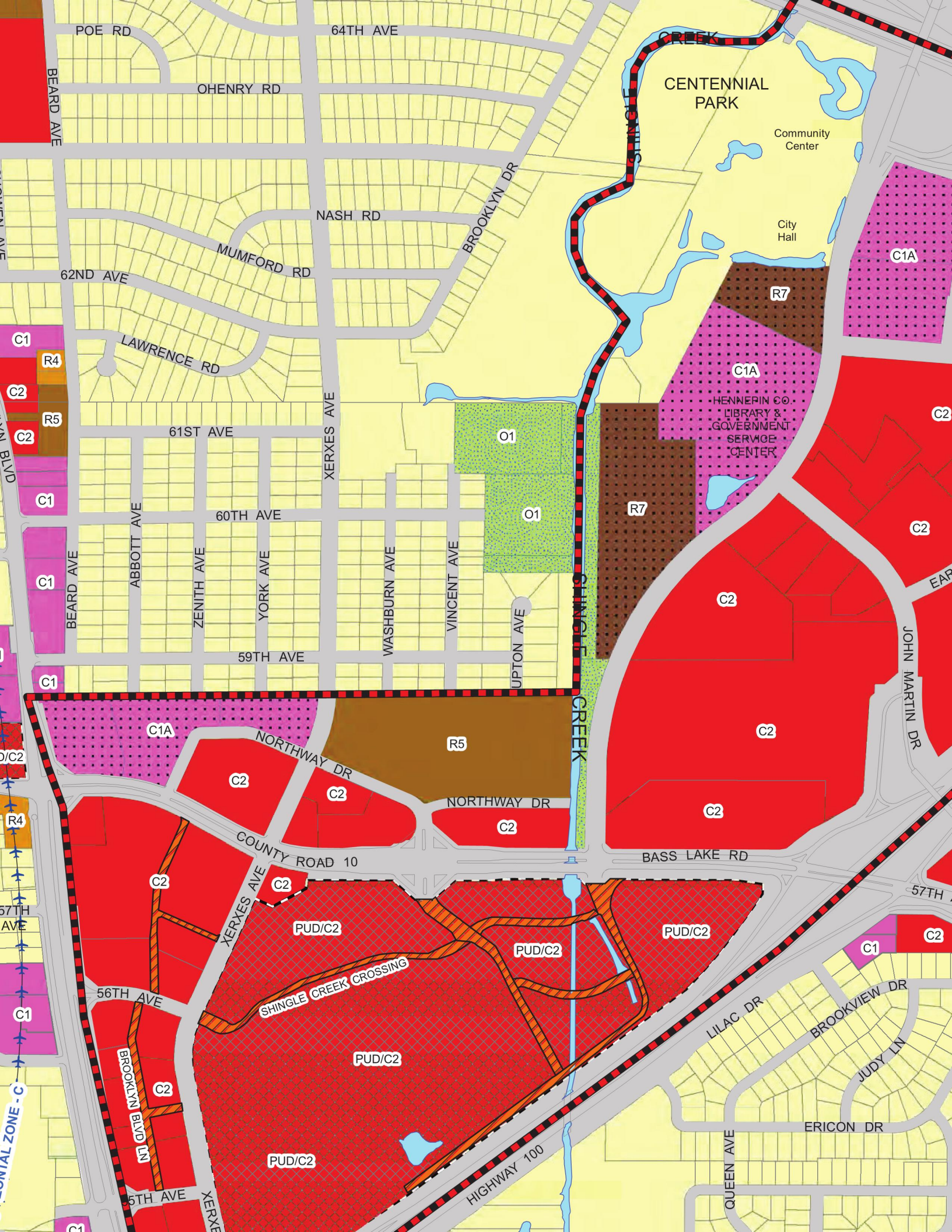
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/20/2022 at 9:26 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Appendix C

Zone Map



Appendix D

USFWS IPaC Trust Resources Report



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office

4101 American Blvd E

Bloomington, MN 55425-1665

Phone: (952) 252-0092 Fax: (952) 646-2873

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:

January 05, 2022

Consultation Code: 03E19000-2022-SLI-1194

Event Code: 03E19000-2022-E-04048

Project Name: Shingle Creek Opportunity Site Phase #1

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS IPaC website at regular intervals during project planning and implementation

for updates to species lists and information. An updated list may be requested through the ECOS IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Please refer to the Midwest Region [S7 Technical Assistance](#) website for step-by-step instructions for making species determinations and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) through the S7 Technical Assistance website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **No Effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.
3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

Northern Long-Eared Bats

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A stand of eastern red cedar shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
 - Any activity in or near the entrance to a cave or mine,
 - Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
 - Construction of one or more wind turbines, or
-

- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.

If any of the above activities are proposed, please use the northern long-eared bat determination key in IPaC. This tool streamlines consultation under the 2016 rangewide programmatic biological opinion for the 4(d) rule. The key helps to determine if prohibited take might occur and, if not, will generate an automated verification letter. No further review by us is necessary. Please visit the links below for additional information about "may affect" determinations for the northern long-eared bat.

[NLEB Section 7 consultation](#)

[Key to the NLEB 4\(d\) rule for federal actions that may affect](#)

[Instructions for the NLEB 4\(d\) assisted d-key](#)

[Maternity tree and hibernaculum locations by state](#)

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of recommendations that minimize potential impacts to migratory birds. Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

State Department of Natural Resources Coordination

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

Minnesota

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: Review.NHIS@state.mn.us

Wisconsin

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: DNRERReview@wi.gov

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
- Migratory Birds

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office

4101 American Blvd E

Bloomington, MN 55425-1665

(952) 252-0092

Project Summary

Consultation Code: 03E19000-2022-SLI-1194

Event Code: Some(03E19000-2022-E-04048)

Project Name: Shingle Creek Opportunity Site Phase #1

Project Type: DEVELOPMENT

Project Description: Residential/ Commercial Development

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.06034165,-93.31033622704001,14z>



Counties: Hennepin County, Minnesota

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate
Rusty Patched Bumble Bee <i>Bombus affinis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9383 General project design guidelines: https://ecos.fws.gov/ipac/project/7ENFHKWGARGCZDUCYDQUVH5EOE/documents/generated/5967.pdf	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

NAME	BREEDING SEASON
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Short-billed Dowitcher <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see

below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

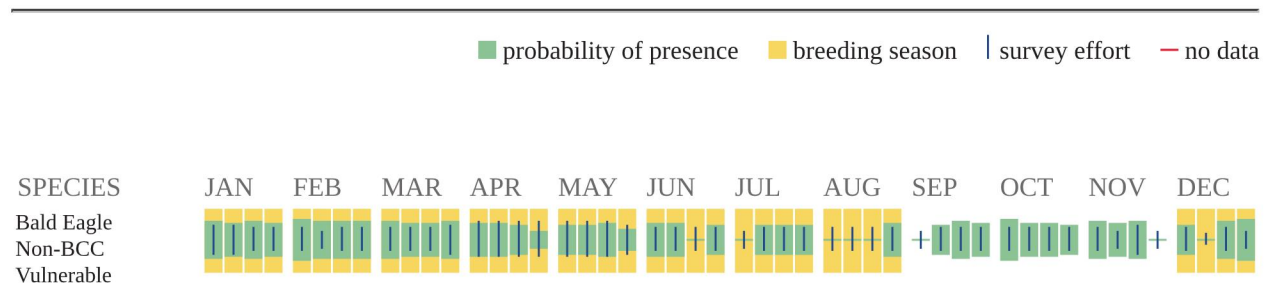
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in

the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of

certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Appendix E

Rusty Patched Bumblebee Habitat Evaluation



The Science You Build On.

Memo

Date: January 15, 2021

To: Alatus, LLC

From: Ben Ruhme

Subject: Shingle Creek Opportunity Site Phase 1- Rusty Patched Bumble Bee Habitat Evaluation

Project: B1905096.00

A desktop habitat evaluation was completed for the Rusty Patched Bumblebee (RPBB). The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consulting (IPaC) tool noted the possible presence of potential habitat for the RPBB at the site. USFWS also places in the site in a high potential zone for the RPBB. A desktop habitat assessment was completed to determine if suitable habitat for the RPBB is present at the site. The desktop habitat utilized historical aerial photographs (1937-2017), Phase I Environmental Site Assessment (ESA) site visit photographs and steps outlined in the USFWS Endangered Species Action Section 7(a)(2) guidance document for the RPBB (April 2019). The Xerces Society RPBB Assessment Form & Guide <https://www.fws.gov/midwest/endangered/insects/rpbb/pdf/HabitatAssessmentFormGuideByXercesForRPBB.pdf> (May 2017) was used to define the specific parameters to evaluate.

The project site was historically used as pasture and cultivated cropland (1937-1957 aerial photographs). Several buildings with surrounding automobile parking (former Brookdale Ford dealership) are apparent on the southern portion of the Site in the 1966-1978 aerial photos. The northern portion of the Site was vegetated, undeveloped land during this time. By the 1984 aerial photograph, the former Brookdale Mall and existing Ocean Buffet restaurant buildings occupied the western and northern portions of the Site. The Brookdale Ford dealership buildings are apparent until the 2010 aerial photograph, when only concrete foundations of the former buildings remain. The dealership buildings foundations and the Brookdale Mall are no longer apparent in the 2017 aerial photograph. The surrounding area also was historically cultivated crop land and farmsteads that was developed over time with residential neighborhoods and commercial properties (1953-2017 aerial photos). The Site currently consists of paved parking lots and the Ocean Buffet restaurant. Vegetation cover at the Site is very limited and confined to landscaped islands within the parking lots. Little to no flowering plants appear to currently exist on the Site but may be present within landscaping in the surrounding area.

The Site has been significantly disturbed from historic development including the former Brookdale Mall and Brookdale Ford dealership. Turf grasses along with weedy and introduced vegetation species

currently occupy the sparsely landscaped areas at the Site. These conditions create an environment with very low plant diversity and provide extremely poor foraging habitat for the RPBB. The Xerxes Society habitat evaluation considers the following factors with associated scoring criteria:

1. Regional and landscape factors (maximum 20 points)
2. Site features (maximum 35 points)
3. Foraging habitat (maximum 50 points)
4. Nesting and overwintering habitat (maximum 30 points)
5. A. Pesticide practices (maximum 40 points)
B. Management practices (maximum 40 points)

Using aerial photographs, site visit photos, and making assumptions about adjacent land use and pesticide use, the suitability of RPBB habitat was scored as the following:

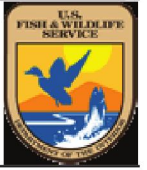
Parameter	Max Score	Assigned Score	Notes
1	20	3	<5% natural habitat within the surrounding 10 km square area, vegetation present consists of naturalized, and weedy/invasive species
2	35	1	Site is almost entirely paved with limited vegetation present.
3	50	7	< 10% forage cover, 1-4 spring ephemerals, 1-9 summer and no fall flowering species. Assume no RPBB superfood or immune system species.
4	30	2	Of limited vegetation present, minimal areas are undisturbed or not mowed.
5a	40	35	Assume no onsite insecticide/pesticide use.
5b	40	10	Assume no managed bees present on adjacent parcels.
Total	215	58	Overall score 58/215 = 27% of possible points

The habitat assessment score is 58 out of 215. The largest components of the score are based on the assumptions of no onsite insecticide use (Parameter 5A) and that no managed bees are present within the immediate vicinity of the Site (Parameter 5B). Onsite foraging habitat with flowering plants present throughout the active season is almost non-existent. Overwintering and nesting habitat is not present on the Site. For the onsite habitat parameters (2-4), the site score was 10 out of a possible 115, or 9% of the total, from which I conclude, the Site does not provide suitable habitat for the RPBB.

The USFWS *Conservation Management Guidelines for the Rusty Patched Bumble Bee* (February 27, 2018) should be consulted for the complete list of voluntary conservation measures that can be utilized during site development and for landscaping.

Attachments:

U.S. Fish and Wildlife Service. *Conservation Management Guidelines for the Rusty Patched Bumble Bee (Bombus affinis)*. Version 1.6. February 27, 2018.



Conservation Management Guidelines *for the* Rusty Patched Bumble Bee (*Bombus affinis*)

Version 1.6

February 27, 2018



Photograph by Tamara Smith, UFWWS

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Background

On January 11, 2017, the U.S. Fish and Wildlife Service (FWS) published the final rule to list the rusty patched bumble bee (*Bombus affinis*) as an endangered species under the Endangered Species Act (ESA) (U.S. Fish and Wildlife Service 2017). The listing became effective on March 21, 2017. For more information about the species, as well as guidance under the Endangered Species Act, visit our website www.fws.gov/midwest/endangered/insects/rpbb.

The purpose of this document is to provide voluntary management guidance to help FWS, other federal agencies, state agencies, private landowners and land managers manage their land to benefit the rusty patched bumble bee. Much of this guidance is focused on management of natural areas; however, many of the same principles can be applied to urban areas. For actions that may affect the rusty patched bumble bee and that are funded, authorized, or carried out by one or more federal agencies, we recommend that you also review the rusty patched bumble bee section 7 consultation guidance (see <https://www.fws.gov/midwest/endangered/insects/rpbb/ProjectProponent.html>). For non-federal actions that may result in take of the species, see, Incidental Take Permits - - Section 10(a)(1)(B) Guidance, at the same website.

This conservation guidance will also address the habitat needs of many pollinators, including all bumble bee species. Be sure to include milkweed in your floral resources and habitat for monarch butterflies will also be provided. This guidance document is subject to continual improvement and modification.

Species Needs and Targets

Needs

The rusty patched bumble bee needs three things: nesting habitat, floral resources to gather pollen and nectar, and overwintering habitat.

Nesting Habitat: Rusty patched bumble bee nests are typically in **abandoned rodent nests or other similar cavities, one to four feet below ground** (Plath 1922, pp. 190-191; Macfarlane et al. 1994, p. 4). Rusty patched bumble bee nests have also been occasionally observed above ground (Plath 1922, p. 190). Nests are thought to be typically within 1 km (0.6 mi) of summer foraging areas. Nests locations are likely be in open areas or near open areas where it is not heavily forested and not too wet (*i.e.*, not marsh, shrub wetlands, or wetland forest). Rusty patched bumble bee queens search for nesting sites after emerging in the spring and the nests are occupied by the colony throughout the active summer and fall flight period (**Figures 1 and 2**).

Overwintering sites: Bumble bees overwinter in small chambers in **loose soil and/or leaf litter just a few centimeters below the ground** or they use compost or rodent hills/mounds (Goulson 2010, p. 11). Little is known about the specific overwintering habitats of rusty patched bumble bee foundress queens

(the queens that develop in late summer and are the only members of the colony that survive winter). Overwintering habitat is often in or near **woodlands or woodland edges that contain spring blooming herbaceous plants, shrubs, and trees**, which allows proximity to woodland spring blooming flowers, particularly spring ephemeral wildflowers, a critical early spring food source. Solitary queens mate in the fall and overwinter roughly from mid-October through mid-March (**Figure 1**).

Floral Resources: Bumble bees gather pollen and nectar from the flowers of a wide variety of plants, typically within 1 km (0.6 mi) of nests (Xerces 2013, pp. 27-28, Knight et al. 2005, p. 1816; Wolf and Moritz 2008, p. 422; Dramstad 1996, pp. 163-182; Osborne et al. 1999, pp. 524-526; Rao and Strange 2012, pp. 909-911). The nectar provides carbohydrates and the pollen provides protein. The species is one of the first bumble bees to emerge early in the spring and the last to go into hibernation. To meet its nutritional needs, therefore, the rusty patched bumble bee requires access to a diverse group of plant species to ensure that there are flowers in bloom throughout the colony's long active flight period, roughly from mid-March through mid-October (**Figure 1**). The number of queens that a colony can produce is directly related to the amount of pollen that is available (Burns 2004, p. 150). The FWS, along with partners, developed a regionally specific plant list that is on our website at (www.fws.gov/midwest/Endangered/insects/rpbb/plants.html).

Spring Foraging Habitat: Rusty patched bumble bees may depend on woodland spring ephemeral flowers because of the species' early emergence; in the spring (roughly, mid-March through May) it is often found in and near woodland habitats (Colla and Dumesch 2010, p. 45-46).

Summer and Fall Foraging Habitat: Bumble bees typically forage within 1 km (0.6 mi) of nests. While the rusty patched bumble bee may visit any available flowers within the typical foraging distance of its nest, it is reasonable to assume that core foraging areas are those areas with concentrated resources (*e.g.*, open fields and prairies with large patches of blooming native flowers) where the bee can find pollen and nectar while minimizing energy expenditure.



Figure 1: Phenology chart for rusty patched bumble bee. New queens overwinter from roughly mid-October through mid-March, when they then emerge and start to feed and establish colonies. The active foraging and flight period runs from mid-March through mid-October.

Spring – Early Summer

Include early-blooming plants and maintain a diversity of flowers in your landscape.

To protect overwintering queens, avoid early raking or mowing; raking is best done in April and May.

Keep large patches of land unmowed and untilled to provide secure nesting sites; healthy ground-nesting mammal populations help create future nesting sites.

Because queens are still foraging and colonies are usually very small, avoid the use of pesticides.

Summer – Fall

Include mid- and late-blooming plants such as goldenrod, milkweed, and aster in your landscape.

Leave leaf litter, downed wood, and uncut bunch grasses to serve as potential overwintering sites.

As colonies are producing new queens at this time of year, avoid using pesticides. If pesticides are necessary, choose products that are less harmful to bumble bees, and do not use them at times when bees are active or when plants are flowering.

Winter

Late fall and winter are the best times for mowing. Cut with the mower deck at the highest safe level to avoid disturbing overwintering queens.

To protect overwintering queens, continue to leave large sections of untilled ground.

Small, controlled burns are okay, but burn less than 1/3 of available land annually, and leave unburned patches as a refuge for animals.

If needed, this is the best time to use a targeted herbicide treatment for invasive species.



Figure 2: Illustration of the rusty patched bumble bee life cycle by Alix Lucas, courtesy of the Xerces Society, with some general management recommendations for bumble bee conservation by season.

Management Objectives and Targets for High Quality Rusty Patched Bumble Bee Habitat

Ideally, managed areas would have all three habitat features necessary to maintain one or more colonies of rusty patched bumble bee: nesting habitat, floral resources, and overwintering habitat. We recognize, however, that not every management area will contain all the features necessary for one or more colonies (*e.g.*, small areas of land may only contain one key feature, such as overwintering habitat) and that areas are managed for a variety of purposes. We encourage land managers to consider how the areas under their management can contribute to habitat at the larger landscape level context in order to contribute to the conservation of one or more colonies of rusty patched bumble bee. For example, it is important to provide habitat heterogeneity at the county scale to help buffer from extreme events and climate variability at a broad scale.

Ideally, to sustain a colony or multiple colonies, an area would contain features and habitat characteristics necessary for foraging, nesting and overwintering that are identified in the following management objectives and targets.

1. Objective One – Create, enhance, or maintain foraging habitat

Objective One Targets

Create or maintain foraging habitat in your management area that meet the following targets:

- At least an estimated 50% of vegetative cover in the management area (*i.e.*, the area that is being considered for management) is comprised of foraging habitat (plants that provide food);
- Ten or more flowering plant (herbaceous, shrubs, or trees) species blooming during the spring, not including invasive or noxious weeds;
- Ten or more flowering plant (herbaceous, shrubs, or trees) species blooming during the summer, not including invasive or noxious weeds;
- Ten or more flowering plant (herbaceous, shrubs, or trees) species blooming during the fall, not including invasive or noxious weeds;
- Nine or more superfoods¹ present such as wild bergamot (*Monarda fistulosa*), prairie clover (*Dalea* spp.), hyssop (*Agastache* spp.), goldenrod (*Solidago* spp.), asters (*Symphyotrichum* spp.), leadplant (*Amorpha canescens*), joe pye weed (*Eutrochium* spp.), and coneflowers (*Echinacea* spp., *Ratibida pinnata*); and,
- Nine or more immune building² plant species present such as wild bergamot, sunflowers

¹ Superfood plants produce nectar that is rich in amino acids, a secondary source of protein for adult and larval bumble bees.

² Immune building plants are known to help build bumble bee immune systems.

(*Helianthus* spp.), white turtlehead (*Chelone glabra*), and native wild blueberries and cranberries (*Vaccinium* spp.).

- To buffer against extreme climate events, include frost and drought hardy plants that bloom throughout the active season, especially in the spring and fall.

2. Objective Two – Create, enhance, or maintain nesting habitat

Objective Two Targets - Create or maintain nesting habitat in your management area that meets the following targets:

- At least an estimated 20% of the area with undisturbed (that are not dug up/tilled) native bunch grasses;
- At least an estimated 20% of the area with uncompacted, loose soil (one key indicator of loose soil is evidence of rodent activity and rodent holes);
- At least an estimated 20% of the area that is left un-mowed (or mowed at a height of greater than 12 inches in the fall or winter), no/low intensity grazing³, and infrequent⁴ burns (see prescribed fire and grazing sections below); and,
- Fallen leaves are not raked or otherwise removed.

3. Objective Three – Create, enhance, or maintain overwintering habitat

Objective Three Targets - Create or maintain overwintering habitat within your management area that meet the following targets:

- Wooded areas that contain highly diverse (10+) spring-time native flowering herbaceous plants, shrubs, and/or spring flowering trees;
- Wooded areas with less than 30% cover comprised of invasive or noxious weeds and woody plants (e.g., buckthorn); and,
- Areas with brush pile, duff layers, and fallen leaves that are not raked or otherwise removed.
- Plant hedgerows to help buffer against extreme events.

4. Objective Four – Create, enhance, or maintain target habitat features

Objective Four Targets – Create or maintain the following features within your management area:

- Permanent meadows or grasslands with a high diversity (10+ species) of native wildflowers;
- Maintain areas of open understory in woodlands to encourage the growth of native spring flowers;

³ No or low intensity grazing depends on the type of animal, the size of the herd, and the size of the grazed site. Grazing is further described in the “Grazing” section, below.

⁴ Fires are considered infrequent if *at least* 3 years is allowed to elapse without fire. Prescribed fire is further discussed in the “Prescribed Fire” section, below.

- If land is used for pasture or haying, the land is comprised of at least 30% non-invasive, forage plants;
- At least 60 % of the area under consideration that is within 25 ft (7.6 m) of surface water features has flowering forbs; and,
- Low density 0.5 hive/ac (0.5 hive/0.4 ha), or no domesticated honey bee hives present.

Actions that Could Cause Take

Land management activities can cause take of rusty patched bumble bees. The Section 7 guidance and Section 10(a)(1)(B) Guidance provide (both available online at <https://www.fws.gov/midwest/Endangered/insects/rpbb/ProjectProponent.html>) brief descriptions of some, but not all, of the types of actions that we believe may lead to take. If the following management suggestions are taken, such take may be minimized but not necessarily eliminated.

Threats to the rusty patched bumble bee are discussed in more detail in the species status assessment and the listing documents (USFWS 2016, 2017), which can be found at www.fws.gov/midwest/endangered/insects/rpbb). Briefly, stressors that should be considered when evaluating the effects of managing land on the rusty patched bumble bee include prescribed fire, haying, grazing, herbicide use, land-clearing, pesticide use; and the use of non-native bees. In addition to direct take resulting from these activities, habitat fragmentation and loss of the diversity of habitat that may result from land management should also be considered and evaluated.

Conservation Management Recommendations

Protect, Create, Restore, and Maintain Habitats

Access to diverse and abundant floral resources is essential for the rusty patched bumble bee during its active season, which is typically long compared to most other bumble bee species. The species is active and reliant on flowers during the entire growing season (mid-March through mid-October). Therefore, any action that will increase the diversity of wildflower resources throughout the growing season will tend to contribute positively to rusty patched bumble bee colony health.

Following these recommendations will provide for most other bumble bees, solitary bees and many butterflies. Including milkweed in floral resources will provide for monarch butterflies.

In general, FWS recommends activities that would strive to meet the rusty patched bumble bee conservation objectives and targets ([identified in the previous section: Management Objectives and Targets for High Quality Rusty Patched Bumble Bee Habitat](#)) and:

- Increase the diversity of native wildflowers by direct seeding to establish a new cover type – for example, conversion of cropland, intensively managed pasture or range, or intensively managed hayland to native floral and grassland habitat;

- Implement or alter grazing practices, prescribed fire, or other land management to increase the diversity of native wildflowers and that maintain or facilitate the development of nesting and overwintering habitat;
- Remove and control invasive plants (e.g., garlic mustard, *Allaria petiolata*) in woodlands, forest edges, prairies, and meadows – in any habitats used for foraging, nesting, or overwintering;
- Increase the diversity of native wildflowers in grasslands and pastures by inter-seeding or similar practices; and,
- Establish native trees and shrubs [e.g., willows, serviceberry (*Amelanchier*)], whose flowers are often good early season pollen and nectar sources.

We recommend assessing habitat within your management unit(s) using the rusty patched bumble bee habitat assessment, available online

(www.fws.gov/midwest/endangered/insects/rpbb/pdf/HabitatAssessmentFormGuideByXercesForRPBB.pdf). Ideally, habitat would be assessed prior to management to quantify the baseline quality of the habitat for rusty patched bumble bee and to evaluate any stressors that might be affecting the bee or its habitat. Post management assessments will help to quantify habitat improvements and assess future needs.

Prescribed Fire

Prescribed fire is an excellent tool to maintain, restore, and enhance rusty patched bumble bee habitat, but must be implemented with considerable care and planning. Prescribe fire has the potential for complex effects on the plant communities that are critical to the persistence of local colonies and fire and smoke could harm or kill bees in the burned area. In addition, fire may not be needed to conserve a rusty patched bumble bee colony(ies) unless certain aspects of the plant community (e.g., low density of nectar or pollen plants) are currently limiting colony growth. **When using prescribed fire, we recommend the following measures:**

General recommendations:

- Consider the landscape in which the actions will occur, specifically, the area within 1km (0.6 mi) from your area of interest, to determine if there are nearby floral resources available.
- Consider the timing of the burns and the habitat within the burns will occur, in particular, consider when floral resources will return and be available for foraging.
- **Only burn a specific area once every 3 to 6 years.** Use the maximum length fire return interval that is adequate to maintain or restore meadows and/or high-quality native prairie habitat on each unit. Allow *at least* 3 years to elapse without fire (*i.e.*, minimum 4- year rotations) before re-burning any area. Burning more frequently may be required for establishing new habitat (e.g., burning for 2-3 years in a row).
- **Burn only small sections at a time.** If feasible to achieve your management objectives, allow fires to burn in a patchy ("finger") pattern within units. Do not make a concerted effort to burn

‘every square inch’; leave fire “skips” unburned. Burning under cool or damp conditions may increase survival of insects present in the litter layer within the burned unit (*e.g.*, Panzer 2002).

- **Map the extent of each fire** in rusty patched bumble bee habitat to ensure that future fire planning is based on an accurate understanding of prior fire history.
- **Mow fire breaks that will result in patches of unburned areas**, if possible, to serve as refuge for animals within burn areas. Consider the use of proactive techniques to increase the patchiness of fires, especially if habitats that would serve as sources of recolonizing adults are small or within the foraging distance of the burn unit.
- **Conduct pre-burn bumble bee surveys** and evaluate other applicable information to understand the distribution and relative abundance of rusty patched bumble bees within and among burn units and elsewhere within the area inhabited by the local colony(ies). See the rusty patched bumble bee survey protocols provided on our rusty patched bumble bee ESA guidance website (<https://www.fws.gov/midwest/Endangered/insects/rpbb/surveys.html>) for proper survey conditions, time of year, etc.
- **Avoid high intensity fires.** High fuel levels increase the likelihood that fires may destroy nesting habitat for rusty patched bumble bees. Therefore, consider reducing fuel levels (*e.g.*, by haying the previous late fall) before conducting burns where fuel levels seem to be high – if that would not interfere with the burn objectives.
- If you plan to change the configuration of burn units or make other changes to your prescribed fire plan, **review the location and timing of recent burns.** Evaluate the potential effects of those recent burns on the current abundance and distribution of rusty patched bumble bees within the management area and elsewhere within the presumed extent of the local population (*e.g.*, one or more colonies may be found within the High Potential Zone, see maps on <https://www.fws.gov/midwest/endangered/insects/rpbb/rpbbmap.html>).
- Plan for the contingency that a prescribed fire will escape a burn unit and burn one or more additional units that contain rusty patched bumble bee habitat. If this is reasonably likely, determine how the rusty patched bumble bee colony or group of colonies would persist despite such a scenario.

If burning in foraging habitat (see [habitat definitions identified in the Species Needs and Targets section, above on pp. 3 -4](#)):

- **Only burn from mid-October through mid- March**, if possible, so that floral resources are not reduced when the species is feeding. If feasible to achieve your management objectives, conduct spring burns as early as is feasible or late fall burns. Late spring burns may reduce the nectar and pollen sources for newly emerged queens that are gathering food to establish their colonies.
- **If you cannot burn outside of the active season, burn no more than one-third of the suitable foraging habitat within your management area each year.** Consider the landscape context of the burns and include in your assessment the land within 1km (0.6 mi) of your area.
 - If possible, burn small sections at a time. Divide the rusty patched bumble bee habitat,

where prescribed fire is proposed, into as many burn units as is feasible and burn no more than one unit in any single year. Units should contain approximately equal amounts of rusty patched bumble bee habitat to ensure that the colony that is utilizing the site is not disproportionately affected by any single burn.

- In cases where there are nearby local colonies of rusty patched bumble bee that will provide immigrants from outside of the management area it may also be feasible to conserve a rusty patched bumble bee colony with less than three burn units, but that would require close coordination with neighboring landowners (see [Coordinated Management, below](#)).

If burning in overwintering habitat or early spring foraging habitat (see [habitat definitions identified in the Species Needs and Targets section, above on pp. 3 -4](#)):

- **If burning during the overwintering period (mid-October through mid-March) or in spring, burn no more than one-third of the suitable habitat within your management area each year.** Units should contain approximately equal amounts of rusty patched bumble bee habitat to ensure that the colony that is utilizing the site is not disproportionately affected by any single burn. **Consider the landscape context of the burns and include in your assessment the land within 1km (0.6 mi) of your area.**
- If you need to burn in late spring to address a particular management need (e.g., control of smooth brome, *Bromus inermis*), other precautionary measures will be especially important. These include the division of occupied rusty patched bumble bee habitat into as many burn units as is practicable; ensuring that fires do not escape from burn units; maximizing the number of years between fires; and, reducing fuel loads (e.g., by grazing) in rusty patched bumble bee habitat in units where frequent or intense fire is not necessary.
- If it is not practicable to divide rusty patched bumble bee habitat into separate burn units within a management area, then we recommend carefully implemented grazing or haying, if feasible, instead. Alternatively, consider the landscape context to determine if at least two-thirds of suitable habitat remains unburned within 1 km (0.6mi) of your management area.

Mowing/Haying

Mowing and haying can be a useful management tool to control invasive plants and maintain open meadows and prairies. Meadows and gardens with a variety of structural layers of habitat and bunch grasses have been shown to have a higher diversity of bumble bees than areas without such features (e.g., Mader et al. 2011). However sites under certain mowing regimes (e.g., May and/or July mowing) were found to have significantly fewer nests than non-mowed areas (i.e., Potts 2009), likely due to a loss in floral resources. **When mowing or haying, we recommend the following measures:**

- **Mow outside of the active season** (i.e., mid-October through mid-March), if possible, in areas that provide summer foraging habitat. If mowing must occur during the active flight season

(mid-March through mid- October), attempt to create a mosaic of structurally different habitat patches or ensure that the extent of the area mowed is not likely to affect more than one-third of the foraging habitat that is available on site or within the larger landscape [within 1 km (0.6mi)] of the site boundary.

- **Mow at the highest cutting height possible**, ideally 12-16 inches (30 - 40 cm), or a minimum of 8-10 inches (20 - 25cm) if possible. Mowing at this height will reduce disturbance of established nests or overwintering queens.
- **Mow no more than 1/2 of the open, non-forested foraging habitat within your management area per year**, if possible. Leave patches of unmowed habitat for the entire year. Consider the habitat availability in the larger landscape context [within 1 km (0.6mi) of your area].
- In cases where there are nearby local colony(ies) of rusty patched bumble bee that will provide immigrants from outside of the management area it may also be feasible to conserve a rusty patched bumble bee colony (ies) with less than three mow units, but that would require close coordination with neighboring landowners ([see Coordinated Management, below](#)).
- **Mow at reduced speeds (< 8mph)**, if possible, to allow time for bees to avoid mowing equipment.
- **Map the extent of mowed areas** in rusty patched bumble bee habitat to ensure that future mowing planning is based on an accurate understanding of prior mowing history.

Grazing

Grazing can be a useful management tool to encourage the growth of nectar resources, provide structural diversity for nesting habitat, control invasive species and maintain open meadows and prairies by managing succession. When grazing land, we recommend the following measures:

- **Design and conduct prescribed grazing practices that encourage wildflower diversity and abundance**, such as low intensity grazing and/or short duration grazing with long recovery periods.
- Do not exceed moderate stocking rates (*e.g.*, such that the forage harvested by grazing animals does not exceed one-third of the current available forage).
- Divide the rusty patched bumble bee habitat where grazing is proposed into as many grazing units as is feasible and graze no more than one unit in any single year. Allow the vegetation to recover by rotating grazing areas and establishing ex-closures. Units should contain approximately equal amounts of rusty patched bumble bee habitat to ensure that the colony(ies) is not disproportionately affected by any single graze unit. If it is not practicable to divide rusty patched bumble bee habitat into separate grazing units within a management area, then we recommend carefully implemented prescribed fire or haying, if feasible, instead.
- In cases where there are nearby local colonies [within the estimated dispersal distance of 10km (6mi)] of rusty patched bumble bee that will provide immigrants from outside of the management area it may also be feasible to conserve rusty patched bumble bee with less grazing units, but that would require close coordination with neighboring landowners to ensure

that dispersal of adults is likely to be sufficient to reinforce numbers in the grazed area ([see Coordinated Management, below](#)).

- The timing and frequency of grazing rotations will depend on the type and size of herd and the size of the area to be grazed. In general, grazing should occur for a short period of time and the site should be allowed an extended period for recovery (*e.g.*, 14 days of grazing with 80-90 days of rest).
- We recommend that land managers **complete grazing strategy** according to the site characteristics and the type of grazing animals. We recommend that the grazing plan includes prescribed grazing practices that encourage wildflower diversity and abundance to help reach the rusty patched bumble bee [Management Objectives and Targets](#) described above.
- Limit grazing in high quality habitat during the active season (mid-March through mid - October) to ensure that it continues to meet the [Management Objectives and Targets](#) described above.
- **Map the extent of grazing** in rusty patched bumble bee habitat to ensure that future planning is based on an accurate understanding of prior grazing history.

Pesticide Use

Targeted herbicide and insecticide use can be a useful management tool to control pests and invasive plants. Nevertheless, rusty patched bumble bees are unlikely to thrive if they are exposed to insecticides that are used broadly and systemically (*e.g.*, seed coatings) or are foliar sprayed. When pesticides must be used, we recommend the following measures:

Insecticide Use

Whenever applicable, in order to prevent insecticide exposure to pollinators, the safest action is to avoid use of insecticides in rusty-patched bumble bee habitat or in areas near habitat. There are a number of resources available to help with decisions on how to reduce pesticide use, how to reduce the potential for drift of pesticide to habitat, and how to keep yards and lawns pollinator friendly. The following is a list (not comprehensive) of resources that are available:

Insecticides Used in Agricultural Production Areas:

- Use the principles of Integrated Pest Management (IPM) which includes the use of multiple practices to control pests or invasive plant species, which lower pesticide use, including insecticides.
 - Use the services of certified crop advisors such as Natural Resources Conservation Service (NRCS) or your local extension office to help implement an IPM program.
 - NRCS has various programs that offer financial incentives for certain IPM practices, please contact a local NRCS representative for a list of these opportunities.
 - FWS guidelines on protecting pollinators from insecticides:

<https://www.fws.gov/pollinators/PollinatorPages/Threats.html>

- o Please see specific IPM guidance:
 - NRCS IPM Guidance:
https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/energy/conservation/?cid=nrcs143_023640.
 - FWS IPM Guidance:
https://www.fws.gov/pollinators/pdfs/Reducing_Risks_to_Pollinators_from_Pest_Control_factsheet.pdf
 - Environmental Protection Agency (EPA) Reducing Pesticide Drift:
<https://www.epa.gov/reducing-pesticide-drift>.
- o Read the label on the insecticide container and look for information on use and potential effects on bees and other pollinators. Product labels are legally binding and must be followed exactly, including specific pollinator protection language.

Pesticides used in Lawns and Gardens - Backyard Habitat

- EPA Tips for Reducing Pesticide Impacts on Wildlife:
<https://www.epa.gov/safepestcontrol/tips-reducing-pesticide-impacts-wildlife>
- FWS guidelines on protecting pollinators from pesticides:
<https://www.fws.gov/pollinators/PollinatorPages/Threats.html>
- NRCS Tips for Backyard Conservation:
https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/home/?cid=nrcs143_023552
- Minnesota Pollution Control: Reducing Pesticides in Lawns: Landowners with Yards/Gardens:
<https://www.pca.state.mn.us/sites/default/files/w-hhw2-21.pdf>

Herbicide Use

- Contact your local extension agents and NRCS to learn about IPM methods and other actions on using herbicides that may limit effects to rusty-patched bumble bee habitat. Some of those suggestions could be:
 - o Apply herbicides as locally and directly as possible (cut-stem application, hand applications, spraying directly on the target plant).
 - o If feasible to ensure effective control of target plant species, apply herbicides pesticides when at times when bumble bees are less active (late at night, or late fall and winter). Bumble bees can fly at relatively cold temperatures and are active in early spring (e.g., mid- March) and in the morning and evening hours.

Tree Clearing/Forest Management

Tree clearing/forest management may lead to increases in foraging habitat or may provide better nesting habitat. Soil disturbance that occurs during timber operations, however, can be harmful to overwintering bumble bees. High quality forested habitats comprised of a diverse array of native plant

species provide important foraging habitat for the rusty patched bumble bee in the spring, provide are the primary overwintering habitat for the species, and also provide nesting habitat along their edges. Forest management during the species' active season (mid-March through mid-October) may be less likely to impact the species directly if conducted after spring ephemerals are no longer flowering and floral resources have drawn the bees out into open foraging and nesting areas. When rusty patched bumble bee overwintering is suspected (see definitions of overwintering habitat above) to be within the management/project area:

- **Implement your state's best management practices (BMPs), especially those that serve to minimize the spread of invasive species and to avoid or minimize soil compaction.** Visit (<https://stateforesters.org/action-issues-and-policy/state-forestry-BMPs-map-o-o>) for up to date information about BMP recommendations by state.
- **Avoid or minimize forest management that may destroy spring blooming flowers during their bloom periods.**
- **Consider thinning or single tree selection and dense invasive shrub removal** that may improve overwintering and spring foraging habitat.

Commercial Bumble Bees

Currently only one species of bumble bees is being used for commercial operations – the common eastern bumble bee (*B. impatiens*). Commercial bumble bees are used in contained commercial facilities (e.g., tomato greenhouses) or may be used in open environments (e.g., for open-field pollination services). Commercially raised common eastern bumble bees may spread pathogens into wild bee populations and compete with wild bees for resources. **When using commercial bumble bees, care should be taken to minimize exposure of wild bees to managed bees and we recommend the following measures:**

- Limit use of commercial bumble bees to closed-systems (e.g., greenhouses) and try to avoid use in open fields.
- Place screens over openings (e.g., vents, windows, etc.) in greenhouses to minimize escape of the managed bees.
- Properly dispose of commercial bees after their use and do not release them into the wild.
- Do not purchase commercial bumble bees to use outside of the native range of the commercial species (e.g., do not purchase *B. impatiens* to use in western United States, where they are non-native).

Commercial Honey Bees

European honey bees (*Apis mellifera*) have documented negative effects on the reproductive success of bumble bees (e.g., Goulson and Sparrow 2009, Singh et al. 2010, and Thompson 2004). Additionally, pollen can be a vector for disease transmission between honey bees and bumble bees (e.g., Singh et al. 2010; Fürst et al. 2014, Graystock 2015). We recommend that managers discourage the placement of

domesticated honey bee hives in natural areas with high quality habitat (abundant and diverse floral resources) where rusty patched bumble bees are likely to be present. We are not discouraging the use of honey bees in agricultural fields, but encourage landowners to plant native flowers and to try to keep their honey bee hives disease and pest free.

We make the following recommendations for natural areas:

- Discourage placement of domesticated honey bee hives in natural areas with high quality rusty patched bumble bee foraging and nesting habitat.
- Place hives as far away as possible from natural areas (at minimum 1 km [0.6 mi]) and away from potential rusty patched bumble bee nesting sites.
- Keep domesticated hive density below 0.5 hive/ac (0.5 hive/0.4 ha), if possible, particularly in areas that are on or near locations with recent (within the year 2007 or more recent) rusty patched bumble bee observations.

Coordinated Management among Nearby Sites

Conservation of the rusty patched bumble bee will ultimately depend in part on connecting patches of high quality habitat and coordinated management may be one avenue to do so. We make the following recommendations to help facilitate coordinated management:

- Conduct bumble bee surveys or review available data to understand the extent of nearby local rusty patched bumble bees colonies and habitats. This may facilitate coordination and management of colonies that may cross between management units and ownerships. To see where there are known locations of the rusty patched bumble bee, see the Rusty Patched Bumble Bee Interactive Map (<https://www.fws.gov/midwest/endangered/insects/rpbb/rpbbmap.html>).
- Coordinate management activities with property owners and managers of nearby rusty patched bumble bee habitats. For example, plan burns and other temporarily adverse management activities during years when nearby habitats will not be burned.
- Where there are nearby local colony(ies) (within the estimated dispersal distance of 10km [6mi]) of rusty patched bumble bee that will provide immigrants from outside a management area, it may be feasible to conserve a rusty patched bumble bee colony (ies) with less than the recommended number of management units (*e.g.*, mow or burn units). This would require close coordination with neighboring landowners to ensure that dispersal of adults is likely to be sufficient to reinforce numbers in the mowed area. To determine if there are nearby colonies, see the maps on (<https://www.fws.gov/midwest/endangered/insects/rpbb/rpbbmap.html>) – the red “High Potential Zone” polygons are areas with recent records of the species.

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Appendix F
SHPO Correspondence

February 4, 2022

Megan Ullery
Braun Intertec
11001 Hampshire Ave S
Minneapolis, MN 55438

RE: Alatus Brooklyn Center – Phase I A, B, C
Proposed commercial and residential redevelopment (10 acres) at 2500 County Road 10
T118 R21 S2, Brooklyn Center, Hennepin County
SHPO Number: 2021-0550

Dear Megan Ullery:

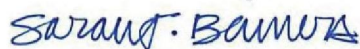
Thank you for consulting with our office during the preparation of an Environmental Assessment Worksheet for the above-referenced project.

We initially provided comments on this project in a letter dated January 6, 2021. Since that time, the project has been enlarged and revised. We have reviewed the revised information included with your January 7, 2022 correspondence and we have determined that there are **no properties** listed in the National or State Registers of Historic Places and no known or suspected archaeological properties located in the area that will be affected by the revised project.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

Please contact Kelly Gragg-Johnson in our Environmental Review Program at kelly.graggjohnson@state.mn.us if you have any questions regarding our review of this project.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

Appendix G

Noise Evaluation

Flat Earth Noise Level Estimating Tool

Roadway 1

Enter hourly Cars	345
Enter hourly Medium Trucks	15
Enter hourly Heavy Trucks	15

Enter speed of Cars (MPH)	35
Enter speed of Medium Trucks	35
Enter speed of Heavy Trucks	35
Enter distance to Roadway 1	50
Enter distance to Roadway 2	50

Roadway 2

Enter hourly Cars	686
Enter hourly Medium Trucks	30
Enter hourly Heavy Trucks	30

Enter speed of Cars (MPH)	35
Enter speed of Medium Trucks	35
Enter speed of Heavy Trucks	35

Code ground cover

H for hard, S for soft	H
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Result

Leq	67.9	dB
L50	63.7	dB
L10	71.2	dB

Notes:

Highlight cells are required to be filled out

Calculations based on roadway segments 10*D in length.

Calculations based on a flat-earth approach.

Calculations done for receiver distances from the roadways that are less than 50 feet, are done at risk.

For information about the tool and assistance in using the tool contact:

Peter Wasko MnDOT Metro District 651-234-7681 Peter.Wasko@state.mn.us

Mel Roseen MnDOT Office of Env. Stewardship 651-366-5808 Melvin.Roseen@state.mn.us

Braun Intertec Notes:

1) Roadway 1 = Shingle Creek Parkway, Roadway 2 = County Road 10

2) Hourly total vehicles estimated from Annual Average Traffic Data (AATD) for the road segments closest to the project site from MNDOT's Traffic Mapping Application

3) For County Road 10, data show downward trend in AATD, so 2019 values used

4) For Shingle Creek Parkway data show no trend, so highest AATD from the dataset was used

5) 50 feet estimated from Figure 5 as the setback of the proposed residential building at the southwest corner of the site, closest to both roadways

6) source: MNDOT "Flat Earth Noise Level Estimator"

<http://www.dot.state.mn.us/environment/noise/pdf/flat-earth-noise-level-estimator.xlsx>

Sources: (1) Federal Highway Administration Insulation of Building Against Highway Noise
https://www.fhwa.dot.gov/environment/noise_barriers/abatement/insulation/high00.cfm
(2) MnDOT's "Interior noise workbook actual window sizes"
http://www.dot.state.mn.us/environment/noise/pdf/guidance/interior-noise-workbook-actual-window-sizes.xlsx

NR = EWN_R - 10 log(S/A) - 6 db

where:

NR = Noise Reduction from building (dB)

EWN_R = Exterior Wall Noise Rating

10 log (S/A) = Room Absorption Factor

NR = 30 - 4 - 6 = 20 db

Proposed Window Type = Pella Impervia fiberglass Sing hung windows

Proposed Typical Wall Construction = 2x6 framing, 2 layers of interior and exterior gypsum board sheathing, siding TBD

The EWN_R that most closely represent the proposed builing construction are highlighted

The Composite EWN_R value was assumed to be lesser of the window and wall EWN_R (wall EWN_R = 28+3=31, window EWN_R=30)

The most conservative Room Absorption Factor was chosen

	EWN _R
Single Glazed Window	24
1/16", 1/8", 1/4" glass	28
5/16" glass	30
3/8" glass	38
2-ply glass 53" total	41
3-ply glass 82" total	
Double Glazed Window	EWN _R
3/32" glass, 4" airspace, 3/32" glass	30
1/8" glass, 2-1/4" airspace, 1/8" glass	32
1/8" glass, 2-1/4" airspace, 1/4" glass	36
1/4" glass, 2-1/4" airspace, 1/4" glass	38
3/16" glass, 2" airspace, 1/4" glass	39
1/4" glass, 2" airspace, 3/8" glass	40
3/16" glass, 2" airspace, 3/8" glass	41
3/16" glass, 4-3/4" airspace, 1/4" glass	44

Exteriors	Interiors	1/2" to 5/8" Gypsumboard	1/8" to 1/2" Plaster on 3/8" Gypsumboard	1/2" to 1 1/2" Plaster on 3/8" Gypsumboard	1/2" to 1 1/2" Plaster	1/2" Plywood	1/4" Plywood	1/4" Hardboard	Exposed solid Wall
Alum/Vinyl Siding on 1/2" wood	28	31	29	32	25	29	31	31	--
7/8" Stucco	36	34	37	30	33	37	38	38	--
7/8" Stucco on 1/2" Wood	37	36	37	32	34	38	39	39	--
Wood Siding	27	29	27	31	24	28	30	30	--
4-1/2" Brick Veneer	44	42	44	39	42	45	46	46	--
9" Brick	47	50	50	45	45	45	45	45	45
4" Concrete	46	47	47	41	40	40	40	40	40
6" Concrete	46	48	48	42	42	42	42	42	42
6" Concrete Block	38	40	40	34	33	33	33	33	33
8" Concrete Block	40	42	42	36	35	35	35	35	35
6" Block w/ 1/2" Stucco	39	41	41	35	34	34	34	34	34
8" Block w/ 1/2" Stucco	41	43	43	37	36	36	36	36	36

Type of Interior Room	10 log (S/A), dB	1 Exterior Wall	2 Exterior Walls (Corner Room)
Living Room	-4	-1	-1
Bedroom	-3	0	0
Kitchen	-2	1	1

Modification Category 1: Mass Increases	Delta EWN _R , dB
Double Mass One Side	3
Double Mass Both Side	4

Estimated Noise Level from Screening	Residential Daytime Limits	Residential Nighttime Limits	Noise Reduction from Building	Estimated Interior Noise Level
L10	71.2	65	55	20
L50	63.7	60	50	20

*all values in dB

Appendix H

Greenhouse Gas Emissions Calculations

Shingle Creek Opportunity Site Phase #1 Blocks 11, 12, and 13
Project: B1905096.01
Greenhouse Gas Emissions Summary

Direct Emissions

Operations - Facility Fuel Combustion Sources					
	CO ₂	CH ₄	N ₂ O	Mass Sum	CO ₂ e
	TPY	TPY	TPY	TPY	TPY
Facility Natural Gas Use	659	0.012	1.24E-03	659	659
Emergency Generator Engine 1	3,731	1.50E-01	2.99E-02	3,731	3,744
Emergency Generator Engine 2	2,606	1.04E-01	2.09E-02	2,606	2,615
Emergency Generator Engine 3	198	7.93E-03	1.59E-03	198	199
Facility Total	4,390	0.162	3.11E-02	4,390	4,403

Operations - Mobile Source Combustion					
	CO ₂ e				
	TPY				
Mobile Sources (Onsite Operations) ¹	0.0				

Construction - Mobile Source Combustion					
	CO ₂	CH ₄	N ₂ O	Mass Sum	CO ₂ e
	TPY	TPY	TPY	TPY	TPY
Mobile Sources (Construction)	372	7.29E-03	1.71E-02	372	377

Construction - Land-Use					
	CO ₂ e				
	TPY				
Land-Use (Construction) ²	0.0				

	CO ₂	CH ₄	N ₂ O	Mass Sum	CO ₂ e
	TPY	TPY	TPY	TPY	TPY
Total Direct Emissions	4,762	0.169	0.0483	4,762	4,780

Indirect Emissions

Operations - Off-Site Electricity Production					
	CO ₂	CH ₄	N ₂ O	Mass Sum	CO ₂ e
	TPY	TPY	TPY	TPY	TPY
Off-Site Electricity Production	2,878	0.312	0.0445	2,878	2,899

Operations - Off-Site Waste Management					
	CO ₂ e				
	TPY				
Off-Site Waste Management	342				

	CO ₂	CH ₄	N ₂ O	Mass Sum	CO ₂ e
	TPY	TPY	TPY	TPY	TPY
Total Indirect Emissions	2,878	0.312	0.0445	2,878	3,241

Atmospheric Removals of GHGs

Construction/Operations - Land-Use					
	CO ₂ e				
	TPY				
Land-Use (Sinks) ²	0.0				

	CO ₂	CH ₄	N ₂ O	Mass Sum	CO ₂ e
	TPY	TPY	TPY	TPY	TPY
Total Sinks	0	0	0	0	0

Total Emissions including Sinks = Direct Emissions + Indirect Emissions + Sinks

	CO ₂	CH ₄	N ₂ O	Mass Sum	CO ₂ e
	TPY	TPY	TPY	TPY	TPY
Total	7,640	0.481	0.0928	7,641	8,022

¹ Following the completion of the construction phase, emissions from vehicle traffic associated with onsite operations (deliveries, maintenance, etc.) are expected to be minimal and infrequent, and have not been quantified.

² Carbon flux associated with land-use changes is expected to be negligible and has not been quantified. The land-use category for the site prior to construction is "settlement" and will remain categorized as "settlement" after the project is completed.

Shingle Creek Opportunity Site Phase #1 Blocks 11, 12, and 13
Project: B1905096.01
Source: Mobile Sources - Construction Activities

Estimated Project Life
Project Residential Floorspace:
Project Commercial Floorspace:

30 years
1,042,713 ft²
77,563 ft²

			Per Square Foot of Building Floorspace (gal/sq. ft.) ¹	Estimated Total Fuel Usage During Construction Period (gallons)	CO ₂ Emission Factor (kg/gal) ²	CO ₂ Emissions During Construction Period (ton)	CH ₄ Emission Factor (g/gal) ²	CH ₄ Emissions During Construction Period (ton)	N ₂ O Emission Factor (g/gal) ²	N ₂ O Emissions During Construction Period (ton)	CO ₂ e Emissions During Construction Period (ton)
Vehicle Types	Fuel type										
Crawler tractors/dozers	Diesel		0.0555	62,144	10.21	699	0.2	1.37E-02	0.47	3.22E-02	709
Excavators	Diesel		0.650	728,193	10.21	8,196	0.2	1.61E-01	0.47	3.77E-01	8,312
Graders	Diesel		0.0363	40,614	10.21	457	0.2	8.95E-03	0.47	2.10E-02	464
Pavers	Diesel		2.03E-03	2,279	10.21	26	0.2	5.02E-04	0.47	1.18E-03	26
Rollers	Diesel		0.0354	39,699	10.21	447	0.2	8.75E-03	0.47	2.06E-02	453
Rough terrain forklifts	Diesel		0.104	117,008	10.21	1,317	0.2	2.58E-02	0.47	6.06E-02	1,336
Rubber tire loaders	Diesel		1.03E-04	115	10.21	1	0.2	2.54E-05	0.47	5.96E-05	1
Skid steer loaders	Diesel		1.19E-03	1,330	10.21	15	0.2	2.93E-04	0.47	6.89E-04	15
Total (tons)						11,158		0.219		0.514	11,316
Total (tons/year, annualized over project life)						372		7.29E-03		1.71E-02	377

¹ A rough estimate of vehicle types and fuel consumption was made using data from "Oregon Nonroad Diesel Equipment Survey and Emissions Inventory," August 26, 2020 (<https://www.oregon.gov/deq/air/Documents/orNonroadDieselRep.pdf>). An estimate of gallons of diesel per engine hour of operation (gallons/engine hour) was estimated by dividing the Table 4-10 annual fuel use estimation for each vehicle type by the annual total building square footage of 2,700,000 sq ft.

² CO₂, CH₄, and N₂O emission factors taken from Table 2 and Table 5 of EPA's "Emission Factors for Greenhouse Gas Inventories", April 2021 (https://www.epa.gov/sites/default/files/2021-04/documents/emission-factors_apr2021.pdf), vehicle type: Construction/Mining Equipment.

Shingle Creek Opportunity Site Phase #1 Blocks 11, 12, and 13
Project: B1905096.01
Source: Natural Gas Use

Natural Gas Use	
Assumptions:	
Residential Buildings ^{5,6}	
Typical annual natural gas usage for water heating per square foot of residential building floorspace ⁵ , cf/(year*ft ²)	9.5
Maximum residential building floorspace, ft ²	1,042,713
Estimated natural gas use for residential water heating, MMcf/year	9.9
Commercial Buildings ^{5,7}	
Typical annual natural gas usage for water heating per square foot of commercial building floorspace ⁵ , cf/(year*ft ²)	9.5
Maximum commercial building floorspace, ft ²	77,365
Estimated natural gas use for commercial water heating, MMcf/year	0.73
Typical annual natural gas usage for cooking per square foot of commercial building floorspace ⁵ , cf/(year*ft ²)	6.9
Assumed commercial building floorspace with natural gas cooking appliances, ft ² ⁷	58,453
Estimated natural gas use for commercial cooking, MMcf/year	0.40
Total Project	
Estimated total annual natural gas use, MMcf/year	11.0
Heating Value of Natural Gas ¹ , Btu/scf	1,020
Conversion Factors:	
lb/ton	2,000
lb/kg	2.204
cf/Therm	73.0
CO ₂ to CO ₂ e	1
CH ₄ to CO ₂ e	25
N ₂ O to CO ₂ e	298

Pollutant	EPA Pollutant Type	40 CFR Part 98 ^{2,3} (lb/MMBtu)	Estimated Annual Emissions From Natural Gas Combustion (TPY)
CO ₂ e ⁴	GHG	117.07	659
CO ₂ ²	GHG	116.94	659
CH ₄ ³	GHG	0.0022	1.24E-02
N ₂ O ³	GHG	0.0002	1.24E-03

¹ Heating value of natural gas taken from AP-42 Appendix A. Typical Parameters of Various Fuels.

² CO₂ emission factor from 40 CFR 98 Subpart C, Table C-1 (natural gas 53.06 kg CO₂/MMBtu), November 29, 2013.

Shingle Creek Opportunity Site Phase #1 Blocks 11, 12, and 13
 Project: B1905096.01
 Source: Emergency Generator 1 (401,541 ft² Market Rate Housing)

Emergency Generator	
Assumptions:	
Rated Capacity, Brake Horsepower (BHP) 4	2,750
Diesel Fuel Consumption Rate, gal/hr ⁴	660.1
Rated Capacity, MMBtu/hr	90.5
Hours of Operation	500
Fuel	Diesel
Density of diesel (lb/gal)	7.1
Heating value of diesel (Btu/lb)	19,300
Conversion Factors:	
lb/ton	2,000
lb/kg	2.204
CO ₂ to CO ₂ e	1
CH ₄ to CO ₂ e	25
N ₂ O to CO ₂ e	298
Btu/MMBtu	1,000,000

Pollutant	EPA Pollutant Type	AP-42 Emission Factors ¹ (lb/MMBtu)	40 CFR Part 98 ^{2,3} (lb/MMBtu)	Hourly Emissions (lb/hr)	Annual Emissions (TPY)
CO ₂ e	GHG	-	166	14,975	3,744
CO ₂ ¹	GHG	165	-	14,925	3,731
CH ₄ ²	GHG	-	0.007	0.5981	1.50E-01
N ₂ O ²	GHG	-	0.0013	1.20E-01	2.99E-02

¹ The CO₂ emission factor is based on diesel fuel, AP-42 Chapter 3.4 Large Stationary Diesel And All Stationary Dual-fuel Engines, Table 3.4-1, October 1996.
² CH₄ and N₂O emission factors from 40 CFR 98 Subpart C, Table C-2, (CH₄ = 0.003 kg CH₄/MMBtu and N₂O = 0.0006 kg N₂O/MMBtu), November 29, 2013.

Shingle Creek Opportunity Site Phase #1 Blocks 11, 12, and 13
 Project: B1905096.01
 Source: Emergency Generator 2 (314,394 ft² Mixed Income Housing)

Emergency Generator	
Assumptions:	
Rated Capacity, Brake Horsepower (BHP) 4	2,561
Diesel Fuel Consumption Rate, gal/hr ⁴	461
Rated Capacity, MMBtu/hr	63.2
Hours of Operation	500
Fuel	Diesel
Density of diesel (lb/gal)	7.1
Heating value of diesel (Btu/lb)	19,300
Conversion Factors:	
lb/ton	2,000
lb/kg	2.204
CO ₂ to CO ₂ e	1
CH ₄ to CO ₂ e	25
N ₂ O to CO ₂ e	298
Btu/MMBtu	1,000,000

Pollutant	EPA Pollutant Type	AP-42 Emission Factors ¹ (lb/MMBtu)	40 CFR Part 98 ^{2,3} (lb/MMBtu)	Hourly Emissions (lb/hr)	Annual Emissions (TPY)
CO ₂ e	GHG	-	166	10,459	2,615
CO ₂ ¹	GHG	165	-	10,423	2,606
CH ₄ ²	GHG	-	0.007	0.4177	1.04E-01
N ₂ O ²	GHG	-	0.0013	8.35E-02	2.09E-02

¹ The CO₂ emission factor is based on diesel fuel, AP-42 Chapter 3.4 Large Stationary Diesel And All Stationary Dual-fuel Engines, Table 3.4-1, October 1996.
² CH₄ and N₂O emission factors from 40 CFR 98 Subpart C, Table C-2, (CH₄ = 0.003 kg CH₄/MMBtu and N₂O = 0.0006 kg N₂O/MMBtu), November 29, 2013.

Shingle Creek Opportunity Site Phase #1 Blocks 11, 12, and 13
 Project: B1905096.01
 Source: Emergency Generator 3 (83,432 ft² Affordable Housing)

Emergency Generator	
Assumptions:	
Rated Capacity, Brake Horsepower (BHP) 4	680
Diesel Fuel Consumption Rate, gal/hr ⁴	35.0
Rated Capacity, MMBtu/hr	4.8
Hours of Operation	500
Fuel	Diesel
Density of diesel (lb/gal)	7.1
Heating value of diesel (Btu/lb)	19,300
Conversion Factors:	
lb/ton	2,000
lb/kg	2.204
CO ₂ to CO ₂ e	1
CH ₄ to CO ₂ e	25
N ₂ O to CO ₂ e	298
Btu/MMBtu	1,000,000

Pollutant	EPA Pollutant Type	AP-42 Emission Factors ¹ (lb/MMBtu)	40 CFR Part 98 ^{2,3} (lb/MMBtu)	Hourly Emissions (lb/hr)	Annual Emissions (TPY)
CO ₂ e	GHG	-	166	794	199
CO ₂ ¹	GHG	165	-	791	198
CH ₄ ²	GHG	-	0.007	0.0317	7.93E-03
N ₂ O ²	GHG	-	0.0013	6.34E-03	1.59E-03

¹ The CO₂ emission factor is based on diesel fuel, AP-42 Chapter 3.4 Large Stationary Diesel And All Stationary Dual-fuel Engines, Table 3.4-1, October 1996.
² CH₄ and N₂O emission factors from 40 CFR 98 Subpart C, Table C-2, (CH₄ = 0.003 kg CH₄/MMBtu and N₂O = 0.0006 kg N₂O/MMBtu), November 29, 2013.

Shingle Creek Opportunity Site Phase #1 Blocks 11, 12, and 13
 Project: B1905096.01
 Source: Off-Site Emissions from Electricity Generation

Off-Site Electricity	
Assumptions:	
Residential Buildings	
Typical annual electricity usage per multifamily housing unit ³ , kWh/(year*unit)	5,536
Maximum number of housing units	744
Estimated electricity use for residential buildings, MWh/year	4,119
Commercial Buildings	
Typical annual electricity usage per square foot of commercial building floorspace ⁴ , kWh/(year*ft ²)	14.5
Maximum commercial building floorspace, ft ²	77,365
Estimated electricity use for commercial buildings, MWh/year	1,122
Total Project	
Estimated total project site annual electricity use, MWh/year	5,241
Conversion Factors:	
lb/ton	2,000
lb/kg	2.204
CO ₂ to CO ₂ e	1
CH ₄ to CO ₂ e	25
N ₂ O to CO ₂ e	298

Pollutant	EPA Pollutant Type	Emission Factor ¹ (lb/MWh)	Off-Site Emissions From Electricity Generation (TPY)
CO ₂ e ²	GHG	1,106.4	2,899
CO ₂	GHG	1,098.4	2,878
CH ₄	GHG	0.119	0.312
N ₂ O	GHG	0.017	4.45E-02

¹ CO₂, CH₄, and N₂O emission factors taken from Table 6 of EPA's "Emission Factors for Greenhouse Gas Inventories", April 2021 (https://www.epa.gov/sites/default/files/2021-04/documents/emission-factors_apr2021.pdf). "Total Output" emission factors were used as directed in the Table 6 footnote.

Shingle Creek Opportunity Site Phase #1 Blocks 11, 12, and 13
 Project: B1905096.01
 Source: Off-Site Waste Management Emissions

Total Residential Units:
 Project Residential Floorspace:
 Project Commercial Floorspace:

744
 1,042,713 ft²
 77,563 ft²

Waste Material	Estimated Multifamily Waste Generated per Unit ¹ (tons per unit)	Estimated Residential Waste Generation (tons per year)	Estimated Commercial Waste Generated per Square Foot of Building Floorspace ⁸ (tons per sq. ft)	Estimated Commercial Waste Generation (tons per year)	Estimated Total Project Site Waste Generation (tons per year)	CO ₂ e Emission Factor (metric tons CO ₂ e/ short ton material) ²	Annual CO ₂ e Emissions (TPY) ³
Trash ⁴	469	174	5.50E-04	43	217	0.52	124
Recycling ⁵	521	194	6.11E-04	47	241	0.09	23.9
Organics ⁶	477	177	5.59E-04	43	221	0.48	117
HHW and Electronics ⁷	32	12	3.75E-05	3	15	0.87	14.2
Bulky Waste ⁴	127	47	1.49E-04	12	59	0.52	33.7
Textiles ⁴	109	41	1.28E-04	10	50	0.52	28.9
Total	1,736	646	2.03E-03	158	804		342

1 Hennepin County Multifamily Waste Study, September 2017 <https://www.hennepin.us/-/media/hennepin.us/-/media/hennepin.us/your-government/projects-initiatives/documents/multifamily-waste-study-2017.pdf>

2 CO₂e emission factors taken from Table 6 of EPA's "Emission Factors for Greenhouse Gas Inventories", April 2021 (https://www.epa.gov/sites/default/files/2021-04/documents/emission-factors_apr2021.pdf).

3 Metric tons of CO₂e multiplied by 1.102 to convert to US tons of CO₂e

4 CO₂e emission factor for mixed MSW, landfilled

5 CO₂e emission factor for mixed recyclables, recycled

6 CO₂e emission factor for mixed organics, landfilled

7 CO₂e emission factor for mixed electronics, combusted

8 In Hennepin County, it is estimated that 55 percent of the total waste is generated by the "commercial" waste sectors, and 45 percent from the residential waste sector. (2016 Minneapolis Residential Solid Waste Composition Analysis and Recycling Program Evaluation <https://www.hennepin.us/-/media/hennepin.us/your-government/projects-initiatives/documents/hennepin-county-waste-sort-study-2016.pdf>. Commercial solid waste generation estimated based on residential waste generation per square footage and scaled based on Minnesota total estimate of 55% total waste generation from commercial waste sector and 45% total waste generation from residential waste sector.

Shingle Creek Opportunity Site Phase #1 Blocks 11, 12, and 13

Project: B1905096.01

Source: Mitigation - Electric Heating Systems

Theoretical Emissions from Natural Gas Space Heating	
Assumptions:	
Residential Buildings	
Typical annual natural gas usage for space heating per multifamily housing unit ⁵ , Therms/(year*unit)	380
Maximum number of housing units	744
Theoretical natural gas use for multifamily housing space heating, MMcf/year	20.6
Commercial Buildings	
Typical annual natural gas usage for space heating per square foot of commercial building floorspace ⁶ , cf/(year*ft ²)	37.4
Maximum commercial building floorspace, ft ²	77,365
Theoretical annual natural gas use for commercial building space heating, MMcf/year	2.89
Total Project	
Theoretical total annual natural gas use for space heating, MMcf/year	23.5
Heating Value of Natural Gas ¹ , Btu/scf	1,020
Conversion Factors:	
lb/ton	2,000
lb/kg	2.204
cf/Therm	73.0
CO ₂ to CO ₂ e	1
CH ₄ to CO ₂ e	25
N ₂ O to CO ₂ e	298

Pollutant	EPA Pollutant Type	40 CFR Part 98 ^{2,3} (lb/MMBtu)	Theoretical Emissions From Natural Gas Space Heating (IPY)
CO ₂ e ⁴	GHG	117.07	1,405
CO ₂ ²	GHG	116.94	1,403
CH ₄ ³	GHG	0.0022	2.64E-02
N ₂ O ³	GHG	0.0002	2.64E-03

1 Heating value of natural gas taken from AP-42 Appendix A. Typical Parameters of Various Fuels.

2 CO₂ emission factor from 40 CFR 98 Subpart C, Table C-1 (natural gas 53.06 kg CO₂/MMBtu), November 29, 2013.

3 CH₄ and N₂O emission factors from 40 CFR 98 Subpart C, Table C-2 (natural gas CH₄ = 0.001 kg CH₄/MMBtu and N₂O = 0.0001 kg N₂O/MMBtu), November 29, 2013.

4 CO₂e emissions are based on global warming potential from 40 CFR 98 Subpart A, Table A-1 (CO₂=1, CH₄=25, and N₂O=298), November 29, 2013.

Appendix I

Braun Intertec Phase II ESA 2019

Phase II Environmental Site Assessment

Brooklyn Center Opportunity Zone Parcels

Parcel Identification Numbers: 0211821240019, 0211821240020,
0211821210014, and 0211821120011

Brooklyn Center, MN 55430

Prepared for

City of Brooklyn Center

Hennepin County

August 29, 2019

Project B1905096

Mr. Brett Angell
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199

Ms. Brianna Boos
Hennepin County
Environment and Energy Department
701 4th Avenue South, Suite 700
Minneapolis, Minnesota 55415

Re: Phase II Environmental Site Assessment
Brooklyn Center Opportunity Zone Parcel
4 Parcels - PIDs: 0211821240019, 0211821240020, 0211821210014, 0211821120011
Brooklyn Center, MN 55430

Dear Mr. Angell and Ms. Boos:

On behalf of the City of Brooklyn Center and Hennepin County, Braun Intertec Corporation conducted a Phase II Environmental Site Assessment (ESA) of the above-referenced site (Site) in accordance with the authorized scope of services described in our proposal dated April 18, 2019 and Hennepin County purchase order #377299, dated May 16, 2019. The Phase II ESA was prepared in association the redevelopment of the Site. For a complete discussion of our assessment, please refer to the attached Phase II ESA report.

This Phase II ESA was prepared on behalf of and for use by City of Brooklyn Center and Hennepin County. No other party has a right to rely on the contents of this Phase II ESA without the written authorization of Braun Intertec.

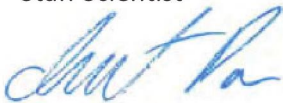
We appreciate the opportunity to provide our professional services to you for this project. If you have any questions or comments regarding this report or the project in general, please contact Christian Forster at 962.995.2261 or Imants Pone at 952.995.2665.

Sincerely,

BRAUN INTERTEC CORPORATION



Christian T. Forster
Staff Scientist



Imants Pone
Senior Scientist

Attachment:
Phase II Environmental Site Assessment Report

AA/EOE

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- A: Previous Investigation Data
- B: Soil Boring Logs
- C: Laboratory Analytical Reports
- D: Standard Operating Procedures
- E: References

A. Introduction

A.1. Authorization

Braun Intertec Corporation received authorization from Hennepin County (Hennepin County purchase order #377299) to conduct a Phase II Environmental Site Assessment (ESA) of the Brooklyn Center Opportunity Zone Parcel consisting of 4 parcels (Parcel Identification Numbers: 0211821240019, 0211821240020, 0211821210014, 0211821120011) located in Brooklyn Center, Minnesota (Site). The Phase II ESA was conducted in accordance with the scope of services described in Braun Intertec's proposal dated April 18, 2019 and in association with the anticipated redevelopment of the Site.

This Phase II ESA was prepared on behalf of and for use by the City of Brooklyn Center and Hennepin County in accordance with the contract between Hennepin County and Braun Intertec. No other party has a right to rely on the contents of this Phase II ESA without the written authorization of Braun Intertec.

A.2. Project Objective

The objective of the Phase II ESA was to characterize Site soil, groundwater and soil vapor to identify environmental issues that could potentially affect future land use. The investigation focused on delineating previously identified contamination (see Section B.2.) and investigating previously unassessed areas of the Site.

B. Site Background

B.1. Site Location and Description

The Site consisted of four generally contiguous parcels totaling approximately 34.59 acres. The Site is bounded on the south by County Road 10 (Bass Lake Road), on the west by Shingle Creek Parkway, and to the east by John Martin Drive. There are four parcels within this area that are not part of the Site, but are situated in or around the Site. The Site is currently undeveloped, except for pavements and the Ocean Buffet restaurant located on the west side of the Site. The parcels included in this investigation are depicted in Figure 2.

B.2. Previous Site Investigations

The following reports have been prepared in relation to the Site and were reviewed by Braun Intertec in preparing this Phase II ESA:

- Phase I Environmental Site Assessment, Former Brookdale Ford, 2500 County Road 10, Brooklyn Center, Minnesota. Prepared by Leisch Associates, Inc. January 28, 2008. Leisch Project Number 6202283.01. (2008 Phase I ESA)
- Phase II Environmental Site Assessment, Former Brookdale Ford, 2500 County Road 10, Brooklyn Center, Minnesota. Prepared by Leisch Associates, Inc. January 21, 2008. Leisch Project Number 6202283.01. (2008 Phase II ESA)
- Limited Site Investigation, Former Brookdale Ford, 2500 County Road 10, Brooklyn Center, Minnesota. Prepared by Leisch Associates, Inc. March 24, 2010. Leisch Project Number 6202283.01. (2010 LSI)
- Phase I Environmental Site Assessment, Four Brooklyn Center Parcels, Brooklyn Center, MN. Prepared by Braun Intertec. Dated April 22, 2019. Project number B1902120. (2019 Phase I ESA)

The 2008 Phase I ESA identified several recognized environmental conditions (RECs) associated with the former Brookdale Ford dealership. The 2008 Phase II ESA was conducted to evaluate those RECs, and identified the following impacts:

- Field and laboratory evidence of soil, groundwater, and soil vapor impacts in the vicinity of the former and active in-ground hydraulic hoist systems/former Underground storage tank (UST) basin in the main building and body shop. The soil impacts range in depth from about 3 to 14 feet below ground surface (bgs). Diesel range organics (DRO) concentrations ranged from non-detect to 7,400 mg/kg. Tetrachloroethene (PCE) was detected above its Tier I Soil Leaching Values (SLVs) in one boring (GP-12). DRO concentrations in groundwater ranged from non-detect to 810 micrograms per liter ($\mu\text{g/L}$). PCE was detected in soil vapor at a maximum concentration of 326 micrograms per cubic meter ($\mu\text{g/m}^3$).

The 2010 LSI was conducted to further delineate the vertical and horizontal extents of the petroleum contamination at the Site. The Minnesota Pollution Control Agency (MPCA) closed the file regarding the petroleum release on June 21, 2010. File closure indicates that the MPCA determined that the investigation was completed to their satisfaction; however, this does not indicate that no petroleum contamination remains.

The 2019 Phase I ESA identified the following RECs in association with the Site:

- The south part of the Site was developed by 1964 with an automobile dealership, Brookdale Ford, that consisted of two buildings that were used for vehicle sales and service. Lifts, underground storage tanks, and aboveground storage tanks were associated with this development. Based on previous investigations, contamination remains in association with those activities. A strip mall was formerly located on the north part of the Site. Part of that mall was occupied by a Pep Boys automobile parts and service business. Pep Boys was identified as a licensed hazardous waste generator and it appears likely that vehicle maintenance products were used and stored in regard to those activities; although, no releases were reported. Three small spills, or reports of potential spills, were reported in regard to the strip mall that appear to have been addressed to the satisfaction of the MPCA. Based on the available information, it also appears that a dry cleaner may have been present at the Site. The presence of the documented contamination and the potential for contamination resulting from the past uses of the Site represents a potential that soil, groundwater, and or soil vapor contamination may be present.
- The regulatory information suggests that contamination has been identified or is suspected at facilities located in the vicinity of the Site. Although it appears that some of these surrounding sites have been remediated and/or redeveloped in accordance with the oversight and approval of the MPCA, there is a potential that these sites, or past unreported releases from the historical uses of the surrounding area, may have caused soil, groundwater and/or soil vapor impacts at the Site.

Select data from the 2008 Phase II ESA and the 2010 LSI is provided in Appendix A.

B.3. Site Physical Characteristics

B.3.a. Topography

According to the United States Geological Survey (USGS) 7.5-minute topographic map series, Minneapolis North, Minnesota quadrangle, the Site is located at an elevation of approximately 850 feet above mean sea level.

B.3.b. Geology

The unconsolidated sediment in the Site vicinity consist of organic deposits that have largely been drained and filled and upper terrace deposits consisting of sand, gravelly sand, and loamy sand (Meyer and Hobbs, 1989).

The uppermost bedrock unit in the Site vicinity is the Middle Ordovician, St. Peter Sandstone and at the northern part of the Site may be dolostone of the Prairie du Chien Formation (Olsen and Bloomgren, 1989). The St. Peter Sandstone is described as a fine- to medium-grained, friable quartz sandstone in the upper half to two thirds of the unit. The lower part of the St. Peter Sandstone contains multicolored beds of mudstone, siltstone and shale with interbedded, very coarse sandstone.

B.3.c. Hydrogeology

The reported depth to the water table in the Site vicinity is approximately 15 feet below ground surface (Kanivetsky, 1989). According to published geologic information, the regional groundwater flow direction within the unconsolidated deposits in the Site vicinity is generally northeast (Kanivetsky, 1989). Based on available data from this Phase II ESA, the current water table at the Site ranges from 7 to 15 feet bgs.

C. Scope of Services

Braun Intertec conducted the following tasks at the Site:

- Subcontracted Bergerson Caswell Drilling to clear public utilities through Gopher State One Call and private utilities for the investigation locations.
- Subcontracted Bergerson Caswell Drilling to advance soil borings, install temporary groundwater monitoring wells, and advance soil vapor probes.
- Advanced 14 soil borings with direct-push drill rig to an approximate depth of 12 feet bgs for the purpose of collecting soil samples.
- Advanced six (6) soil borings with direct-push drill rig to an approximate depth of 20 feet bgs for the purpose of collecting soil and groundwater samples.
- Advanced ten (10) soil vapor probes to an approximate depth of 5 feet bgs for the purpose of collecting soil vapor samples. Collect a soil vapor sample from each location using a laboratory provided Summa Canister.
- Conducted environmental monitoring during drilling of the 20 soil borings, including organic vapor screening of soil samples using a photoionization detector (PID), and visual/olfactory observations of soil samples for evidence of contamination (i.e. odors, staining, intermixed debris, etc.). Collect representative soil samples and submit for analytical testing as described below.

- Analyzed representative soil samples from the borings using standard Environmental Protection Agency (EPA) methods.
- Analyzed 6 groundwater samples from the temporary wells.
- Analyzed 10 soil vapor samples.
- Evaluated the data and prepared this report.

C.1. Deviations from Work Plan/Proposal

Due to wet field conditions PP-10 was offset approximately 60 feet west of its proposed location to enable safe drill rig accessibility.

D. Investigation Methods and Procedures

The field work relating to the investigation was conducted on July 1st and 2nd, 2019. Prior to beginning the field investigation, public utilities were cleared through Gopher State One Call and private utilities were cleared by Private Underground.

Field methods and results are discussed in the following sections. Soil boring logs are provided in Appendix B, laboratory analytical reports are provided in Appendix C, and Braun Intertec standard operating procedures used during this investigation are provided in Appendix D.

D.1. Soil Evaluation

D.1.a. Soil borings

Braun Intertec subcontracted Bergerson Caswell Drilling of Maple Plain, Minnesota, to advance 20 soil borings, designated as PP-1 through PP-20, at the Site to depths ranging from 12 to 20 feet bgs. Boring locations are depicted on Figure 2.

The soil borings were advanced with a hydraulically-driven push-probe sampling rig. To collect the soil samples from the borings, a disposable thin-walled PVC liner was placed inside of a 4-foot long sampling tool. The borehole was then advanced using the sampling tool to a total penetration depth of up to

4 feet. After advancing the tooling, the sampler was removed from the borehole and the soil sample was retrieved from the PVC liner for field screening and classification. The process was then repeated to the termination depths of the borings.

Following collection of all necessary samples, all boreholes were sealed in accordance with MDH regulations and the concrete or asphalt surface at the boring location was patched.

D.1.b. Soil Classification and Monitoring

Soils samples from the soil borings were visually and manually classified in the field by an environmental technician using ASTM D 2487 "Unified Soils Classification System" and ASTM D 2488 "Recommended Practice for Visual and Manual Description of Soils." Additionally, soils were classified at the Braun Intertec soils laboratory by a geotechnical engineer using ASTM D 2487 and ASTM D 2488.

Soil samples retrieved were examined by the Braun Intertec environmental technician for unusual staining, odors, and other apparent signs of contamination. In addition, the soil samples were screened for the presence of organic vapors using a PID. The PID was equipped with a 10.6-electron-volt lamp and calibrated to an isobutylene standard. The PID was used to perform a headspace method of field analyses.

D.1.c. Soil Analyses

Selected soil samples were collected from the soil borings for laboratory analysis. Soil samples were generally collected from depths most likely to be encountered during proposed redevelopment activities and from intervals where indications of contamination were observed in the field. If no indications of contamination were observed, the soil samples were collected from the depth most likely to be impacted based on the potential contaminant source.

Samples were submitted to Pace Analytical Services, LLC (Pace) in Minneapolis, Minnesota and analyzed for a combination of the following parameters:

- Volatile organic carbons (VOCs) using United States Environmental Protection Agency (EPA) Method 8260
- Polycyclic aromatic hydrocarbons (PAHs) using EPA Method 8270
- Gasoline range organics (GRO) using the Wisconsin Department of Natural Resources (WDNR) Method

- DRO using the WDNR Method
- Eight Resource Conservation and Recovery Act (RCRA) metals using EPA Methods 6010 and 7471

D.2. Groundwater Evaluation

Bergerson Caswell installed temporary monitoring wells in six of the soil borings (PP-1, PP-8, PP-11, PP-15, PP-18, and PP-19) to evaluate groundwater conditions at the Site.

After the soil borings were advanced at least 5 feet into the water table, temporary monitoring wells were constructed using 1-inch-diameter PVC riser and 5-foot long, 10-slot screens. Prior to sampling, static groundwater levels were measured in each monitoring well to the nearest 0.01 foot and recorded. Observed water levels are included on the soil boring logs and in Table 2.

D.2.a. Temporary Monitoring Well Sampling and Analysis

Prior to sampling, each monitoring well was purged until a minimum of one well volume and fine sediment had been removed. Following monitoring well purging, groundwater samples were collected using a length of new polyethylene tubing equipped with a check ball. Water samples retrieved were examined by the field technician for unusual odors, surface sheen, and other apparent signs of contamination. The groundwater samples were placed directly into laboratory supplied containers, preserved appropriately, and submitted to Pace and analyzed for VOCs and DRO.

D.3. Soil Vapor Evaluation

D.3.a. Soil Vapor Probes

Bergerson Caswell advanced ten temporary soil vapor probes (SV-1 through SV-10) on the Site. Each soil vapor probe was advanced, using a hydraulically-driven push-probe rig, to a depth of 5 feet bgs and then retracted to a depth of 3 feet bgs. New, inert tubing was attached to the top of the downhole sampler, and the sampling point and tubing were purged with a hand pump to remove two volumes of air prior to sample collection. Following purging, organic vapor concentrations were screened with a PID and the value was recorded. The soil vapor samples were then collected using laboratory-supplied negative pressure air-sample collection canisters (6-liter canisters) equipped with 200 milliliter per minute (mL/min) flow restrictors in accordance with the MPCA guidelines. Following sample collection, the temporary sampling point was removed from the borehole, and the borehole was sealed in accordance with MDH guidelines.

The soil vapor samples were submitted to Pace and analyzed for the VOCs using EPA Method TO-15.

E. Investigation Results

E.1. Geologic and Hydrogeological Conditions

Soil boring logs with descriptions of the various soil strata encountered during the soil boring operations and water level information are contained in Appendix A. The depths shown as changes between the soil types are approximate. The actual changes may be transitional, and the transition depths are likely to be horizontally variable.

Fill soils were encountered from the surface to the terminal depths of all the borings, which ranged from 12 to 20 feet. The fill soils generally consisted of poorly graded sand and poorly graded sand with silt, clay, and/or gravel. Cobbles were noted in PP-2, PP-3, Additionally, in PP-4, instances of either a void or extremely soft soils were encountered at a depth of 8 to 12 feet bgs where the sampling tools fell by their own weight.

Groundwater was encountered from 7 to 15 feet bgs across the Site.

E.2. Field Screening

Soil recovered from the soil borings was screened by the field technician for evidence of contamination, including odors, staining, and the presence of debris.

In PP-4, concrete debris was observed from 3-7 feet and wood debris (noted as “fibers” on the boring logs) at 7 feet. Various debris, including concrete, brick, bituminous, and plastic, was observed in the upper 2 to 4 feet of soil in borings PP-10, PP-11, PP-12, PP-15 and PP-16.

Organic vapor/PID readings were recorded for soil samples collected from each boring. Observed organic vapor concentrations ranged from 0.0 to 7.8 parts per million (ppm), which are considered to be general background readings.

E.3. Soil Analytical Results

A summary of the soil analytical results is provided in Table 1. The complete laboratory report with chain-of-custody form is included in Appendix B.

The soil analytical results can be compared with the Soil Reference Values (SRVs) and Screening Soil Leaching Values (SLVs) which are also listed on Table 1. SRVs and SLVs are allowable risk-based contaminant concentrations derived by the MPCA using risk assessment methodology, modeling, and risk management policy to guide investigation and cleanup actions. SRVs relate to direct-contact exposure scenarios and SLVs relate to potential leaching of contaminants to groundwater. Concentrations of contaminants in soil, SRVs, and SLVs are expressed in units of milligrams per kilogram (mg/kg).

The following provides a summary of the soil analytical results.

- No VOCs were detected above laboratory reporting limits (RLs).
- No PAHs were detected at concentrations at or above SRVs or SLVs.
- None of the 8 RCRA metals were detected at concentrations at or greater than SRVs or SLVs.
- DRO and GRO were not detected at concentrations greater than the MPCA unregulated fill criterion of 100 mg/kg for GRO and DRO¹.

E.4. Groundwater Analytical Results

A summary of the groundwater analytical results is provided in Table 2. The complete laboratory report with chain-of-custody form is included in Appendix A.

For comparison purposes, Table 2 includes Drinking Water Criteria from the Minnesota Department of Health (MDH) Human Health-Based Water guidance. Drinking Water Criteria include MDH Health Risk Limits (HRLs), MDH Health Based Values (HBVs), MDH Risk Assessment Advice (RAA), and Maximum Contaminant Levels (MCLs) established by the EPA. Concentrations of contaminants in water and Drinking Water Criteria are expressed in units of µg/L.

The following provides a summary of the groundwater analytical results.

- No VOCs were detected above MRLs.
- DRO were not detected above its MDH Drinking Water Criterion of 200 µg/L.

¹ Best Management Practices for the Off-Site Reuse of Unregulated Fill, dated February 2012, prepared by the Minnesota Pollution Control Agency.

E.5. Soil Vapor Analytical Results

A summary of the soil vapor analytical results is provided in Table 3. The complete laboratory report with chain-of-custody form is included in Appendix A.

For comparison purposes, Table 3 includes Intrusion Screening Values (ISVs). ISVs were developed by the MPCA in coordination with the MDH as screening values for evaluating vapor intrusion risks from VOCs identified in indoor air. The potential for indoor air to be impacted by soil vapor intrusion can also be assessed using ISVs. Concentrations of VOCs in soil vapor and ISVs are expressed in units of $\mu\text{g}/\text{m}^3$.

Per the 2017 MPCA Vapor Investigation Guidance², soil vapor results are compared to 33X ISVs to assess vapor intrusion risk if building conditions are appropriate. According to the guidance, soil vapor concentrations greater than 33X ISVs indicate a vapor source with potential vapor intrusion risk is present. A Site with contaminant concentrations greater than 33X ISVs would typically require either mitigation or additional assessment of potential pathways and receptors to better quantify risks, which might include collection of sub-slab or indoor air samples.

- Benzene, Ethylbenzene, and PCE, were detected at concentrations greater than their respective Residential ISVs, but less than 33x their Residential ISVs.

E.6. Quality Assurance/Quality Control

Samples were placed in clean, laboratory supplied containers, preserved, labeled, and transported to the Pace laboratory under refrigerated conditions using chain-of-custody procedures. Analyses were performed using EPA or other recognized standard procedures.

A quality assessment of field procedures and analytical laboratory reports was performed to evaluate potential effects on data quality used to support project objectives. All applicable Braun Intertec SOPs were followed as prescribed unless otherwise noted in this report.

A trip blank accompanied the soil and groundwater investigative samples and was analyzed for VOCs. No contaminants were detected in the trip blank at concentrations greater than the laboratory method reporting limits. Data were reviewed prior to release, quality-control guidelines were generally met, and the data are considered usable.

² Best Management Practices for Vapor Investigation and Building Mitigation Decisions, January 2017, c-rem3-06e, prepared by the Minnesota Pollution Control Agency.

In summary, data quality control items identified during the quality review are considered to be minor and all data collected are acceptable for use in this investigation for the intended purpose of identifying impacts within the project area.

F. Conclusions

The following conclusions are based on the results of this Phase II ESA and a review of the previous environmental documents referenced in Section B.2.:

- Previous environmental investigations identified soil, soil vapor, and groundwater contamination associated with the former Brookdale Ford Dealership historically located on the southern portion of the Site. Specifically, selenium, PCE, and DRO were identified in soil at concentrations greater than MPCA unregulated fill criteria; groundwater was impacted by DRO at concentrations greater than Drinking Water Criteria; and soil vapor was impacted by PCE at a concentration greater than 33X current MPCA ISVs. Redevelopment activities in the vicinity of the former Brookdale Ford Dealership may encounter impacted soil, groundwater, and soil vapor which may require special management.
- Fill soils were encountered from the surface to the terminal depths of all the borings completed for this Phase II ESA, which ranged from 12 to 20 feet. Except for debris encountered in the near surface soils in the locations of PP-4, PP-10, PP-11, PP-12, PP-15, and PP-16, no evidence of impacts/contamination were observed in the soil samples retrieved from the borings. Debris-containing soil which is exported for development will need to be properly managed as regulated fill.
- Laboratory analysis of soil samples collected during this Phase II ESA did not identify significant soil impacts (i.e. no concentrations above MPCA action levels). Except for the debris observed in the above-referenced soil borings, the soil characterized by this Phase II ESA meets the MPCA definition of unregulated fill and may be reused on-Site or at off-Site properties.
- This Phase II ESA did not identify groundwater impacts greater than MDH drinking water criteria. However, based on the results of the previous environmental investigations, groundwater impacts are present in the vicinity of the former Brookdale Ford Dealership. If dewatering is necessary in the vicinity of the former Brookdale Ford Dealership, additional groundwater sampling should be conducted and appropriate discharge permits may be required.

- Laboratory analysis of the soil vapor samples collected during this Phase II ESA did not identify VOCs at concentrations greater than the MPCA action level of 33X Residential ISVs which would require mitigation. Based on these results, significant area-wide soil vapor impacts are not present at the Site. However, based on the detection of benzene, ethylbenzene, and PCE at concentrations greater than ISVs, as well as the previously identified soil vapor impacts at the former Brookdale Ford Dealership, additional soil vapor sampling will be necessary specific to the proposed redevelopment. If no VOCs are detected at concentrations greater than 33X ISVs, the MPCA will not require vapor mitigation.
- Based on the results of this Phase II ESA and the previous investigations, significant environmental impacts appear to be limited to the vicinity of the former Brookdale Ford Dealership.

G. Recommendations

The following recommendations are based on the results of this Phase II ESA and a review of the previous environmental documents referenced in Section B.2.:

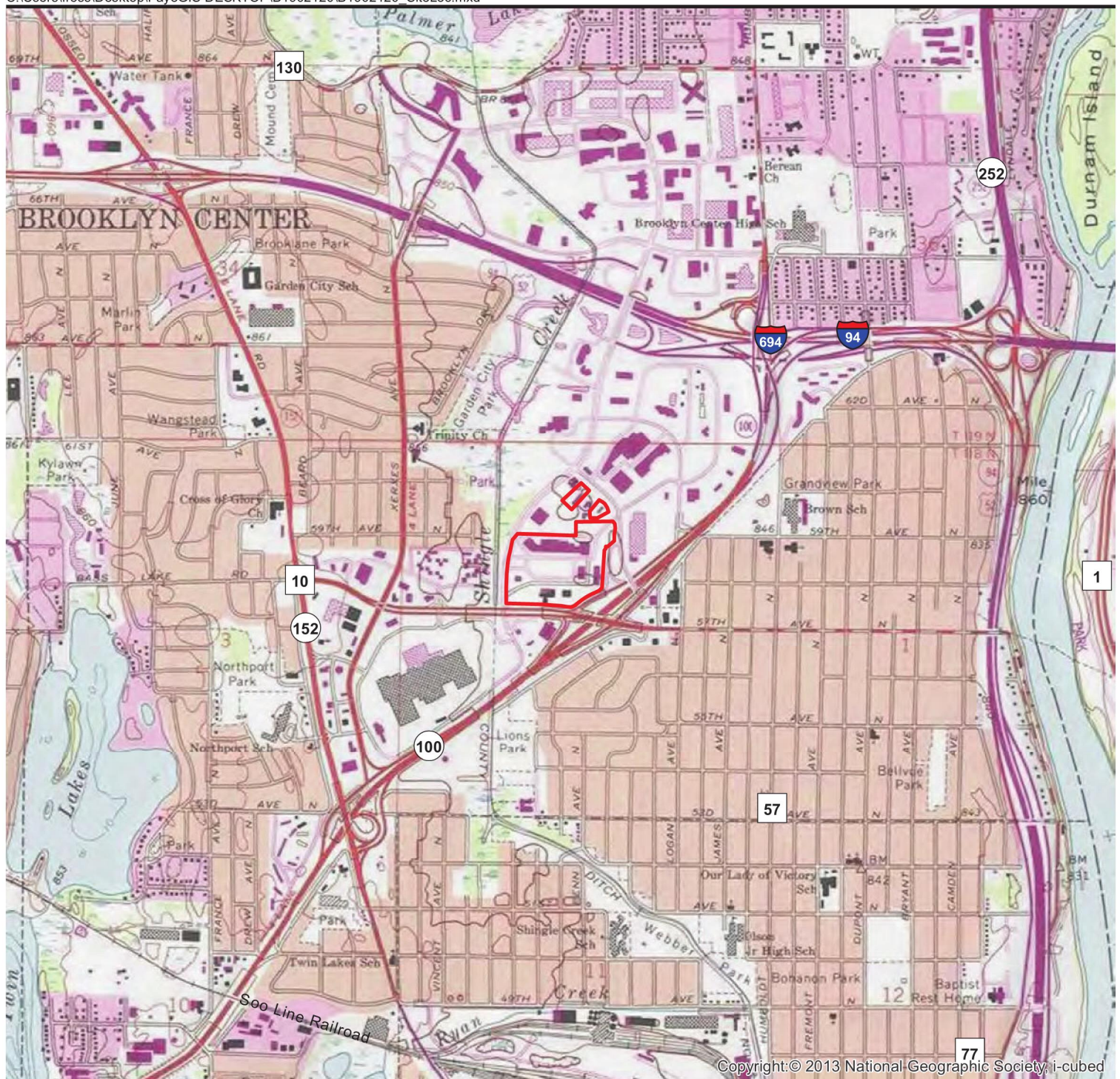
- Enroll the Site in the MPCA Petroleum Brownfields Program (PBP) and the Voluntary Investigation and Cleanup (VIC) Program to facilitate the redevelopment and expedite MPCA response time if contamination is encountered during redevelopment.
- Prepare a Construction Contingency Plan (CCP) that provides a plan and procedures to evaluate and manage environmental issues that may arise during redevelopment of the Site.
- Submit the CCP document to the MPCA VIC and PB Programs for review and approval prior to the start of construction.
- To obtain MPCA assurances and approvals, soil vapor sampling specific to the proposed redevelopment will be necessary. MPCA guidance prescribes two seasonal soil vapor sampling events to determine if vapor mitigation will be required.

H. Assessment Limitations

The analyses and conclusions submitted in this report are based on field observations and the results of laboratory analyses of soil, groundwater, and soil vapor samples collected from the soil borings and soil vapor probes completed for this project.

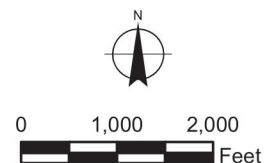
In performing its services, Braun Intertec used that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession currently practicing in the same locality. No warranty, express or implied, is made.

Figures



 Approximate Site Boundary

Data Source:
USGS Quadrangle



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Minneapolis, MN 55438
952.995.2000
braunintertec.com

Project No:
B1902120

Drawing No:
B1902120_SiteLoc

Drawn By: FER
Date Drawn: 3/21/2019
Checked By: JES
Last Modified: 3/21/2019

Four Parcels

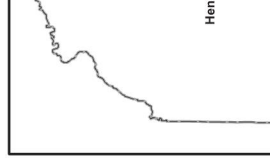
5915 & 5939 John Martin Dr, 5900 Shingle Creek Pkwy, 2500 Cty Rd 10

Brooklyn Center, Minnesota

Site Location Map

Figure 1

- Soil Vapor
- Former B
- Project P
- Hennepin



Former Brookdale Ford Dealership Main Building:
Containing hydraulic hoists, floor drains, and underground storage tanks

Former Body Shop:
Containing hydraulic hoists and floor drains

Tables

Table 1
Soil Analytical Results
Brooklyn Center Opportunity Zone Parcels
Brooklyn Center, MN
Project B1905096

Compound/Parameter	CAS No.	Sample Identifier, Depth, and Date Collected										Residential Soil Reference Value (SRV) (mg/kg)	Industrial Soil Reference Value (SRV) (mg/kg)	Screening Soil Leaching Value (SLV) (mg/kg)
		PP-1 (4-6)	PP-2 (0-4)	PP-3 (0-4)	PP-4 (4-8)	PP-5 (0-2)	PP-6 (2-4)	PP-7 (0-2)	PP-8 (2-4)	PP-9 (2-4)	PP-10 (0-4)			
		07/02/2019	07/02/2019	07/02/2019	07/02/2019	07/02/2019	07/02/2019	07/02/2019	07/01/2019	07/02/2019	07/02/2019			
Volatile Organic Compounds (VOCs) [mg/kg]														
All other reported VOCs														
Polycyclic Aromatic Hydrocarbons (PAHs) [mg/kg]														
Benzo(a)anthracene	56-55-3	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	cPAH	cPAH	cPAH
Benzo(b)fluoranthene	205-99-2	<0.011	0.015	<0.011	0.012	<0.011	<0.011	0.02	<0.011	<0.011	<0.011	cPAH	cPAH	cPAH
Benzo(k)fluoranthene	207-08-9	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	cPAH	cPAH	cPAH
Benzo(a)pyrene	50-32-8	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	0.015	<0.011	<0.011	<0.011	cPAH	cPAH	cPAH
Benzo(g,h,i)perylene	191-24-2	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	0.012	<0.011	<0.011	<0.011	NE	NE	NE
Chrysene	218-01-9	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	0.014	<0.011	<0.011	<0.011	cPAH	cPAH	cPAH
Fluoranthene	206-44-0	<0.011	0.018	0.014	0.015	<0.011	<0.011	<0.011	<0.011	<0.011	0.011	1,080	6,800	670
Indeno(1,2,3-cd)pyrene	193-39-5	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	cPAH	cPAH	cPAH
Phenanthrene	85-01-8	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	NE	NE	NE
Pyrene	129-00-0	<0.011	0.015	<0.011	0.012	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	890	5,800	440
All other reported PAHs	---	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	---	---	---
BaP Equivalent ^[c]	---	0.000	0.002	0.000	0.001	0.000	0.000	0.017	0.000	0.000	0.000	2	3	1.4
Metals [mg/kg]														
Arsenic, Total	7440-38-2	2.0	5.7	3.1	3.0	1.9	3.6	3.1	2.2	1.2	4.8	9	20	5.8
Barium, Total	7440-39-3	44.9	58.7	53.2	27.2	26.1	51.7	37.7	61.1	34.6	51.6	1,100	---	---
Cadmium, Total	7440-43-9	<0.16	<0.15	<0.16	<0.16	<0.15	<0.15	<0.15	<0.15	<0.15	<0.15	25	200	8.8
Chromium, Total ^[d]	7440-47-3	5.0	6.2	7.6	7.5	6.2	6.2	5.6	8.0	5.0	8.1	44,000/87 ^[e]	100,000/650 ^[d]	1,000,000/36 ^[b]
Lead, Total	7439-92-1	3.5	16.7	5.7	5.2	3.9	4.7	5.8	3.6	2.6	6.4	300	700	2,700
Mercury, Total	7439-97-6	<0.019	<0.021	<0.021	<0.020	<0.020	<0.020	0.029	<0.022	<0.020	<0.020	0.5	1.5	3.3
Selenium, Total	7782-49-2	<1.0	<1.0	<1.1	<1.1	<0.99	<1.0	<1.0	<1.0	<1.0	<0.99	160	1,300	2.6
Silver, Total	7440-22-4	<0.52	<0.51	<0.55	<0.55	<0.49	<0.51	<0.50	<0.51	<0.52	<0.50	160	1,300	7.9
Other Parameters [mg/kg]														
Diesel Range Organics (DRO)	---	<9.0	<9.2	<9.1	<8.9	<4.1	<5.4	<8.9	<5.7	<8.8	<8.9	NE	NE	NE
Gasoline Range Organics (GRO)	---	<11.8	<10.9	<11.4	<11.1 ^[h]	<11.4	<10.9	<11.1	<11.5	<12.0	<10.4	NE	NE	NE

Notes

Minnesota Pollution Control Agency (MPCA) SRVs updated June 2009 and SLVs updated June 2013.

mg/kg = Milligrams per kilogram.

< = Not detected at or above the laboratory reporting limit indicated.

--- = Not analyzed or calculated for this parameter or not applicable.

RL = Reporting limits for other parameters that are not listed individually in this table because their concentrations were below reporting limits provided in the laboratory report.

NE = Regulatory limit not established for this parameter.

NE = Regulatory limit not established for this carcinogenic PAH; included in BaP equivalent calculation.

cPAH = Individual regulatory limit not established for this carcinogenic PAH; included in BaP equivalent calculation.

reported as 0 mg/kg per MPCA Remediation Division Policy; June 2011.

^(e) = Reported result is total chromium, regulatory limit for chromium III and chromium VI are provided.

^(f) [G-] Early peaks present outside the GRO window.

^(h) [T6] High boiling point hydrocarbons are present in the sample.

Table 1
Soil Analytical Results
Brooklyn Center Opportunity Zone Parcels
Brooklyn Center, MN
Project B1905096

Compound/Parameter	CAS No.	Sample Identifier, Depth, and Date Collected										Residential Soil Reference Value (SRV) (mg/kg)	Industrial Soil Reference Value (SRV) (mg/kg)	Screening Soil Leaching Value (SLV) (mg/kg)	
		PP-11 (2-4) 07/01/2019	PP-12 (4-6) 07/01/2019	PP-13 (4-6) 07/01/2019	PP-14 (0-4) 07/01/2019	PP-15 (2-4) 07/01/2019	PP-16 (2-4) 07/01/2019	PP-17 (0-2) 07/01/2019	PP-18 (0-2) 07/01/2019	PP-19 (4-6) 07/01/2019	PP-20 (6-8) 07/01/2019				
Volatile Organic Compounds (VOCs) (mg/kg)															
All other reported VOCs															
Polycyclic Aromatic Hydrocarbons (PAHs) (mg/kg)															
Benz(a)anthracene	56-55-3	<0.011	<0.010	<0.011	<0.011	<0.011	0.013	<0.011	0.013	<0.011	<0.011	cPAH	cPAH	cPAH	
Benz(b)fluoranthene	205-99-2	<0.011	<0.010	<0.011	<0.011	<0.011	0.023	<0.011	0.028	<0.011	<0.011	cPAH	cPAH	cPAH	
Benz(k)fluoranthene	207-08-9	<0.011	<0.010	<0.011	<0.011	<0.011	<0.011	<0.011	0.011	<0.011	<0.011	cPAH	cPAH	cPAH	
Benz(a)pyrene	50-32-8	<0.011	<0.010	<0.011	<0.011	<0.011	0.017	<0.011	0.02	<0.011	<0.011	cPAH	cPAH	cPAH	
Benz(a,h,i)perylene	191-24-2	<0.011	<0.010	<0.011	<0.011	<0.011	0.016	<0.011	0.019	<0.011	<0.011	NE	NE	NE	
Chrysene	218-01-9	<0.011	<0.010	<0.011	<0.011	<0.011	0.016	<0.011	0.019	<0.011	<0.011	cPAH	cPAH	cPAH	
Fluoranthene	206-44-0	<0.011	<0.010	<0.011	<0.011	<0.011	0.025	<0.011	0.031	<0.011	<0.011	1,080	6,800	670	
Indeno(1,2,3-cd)pyrene	193-39-5	<0.011	<0.010	<0.011	<0.011	<0.011	0.012	<0.011	0.015	<0.011	<0.011	cPAH	cPAH	cPAH	
Phenanthrene	85-01-8	<0.011	<0.010	<0.011	<0.011	<0.011	0.012	<0.011	<0.011	<0.011	<0.011	NE	NE	NE	
Pyrene	129-00-0	<0.011	<0.010	<0.011	<0.011	<0.011	0.022	<0.011	0.025	<0.011	<0.011	890	5,800	440	
All other reported PAHs	---	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	---	---	---	
BaP Equivalent ^[c]	---	0.000	0.000	0.000	0.000	0.000	0.022	0.000	0.027	0.000	0.000	2	3	1.4	
Metals (mg/kg)															
Arsenic, Total	7440-38-2	2.7	1.9	1.9	2.2	2.3	2.5	1.9	2.7	3.3	1.2	9	20	5.8	
Barium, Total	7440-39-3	27.3	68.4	23.2	66.0	36.2	25.2	37.0	42.6	38.6	23.8	1,100	---	---	
Cadmium, Total	7440-43-9	<0.15	<0.14	<0.16	<0.16	<0.15	<0.17	<0.15	<0.15	<0.15	<0.15	25	200	8.8	
Chromium, Total ^[d]	7440-47-3	7.8	8.5	6.5	10.2	6.7	10.8	6.5	7.3	6.1	7.1	44,000/87 ^[e]	100,000/650 ^[e]	1,000,000,000/36 ^[e]	
Lead, Total	7439-92-1	4.2	2.9	3.3	3.9	4.3	5.0	3.9	9.5	3.5	2.9	300	700	2,700	
Mercury, Total	7439-97-6	<0.019	<0.020	<0.021	<0.020	<0.020	<0.020	<0.021	<0.021	<0.019	<0.022	0.5	1.5	3.3	
Selenium, Total	7782-49-2	<1.0	<0.95	<1.1	<1.1	<1.0	<1.1	<1.0	<1.0	<1.0	<1.0	160	1,300	2.6	
Silver, Total	7440-22-4	<0.51	<0.48	<0.54	<0.53	<0.50	<0.56	<0.52	<0.50	<0.50	<0.51	160	1,300	7.9	
Other Parameters (mg/kg)															
Diesel Range Organics (DRO)	---	<4.6	<8.7	<4.8	<4.4	95.3 ^[f]	29.0 ^[f]	<4.0	<4.1	<4.3	<4.6	NE	NE	NE	
Gasoline Range Organics (GRO)	---	<10.5	<10.9	<11.6	<10.5	<10.9	<11.7	<10.9	<10.6	<10.6	<12.2	NE	NE	NE	

Notes

Minnesota Pollution Control Agency (MPCA) SRVs updated June 2009 and SLVs updated June 2013.

mg/kg = Milligrams per kilogram.

< = Not detected at or above the laboratory reporting limit indicated.

--- = Not analyzed or calculated for this parameter or not applicable.

RL = Reporting limits for other parameters that are not listed individually in this table because their concentrations were below reporting limits provided in the laboratory report.

NE = Regulatory limit not established for this parameter.

cPAH = Individual regulatory limit not established for this carcinogenic PAH; included in BaP equivalent calculation.

Reported as 0 mg/kg per MPCA Remediation Division Policy, June 2011.

[d] [G-] Early peaks present outside the GRO window.

[e] [G-] Early peaks present outside the GRO window.

[f] [T6] High boiling point hydrocarbons are present in the sample.

Table 2
Groundwater Analytical Results
Brooklyn Center Opportunity Zone Parcels
Brooklyn Center, MN
Project B1905096

Compound/Parameter	CAS No.	Sample Identifier, Depth to Water, and Date Collected						Drinking Water Criteria (µg/L)	Source-Date
		PP-1	PP-8	PP-11	PP-15	PP-18	PP-19		
		14.49 feet	7.33 feet	10.55 feet	10.18 feet	8.82 feet	10.09 feet		
		7/2/2019	07/01/2019	07/01/2019	07/01/2019	07/01/2019	07/01/2019		
Volatile Organic Compounds (VOCs) (µg/L)									
All reported VOCs	---	<RL	<RL	<RL	<RL	<RL	<RL	---	---
Other Parameters (µg/L)									
Diesel Range Organics (DRO)	---	119	<109	157 ^[2]	<104	<104	<96.2	200	HBV ^[a]

Notes

Drinking Water Criteria = The most conservative value for chronic or cancer exposures provided from the following sources including the Minnesota Department of Health (MDH) Health Risk Limit (HRL), MDH Health Based Value (HBV), MDH Risk Assessment Advice (RAA) or Maximum Contaminant Level (MCL). The date of promulgation is provided, if available. Values updated April 2019.

µg/L = Micrograms per liter.

< = Not detected at or above the laboratory reporting limit indicated.

--- = Not analyzed or calculated for this parameter or not applicable.

RL = Reporting limits for other parameters that are not listed individually in this table because their concentrations were below reporting limits provided in the laboratory report.

^[a] = Provisional MDH Health Based Value for total petroleum hydrocarbons (sum of DRO and GRO).

^[2] [T6] High boiling point hydrocarbons are present in the sample.

Parameter	CAS No.	Sample Identifier, Sample Depth, and Date Collected										Reporting Limit
		SV-1	SV-2	SV-3	SV-4	SV-5	SV-6	SV-7	SV-8	SV-9	SV-10	
		3 to 5 feet	3 to 5 feet	3 to 5 feet	3 to 5 feet	3 to 5 feet	3 to 5 feet	3 to 5 feet	3 to 5 feet	3 to 5 feet	3 to 5 feet	
		07/02/2019	07/02/2019	07/02/2019	07/02/2019	07/02/2019	07/02/2019	07/01/2019	07/01/2019	07/01/2019	07/01/2019	
Volatile Organic Compounds (VOCs) (µg/m³)												
	67-64-1	189	337	44.6	110	154	157	208	52.4	61.9	45.4	
	71-43-2	42.1	37.5	18.1	31.2	11.4	22.2	18.0	5.6	11.4	2.0	
Acetone, MEK	78-93-3	80.7	321	13.9	44.5	96.8	78.5	88.9	21.0	15.7	15.3	
	75-15-0	16.5	16.7	15.1	20.8	16.1	14.1	11.5	4.1	12.6	7.6	
	110-82-7	14.0	17.3	9.8	11.6	<5.5	8.0	<5.0	<4.7	4.8	<5.4	
Acetone (12)	75-71-8	7.0	7.1	25.5	232	9.9	<3.0	135	4,170	20.9	149	
	64-17-5	18.7	50.6	9.4	10.1	17.1	10.0	11.0	6.2	6.3	<6.0	
	100-41-4	7.5	12.1	8.1	7.1	6.2	11.0	6.9	3.6	4.1	<2.7	
	622-96-8	<8.2	<8.0	4.4	<8.0	<7.9	<7.4	<7.2	<6.7	<4.9	<7.8	
	142-82-5	25.4	33.7	12.8	17.5	14.0	15.1	16.5	<2.2	6.4	2.8	
	87-68-3	<17.8	<17.5	<8.4	<17.5	<17.1	<16.2	<15.6	<14.5	<10.6	<16.8	
Acetone	591-78-6	<13.6	23.2	<6.4	<13.4	<13.1	<12.4	<12.0	<11.1	<8.2	<12.9	
Isopropyl Alcohol (1)	75-09-2	16.1	<11.4	10.3	<11.4	<11.2	<10.5	10.3	14.5	93.8	16.3	
	67-63-0	<8.2	<8.0	4.4	<8.0	<7.9	<7.4	<7.2	21.1	<4.9	<7.8	
	115-07-1	426 ^[1]	677 ^[1]	113 ^[1]	456 ^[1]	219 ^[1]	381 ^[1]	342 ^[1]	46.3	108 ^[1]	29.5	
	100-42-5	<2.8	4.2	<1.3	<2.8	2.9	<2.6	4.3	<2.3	<1.7	<2.7	
Diethylene Glycol (1)	127-18-4	<2.3	<2.2	1.9	<2.2	<2.2	<2.1	7.0	<1.8	<1.4	<2.1	
	109-99-9	<2.0	3.3	<0.93	<1.9	<1.9	<1.8	<1.7	2.4	<1.2	<1.9	
	108-88-3	40.7	41.9	22.8	31.4	29.7	29.5	26.8	10.5	16.8	3.7	
Diethylene Glycol (11)	75-69-4	<3.7	<3.7	7.3	5.4	3.9	<3.4	89.9	<3.1	<2.2	16.0	
	95-63-6	4.1	13.2	12.5	7.9	3.2	10.9	10.3	3.3	4.4	3.2	
	108-67-8	<3.3	3.8	3.9	<3.2	<3.2	3.2	3.1	<2.7	<2.0	<3.1	
	179601-23-1	26.0	43.8	24.4	23.0	21.6	18.9	21.4	11.5	15.2	<5.5	
	95-47-6	9.0	18.5	10.2	9.2	7.2	8.9	9.2	3.9	5.9	<2.7	
	---	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	

Agency (MPCA) Intrusion Screening Values (ISVs) were updated 5/29/2019.

ic meter.

the laboratory reporting limit indicated.

ed for this parameter or not applicable.

er parameters that are not listed individually in this table because their concentrations were below reporting limits provided in the laboratory report.

licked for this parameter.

Appendix A

Previous Investigation Data

Appendix B

Soil Boring Logs

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-1		
					LOCATION: See attached sketch.		
					NORTHING: 197882	EASTING: 518667	
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/02/19	END DATE: 07/02/19		
SURFACE ELEVATION:		RIG:	METHOD: Direct Push	SURFACING: Asphalt	WEATHER: Cloudy/overcast		
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details	Tests or Remarks	
8.0	▼	FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, trace Clay, trace Silty Sand, brown and dark brown, moist	5	5.1		Soil sample PP-1 (4-6') @ 12:00 collected for analytical testing	
				3.8			
				4.1			
				4.0			
12.0				3.5			
				5.0			
16.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, trace Organic Silt, light brown with black, moist to wet	15	4.2	Temporary well installed with screen set from 14 to 19 feet		
18.0		FILL: POORLY GRADED SAND with SILT and GRAVEL (SP-SM), fine to coarse-grained Sand, trace Gravel, black, wet		3.5			
20.0		FILL: POORLY GRADED SAND with GRAVEL (SP), fine to coarse-grained Sand, trace, trace coal, brown, wet		3.3			
				2.7			
		END OF BORING	20			Water level measured at 14.49 feet in temporary well	
		Boring then backfilled with bentonite grout					
			25			Water sample PP-1 @ 12:05 collected for analytical testing	
			30			Water observed at 14.5 feet at end of drilling.	

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-2	
					LOCATION: See attached sketch	
					NORTHING: 197879	EASTING: 518811
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/02/19	END DATE: 07/02/19	
SURFACE ELEVATION:		RIG:	METHOD: Direct Push	SURFACING: Asphalt	WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details	Tests or Remarks
2.0		SILTY SAND (SM), fine to medium-grained Sand, dark brown, moist (TOPSOIL FILL)		1.8		Soil sample PP-1 (0-2') @ 11:25 collected for analytical testing
		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, trace Silt, light brown, moist		2.2		
			5	2.8		
8.0				2.5		
		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, brown, moist		1.8		
12.0		Cobbles from 10 to 12 feet	10			
		END OF BORING				
		Boring then backfilled with bentonite grout	15			
			20			
			25			
			30			

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-3	
					LOCATION: See attached sketch	
					NORTHING: 197950	EASTING: 519050
DRILLER: Bergerson Caswell	LOGGED BY: C. Forster & J. Carlson		START DATE: 07/02/19	END DATE: 07/02/19		
SURFACE ELEVATION:	RIG:	METHOD: Direct Push	SURFACING: Asphalt	WEATHER: Cloudy/overcast		
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details	Tests or Remarks
4.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, with Lean Clay, brown, moist		2.9		Soil sample PP-3 (0-4') @ 10:45 collected for analytical testing
				3.6		
		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, brown to light brown, moist	5	3.6		
				3.6		
12.0		With cobbles at 10 feet	10	2.9		
		END OF BORING				
		Boring then backfilled with auger cuttings	15			
			20			
			25			
			30			

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-4		
					LOCATION: See attached sketch		
					NORTHING: 198092	EASTING: 519257	
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/02/19		END DATE: 07/02/19	
SURFACE ELEVATION:		RIG:	METHOD: Direct Push		SURFACING: Vegetation		WEATHER: Cloudy/overcast
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks
8.0		FILL: SILTY SAND (SM), fine to medium-grained Sand, trace Gravel, trace roots, dark brown and brown, moist <i>With concrete debris from 3 to 7 feet</i>	5	2.4 5.9 3.8			Soil sample PP-4 (4-8') @ 10:20 collected for analytical testing
13.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, brown, moist <i>With fibers and Organic Silt at 13 feet</i>	10	4.5 5.7			
16.0		FILL: SANDY LEAN CLAY (CL), trace Gravel, trace roots, gray, moist	15	3.8			
		END OF BORING					
		Boring then backfilled with bentonite grout	20				
			25				
			30				

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota						BORING: PP-5			
						LOCATION: See attached sketch			
						NORTHING: 197998	EASTING: 518905		
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/02/19		END DATE: 07/02/19			
SURFACE ELEVATION:		RIG:		METHOD: Direct Push		SURFACING: Gravel		WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)			Sample	PID ppm	Well Details		Tests or Remarks
2.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, with Silty Sand, dark brown and brown, moist				4.7			Soil sample PP-5 (0-4') @ 11:10 collected for analytical testing
6.0		FILL: SILTY SAND (SM), fine to medium-grained Sand, trace Gravel, brown and dark brown, moist			5	2.6			
8.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silty Sand, light brown, moist				4.6			
12.0		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, light brown, moist			10	2.6			
END OF BORING									
		Boring then backfilled with bentonite grout			15				
					20				
					25				
					30				

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota						BORING: PP-6	
						LOCATION: See attached sketch	
						NORTHING: 197977	EASTING: 518659
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/02/19		END DATE: 07/02/19	
SURFACE ELEVATION:		RIG:		METHOD: Direct Push		SURFACING: Gravel WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks
2.0		FILL: SILTY SAND with GRAVEL (SM), fine to medium-grained Sand, trace roots, with Lean Clay, brown and dark brown, moist		3.5			Soil sample PP-6 (2-4') @ 14:20 collected for analytical testing
		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, brown and dark brown, moist <i>With Silty Sand and Silt from 4 to 6 feet</i>	5	2.5			
				1.9			
8.0		<i>Trace Organic Silt at 7 feet</i>		1.8			
		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silty Sand, trace Organic Silt, light brown, moist	10	2.5			
12.0				3.1			
END OF BORING							
		Boring then backfilled with bentonite grout	15				
			20				
			25				
			30				

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-7	
					LOCATION: See attached sketch	
					NORTHING: 198036	EASTING: 518294
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/02/19	END DATE: 07/02/19	
SURFACE ELEVATION:		RIG:	METHOD: Direct Push	SURFACING: Asphalt	WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details	Tests or Remarks
2.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, trace Organic Silt, dark brown, moist	—	2.4		Soil sample PP-7 (0-2') @ 14:50 collected for analytical testing
4.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silty Sand, brown and dark brown, moist	—	3.0		
6.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to coarse-grained Sand, trace Gravel, with Silt, dark brown, moist	5	6.1		
8.0		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, with Poorly Graded Sand with Silt, light brown and brown, moist	—	5.3		
12.0		FILL: POORLY GRADED SAND with GRAVEL (SP), fine to coarse-grained Sand, brown, moist to wet	10	7.8		
				7.4		
END OF BORING						
Boring then backfilled with bentonite grout						
			15			Water observed at 9.0 feet while drilling.
			20			
			25			
			30			

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-8			
					LOCATION: See attached sketch. Offset 15 feet west.			
					NORTHING: 198384	EASTING: 518661		
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19		END DATE: 07/01/19		
SURFACE ELEVATION:		RIG:	METHOD: Direct Push		SURFACING: Asphalt		WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)			Sample	PID ppm	Well Details	Tests or Remarks
0.4		ASPHALT, 5 inches						
2.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, trace roots, with Silty Sand, with Silt, dark brown and brown, moist				0.4		Soil sample PP-8 (2-4') @ 12:50 collected for analytical testing
4.0		FILL: SILTY SAND (SM), fine to medium-grained Sand, trace Gravel, with Silt, brown, moist				0.3		
		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, with Silt, brown, moist to wet			5	0.5	Temporary well installed with screen set from 7 to 12 feet	Water level measured at 7.33 feet in temporary well
8.0						0.5		
		FILL: POORLY GRADED SAND with GRAVEL (SP), fine to coarse-grained Sand, with Silt, brown, wet			10	0.6	Water sample PP-8 @ 13:10 collected for analytical testing	Water observed at 7.5 feet at end of drilling.
12.0						0.6		
		END OF BORING						
		Boring then backfilled with bentonite grout			15			
					20			
					25			
					30			

B1905096

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-10			
					LOCATION: See attached sketch			
					NORTHING: 198316	EASTING: 519277		
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/02/19		END DATE: 07/02/19		
SURFACE ELEVATION:		RIG:	METHOD: Direct Push		SURFACING: Vegetation		WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks	
4.0		FILL: POORLY GRADED SAND with SILT and GRAVEL (SP-SM), fine to medium-grained Sand, with concrete fragments, with Silty Sand, with Lean Clay, dark brown, moist		2.4			Soil sample PP-10 (0-4') @ 09:50 collected for analytical testing	
8.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silty Sand, brown and light brown, moist	5	3.2				
10.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, with Lean Clay, brown, moist	10	1.5				
12.0		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, light brown, moist		2.2				
END OF BORING								
		Boring then backfilled with bentonite grout	15					
			20					
			25					
			30					

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-11		
					LOCATION: See attached sketch. Offset 20 feet north.		
					NORTHING: 198625	EASTING: 519332	
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19	END DATE: 07/01/19		
SURFACE ELEVATION:		RIG:	METHOD: Direct Push	SURFACING: Asphalt	WEATHER: Cloudy/overcast		
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details	Tests or Remarks	
0.4		ASPHALT, 5 inches					
2.0		FILL: SILTY SAND (SM), fine to medium-grained Sand, with Gravel, with bituminous, black, moist		0.3		Soil sample PP-11 (2-4') @ 14:00 collected for analytical testing	
		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silty Sand, light brown and dark brown, moist		0.7			
6.0			5	0.6			
8.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, light brown, moist		0.3		Temporary well installed with screen set from 10 to 15 feet	
10.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silt, light brown, moist	10	0.6			
		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, light brown, wet		0.4			
16.0			15	0.7		Water level measured at 10.55 feet in temporary well.	
				0.5			
		END OF BORING				Water sample PP-11 @ 14:10 collected for analytical testing	
		Boring then backfilled with bentonite grout					
			20				
			25				
			30				

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota						BORING: PP-12	
						LOCATION: See attached sketch. Offset 20 feet west.	
						NORTHING: 198604	EASTING: 519010
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19		END DATE: 07/01/19	
SURFACE ELEVATION:		RIG:		METHOD: Direct Push		SURFACING: Gravel WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks
2.0		FILL: POORLY GRADED SAND with SILT and GRAVEL (SP-SM), fine to coarse-grained Sand, trace concrete fragments, trace brick fragments, trace plastic debris, brown, moist		3.0			Soil sample PP-12 (4-6') @ 15:30 collected for analytical testing
6.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silty Sand, brown, moist	5	3.5			
				2.0			
10.0		FILL: POORLY GRADED SAND with GRAVEL (SP), fine to medium-grained Sand, with Lean Clay, brown, moist		3.1			
				3.1			
12.0		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, brown, moist	10	2.3			
		END OF BORING					
		Boring then backfilled with bentonite grout					
			15				
			20				
			25				
			30				

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-13		
					LOCATION: See attached sketch		
					NORTHING: 198571	EASTING: 518766	
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19		END DATE: 07/01/19	
SURFACE ELEVATION:		RIG:	METHOD: Direct Push		SURFACING: Gravel		WEATHER: Cloudy/overcast
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks
0.5		AGGREGATE, 6 inches					Soil sample PP-13 (4-6') @ 15:45 collected for analytical testing
		FILL: SILTY SAND (SM), fine to medium-grained Sand, trace Gravel, brown and light brown, moist		5.2			
				5.3			
4.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine-grained Sand, trace Gravel, with Lean Clay, light brown, moist	5	4.6			
6.0		FILL: SILTY SAND (SM), fine to medium-grained Sand, with Lean Clay, grayish brown, moist to wet		4.1			
8.0		FILL: POORLY GRADED SAND with GRAVEL (SP), fine to coarse-grained Sand, brown, wet	10	2.9			Water observed at 7.0 feet while drilling.
12.0	END OF BORING						
	Boring then backfilled with bentonite grout						
			15				
			20				
			25				
			30				

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-14	
					LOCATION: See attached sketch	
					NORTHING: 198562	EASTING: 518481
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19	END DATE: 07/01/19	
SURFACE ELEVATION:		RIG:	METHOD: Direct Push	SURFACING: Gravel	WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details	Tests or Remarks
4.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silt, brown, moist		3.7		Soil sample PP-14 (0-4') @ 17:00 collected for analytical testing
6.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, with Silt, light brown and brown, moist	5	6.8		
8.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to coarse-grained Sand, trace Gravel, with Silty Sand, with Silt, brown, moist		4.7		
		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, with Silt, with Silty Sand, brown, moist to wet	10	3.9		
12.0				4.3		
		END OF BORING				Water observed at 10.0 feet while drilling.
		Boring then backfilled with bentonite grout				
			15			
			20			
			25			
			30			

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-15				
					LOCATION: See attached sketch				
					NORTHING: 198686	EASTING: 518269			
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19		END DATE: 07/01/19			
SURFACE ELEVATION:		RIG:		METHOD: Direct Push		SURFACING: Gravel		WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks		
4.0	▼	FILL: POORLY GRADED SAND with SILT and GRAVEL (SP-SM), fine to medium-grained Sand, trace brick fragments, brown, moist		5.0			Soil sample PP-15 (2-4') @ 17:15 collected for analytical testing Temporary well installed with screen set from 10 to 15 feet Water level measured at 10.18 feet in temporary well Water sample PP-15 @ 17:20 collected for analytical testing Water observed at 10.2 feet at end of drilling.		
				5.3					
8.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Lean Clay, brown and light brown, moist	5	4.9					
				4.3					
10.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, brown, moist	10	4.5					
		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, brown, wet		5.9					
16.0			15	6.4					
				7.3					
		END OF BORING							
		Boring then backfilled with bentonite grout							
			20						
			25						
			30						

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota						BORING: PP-16			
						LOCATION: See attached sketch			
						NORTHING: 198731	EASTING: 518739		
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19		END DATE: 07/01/19			
SURFACE ELEVATION:		RIG:		METHOD: Direct Push		SURFACING: Gravel		WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks		
4.0		FILL: POORLY GRADED SAND with SILT and GRAVEL (SP-SM), fine to medium-grained Sand, trace concrete fragments, brown, moist		3.7			Soil sample PP-16 (2-4') @ 16:15 collected for analytical testing		
6.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silty Sand, brown, moist	5	2.6					
8.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, with Silt, brown, moist		2.4					
12.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, light brown, moist to wet	10	2.6					
		END OF BORING				Water observed at 9.5 feet while drilling.			
		Boring then backfilled with bentonite grout							

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-17	
					LOCATION: See attached sketch	
					NORTHING: 198886	EASTING: 519165
DRILLER: Bergerson Caswell	LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19	END DATE: 07/01/19		
SURFACE ELEVATION:	RIG:	METHOD: Direct Push	SURFACING: Asphalt	WEATHER: Cloudy/overcast		
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details	Tests or Remarks
6.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, brown and light brown, moist	5	0.8 1.2 2.1		Soil sample PP-17 (0-2') @ 14:21 collected for analytical testing
8.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silty Sand, brown to black, moist to wet		0.9		
12.0		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, brown, wet	10	2.0 1.9		
		END OF BORING				
		Boring then backfilled with bentonite grout	15			Water observed at 8.0 feet at end of drilling.
			20			
			25			
			30			

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota					BORING: PP-18			
					LOCATION: See attached sketch			
					NORTHING: 199109	EASTING: 519338		
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19		END DATE: 07/01/19		
SURFACE ELEVATION:		RIG:	METHOD: Direct Push		SURFACING: Vegetation		WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks	
2.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with organic clay, brown and black, moist	—	0.3			Soil sample PP-18 (0-2') @ 11:35 collected for analytical testing Temporary well installed with screen set from 7 to 12 feet Water level measured at 8.82 feet in temporary well Water sample PP-18 @ 11:40 collected for analytical testing	
4.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, with Silty Sand, light brown and dark brown, moist	—	0.3				
12.0			FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Gravel, with Silt, light brown to brown, moist to wet	5				0.4
								0.4
								1.1
16.0		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, brown, wet, becomes with Gravel	15	0.4				
END OF BORING Boring then backfilled with bentonite grout								
			20				Water observed at 8.8 feet at end of drilling.	
			25					
			30					

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota						BORING: PP-19			
						LOCATION: See attached sketch			
						NORTHING: 199263	EASTING: 518981		
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19		END DATE: 07/01/19			
SURFACE ELEVATION:		RIG:		METHOD: Direct Push		SURFACING: Vegetation		WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks		
2.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine-grained Sand, with Silty Sand, brown and dark brown, moist		0.6					
		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, with Silty Sand, brown and light brown, moist		0.6					
6.0			5	0.7			Soil sample PP-19 (4-6') @ 10:35 collected for analytical testing		
8.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, with Silty Sand, with Silt, brown, moist		0.6					
		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, brown and light brown, moist to wet	10	0.9			Temporary well installed with screen set from 10 to 15 feet		
12.0				0.6			Water level measured at 10.09 feet in temporary well		
14.0		FILL: POORLY GRADED SAND with GRAVEL (SP), fine to coarse-grained Sand, brown, wet		0.5					
16.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, with Poorly Graded Sand with Silt, brown and dark brown, wet	15	0.4			Water sample PP-10 @ 10:40 collected for analytical testing		
		END OF BORING					Water observed at 10.1 feet at end of drilling.		
		Boring then backfilled with bentonite grout							
			20						
			25						
			30						

Project Number B1905096 Environmental Investigation Brooklyn Center Opportunity Zone Parcel Brooklyn Center, Minnesota						BORING: PP-20	
						LOCATION: See attached sketch	
						NORTHING: 199352	EASTING: 519076
DRILLER: Bergerson Caswell		LOGGED BY: C. Forster & J. Carlson		START DATE: 07/01/19		END DATE: 07/01/19	
SURFACE ELEVATION:		RIG:		METHOD: Direct Push		SURFACING: Vegetation WEATHER: Cloudy/overcast	
Elev./ Depth ft	Water Level	Description of Materials (Soil-ASTM D2488 or 2487; Rock-USACE EM 1110-1-2908)	Sample	PID ppm	Well Details		Tests or Remarks
2.0		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, with Silt, brown, moist		0.0			Soil sample PP-20 (6-8') @ 10:15 collected for analytical testing
		FILL: POORLY GRADED SAND with SILT (SP-SM), fine to medium-grained Sand, trace Gravel, brown and light brown, moist		0.0			
6.0			5	0.0			
8.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, brown, moist, rust staining		0.0			
10.0		FILL: POORLY GRADED SAND (SP), fine to medium-grained Sand, trace Silt, brown and light brown, moist to wet	10	0.0			
12.0		FILL: POORLY GRADED SAND (SP), fine to coarse-grained Sand, trace Gravel, trace Silt, brown, wet		0.0			Water observed at 9.0 feet while drilling.
		END OF BORING					
		Boring then backfilled with bentonite grout					
			15				
			20				
			25				
			30				

Appendix C
Laboratory Analytical Report

Appendix E

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Appendix J

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