

**CITY COUNCIL
MEETING**

City Hall Council Chambers
March 13, 2023

AGENDA



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

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

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

2. Invocation - Lawrence-Anderson - 7 p.m.

3. Call to Order Regular Business Meeting

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

- a. Council Norms

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

- a. Approval of Minutes

- motion to approve the following meetings:

- *February 27 Study Session*
- *February 27 Regular Session*

- b. Approval of Licenses

- Motion to approve the licenses as presented.

- c. Resolution Identifying the Need for LCDA Predevelopment Funding and Authorizing an Application for Grant Funds to New Generations LLC

-Motion to approve a resolution identifying the need for Met Council Livable Communities Demonstrations Account- Predevelopment funding and authorizing the submission for grant funds.

- d. Resolution Approving Settlement Agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05
 - *Motion to approve a resolution approving a settlement agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05*
- e. Resolution Authorizing the Application and Execution of the Metropolitan Council Grant Agreement for Inflow and Infiltration
 - *Motion to approve a resolution authorizing the application and execution of the Metropolitan Council grant agreement for inflow and infiltration*
- f. Resolution Authorizing the Filing of an Application for the Hennepin Youth Sports Program Grant
 - Motion to approve a resolution authorizing the application and execution of agreement to develop recreation facilities under the provisions of the Hennepin Youth Sports Program.
- g. Resolution Extending Services with Carson, Clelland, and Schreder for Criminal Attorney Services
 - *motion to approve a resolution deferring schedule solicitation of requests for proposals on prosecution services*

7. Presentations/Proclamations/Recognitions/Donations

- a. Proclamation of Recognition and Appreciation to Doris Branch for Over 24 Years of Dedicated Service to the City of Brooklyn Center as an Election Judge
 - *Accept proclamation recognizing Doris Branch*

8. Public Hearings

9. Planning Commission Items

10. Council Consideration Items

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 discussion
- 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: 3/13/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- motion to approve the following meetings:

- *February 27 Study Session*
- *February 27 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:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
February 27 Study Session	3/8/2023	Backup Material
February 27 Regular Session	3/10/2023	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
FEBRUARY 17, 2023
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Pro Tem Marquita Butler at 6:04 p.m.

ROLL CALL

Mayor Pro Tem Marquita Butler and Councilmembers Kris Lawrence-Anderson, Dan Jerzak, Teneshia Kragness (arrived at 6:09 p.m.). Mayor April Graves was absent. Also present were City Manager Reggie Edwards, City Clerk Barb Suci, and City Attorney Jason Hill.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Jerzak stated he had some constituents reach out to him about an agenda item. While there is not typically an opportunity for constituents to speak to agenda items, he asked if the Council would be amenable to hearing comments from the constituents after a presentation. It is regarding Regular Session Presentations/Proclamations/Recognitions/Donations 7a. Emerging Brooklyn Center.

Mayor Pro Tem Butler asked if the constituents wanted to provide comments or ask questions. Councilmember Jerzak stated he is unsure as he referred them to speak to the City Clerk. Mayor Pro Tem Butler stated the Council should see how the timing of the meeting is going before allowing public comment on the item.

Councilmember Jerzak stated he had a correction for the minutes on page 13 for February 13, 2023. He explained he misstated he had a \$10,000 assessment, but it was an incomplete statement. It was a combination of multiple assessments that amounted to over \$10,000. He added he would like the same paragraph to mention “freeze-thaw” rather than “tree branches.”

MISCELLANEOUS

MARCH 6 WORK SESSION

City Manager Reggie Edwards explained March 6, 2023, is another pre-scheduled date for a Council Work Session. The topic could be strategic planning, the community survey, or Liquor Store #2.

Councilmember Teneshia Kragness arrived at 6:09 p.m.

Mayor Pro Tem Butler stated she is unavailable on March 6, 2023. Councilmembers Lawrence-Anderson, Jerzak, and Kragness noted they are available on March 6, 2023, for a Work Session.

Councilmember Lawrence-Anderson stated there is an upcoming Town Hall Meeting at the Community Center with Senator Kaying Pha, Representative Samantha Vang, and Representative Mike Nelson.

Councilmember Jerzak asked for the upcoming Work Session agenda to include a short update on the progress of the employee survey. Dr. Edwards stated there is nothing to report besides that Staff is still working on it.

Councilmember Lawrence-Anderson asked if it would make sense to do the community survey and the employee survey simultaneously. Dr. Edwards stated they may end up being around the same time.

Mayor Pro Tem Butler pointed out the community survey is more involved and needs to return to the Council for review. Dr. Edwards confirmed that was correct.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

RFP FOR CITY ATTORNEY

City Manager Reggie Edwards explained following City Council Policy: 2.81 Schedule for Requests for Proposals (RFP) for Legal Services, the City Council is to request for proposal (RFP) for civil and criminal services on an alternating four-year basis. With COVID-19 and civil unrest, this schedule has been amended. In 2022, the City processed an RFP for civil attorney services. An RFP for criminal attorney services is due to be completed in 2023. Dr. Edwards stated the City could continue the contract with the current firm or seek proposals.

Councilmember Jerzak moved to extend the current law firm contract.

Councilmember Lawrence-Anderson stated if the Police Chief and City Manager are satisfied with the current firm, then there isn't a reason to change anything. Dr. Edwards stated he hasn't had any issues with the current law firm, and the organization had provided quality services over the years. There was a rate adjustment last year that was reasonable.

Councilmember Kragness seconded the motion to extend the current law firm contract.

Mayor Pro Tem Butler stated a motion is not necessary as the item merely needs consensus.

The motion and second were withdrawn.

It was the consensus of the City Council to extend the current law firm contract.

ADJOURNMENT

Hearing no objections, Mayor Pro Tem Butler closed the Study Session at 6:18 p.m.

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
FEBRUARY 27, 2023
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH THE CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Pro Tem Marquita Butler at 6:45 p.m.

ROLL CALL

Mayor Pro Tem Marquita Butler and Councilmembers Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness were present. Mayor April Graves was absent. Also present were City Manager Reggie Edwards, Deputy Director of Community Development Jess Anderson, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

Mayor Pro Tem Butler opened the meeting with Informal Open Forum.

Ms. Francine Brown stated she took photos of when the plows come by. She shared photos of other snowstorms and described how they impacted her. There is regularly one foot of snow in front of her driveway after plowing while the same is not true for her neighbors. She indicated the plows knocked down a limb off her tree and she had to pay to have the limb cut up.

Ms. Brown stated the plow drivers have given her the excuse that she gets a lot of extra snow from plowing because she is on a corner. She contacted the plowing staff, and they were insulting.

Mayor Pro Tem Butler stated she would provide the photos and other information to the City Manager. Ms. Brown stated she has contacted multiple people from the Public Works Department and Mayor April Graves, but she has not received a response. Mayor Pro Tem Butler stated Dr. Edwards would follow up with Staff.

Councilmember Lawrence-Anderson stated there seems to be a difference for homes on corners. She asked if that was correct. Ms. Brown. Stated she was told that because she is on a corner lot, there is a tendency to have more snow in the driveway. She added now has cameras and has evidence of the plows going the wrong way on the street and putting snow into her driveway.

Councilmember Kragness noted there are cars parked on the street across from her home in a photo. Ms. Brown stated those are her cars that she put there after plowing.

Diane S. stated the current Council is the most diverse in the City's history, and they should be proud. The Council must represent the entire community. She stated she was part of the group BC Initiative and visited Oakland. Mayor Pro Tem Butler stated the item is on the agenda, so they cannot take public comment at the current time.

Diane S. explained Kevin Miller, *Sun Post* Editor, should be congratulated as the *Sun Post* has received several awards.

Diane S. showed the Council a postcard that all Brooklyn Center residents received. She received it February 13, 2023, and it is about a meeting on Saturday, February 18, 2023, from 12:30 p.m. to 1:30 p.m. She asked who initiated the mailing. The two-sided printing in color along with postage is expensive. The listed address is a church, and the church's pastor stated they don't hold church on Saturdays and was unsure why the postcard was mailed. There was no sign and no one was present and there was no contact information on the postcard, so the attendees called her.

Diane S. stated the mailing was disrespectful to residents and should be addressed in an upcoming newsletter. She added a similar incident happened previously where there was a City event with no parking.

Laurie M. stated it is interesting Mayor Pro Tem Butler doesn't believe residents can speak to items on the agenda. The previous Mayor allowed it for six months or longer. Mayor Pro Tem Butler stated the platform is not to be used for attacks.

Laurie M. stated Mayor Pro Tem Butler is not following the rule of capping comments at two minutes. Mayor Pro Tem Butler stated they also made an exception for Laurie M. to speak after 7:00 p.m. Laurie M. stated it is disrespectful to change the rules.

Laurie M. explained she emailed Staff and the Council with concerns regarding Emerging BC. However, Mayor Pro Tem Butler believes she has the power to limit public comment. Laurie M. stated she hopes the consensus of the Council is to allow public comment after the Emerging BC presentation. Mayor Pro Tem Butler stated the Council has already discussed allowing public comment after the presentation if time allows.

Councilmember Jerzak moved and Councilmember Kragness seconded to close the Informal Open Forum at 7:01 p.m.

The motion passed unanimously.

2. INVOCATION

Councilmember Jerzak stated Black History Month is ending, but the quotes of Martin Luther King are timeless and should be considered throughout the year. He read two quotes by Martin Luther King Jr., "You don't have to see the whole staircase, just take the first step," and "Never, never be afraid to do what is right."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Graves at 7:03 p.m.

4. ROLL CALL

Mayor Pro Tem Marquita Butler and Councilmembers Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness were present. Mayor April Graves was absent. Also present were City Manager Reggie Edwards, Deputy Director of Community Development Jess Anderson, Assistant City Manager/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 Lawrence-Anderson moved and Councilmember Jerzak seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Regular Session Minutes of February 13, 2023, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. February 6, 2023 – Work Session
2. February 13, 2023 – Study Session
3. February 13, 2023 – Regular Session
4. February 13, 2023 – Work Session

6b. LICENSES

GASOLINE

Speedway #3192	6950 Brooklyn Boulevard
Speedway #4058	1901 57th Avenue
Speedway #4160	6545 West River Road

LIQUOR LICENSE OFF-SALE 3.2

Speedway #3192	6950 Brooklyn Boulevard
Speedway #4058	1901 57th Avenue
Speedway #4160	6545 West River Road

MECHANICAL

360 Heating and Air Conditioning, LLC	10048 Nord Road, Bloomington 55437
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TOBACCO

Speedway #3192

6950 Brooklyn Boulevard

Speedway #4058

1901 57th Avenue

Speedway #4160

6545 West River Road

RENTAL

INITIAL (TYPE III – one-year license)
4207 Lakeside Avenue N #229

Angelo C Lazarakes & G Faue

INITIAL (TYPE II – two-year license)
2913 65th Avenue N

Maria Chang

6101 June Avenue N

Five Star Enterprises, LLC

RENEWAL (TYPE IV – six-month license)
4450 58th Avenue N

Park Place Off Broadway Llc

6825 Noble Avenue N

Robert Gardner Jr

5006 Howe Lane

AUX FINDING LLC

5707 Emerson Avenue N

C4D HOMES LLC

6300 France Avenue N

9816 Palm St Llc

6430 Toledo Avenue N

Touchstones Properties Llc

6614 Bryant Avenue N

Yi Lin & Xi Lin

6918 Halifax Avenue N

Gracelands Llc

7225 Kyle Avenue N

Bikona Ontime Service, Inc.

RENEWAL (TYPE III – one-year license)
6101 Beard Avenue N

6939 Baird Llc Et Al

4207 Lakeside Avenue N, #138

Patrick Hall

4506 71st Avenue N

Obafemi Oladeji

5144 Ewing Avenue N

Gracelands Llc

5834 Camden Avenue N

Fyr Sfr Borrower Llc

RENEWAL (TYPE II – two-year license)

1600 Amy Lane

HPA II BORROWER 2021-1 LLC

RENEWAL (TYPE I – three-year license)

3013 Quarles Road

ABU ABAKO

4309 63rd Avenue N

Azingo, LLC

6506 Drew Avenue N

P M ISABELL AND K S ISABELL

7018 Regent Avenue N

Christina Duong & Danny Vo

6c. RESOLUTION NO. 2023-35; CONCURRING WITH PROPOSED WATERSHED BOUNDARY CHANGES

6d. RESOLUTION NO. 2023-36; APPROVING THE 2023 FEE SCHEDULE

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. EMERGING BROOKLYN CENTER

Director of Community Prevention, Health, and Safety LaToya Turk stated Emerging Brooklyn Center (Emerging BC) is a multicultural and multigenerational cohort that consists of community members, community partners, and City Staff who are on an 18-month journey. The group has looked into the creation of systems and patterns of behavior throughout time. The cohort is guided by a particular framework starting with a group of diverse people with a shared hope for change.

Matt Branch, a planning team member of Emerging BC, introduced Dr. Ethan Capers. Dr. Ethan Capers stated he is a member of the Emerging BC cohort. The group is a consortium of committed residents, community partners, and civic and public agencies going through an 18-month learning journey where they co-sense, co-presence, and co-create new ideas, initiatives, and outcomes for a better Brooklyn Center for all.

Dr. Capers stated the vision is to transform the City into a community city center and innovatively transform the City's approach to public safety. 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. Capers explained co-sensing is a group of diverse people bringing their perspectives and lived

experiences to a conversation. People's backgrounds impact the way they receive and perceive ideas. The most successful societal changes have occurred because people have come together and made their leadership listen. Unfortunately, that tends to happen in similar communities.

Dr. Capers noted that co-presencing is the process of receiving the perspectives of others and taking their unique considerations into account. It can result in some uncomfortably, but disagreement is the best method for problem-solving. Then co-creating is the method to get to the solution together. Dr. Capers added the travels were an important part of the process as well. The ultimate aim is to understand the problem before jumping to a solution.

Mr. Branch invited Jude Nandi to continue the community presentation. Mr. Nadi stated the travels have allowed for countless educational opportunities for the cohort. They went to New York and met with nonprofit organizations. A few organizations have taken over a particular area to provide a variety of services. One service promotes home ownership, which is the foundation of the American dream. The programming goes all the way up to the federal level.

Mr. Nadi stated they met with government officials from Chinatown in San Francisco and also have created homeownership opportunities despite the highly expensive housing options in San Francisco. Brooklyn Center has the opportunity to do the same and decrease displacement. The impact of the cohort has been profound for him.

Mr. Branch introduced Barb Jensen to continue the community presentation. Ms. Jensen stated she became more aware of how Brooklyn Center is evolving at the beginning of COVID-19. She had previously been involved in the Parent-Teacher Association, Plymouth Youth Center, a petition drive, Community Development Block Grant committee, mediation, church bowling league, Multi-Cultural Advisory Committee, election judge, League of Women Voters, and some campaigns. Ms. Jensen stated she is extraordinarily pleased to be part of a group that is promoting belonging.

Mr. Branch explained there are nine monthly learning sessions which were decided on by the community members at the first meeting. The sessions include communication and listening, empathy, housing practices, redlining, and gentrification, historical and current medical disparities, restorative justice and ACE scores, learning styles, racism, and anti-racism, de-escalation and conflict management, and innovation and creation. There were four three-day retreats focusing on group transformation, communication, and empathy. Additionally, there were two learning journeys in New York and Oakland.

Mr. Branch pointed out Emerging Brooklyn Center has been fulfilling and brought together unique people from throughout Brooklyn Center. He showed a few photos of the trips to New York and California and lists of the tour stops in each place.

Mr. Branch quoted a couple of key takeaways from cohort members. He stated, "We can do this. Community is key. The city is the key. Community and city are the keys. We have a rich history that was removed, erased, and hidden. Another quote was, "Small things can uplift community and people and we can start small. We don't have to tackle the big issues all at once; small things

make big things smaller over time.” Lastly, “I think I feel more connected after this. To my community, to other human beings.”

Mayor Pro Tem Butler asked how the program was funded. City Manager Reggie Edwards explained the City received two grants, one from Blue Cross Blue Shield Foundation and the Minneapolis Foundation, which funded the programs. The staff is seeking additional funds for another cohort.

Mayor Pro Tem Butler pointed out that no City funds were used for the program. Dr. Edwards confirmed the only City resources used were the initial application for the grant.

Councilmember Kragness asked when the second cohort would start. Dr. Edwards stated the goal is to have several participants to better build community.

Councilmember Kragness asked how much the grants were for and how much it cost to sustain the program. Dr. Edwards stated it cost about \$390,000 to support the cohort. If the City is unable to acquire additional funding, then the current cohort will move forward with the co-creating process on their own. The ultimate implementation will not necessarily require any City efforts. Instead, the solutions may be found within the community and local organizations.

Councilmember Jerzak noted there are always two sides to the story. The heart of government is transparency and openness to voices. Transparency leads to clarity. Transparency and clarity together lead to trust.

Councilmember Jerzak stated there will be no more disparaging comments about Staff or participants. He explained he was turned away when he wanted to learn more about the journey. The program has required a fair amount of Staff time and will likely require future City funding.

Councilmember Jerzak explained multiple Staff has cited the participants as emotional and vulnerable. He asked if there are proper, professional people on board to address trauma. Councilmember Jerzak stated he attended a gathering and was told to leave because of the impact the involvement of a public official would have on the group. He added it is difficult to maintain confidentiality with such a large group of people.

Councilmember Jerzak asked if it is the role of government to change hearts and minds and handle feelings. It may be more appropriate for the program to be set within a church or community organization. There were expenses covered for childcare, and the public wasn't aware of that. He listed several expenses from the programming.

Councilmember Jerzak added the program keeps expressing the importance of community, but a majority of the community is not welcomed. Also, he was rejected from being part of the community, which was hurtful.

Councilmember Jerzak suggested the program be paused until there is an open, honest discussion in a Work Session. Multiple community members have expressed their concerns with the program.

He pointed out Dr. Edwards wrote him a very thoughtful email after expressing concerns about the program. He urged the Council to do the right thing.

Councilmember Lawrence-Anderson thanked the community members for the presentation. She noted she has had a difficult few months in her personal life, so she wasn't able to engage in the process as much as she would have liked.

Councilmember Lawrence-Anderson stated she is worried about emotional support and processing trauma. There may be an individual who may be in the group and may be unstable, particularly when the group ends. She asked if there are professionals available to help with processing.

Councilmember Lawrence-Anderson stated she would like to learn more about the logistics, the next steps, the measurements in place, and the like. She added the Council would like more information about potential future grants. Overall, she stated she would like a check in with the group the next time they meet.

Mayor Pro Tem Butler asked what meetings are left in the program. Dr. Edwards stated the program is about humans. They are hoping to form relationships and meaningful connections. The presentation and sharing of personal experiences show it is working. The program is equipping people to have impactful conversations with others different from them and inspires transformation in the community. The program is also capacity-building. There are two more weekend retreats.

Dr. Edwards stated the retreats have included nationally-known researchers and medical professionals to teach empathy and other skills. The third session is coming up in March and is about community conflict and resolution processing. Cities and communities can't currently diagnose why tragedies occur, and the current problem-solving methodology is the argument. The third session is about the depths of conflict and building capacity. He added the fourth retreat is about reflection and application. The process of creating together is learned, and there will be psychology doctors present.

Dr. Edwards noted the journey is halfway through. The beginning is about learning. Then there is an opportunity to be quiet and sit in what was learned. Lastly, there will be consideration of emerging ideas. The program is currently transitioning to the reflection stage.

Dr. Edwards stated people are trained in a mindset of productivity. The program is trying to change that perspective and focus on humans. The process is humans, which is a journey rather than a three-hour meeting.

Mayor Pro Tem Butler thanked the presenters for sharing. She stated the work is not easy. She noted she was invited to participate in meetings, but she was pregnant at the time and emotionally unavailable to participate. Mayor Pro Tem Butler added it may not be the most appropriate place for an elected official to attend regularly.

Mayor Pro Tem Butler stated there is a valid concern to have mental health professionals present,

but adults need to be responsible for their mental health and well-being. Additionally, Council needs to be careful where they step in the day-to-day of certain programming. For example, the Council doesn't go into the Parks and Recreation Department and recommend a certain number of lifeguards.

Mayor Pro Tem Butler agreed there was a lot of money spent on the program. However, the grants were intended specifically for the program and included childcare and travel. The Council and City are the holders of the money, but it is the community's money that is meant to be stewarded for the community's best interest.

Mayor Pro Tem Butler added there could have been better communication about the program, the funding resources, and the like. However, it doesn't necessarily require the programming to be paused. The Council's role is not in the day-to-day happenings.

Councilmember Lawrence-Anderson asked if Emerging BC will be seeking action from the Council. If so, she would prefer to know the ask in advance. Dr. Edwards stated they don't know if there will be an ask. There could be an ask for gathering space in a City building or communication through a newsletter. The solutions to community issues do not lie within the four walls of the government. The government has tremendous power, but it cannot move humans. The government will not be the center of the solution, but it will likely be a partner.

Dr. Edwards added the original intention was to have two members of the Council included in the process so as not to trigger an open meeting law. Additionally, community residents are intended to be the basis of the solutions as the issues lie within the community.

Councilmember Jerzak noted his agreement with Mayor Pro Tem Butler's assessment of micro-managing. However, it is the purview of the Council to oversee happenings in the City, especially when eight Staff members are involved. He stated he strives to be the voice for people that perceive spending as irresponsible in comparison to their basic needs. He noted his appreciation of the discussion.

It was the consensus of the Council to allow for 15 minutes of public comment.

Laurie M. thanked Dr. Edwards and two Councilmembers for responding to her email regarding concerns with Emerging BC. She stated she did a specific data request for the expenditures. She noted one nonprofit listed is no longer licensed by the State.

Laurie M. noted her agreement with Councilmembers' concerns about responding to the mental health needs of participants. She asked why so many Staff members are involved. There was a grant report due by the end of the year, and she asked if that was completed.

Laurie M. added there is a member of Emerging BC that is very concerning. The member is posting horrible comments about the City when they are supposed to be bettering the community.

Joylenna G. stated two reports have been due, and she requested copies of the documents in

November as she is a member of the Implementation Committee. The grants awarded amount to over \$1 million to be focused on health, safety, social life, and business. She asked where safety falls within those categories. Some work may overlap with the Implementation Committee, and the grants may apply to efforts by the Implementation Committee.

Joylenna G. explained \$154,000 was allocated to the Implementation Committee, but almost \$400,000 has already been spent on Emerging BC. She offered to share the markers met by the Implementation Committee while Emerging BC cannot.

Joylenna G. noted her concerns with the amount of Staff time being spent on Emerging BC, especially because the Implementation Committee has been met with resistance when asking for Staff support.

Joylenna G. added all contracted parties must be insured, and she has requested information on the insurance involved in the contracts. The data request has not been formal, but she may not need to make a formal request as a member of a City Committee.

Joylenna G. agreed with the desire to build community. However, there is nothing tangible coming out of the group. There are two trains on separate tracks, and it is not a good plan. The Implementation Committee would love to have the support of Staff and a response to her data requests.

Joylenna G. asked if an extension has been applied for because the money wasn't spent within the allocation period. If not, she asked if the money could be used elsewhere.

Kevin Scherber pointed out he thought the program would be impactful. He stated he even participated in the meals hosted by the group and the presenter stated the group would teach people how to bring people with opposing ideals together. However, the cohort is still in the learning phase after nine months.

Mr. Scherber asked when people were going to come together. Brooklyn Center's form of government is supposed to be the Council providing direction to the Staff for implementation. He asked if the Council has lost faith in Dr. Edwards. It is confusing to have the Implementation Committee and Emerging BC doing similar but disconnected work.

Mr. Scherber stated racism may be at the center of it. As a white person, he has been told he has a responsibility due to previous harm caused. However, his people were also harmed by people such as Earle Brown. The second rise of the Klu Klux Klan targeted white Irish Catholics. There might need to be more Study Sessions, and it is concerning to see how far apart the two groups are.

Randy C. stated he spoke to Councilmember Jerzak about public officials not participating in the group in order to maintain trust within the group. There are trust issues. He was asked to be part of the cohort by Alfreda Daniels and Dr. Edwards. He asked, as part of the cohort and the community, to allow them to continue the journey as it will ultimately help Brooklyn Center as a whole.

Julie B. stated she was invited into the space to brainstorm what the Brooklyn Center community needs. Part of that is figuring out how to work together. The journey is a huge commitment. Julie B. pointed out she experiences many barriers cited by Councilmember Jerzak when discussing the use of the grant.

Julie B. stated the first retreat with Emerging BC was life-changing. The Implementation Committee and Emerging BC are not competing interests. They both need to happen to promote healing in the community. It is disturbing the Council would consider pausing something so beneficial to the community. The process has been building momentum.

Julie B. added Emerging BC has been so healing for many community members, herself included. Pausing the program would be devastating to the community.

Mayor Pro Tem Butler stated they have completed the 15 minutes allotted for public comment.

Councilmember Kragness asked if any of the grant funding in question has been used on the Implementation Committee. Dr. Edwards stated the two groups are entirely separate. Pohlad's funding was \$500,000 over two years to go toward the implementation of alternative response strategies. The Blue Cross Blue Shield funding of \$500,000 went half to Emerging BC and one-half to alternative response strategies. The money hasn't been spent because there have been no recommendations to implement. The grant funders have been understanding of the timeline.

Dr. Edwards pointed out that the funding for Emerging BC has been spent because the efforts supported by the grants are underway. The grants allotted to Emerging BC are completely separate from the grants for the Implementation Committee recommendations.

Councilmember Kragness stated it is confusing. The two groups are working together in that there are overlapping members. Some members of the Implementation Committee are not supportive of Emerging BC, yet they share a funding source.

Dr. Edwards stated the groups have two different purposes, and there happen to be a couple of members involved in both groups. However, that is not because the work or goals of the groups are the same. The Daunte Wright And Kobe Dimock-Heisler Community Safety And Violence Prevention Act called for the creation of two programs: alternative mental health response and civilian traffic enforcement. Staff went out to secure funding to support the creation of the programs as the City did not have the capacity.

Dr. Edwards explained Emerging BC is a response to the pandemic, civil unrest, and challenges within the community due to underlying, systemic issues. The program has nothing to do with the Daunte Wright and Kobe Dimock-Heisler Community Safety And Violence Prevention Act. It may seem confusing because people are trying to conflate the two.

Councilmember Kragness stated it is confusing because one grant source has given money to both. If they are working from the same funds, then it would make sense for them to work together.

Dr. Edwards stated there is one grant that provides money to each of the groups. Pohlad is purely for the Daunte Wright and Kobe Dimock-Heisler Community Safety And Violence Prevention Act. The grant from the Minneapolis Foundation is purely for Emerging BC. Blue Cross Blue Shield has provided funding for both.

Councilmember Jerzak stated he would like the program to pause.

Councilmember Lawrence-Anderson stated she has a lot of questions. The work of the group should not be discouraged. However, it is difficult to articulate to the general public how Emerging BC benefits the community as a whole. The Council is accountable to the whole community.

Councilmember Kragness stated the decision is hard, and she is conflicted. She stated she has questions about the expenses, and the expenses require more transparency. The group has said the purpose is to build trust within the community. Pausing the programming would diminish the trust that has been created. She stated she supports the program continuing.

Mayor Pro Tem Butler stated she supports the continuance of Emerging BC. She noted her trust in Dr. Edwards, the Staff, and the participants. The Council is not supposed to do Dr. Edwards' role for him.

Councilmember Lawrence-Anderson stated she would like to have another dialogue with the full body. Once her questions are answered, her trust in the program would increase. She added there needs to be more communication with the broader components of grants and spending along with explaining how the program will positively impact the entire community. There needs to be buy-in from all of Brooklyn Center if the program will be impactful. She yielded to the majority of the Council.

Dr. Edwards pointed out the group is trying to figure out how to impact the entire community and build their trust.

It was the consensus to continue the Emerging BC program.

8. PUBLIC HEARINGS

8a. RESOLUTION NO. 2023-37; APPROVING THE PROJECTED USE OF FUNDS FOR THE 2023 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING SIGNATURE OF A SUB-RECIPIENT AGREEMENT WITH HENNEPIN COUNTY

City Manager Reggie Edwards introduced the item and invited Mr. Anderson to make the staff presentation.

Interim Community Development Director Jesse Anderson explained Brooklyn Center receives an allocation through the Community Development Block Grant (CDBG) each year. CDBG funds

are provided by the U.S. Department of Housing and Urban Development (HUD). The funds are intended to help with community development activities that benefit low- and moderate-income persons.

Mr. Anderson noted Hennepin County receives CDBG funds directly from HUD as part of a consolidated pool of funds, which is administered on behalf of participating suburban Hennepin County communities. Brooklyn Center is considered a Direct Allocation City and is a sub-recipient of the funds through Hennepin County.

Mr. Anderson pointed out that the Federal Authorizing Statute for the CDBG program requires that each funded CDBG activity meet one of three national objectives: benefiting low-income persons, preventing or eliminating slums and/or blight, and/or meeting urgent community needs. The Federal Law also specifies that each recipient receiving funds must ensure at least 70 percent of the CDBG expenditures during the program.

Mr. Anderson stated as part of the administration of the CDBG funds, Hennepin County adopts a 5-year funding plan, which further defines the priority needs of the program and clarifies what activities are eligible for funding. These include Priority Need 1: Preserve & Create Rental Opportunities, Priority Need 2: Preserve & Create Homeowners Opportunities, Priority Need 3: Housing Opportunities for Homeless Populations, Priority Need 4: Support Education, Outreach, and Services, Priority Need 5: Encourage Neighborhood Revitalization, and Priority Need 6: Stimulate Economic Development.

Mr. Anderson stated because Hennepin County is responsible for the monitoring and reporting of the CDBG funds, the County oversees the use of funds within the consolidated pool. Cities that wish to diverge from the typical use of funds must seek permission from the County.

Mr. Anderson explained the allocations run from July 1 to June 30. The 2023-2024 CDBG funding round was allocated by the City Council in February 2023 and is set through June 30, 2024. In 2022, the CDBG amount was \$241,665 which went toward the Hennepin County Home Rehab Program.

Mr. Anderson stated the estimate for the coming year is \$204,441. The allocation amount will be adjusted by HUD. Hennepin County receives the lump sum from HUD and determines the allocation among the participating cities based on a formula that takes into account population and need.

Mr. Anderson explained maintaining the City's housing stock through this program not only provides stable homeownership for low-income homeowners but also maintains an affordable housing stock for new buyers as well. Further, the wait list for this program had continued to grow, the current wait list is 241. The waitlist increased from the previous year.

Mr. Anderson stated another allocation option is the Down Payment Assistance (DPA). Brooklyn Center allocated \$100,000 towards home buyer assistance with the 2020 and 2021 CDBG funding. There is about \$160,000 left in the fund. The city has had 10 down payment loans closed.

In 2020, the Council increased the assistance amount to \$10,000.

Mr. Anderson stated Staff recommended allocation of the entire amount towards the Home Rehab Program due to the high number of applicants on the waiting list. The DPA still has a fund balance of \$165,000 and could receive allocations in the future.

Councilmember Jerzak moved and Councilmember Kragness seconded to open the Public Hearing.

Motion passed unanimously.

Randy C. stated he trusted the Council to make a good decision.

Laurie M. noted there was a discussion at a previous Council meeting to move the money from the DPA to home rehab assistance as there is a high need for it. She stated she would like to see the Council move the funds from DPA to the rehab funds.

Mr. Anderson stated the \$165,000 has already been allocated in previous years. There is an option to reallocate the previous year's funding resources, but that would require a different action. He noted there could be challenges with moving the funding in terms of working with the County. The current action is to put the entire CDBG allocation toward home rehab.

Councilmember Kragness asked if there is a waiting list for the DPA. She asked what the time frame is to be part of the DPA. Mr. Anderson stated the loan had to be included at the time of purchase because it acts as a second mortgage as it is a loan that would be forgiven in ten years. There is no waiting list for the DPA. Certain occupancy requirements eliminate most homebuyers. Also, there are currently only 11 homes for sale in Brooklyn Center that would be eligible for DPA.

A Resident asked what the qualifications are to access the home rehab program. Mr. Anderson stated the participant has to be low to moderate income, which depends on the household size. There is also a consideration of a debt-to-income ratio.

Carlos M. stated he has been working on developing a program for community members to own a portion of the City. Citizens would have to buy in. The Council talks about equity and accessibility, and the program would allow for that.

Mayor Pro Tem Butler moved and Councilmember Jerzak seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Kragness moved to reallocate previous Community Development Block Grant program funds to the home rehab program.

Motion died for lack of a second.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2023-37; Approving the Projected Use of Funds for the 2023 Urban Hennepin County Community Development Block Grant Program and Authorizing Signature of a Subrecipient Agreement with Hennepin County.

Motion passed unanimously.

Dr. Edwards stated if directed by Staff, they can determine the process of how to reallocate previous Community Development Block Grant program funds to the home rehab program. The Council agreed to the direction.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

10a. BROOKLYN CENTER 2023 LEGISLATIVE PRIORITIES

Dr. Edwards explained the City may support an idea even if there isn't a related Bill on the table. He listed the Brooklyn Center Legislative items (BCLG). Approving the legislative priorities would allow Staff to support or promote various Bills as relevant to the priorities.

Dr. Edwards stated BCLG 01-2023 Official Notifications / Information Access would allow the City of Brooklyn Center to support the State in eliminating outdated and unnecessary publication requirements that are no longer relevant or representative of the City's technological capabilities. While the notification standards established in 1949 were well intended, they may not be complete or applicable to contemporary methods of communication or cost-efficient.

Dr. Edwards stated BCLG 02-2023 Election Judge Recruitment and Retention supports efforts by the State to amend regulations to eliminate the party balance requirement of appointed and hired staff administering absentee balloting before Election Day and for city special elections. The City would further recommend that the legislature authorize time off for college students if they have been appointed to serve as an election judge. City elections are non-partisan and govern elections in a non-partisan manner.

Dr. Edwards noted BCLG 03-2023 Liberian Refugee Immigration Fairness Act supports the efforts of public and private organizations seeking to assist residents to apply for permanent status under the LRIFA. BCLG 04-2023 Funding for Cultural Centers/Museums and other Community Building Assets encourages the Legislature to provide funding and provide new rules that will support the establishment of Cultural Museum/Centers that reflect the unique traditions and values provided by immigrants, new Americans, and diverse communities; thereby enriching the lives of all Minnesotans.

Dr. Edwards stated BCLG 05-2023 Affordable Housing supports the creation of additional local

tools and funding for workforce housing and affordable housing programs, including resources in a bonding bill. Specifically, the State should establish a housing tax credit contribution fund, create a state funding match for local housing trust funds, increase funding for Economic Development and Challenge Fund Grant program, and support dedicated funding for housing through bonding and general fund revenue. There are a couple of Bills related to affordable housing.

Dr. Edwards added BCLG 06-2023 Group Homes and Housing with Services Establishments would allow Brooklyn Center to request the Legislature to examine the impacts of the established regulations, which limit the ability of municipalities to regulate group homes and housing with services establishments to determine if regulations are having a disproportionate effect on low-income communities and communities of color.

Dr. Edwards stated BCLG 07-2023 Building Officials supports efforts of the State to increase its efforts to train new and diverse building officials and provide sufficient education to help local officials administer and enforce construction regulations.

Dr. Edwards explained, business and economic development, BCLG 08-2023 Youth Tax Credit supports efforts by the State to create an internship-to-work tax credit for organizations hosting young workers in Brooklyn Center. This type of tax credit program exists now but is targeted at Greater Minnesota. This program would provide an incentive for businesses to participate in the BrookLynk Program of the Brooklyn Bridge Alliance.

Dr. Edwards stated BCLG 09-2023 Workforce Readiness supports efforts of the State to fund fully the Minnesota Job Skills Partnership and other workforce training programs. The City also supports the State in providing flexible funding to local workforce councils and pursuing creative programming and funding. Finally, the City supports efforts to design and implement programs designed to address youth employment and workforce readiness. This program would provide an incentive for businesses to participate in the BrookLynk Program of the Brooklyn Bridge Alliance. This effort would also, support the City's strategic priority of "Resident Economic Stability".

Dr. Edwards stated BCLG 10-2023 Tax Increment Financing - TIF supports efforts of the State to increase the ability of TIF to facilitate redevelopment and housing activities, The State should allow term extensions for redevelopment districts, which are taking longer to develop; amend Minn. Stat. § 469.1763, subdivision 3 to eliminate the "Five-year Rule" for districts that are taking longer to develop; and modify the housing district income qualification level requirements to allow the levels to vary according to individual communities. The City would benefit by having the ability to extend the term for its redevelopment districts, which could have a positive impact on the financial stability and effectiveness of the districts. The ability to extend TIF financing was initially proposed for areas outside of the Metro, and there is another related legislation Staff will keep an eye on.

Dr. Edwards noted BCLG 11-2023 Land Recycling and Redevelopment supports the creation of a "land assembly grant or loan program" to assist cities and economic development authorities assemble small parcels for redevelopment. In addition, the City supports efforts by the State to amend the definition of redevelopment district under the TIF Act to include obsolescence and

incompatible land use. Due to the City being fully developed, the City would benefit from more resources and greater flexibility of existing economic development tools to redevelop deteriorated, obsolete and vacant structures and contaminated land.

Dr. Edwards pointed out a few financial priorities. Brooklyn Center was once a net contributor to the Fiscal Disparities pool. Today as a net recipient, the fiscal disparity is a major factor contributing to the fiscal stability of the City and our taxpayers. Without Fiscal Disparities, the property tax burden in Brooklyn Center would escalate dramatically, perhaps more than 25 percent. BCLG 12-2023 Metro Area Fiscal Disparities strongly encourages continued legislative support for Metro Area Fiscal Disparities.

Dr. Edwards noted BCLG 13-2023 Sales Tax Exemption Simplification advocates for a way to simplify the utility of the current sales tax exemption for construction materials. The process for using the current sales tax exemption on construction is so complicated, risky, and burdensome to contractors and cities that we are aware of no city that has decided to use this exemption. BCLG 14-2023 Property Tax Relief supports efforts of the State to increase property tax relief for property owners experiencing high tax burdens due to property tax shifts. BCLG 15 -2023 Local Government Aid supports the existing LGA funding formula as an appropriate mechanism to distribute LGA and opposes special funding using LGA funds. Ultimately, each item would decrease taxes for Brooklyn Center residents.

Dr. Edwards explained BCLG 16 – 2023 Race Identification on Driver’s License will facilitate the automatic capture of accurate race-related police activity data. This will improve the City’s capacity to capture information to develop policies and practices that reduce/eliminate racial bias and inequity in policing.

Dr. Edwards stated BCLG 17 – 2023 Cop Autism Response Education and Vitals App supports legislative funding for the expansion of the COP Autism Response Education (CARE) training model and VITALs app to better meet the needs of individuals on the Autism Spectrum and build more inclusive communities. CARE and Vitals App are two significant tools that may be used to improve the efficacy and effectiveness of the emergency response to persons living in our community diagnosed with Autism Spectrum Disorder.

Dr. Edwards noted BCLG 18-2023 T-21 Raising the Age for Purchasing Tobacco Products to Age Twenty-One supports a legislative change to increase the age of tobacco product purchases to twenty-one. Brooklyn Center along with several cities throughout the State of Minnesota has adopted local ordinance regulations increasing the legal age to purchase tobacco products to 21 due to the overwhelming evidence demonstrating the younger person is when they begin smoking the more likely they will become addicted and suffer physically resulting from this addiction. The current method creates an unfair market and allows the youth of Brooklyn Center to purchase tobacco products elsewhere.

Dr. Edwards stated BCLG 19-2023 Juveniles in Municipal Jails supports efforts by the State to clarify state statutes that would allow juveniles to be held for questioning and booking in the City jail for up to six hours. The City would have more of an opportunity and time to work with a

juvenile to resolve or remedy their situations before being transported to Hennepin County Jails should the state increase the max time juveniles may be held in a licensed municipal jail.

Dr. Edwards stated BCLG 20-2023 21st Century Policing supports action by the State to increase funding for peace officer training, peace officer wellness activities, and grants to the cities to deploy technologies such as dash and body-worn cameras, all of which align with the President's Task Force 21st Century Policing Report. The City initiated efforts to implement 21st Century Policing soon after the report was published. The City continues to develop and train peace officers under the report. Funding support from the State would help advantage and stretch the use of City resources. To date, the City has taken on the expense of such efforts at the City's expense.

Dr. Edwards noted BCLG 21-2023 Body Armor Reimbursement Legislation supports action by the State to expand eligibility reimbursements. The Brooklyn Center Fire Department purchased vests for each of their firefighters that will need to be replaced in 2026 and this would help offset some of the City's cost for these replacements. Currently, the State has a program to offer a portion of the cost of ballistic vests to be reimbursed for Peace Officers only. This new legislation expands the reimbursement to all Public Safety Officers.

Dr. Edwards added BCLG 22-2023 Appropriation for Fencing Consortium was supported last year. Should the Bill be reintroduced, \$5,000,000 in the fiscal year 2023 would be appropriated from the general fund to the commissioner of public safety for a grant to the Fencing Consortium for the acquisition of anti-scale fencing, pedestrian doors, and vehicle gates for local government facilities statewide to improve equitable access to a de-escalation and safety tool. Currently, there is a consortium of Hennepin County cities participating in this joint effort. Having the state take the lead on this effort would benefit all entities across the state of Minnesota.

Dr. Edwards noted there are priorities related to transportation. BCLG 23-2023 MVLST Funding supports Hennepin County in the distribution of motor vehicle lease sales tax (MVLST). Hennepin County residents contribute substantially to the MVLST but State Law excludes the county from receiving funding from this transportation source. If included, Hennepin County would receive \$10.4 million annually for roads, bridges, and pedestrian and bikeway projects. The rationale to exclude Hennepin and Ramsey counties from receiving MVLST formula funds was based on enabling new taxing authority through the creation of the County's Transit Improvement Board (CTIB). With CTIB's dissolution in 2017, the rationale for excluding Hennepin and Ramsey counties from receiving MVLST Formula funds has ceased to exist.

Dr. Edwards added BCLG 24-2023 Transportation Funding supports the State in providing more funding, including bonding, for improvements to all components of the transportation system. The City specifically supports The Blue Line Light Rail Extension. In addition, the City's highest State transportation priority is the much-needed improvements to TH 252 to create a safer transportation facility for Brooklyn Center residents.

Dr. Edwards explained the City supports a well-funded regional transportation system. Additional funding by the legislature would permit the City to access various funding sources from the Minnesota Department of Transportation for City projects. Specifically, the City supports much-

needed improvements to the Trunk Highway 252 corridor. Highway 252 intersections have historically ranked in the top ten for the state of Minnesota in terms of crash costs. Safety improvements to the corridor would benefit both Brooklyn Center residents and regional travelers.

Councilmember Jerzak pointed out there is a Resolution in effect 2020-04 from May 11, 2020, which supports converting Highway 252 into a freeway. The matter was already voted on.

Councilmember Lawrence-Anderson explained she attended a League of Minnesota Cities meeting last week. There was discussion about family and medical leave and considering a stackable 24 weeks off. The name is SF3 and HF3. She asked for an update on what Staff knows about the Bills and how they would impact Brooklyn Center. Dr. Edwards stated Staff will provide an update on the item in the weekly update email. The Council can also request for it to be on an upcoming for additional discussion if needed.

Mayor Pro Tem Butler moved and Councilmember Lawrence-Anderson seconded to approve the proposed 2023 Legislative Priorities.

Motion passed unanimously.

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Mayor Pro Tem Butler moved and Councilmember Lawrence-Anderson seconded adjournment of the City Council meeting at 9:15 p.m.

Motion passed unanimously.

CITY OF BROOKLYN CENTER)

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

1. That 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 February 27, 2023.
2. That said meeting was held pursuant 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 March 13, 2023, Regular Session.

City Clerk

Mayor

Council Regular Meeting

DATE: 3/13/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

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

Mechanical Licenses

Farr Plumbing & Heating LLC
2525 Nevada Ave N #104
Golden Valley 55427

-

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
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Rental Criteria
Rental

3/16/2021
3/6/2023

Backup Material
Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 3.13.23

Location Address	License Subtype	Renewal/Initial	Owner	Property Code		License Type	Police CFS*	Final License Type **	Previous License Type***	Consecutive Type IV's
				Violations	Code					
4204 Lakebreeze Ave N	Multiple Family 1 Bldg 4 Units	Initial	AZ Rental Apartments LLC	18 = 4.5 per unit		Type IV	N/A	Type IV	N/A	N/A
818 Woodbine La	Single	Initial	QZ Funding LLC	6		Type III	N/A	Type III	N/A	N/A
6107 Bryant Ave N	Single	Initial	Livli Holdings, LLC	5		Type II	N/A	Type II	N/A	N/A
7055 Perry Ave N	Single	Initial	I C Dijeh & N B Dijeh	6		Type III	N/A	Type III	N/A	N/A
700 66th Ave N	Multiple Family 24 Bldgs 92 Units	Renewal	Georgetown-BC Company LLLP	252 = 2.74 per unit		Type III	3/28/22 Disturbance 6/13/22 Robbery	Type IV		2
			c/o James Wiensch Did not meet requirements							
5211 Xerxes Ave N	Multiple Family 2 Bldgs 24 Units	Renewal	BMW Holdings LLC c/o Halverson & Blaiser Did not meet requirements	44 = 1.83 per unit		Type III	0	Type IV		4
5349 Penn Ave N	Two Family	Renewal	A M Abdullahi & Y M Noor Did not meet requirements	4		Type II	0	Type IV	Type IV	3
5400 Russell Ave N	Two Family	Renewal	Tai Pham	4		Type II	0	Type II	Type II	N/A
507 69th Ave N	Single	Renewal	Outreach Six Acres, Inc. Met Requirements	7		Type III	0	Type III	Type IV	0
1312 68th Ln N	Single	Renewal	Markon Rentals, LLC Did not meet requirements	3		Type II	0	Type III	Type III	N/A
3512 Woodbine La	Single	Renewal	SFR Acquisitions 6, LLC Did not meet requirements	6		Type III	0	Type IV	Type IV	2
5043 Brooklyn Blvd	Single	Renewal	Thr Property Illinois L P Met requirements	4		Type II	0	Type II	Type IV	0
5300 Penn Ave N	Single	Renewal	Ashley E Sykora	5		Type II	0	Type II	Type II	N/A
5332 Morgan Ave N	Single	Renewal	Jmw Investments LLC	6		Type III	0	Type III	Type I	N/A

5420 Emerson Ave N	Single	Renewal	Rasco Investments Did not meet requirements	9	Type III	0	Type III	Type III	N/A
5448 Dupont Ave N	Single	Renewal	Paul Gathumbi	1	Type I	0	Type I	Type I	N/A
5550 Girard Ave N	Single	Renewal	Restart Inc	11	Type IV	0	Type IV	Type II	0
5640 Fremont Ave N	Single	Renewal	Cel Monton Llc Met Requirements	12	Type IV	0	Type IV	Type IV	2
5801 Irving Ave N	Single	Renewal	Ih3 Property Minneota Lp	5	Type II	0	Type II	Type I	N/A
5907 York Ave N	Single	Renewal	Infinite Property Llc	0	Type I	0	Type I	Type I	N/A
6800 Orchard Ave N	Single	Renewal	Prosperous Property Llc	2	Type I	0	Type I	Type I	N/A
6800 Scott Ave N	Single	Renewal	Golden Touch Holdings Did not meet requirements	8	Type III	0	Type IV	Type IV	2
6804 Fremont Pl N	Single	Renewal	M Shaffer & C Shaffer Met Requirements	2	Type I	0	Type I	Type III	N/A
7037 Fremont Ave N	Single	Renewal	Edwina P Mcgill Did not meet requirements	5	Type III	0	Type III	Type III	N/A
7101 France Ave N	Single	Renewal	Kris Kienzie Met Requirements	0	Type I	0	Type I	Type III	N/A
7201 Riverdale Rd	Single	Renewal	G Persaud & M Persaud Did not meet requirements	6	Type III	0	Type III	Type III	N/A
7212 Humboldt Ave N	Single	Renewal	Ih2 Property Illinois Lp Did not meet requirements	1	Type I	0	Type IV	Type IV	2

*CFS = Calls for service for Renewal Licenses Only (Initial licenses are not applicable to calls for service and will be listed as N/A

***License type being issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 3/13/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Interim Community Development Director

BY: Vong Thao, Economic Development Coordinator

SUBJECT: Resolution Identifying the Need for LCDA Predevelopment Funding and Authorizing an Application for Grant Funds to New Generations LLC

Requested Council Action:

-Motion to approve a resolution identifying the need for Met Council Livable Communities Demonstrations Account- Predevelopment funding and authorizing the submission for grant funds.

Background:

The Metropolitan Council is the regional policy-making body, planning agency, and provider of essential services in the seven-county Twin Cities metro area. Our mission is to foster efficient and economic growth for a prosperous region.

Through this work they'll generate economic growth, build stronger communities, enable land use and development.

This funding from Met Council is allocated each year and funding is highly competitive for real estate development.

For this funding round, staff is seeking authorization to apply on behalf of New Generations LLC. The concept plan for this proposed project was previously reviewed and discussed by City Council on January 23, 2023. The resolution proposed is supporting the developer in applying for Metropolitan Council pre-development funding.

New Generations LLC plans to construct 31 housing units that'll be at or below 30% AMI. Units will be 1 bathroom and 1 bedroom, with specialization in serving veterans. They'll also provide in person support to assist residents navigate social services programs.

Project location is 1500 69th Ave N, Brooklyn Center, MN 55430. It'll be a 4 story building. 1st floor consists of a non-profit that serves young women, a social enterprise coffee shop and New Generations LLC.

Total square footage of mixed-use building will be 41,795 sq feet.

On February 13, the City Council heard a presentation regarding veterans housing development at Humboldt and 69th Ave N. The concept proposed the development of 31 residential units, retail and office space. The Council generally supported the effort with the understanding that there was still work to be done and that the City did not desired this development competing for resources against the City's previous

commitment to the PPL affordable housing project proposed at the Opportunity site. This would be an early step in a process that may take time to secure adequate funding for the full project.

Budget Issues:

There are no budget items to consider at this time. No funding match is required for the use of grant funds.

Inclusive Community Engagement:

Project will support Black, Indigenous and People of Color businesses and a BIPOC Developer

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Plans and Site Proposed	2/28/2023	Backup Material
Resolution	3/6/2023	Resolution Letter

[illegible]

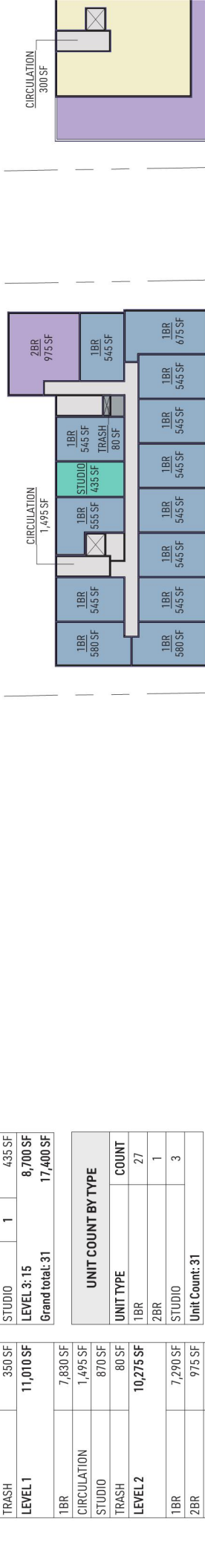
UNIT COUNT BY TYPE		
UNIT TYPE	COUNT	
1BR	27	
2BR	1	
LEVEL 2		3
1BR	7,290 SF	
2BR	975 SF	
TOTAL		10,275 SF

STUDIO	435 SF	<table><tr><th colspan="2">PARKING SCHEDULE</th></tr><tr><th>Type</th><th>Count</th></tr><tr><td>8' x 18' - 90 deg</td><td>2</td></tr><tr><td>9' x 18' - 90 deg</td><td>37</td></tr><tr><td colspan="2">Grand total: 39</td></tr></table>	PARKING SCHEDULE		Type	Count	8' x 18' - 90 deg	2	9' x 18' - 90 deg	37	Grand total: 39	
PARKING SCHEDULE												
Type	Count											
8' x 18' - 90 deg	2											
9' x 18' - 90 deg	37											
Grand total: 39												
TRASH	80 SF											
LEVEL 3	10,275 SF											
AMENITY	5,965 SF											
AMENITY DECK	3,750 SF											

FLOOR PLAN - LEVEL 3

1" = 60'-0"

LEVEL 4	10,235 SF
Grand total	41,795 SF



LEVEL 3	10,275 SF	Type	Count
FLOOR PLAN - LEVEL 3			

[illegible]

Member _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. **2023-**_____

RESOLUTION IDENTIFYING THE NEED FOR MINNESOTA
PREDEVELOPMENT LIVABLE COMMUNITIES DEMONSTRATION
ACCOUNT FUNDING AND AUTHORIZING AN APPLICATION FOR
GRANT FUNDS.

WHEREAS, the City of Brooklyn Center has identified New Generations LLC the Developer's development project located at 1500 69th Ave N, Brooklyn Center, MN 55430 meeting Livable Communities Demonstration Account purpose and criteria and is consistent with and promotes the purposes of Met Council Predevelopment Livable Communities Demonstration Account; and

WHEREAS, the City has the institutional, managerial, and financial capability of adequately manage a Met Council Predevelopment Livable Demonstration Account grant; and

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

WHEREAS, the City acknowledges Met Council Predevelopment Livable Demonstration Account grants are intended to fund development projects through predevelopment work.

WHEREAS, only a limited amount of grant funding is available through Met Council during each funding cycle.

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

1. Finds that it is the best interest of City goals and priorities for the following proposed Met Council Predevelopment Livable Communities Account project to occur at this time particular site as this particular time.

New Generations LLC

2. Finds that Met Council Predevelopment Livable Communities Demonstration Account Project components(s) for which Met Council is sought:

- a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and
- b. Will occur within the term of grant award of two years, only if Met Council funding is made available for this project at this time.

Resolution No. **2023-**_____

3. Authorizes the Economic Development Coordinator to submit on behalf of the City an application for Met Council Predevelopment Livable Communities Demonstration Account grant funds for the Met Council project components identified in the application, and to execute such agreements as may be necessary to implement the Predevelopment Project on behalf of City.

Date

Mayor

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: 3/13/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: James Soltis, P.E. Assistant City Engineer

SUBJECT: Resolution Approving Settlement Agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05

Requested Council Action:

- Motion to approve a resolution approving a settlement agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05

Background:

On March 25, 2019, the City Council directed staff to proceed with the preliminary design, environmental documentation, easement acquisition and final design work for the Brooklyn Boulevard Corridor Project Phase 2 Improvements (Bass Lake Road to Interstate 94), Project No. 2021-05. In order to construct the improvements, permanent drainage, utility, sidewalk and trail easements and/or temporary construction easements were required from 47 separate parcels adjacent to the corridor. Parcel numbers are identified on the right-of-way plan prepared for the project. Agreement for acquisition of easements was reached voluntarily with 33 affected property owners. In order to meet the anticipated development schedule condemnation was perused on 14 parcels where no agreement could be met. The following parcels under condemnation have reached a settlement agreement.

Parcel No. 2; 5901 Brooklyn Boulevard: This parcel required both permanent easements and temporary construction easements with total compensation agreed upon in the amount of \$31,800.00.

Parcel No. 16; 6215 Brooklyn Boulevard: This parcel required both permanent easements and temporary construction easements with total compensation agreed upon in the amount of \$26,900.00.

Parcel No. 34 & 35; 6100 Brooklyn Boulevard: This parcel required both permanent easements and temporary construction easements with total compensation agreed upon in the amount of \$9,600.00.

Budget Issues:

The Brooklyn Boulevard Corridor Project Phase 2 Improvement (Bass Lake Road to Interstate 94) has a project cost estimated to be \$18,095,000. The total appraised value for all easements on the project are estimated to be approximately \$824,676. The total value of the permanent easements and temporary construction easements for Parcels 2, 16, and 34/35 is \$68,300 which is being funded out of the Capital Projects Fund.

To date, including the above parcels, agreements have been met with 36 out of 47 parcel owners with the total value of the permanent easements and temporary construction easements for the project being \$598,220.32.

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/3/2023	Resolution Letter
Parcel 2 Stipulation of Settlement	3/3/2023	Backup Material
Parcel 16 Stipulation of Settlement	3/3/2023	Backup Material
Parcel 34/35 Stipulation of Settlement	3/3/2023	Backup Material

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING A SETTLEMENT AGREEMENT FOR
BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2
IMPROVEMENTS, PROJECT NO. 2021-05

WHEREAS, the City of Brooklyn Center and Hennepin County have planned the improvement of Brooklyn Boulevard between Bass Lake Road (County Road 10) and Interstate 94 within the City of Brooklyn Center, Minnesota in 2021; and

WHEREAS, the City, in order to acquire title and meet its anticipated development schedule, commenced a condemnation action in Hennepin County District Court, Court File No. 27-CV-20-15230 pursuant to a Petition filed November 19, 2020, as amended on January 12, 2021 (the "Action"); and

WHEREAS, to facilitate the Project, the Action included acquiring certain real property interests 5901 Brooklyn Blvd and as defined as Parcel 2 within the Action (the "Property"); and

WHEREAS, to facilitate the Project, the Action included acquiring certain real property interests 6215 Brooklyn Blvd and as defined as Parcel 16 within the Action (the "Property"); and

WHEREAS, to facilitate the Project, the Action included acquiring certain real property interests 6100 Brooklyn Blvd and as defined as Parcel 34 & 35 within the Action (the "Property"); and

WHEREAS, subject to approval by the City Council, representatives of the parties have negotiated a Settlement Agreement, a copy of which is attached hereto as Exhibit A, which resolves all outstanding claims and issues between the parties related to the Property; and

WHEREAS, the City Council has fully considered the terms of the Settlement Agreement and has determined that it is in the best interests of the community to approve it as presented.

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

1. The Mayor and City Manager of the City are hereby authorized and directed to execute all appropriate documents and take all necessary actions to facilitate the settlement contemplated herein, with all such actions to be in accordance with the terms and conditions set forth in this Resolution and the incorporated Settlement Agreement.

RESOLUTION NO. _____

2. The Mayor and City Manager of the City, staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

March 13, 2023

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.

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Condemnation

The City of Brooklyn Center, a municipal corporation
under Minnesota law,

Court File No. 27-CV-20-15230

Judge: Susan N. Burke

Petitioner,

vs.

**STIPULATION OF SETTLEMENT
PARCEL 2**

WSK Professional Bldg., L.L.C. et al.,

Respondents.

This stipulation of settlement (the “Agreement”) is entered into by and between Petitioner City of Brooklyn Center (“City” or “Petitioner”), and one of above referenced Respondents, 5901 Brooklyn Blvd., LLC (“Owner”) (collectively, the “Parties”) on this ____ day of _____, 2022.

RECITALS:

1. Following agreement of the Parties to an offer to acquire price, the City, in order to acquire title and meet its anticipated development schedule, commenced a condemnation action in Hennepin County District Court, Court File No. 27-CV-20-15230 pursuant to a Petition filed November 19, 2020, as amended on January 12, 2021 (“Condemnation Action”).

2. On February 23, 2021, the District Court filed the Order Approving Petition and Transfer of Title and Possession (“Order”) that, among other things, transferred certain property interests on Parcel 2 owned by Owner for the City’s Brooklyn Boulevard Corridor Project Phase 2 Improvements (“Project”), including without limitation a permanent easement for drainage, utility, sidewalk, and trail purposes and a temporary construction easement as described in Exhibit A to the Order (“Property Interests”).

3. 5901 Brooklyn Blvd., LLC is the fee owner of record of Parcel 2.

4. Hiawatha National Bank was initially noted as a mortgagee on Parcel 2, however they did not have a remaining interest in Parcel 2 as of the date of taking as their interest had been satisfied as of October 28, 2020.

5. Mutual Security Life Insurance Company is listed on the Torrens Certificate as a mortgagee on Parcel 2 with no noted satisfaction recorded. However, Mutual Security Life Insurance Company has not appeared and appears to have been liquidated as of 1991.

6. Bridgewater Bank is a mortgagee on Parcel 2.

7. On or about February 25, 2021, in accordance with the terms of the Order, the City deposited with the Court the Court approved appraised value of the Property Interests of \$27,100.00 for Parcel 2 ("Quick-Take Payment"), and title and possession to the Property Interests transferred to the City.

8. The Parties wish to both conclude matters relating to just compensation damages due and owing to all parties interested in Parcel 2 because of the Condemnation Action. To this end, the Parties enter into this Stipulation.

AGREEMENT

The parties stipulate and agree as follows:

1. Settlement Amount. The Parties agree to a full and final settlement of all claims related to and arising from the Council's acquisition of Parcel 2 for the amount of \$31,800.00 ("Settlement Amount"), payable entirely to the Owner.

2. Report of Commissioners. Petitioner shall conduct a commissioners' hearing at which it will seek the issuance of a Report of Commissioners for Parcel 2 in the form provided under Exhibit A. Once the Commissioners have signed the Report of Commissioners, Petitioner shall file it

with the District Court and serve notice of its filing. Should an interested party object to the entry of the Report of Commissioners or file a timely appeal under Minnesota Statutes, Section 117.145, this stipulation shall be void without further action by either party.

3. Payment of Settlement Amount. Petitioner and Owner shall execute and agree to the filing of a stipulation for an order disbursing the Quick-Take Deposit and any accrued interest to the Owner. Within 15 business days after the expiration of the appeal period under Minnesota Statutes, Section 117.145 without appeal, the City shall write a check for \$4,700, the difference between the Settlement Amount and the Quick-Take Payment, payable to 5901 Brooklyn Blvd., LLC and deliver to 5901 Brooklyn Blvd., LLC, 1224 West 96th Street, Bloomington, MN 55431.

4. No Appeal. The Parties agree that they will not appeal the Report of Commissioners.

5. Full and Final Compromise. The terms and conditions of this Agreement constitute a full and final compromise of all known matters in dispute with respect to the Property and the Parties as it relates to this Condemnation Action. In consideration of the Quick-Take Payment and other terms and conditions of this Agreement, the Owner waives any and all claims it may have against the City in connection with this Condemnation Action, including without limitation, just compensation, statutory remedies, all severance damages, any other damages, interest, relocation benefits, appraisal fees, attorney fees, and costs and disbursements to which Owner may otherwise be entitled. The Owner waives any and all rights to further notices, viewings, or hearings regarding this action.

6. Condemnation Action. After payment as provided under Paragraph 3 of this Agreement and 40 days after the filing of the Reports of Commissioners as to Parcel 2, the City will file a Final Certificate with respect to Parcel 2 only, and file a discharge of notice of lis pendens in the Office of the Registrar of Titles for Hennepin County. Each party will bear its own costs in

connection with this action. The district court shall retain jurisdiction to enforce the terms of this Agreement.

7. Entire Agreement. The undersigned state and represent that each has fully read this Agreement, and that each knows and understands its consequences and legal effect. This Agreement contains the entire agreement of the Parties regarding this matter.

8. Authority. Any person signing this Agreement in a representative capacity represents and warrants by signing this Agreement that it is the signer's intent to bind the principal being represented to the terms and conditions of this Agreement, that the signer has been authorized to bind the principal to the terms and conditions, and that it is the intent of the principal to be so bound. Owner has either consulted or had the opportunity to consult with an attorney prior to executing this Stipulation. The undersigned state and represent that they have fully read this Stipulation, and that they each know and understand the consequences and legal effect thereof.

9. Execution. This Stipulation may be executed in counterparts which, taken together, shall constitute one agreement. A facsimile or electronic copy of any execution of a counterpart shall have the same force and effect as if it were an original.

Dated: _____, 2023

CITY OF BROOKLYN CENTER

By: _____
April Graves, Mayor

ATTEST: _____
City Clerk

Dated: January 18, 2023.

KENNEDY & GRAVEN, CHARTERED

By: /s/ Joshua P. Weir
Joshua P. Weir (#0402328)
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9219
jweir@kennedy-graven.com

ATTORNEYS FOR PETITIONER

{Owner's Signature Page to Stipulation of Settlement for Parcel 2}

Dated: December 12th, 2022.

By: J. Jay Mutschler
J. Jay Mutschler
Chief Manager

5901 BROOKLYN BLVD., LLC

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Condemnation

The City of Brooklyn Center, a municipal corporation
under Minnesota law,

Court File No. 27-CV-20-15230

Judge: Susan N. Burke

Petitioner,

vs.

WSK Professional Bldg., L.L.C. et al.,

**REPORT OF COMMISSIONERS
PARCEL 2**

Respondents.

We, the undersigned Commissioners, appointed in this matter by Order of this
Court, do hereby report as follows:

I.

We met at the time and place appointed by this Court in the office of the Court
Administrator and each took the oath prescribed by law.

II.

After notice, we viewed the property identified as Parcel 2 described on Exhibit A of the
Order Approving Petition and Transfer of Title and Possession (“Order”) as to Parcel 2, filed on
February 23, 2021.

III.

We make the below award for damages as to Parcel 2 arising from the Order. The award is
based on the commissioners viewing of said real estate and the Stipulation of Settlement for Parcel
2, attached hereto as Exhibit A, which we received and accepted.

We heard no testimony relative to this taking nor reviewed any appraisal or other

EXHIBIT A

Form of Report of Commissioners

[Attached]

evidence of fair market value or damages related to the taking, other than the Stipulation, Exhibit

A:

TO: 5901 Brooklyn Blvd., L.L.C.

\$31,800.00

TO: Hiawatha National Bank; Mutual Security Life Insurance
Company; Bridgewater Bank

0

TOTAL DAMAGES TO ALL PARTIES:

\$31,800.00

Dated: _____, 2022

Commissioner

Dated: _____, 2022

Commissioner

Dated: _____, 2022

Commissioner

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
Case Type: Condemnation

The City of Brooklyn Center, a municipal corporation
under Minnesota law,

Court File No. 27-CV-20-15230
Judge: Susan N. Burke

Petitioner,

vs.

**STIPULATION OF SETTLEMENT
AGREEMENT FOR PARCEL 16**

WSK Professional Bldg., L.L.C. et al.,

Respondents.

This stipulation of settlement (the “Agreement”) is entered into by and between Petitioner City of Brooklyn Center (“City” or “Petitioner”), and Respondent Maple Grove Holdings, LLC, a Minnesota limited liability company (“Owner”) (collectively, the “Parties”) on this ____ day of _____, 2023.

RECITALS

1. The City commenced a condemnation action in Hennepin County District Court, Court File No. 27-CV-20-15230 pursuant to a Petition filed November 19, 2020, as amended on January 12, 2021 (“Condemnation Action”).

2. On February 23, 2021, the District Court filed the Order Approving Petition and Transfer of Title and Possession (“**Order**”) that, among other things, transferred certain property interests on Parcel 16 for the City’s Brooklyn Boulevard Corridor Project Phase 2 Improvements (“**Project**”), including without limitation a permanent easement for drainage, utility, sidewalk, and trail purposes and a temporary construction easement as described in **Exhibit A** to the Order (“**Property Interests**”).

3. Maple Grove Holdings, LLC, is the fee owner of record of Parcel 16.

4. The following parties are identified in the Petition as having or potentially having an interest in Parcel 16 but are not parties to this stipulation (the “**Third Party Respondents**”):

- a. M & E Realty Co., a Minnesota corporation, an easement holder on Parcel 16;
- b. Family Dollar, Inc., a North Carolina corporation, a tenant on Parcel 16;
- c. Bremer Bank, National Association, a mortgagee on Parcel 16; and
- d. All other parties unknown, together with unknown heirs or devisees and spouses, if any.

5. On or about February 25, 2021, in accordance with the terms of the Order, the City deposited with the Court the approved appraised value of the Property Interests of \$22,900.00 for Parcel 16 (the “**Quick-Take Payment**”), and title and possession to the Property Interests transferred to the City.

6. The Parties wish to both conclude matters relating to just compensation damages due and owing to all parties interested in Parcel 16 because of the Condemnation Action. To this end, the Parties enter into this Stipulation.

TERMS OF THE AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **RECITALS.** The recitals set forth above are true and accurate and are each incorporated and are material terms of this Agreement.

2. **SETTLEMENT AMOUNT.** The Parties stipulate and agree to a full settlement and award of damages for and related to the taking of the Property Interests described as Parcel 16

and shown in **Exhibit A** to the Order in the amount of amount of \$26,900.00 (“**Settlement Amount**”), payable to the Owner as set forth in Paragraph 5 below.

3. STIPULATION TO AWARD. The Parties agree to the issuance by the court-appointed commissioners of a report of commissioners for the Property Interests equal to the Settlement Amount, payable entirely to the Owner, with zero dollars payable to all other respondents, in substantially the form attached as **Exhibit B (“Report of Commissioners”)**. Once the Commissioners have signed the Report of Commissioners, the City shall file it with the District Court. Subject to the contingency in Paragraph 4 of this Stipulation, the Parties agree not to appeal this Agreement, the Settlement Amount, or the award made in the Report of Commissioners.

4. CONTINGENCY. This Agreement is contingent on the filing of the Report of Commissioners awarding the Settlement Amount as specified in Paragraph 2 above, and on the expiration of the statutory appeal period without an appeal. All known respondents who may claim an interest in the taking of the Property Interests will be given notice of the Commissioners’ Hearing and of the filing of the Report of Commissioners. If any Third-Party Respondent objects to the entry of the Report of Commissioners, then this Stipulation shall terminate and Petitioner and Respondents each reserve their right to proceed with a contested Commissioners’ Hearing on damages and to pursue appeals from the final award of Commissioners; PROVIDED that Owner may (at its option) (a) negotiate a resolution to any claim by a Third-Party Respondent (“**Third-Party Claim**”) and secure a waiver or release reasonably satisfactory to the City of any Third-Party Claim (“**Third-Party Release**”) or (b) bring any and all necessary motions to the Court seeking to secure an order from the Court disposing of or liquidating the claims of any other Third-Party Respondent (“**Third-Party Motion**”). The City agrees not to object to the Third-Party Motion. If Owner is successful in obtaining a Third-Party Release or in disposing of Third-Party

Claims, then the City and Owner agree to be bound by this Agreement. If an appeal of the commissioners' award is filed within the statutory appeal period, this Agreement shall be null and void and both Parties agree to proceed to conduct a de novo jury trial before the Minnesota District Court.

5. PAYMENT OF SETTLEMENT AMOUNT. Within 15 business days after expiration of the 40-day appeal period following the filing of the Report of Commissioners without Third-Party Claims, or upon entry of a final judgment as provided in Paragraph 4 above (after the Owner obtains either a Third-Party Release or disposes of Third-Party Claims) the City shall pay the Settlement Amount by issuing a check payable to "Maple Grove Holdings, LLC" and delivering it to the Owner at the following address: Premier Hospitality, Attn: Maple Grove Holdings, LLC, 600 Inwood Ave. N., Ste. 230, Oakdale, MN 55128.

6. QUICK TAKE DEPOSIT. The Owner hereby assigns to the City all of its right, title and interest in the Quick-Take Deposit. The City may apply to the Court at any time after the delivery of the Settlement Check, and resolution of any Third-Party Claims, for disbursement to the City of the Quick-Take Deposit, together with any interest that has accrued thereon, without further notice to the Respondents. The City and the Respondents hereby agree to the entry of a Court order directing disbursement to the City alone of the Quick-Take Deposit, together with any interest that has accrued thereon.

7. WAIVER OF HEARING RIGHTS. In consideration of this Agreement and settlement, the Parties agree to waive any rights they may have to a hearing before the Commissioners to determine just compensation and waive any rights to appeal an award of just compensation damages awarded consistent with a Commissioner's Report awarding the Settlement Amount, except as otherwise provided in Paragraph 4 of this Stipulation.

8. ENTIRE AGREEMENT & WAIVER. Owner agrees that this Agreement, upon completion of conditions and satisfaction of contingencies, if any, fully and finally settles all claims that were made or could have been made in the Condemnation Action, including attorney's fees, interest, litigation expenses, appraisal fees, and other expert fees and related costs. Owner agrees that payment and acceptance of the Settlement Amount constitutes full accord and satisfaction for all claims for damages, past, present, and future, of any kind or nature, occasioned by the taking, that were made or could have been made in the Condemnation Action, including without limitation for construction interference damages, and all damages, if any, to the remaining lands owned by Owner, and are hereby intending to forever settle all claims that were made or could have been made in the Condemnation Action.

9. ADDITIONAL CITY OBLIGATIONS. After issuance of the Report of Commissioners and expiration of the statutory appeal period, the City will file a Final Certificate in this action and record a discharge of notice of *Lis Pendens* with respect to the Property Interests in the Office of the Hennepin County Recorder or Registrar of Titles.

10. BINDING EFFECT AND CAPACITY TO SIGN. The persons signing this Agreement in their representative capacities represent and warrant by signing this Agreement that it is their intent to bind their respective principals to the terms and conditions set forth herein, that the persons signing in their representative capacity have been authorized to bind their respective principals to such terms, and that it is the respective principals' intent to be so bound.

11. CITY COUNCIL APPROVAL. This Agreement is contingent upon approval of the City Council of the City of Brooklyn Center.

12. VOLUNTARY EXECUTION. Owner has either consulted or had the opportunity to consult with an attorney prior to executing this Agreement. The undersigned state and represent

that they have fully read this Agreement, and that each know and understand the consequences and legal effect thereof. This Agreement contains the entire agreement of the Parties with regard to the matters set forth herein.

13. ATTORNEY FEES. The parties shall be responsible for their own attorneys' fees associated with this matter.

14. MODIFICATIONS. This Agreement may only be amended in writing and signed by each party.

15. COUNTERPARTS. This Agreement may be executed in counterparts which, taken together, shall constitute one agreement.

IN WITNESS WHEREOF, the parties, intending to be legally bound, execute this Stipulation as of the corresponding date written below.

{Remainder of Page Intentionally Left Blank; Signature Pages to Follow}

Dated: _____, 2023

CITY OF BROOKLYN CENTER

By: _____
April Graves, Mayor

ATTEST: _____
City Clerk

Dated: January 18, 2023.

KENNEDY & GRAVEN, CHARTERED

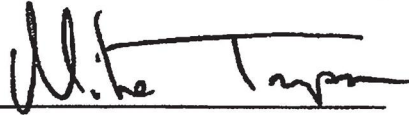
By: /s/ Joshua P. Weir
Joshua P. Weir (#0402328)
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9219
jweir@kennedy-graven.com

ATTORNEYS FOR PETITIONER

{Owner's Signature Page to Stipulation of Settlement Agreement for Parcel 16}

MAPLE GROVE HOLDINGS, LLC

Dated: Jan 9th, 2023.

By: 

Its: Chief Manager

Dated: 01/09, 2023.

PRINDIVILLE LAW, PA

By: 

Timothy J. Prindiville (#0388156)
400 South Fourth Street, Suite 1025
Minneapolis, MN 55415
(612) 746-1043
tim.prindiville@prindivillelaw.com

**ATTORNEYS FOR RESPONDENT
MAPLE GROVE HOLDINGS, LLC**

EXHIBIT A

Parcel No. 16: Property I.D. 34-119-21-43-0006, Torrens Certificate No. 1460237

Property Address: 6215 Brooklyn Boulevard, Brooklyn Center, MN 55429

Description of Subject Property:

Parcel 1:

Lot 1, Block 1, Ewing Lane Addition, Hennepin County, Minnesota.
Torrens Property: of Title No. 1372882.

Parcel 2:

Non-exclusive easement for right of way purposes over and across the Southwesterly 24 feet of the Northeasterly 44 feet of Lot 2, Ewing Lane Addition, as contained in the Warranty Deed recorded as Document No. 808893 in the records of the Registrar of Titles, Hennepin County, Minnesota.

Description of Permanent Easement:

A perpetual easement for drainage, utility, sidewalk and trail purposes over, under, across and through part of the following described property:

Lot 1, Block 1, EWING LANE ADDITION

Said perpetual easement being that part of said Lot 1 lying northeasterly of a line run parallel with and distant 32.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds and said described line there terminating.

Description of Temporary Construction Easement:

A temporary easement for construction purposes over, under, across and through the following described property:

Lot 1, Block 1, EWING LANE ADDITION

Said temporary easement being that part of said described property described as follows:

Beginning at the intersection of the northerly line of said Lot 1 with a line run parallel with and distant 32.00 feet westerly of the following described "Line A"; thence westerly along said northerly line a distance of 7.84 feet; thence southeasterly, deflecting to the left 113 degrees 50 minutes 18 seconds, a distance of 145.15 feet; thence southwesterly, deflecting to

the right 90 degrees 00 minutes 00 seconds, a distance of 9.00 feet; thence southeasterly, deflecting to the left 90 degrees 00 minutes 00 seconds, a distance of 12.00 feet; thence southwesterly, deflecting to the right 62 degrees 50 minutes 21 seconds, a distance of 47.40 feet; thence southeasterly, deflecting to the left 62 degrees 50 minutes 21 seconds, a distance of 26.00 feet; thence northeasterly, deflecting to the left 90 degrees 00 minutes 00 seconds, a distance of 47.00 feet; thence southeasterly, deflecting to the right 90 degrees 00 minutes 00 seconds, a distance of 124.00 feet; thence southeasterly 67.08 feet along a tangential curve concave to the southwest having a radius of 22859.14 feet and a central angle of 00 degrees 10 minutes 05 seconds to the southerly line of said described property; thence easterly along said southerly line a distance of 5.46 to the intersection with said parallel line, thence northwesterly along said parallel line to the point of beginning.

Line “A” is described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds and said “Line A” there terminating

Term of Temporary Easement: Said temporary easement set to expire November 30, 2022.

Subject to easements of record, except as taken herein.

Acquired or Encumbered Interests:

NAME	NATURE OF INTEREST
Maple Grove Holdings, LLC, a Minnesota limited liability company	Owner
M & E Realty Co., a Minnesota corporation	Easement
Family Dollar, Inc., a North Carolina corporation	Tenant
Bremer Bank, National Association	Mortgagee
All other parties unknown, together with unknown successors, assigns, heirs, devisees and spouses, if any	Any right, title or interest within the acquired portion of the Subject Property

Notwithstanding the foregoing attempt to identify all interests held by a party named herein, it is Petitioner’s intention to acquire or encumber all interests owned or claimed by the named respondents in the Subject Property within the taking areas described above.

EXHIBIT B

Form of Report of Commissioners

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
Case Type: Condemnation

The City of Brooklyn Center, a municipal corporation
under Minnesota law,

Court File No. 27-CV-20-15230

Judge: Susan N. Burke

Petitioner,

vs.

WSK Professional Bldg., L.L.C. et al.,

**REPORT OF COMMISSIONERS
PARCEL 16**

Respondents.

We, the undersigned Commissioners, appointed in this matter by Order of this
Court, do hereby report as follows:

I.

We met as directed by this Court and each took the oath prescribed by law.

II.

After notice, we viewed the property identified as Parcel 16 described on Exhibit A of the
Order Approving Petition and Transfer of Title and Possession (“Order”) as to Parcel 16, filed on
February 23, 2021.

III.

After notice of meeting and an opportunity for possible claimants to be heard, we make the
below award for damages as to Parcel 16 arising from the Order. The award is based on the
commissioners viewing of said real estate and the Stipulation of Settlement for Parcel 16, attached
hereto as Exhibit A, which we received and accepted.

We heard no testimony relative to this taking nor reviewed any appraisal or other

evidence of fair market value or damages related to the taking, other than the Stipulation,
Exhibit A:

TO: Maple Grove Holdings, LLC	\$26,900.00
TO: M & E Realty Co.	0
TO: Family Dollar, Inc.	0
TO: Bremer Bank, National Association	0
TO: All other parties unknown, together with unknown successors, assigns, heirs, devisees and spouses, if any	0

TOTAL DAMAGES TO ALL PARTIES:	\$26,900.00
--------------------------------------	--------------------

The foregoing award assumes that the above-referenced property is free of all pollutants, contaminants and hazardous wastes. We have not assessed any damages for the presence of pollutants, contaminants, and hazardous wastes on the subject property. This award is made with the express understanding that the Petitioner, the City of Brooklyn Center, has reserved all rights to recover damages, testing costs and cleanup-costs attributable to the existence of pollutants, contaminants or other hazardous wastes on the property from the Respondents in a separate legal action.

Dated: _____, 2022	_____ Joel Seltz Commissioner
--------------------	-------------------------------------

Dated: _____, 2022	_____ Richard Black Commissioner
--------------------	--

Dated: _____, 2022	_____ Craig Harrington Commissioner
--------------------	---

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Condemnation

The City of Brooklyn Center, a municipal corporation
under Minnesota law,

Court File No. 27-CV-20-15230
Judge: Susan N. Burke

Petitioner,

vs.

**STIPULATION OF SETTLEMENT
PARCELS 34 & 35**

WSK Professional Bldg., L.L.C. et al.,

Respondents.

This stipulation of settlement (the “Agréement”) is entered into by and between Petitioner City of Brooklyn Center (“City” or “Petitioner”), and Respondents My Bui Le & Nhon Thanh Le, married to each other, (“Owners” or “Respondents”) (collectively, the “Parties”) on this ____ day of _____, 2023.

RECITALS

1. The City commenced a condemnation action in Hennepin County District Court, Court File No. 27-CV-20-15230 pursuant to a Petition filed November 19, 2020, as amended on January 12, 2021 (“Condemnation Action”).

2. On February 23, 2021, the District Court filed the Order Approving Petition and Transfer of Title and Possession (“Order”) that, among other things, transferred certain property interests on Parcels 34 and 35 for the City’s Brooklyn Boulevard Corridor Project Phase 2 Improvements (“Project”), including without limitation a permanent easement for drainage, utility, sidewalk, and trail purposes and a temporary construction easement as described in **Exhibit A** to the Order (“Property Interests”).

3. My Bui Le & Nhon Thanh Le are the fee owners of record of Parcels 34 & 35.

4. The following parties are identified in the Petition as having or potentially having an interest in Parcels 34 & 35 but are not parties to this stipulation (the “Third Party Respondents”):

- a. Northeast Bank, a mortgagee; and
- b. Kreg Staging & Design, Inc., a Minnesota corporation, a judgment creditor; and
- c. Que Viet Concessions LLC d/b/a Que Viet Village House, a Minnesota limited liability company, a tenant; and
- d. All other parties unknown, together with unknown heirs or devisees and spouses, if any.

5. On or about February 25, 2021, in accordance with the terms of the Order, the City deposited with the Court the approved appraised value of the Property Interests of \$4,600.00 for Parcels 34 & 35 (the “Quick-Take Payment”), and title and possession to the Property Interests transferred to the City.

6. The Parties wish to both conclude matters relating to just compensation damages due and owing to all parties interested in Parcels 34 & 35 because of the Condemnation Action. To this end, the Parties enter into this Stipulation.

TERMS OF THE AGREEMENT

The parties stipulate and agree as follow:

1. Settlement Amount. The Parties agree to a full and final settlement of all claims related to and arising from the Council’s acquisition of the Property Interests on Parcels 34 & 35 for the amount of \$9,600.00 (“Settlement Amount”), payable entirely to the Owner.

2. Report of Commissioners. Petitioner shall conduct a commissioners’ hearing at which it will seek the issuance of a Report of Commissioners for Parcels 34 & 35 in the form provided under Exhibit A. Once the Commissioners have signed the Report of Commissioners, Petitioner shall

file it with the District Court and serve notice of its filing. Should an interested party object to the entry of the Report of Commissioners or file a timely appeal under Minnesota Statutes, Section 117.145, this stipulation shall be void without further action by either party.

3. Payment of Settlement Amount. Within 15 business days after expiration of the 40-day appeal period following the filing of the Report of Commissioners under Minnesota Statutes, Section 117.145 without appeal, the City shall pay the Settlement Amount by issuing a check payable to "QUE VIET VILLAGE ^{HOUSE 3}" and delivering it to the following address:

6100 Brooklyn Blvd Brooklyn Center, MN 55429

4. Quick-Take Payment. The Owners hereby assign to the City all of its rights, title and interest in the Quick-Take Payment. The City may apply to the Court at any time after payment of the Settlement Amount for disbursement to the City of the Quick-Take Payment, together with any interest that has accrued thereon, without further notice to the Respondents. The City and the Respondents hereby agree to the entry of a Court order directing disbursement to the City alone of the Quick-Take Payment, together with any interest that has accrued thereon.

5. No Appeal. The Parties agree that they will not appeal the Report of Commissioners.

6. Full and Final Compromise. The terms and conditions of this Agreement constitute a full and final compromise of all known matters in dispute with respect to the Property and the Parties as it relates to this Condemnation Action. In consideration of the Quick-Take Payment and other terms and conditions of this Agreement, the Owners waive any and all claims it may have against the City in connection with this Condemnation Action, including without limitation, just compensation, statutory remedies, all severance damages, any other damages, interest, relocation benefits, appraisal fees, attorney fees, and costs and disbursements to which Owners may

otherwise be entitled. The Owners waive any and all rights to further notices, viewings, or hearings regarding this action.

7. Condemnation Action. After issuance of the Report of Commissioners and expiration of the statutory appeal period, the City will file a Final Certificate with respect to Parcels 34 & 35 only, and file a discharge of notice of lis pendens in the Office of the Hennepin County Recorder or Registrar of Titles. Each party will bear its own costs in connection with this action. The district court shall retain jurisdiction to enforce the terms of this Agreement.

8. Entire Agreement. The undersigned state and represent that each has fully read this Agreement, and that each knows and understands its consequences and legal effect. This Agreement contains the entire agreement of the Parties regarding this matter.

9. Authority. Any person signing this Agreement in a representative capacity represents and warrants by signing this Agreement that it is the signer's intent to bind the principal being represented to the terms and conditions of this Agreement, that the signer has been authorized to bind the principal to the terms and conditions, and that it is the intent of the principal to be so bound. Owners have either consulted or had the opportunity to consult with an attorney prior to executing this Stipulation. The undersigned state and represent that they have fully read this Stipulation, and that they each know and understand the consequences and legal effect thereof.

10. Execution. This Stipulation may be executed in counterparts which, taken together, shall constitute one agreement. A facsimile or electronic copy of any execution of a counterpart shall have the same force and effect as if it were an original.

{Remainder of Page Intentionally Left Blank; Signature Pages to Follow}

{Petitioner's Signature Page to Stipulation of Settlement for Parcels 34 & 35}

Dated: _____, 2023

CITY OF BROOKLYN CENTER

By: _____
April Graves, Mayor

ATTEST: _____
City Clerk

Dated: _____, 2023.

KENNEDY & GRAVEN, CHARTERED

By: _____
Joshua P. Weir (#0402328)
Joshua P. Devaney (#0398809)
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

ATTORNEYS FOR PETITIONER

{Owners' Signature Page to Stipulation of Settlement for Parcels 34 & 35}

My Bui Le & Nhon Thanh Le

Dated: 11/28/2023, 2023.

By: 
My Bui Le

Dated: 11/28/2023, 2023.

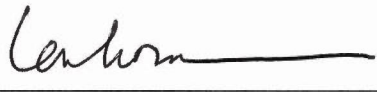
By: 
Nhon Thanh Le

EXHIBIT A

Form of Report of Commissioners

[Attached]

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Condemnation

The City of Brooklyn Center, a municipal corporation
under Minnesota law,

Court File No. 27-CV-20-15230

Judge: Susan N. Burke

Petitioner,

vs.

My Bui Le & Nhon Thanh Le, a married couple

REPORT OF COMMISSIONERS

PARCELS 34 & 35

Respondents.

We, the undersigned Commissioners, appointed in this matter by Order of this
Court, do hereby report as follows:

I.

We met as directed by this Court and each took the oath prescribed by law.

II.

After notice, we viewed the property identified as Parcels 34 & 35 described on Exhibit A
of the Order Approving Petition and Transfer of Title and Possession ("Order") as to Parcels 34 &
35, filed on February 23, 2021.

III.

After notice of meeting and an opportunity for possible claimants to be heard, we make the
below award for damages as to Parcels 34 & 35 arising from the Order. The award is based on the
commissioners viewing of said real estate and the Stipulation of Settlement for Parcels 34 & 35,
attached hereto as Exhibit A, which we received and accepted.

We heard no testimony relative to this taking nor reviewed any appraisal or other

evidence of fair market value or damages related to the taking, other than the Stipulation,

Exhibit A:

TO: My Bui Le & Nhon Thanh Le	\$9,600.00
TO: Northeast Bank	0
TO: Kreg Staging & Design, Inc.	0
TO: Que Viet Concessions LLC d/b/a Que Viet Village House	0
TO: All other parties unknown, together with unknown successors, assigns, heirs, devisees and spouses, if any	0

TOTAL DAMAGES TO ALL PARTIES: \$9,600.00

The foregoing award assumes that the above-referenced property is free of all pollutants, contaminants and hazardous wastes. We have not assessed any damages for the presence of pollutants, contaminants, and hazardous wastes on the subject property. This award is made with the express understanding that the Petitioner, the City of Brooklyn Center, has reserved all rights to recover damages, testing costs and cleanup-costs attributable to the existence of pollutants, contaminants or other hazardous wastes on the property from the Respondents in a separate legal action.

Dated: _____, 2023

Joel Seltz
Commissioner

Dated: _____, 2023

Richard Black
Commissioner

Dated: _____, 2023

Craig Harrington
Commissioner

TENANT CONSENT TO EASEMENTS

The undersigned tenant on the real property in Hennepin County, Minnesota, described as follows:

Lot 1, Block 1, Arthur Treacher's Addition, Hennepin County, Minnesota.

consents to and joins in the Easements described in the Findings of Fact, Conclusions of Law, and Order Approving Petition and Transfer of Title and Possession dated February 23, 2021, and filed on March 29, 2021 and April 22, 2021, in the office of the Registrar of Titles for Hennepin County as Document Nos. T5821392 and A10950544, respectively, and transferred by the Receipt of Deposit dated February 25, 2021, and filed on March 11, 2021 and March 29, 2021, in the office of the Registrar of Titles for Hennepin County as Document Nos. T5812181 and A10938174, respectively, to subject and subordinate its interests to the Easements as described therein.

[Signature page follows]

Dated: Feb 2nd, 2023

Tenant: Que Viet 3
a _____

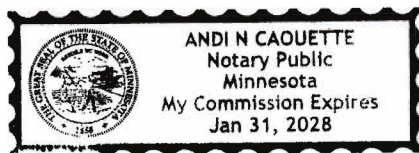
By: Minh Lam

Its: [Signature]

State of MN, County of Anoka

The foregoing instrument was acknowledged before me this 2 day of February, 2023, by Minh Lam, the Manager/owner of Ave Viet 3, on behalf of Ave Viet 3.

NOTARY STAMP OR SEAL



[Signature]
Notary Public
Commission Expires: 1/20/20

THIS INSTRUMENT DRAFTED BY:
Kennedy & Graven, Chartered
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
Case Type: Condemnation

The City of Brooklyn Center, a municipal corporation
under Minnesota law,

Court File No. 27-CV-20-15230
Judge: Susan N. Burke

Petitioner,

vs.

**STIPULATION ON PAYMENT
FOR PARCELS 34 & 35**

WSK Professional Bldg., L.L.C. et al.,

Respondents.

The undersigned hereby agree and stipulate as follows:

1. The Petitioner City of Brooklyn Center (the “City”) filed this action to acquire property interests from the properties described as Parcels 34 and 35 in Exhibit A to the Petition filed herein (the “Property”). Respondents My Bui Le & Nhon Thanh Le are the fee owners of record of the Property (the “Owners”). The petition also identified as respondents: Northeast Bank, a mortgagee; Kreg Staging & Design, Inc., a Minnesota corporation, a judgment creditor; Que Viet Concessions LLC d/b/a Que Viet Village House, a Minnesota limited liability company, a tenant; and all other parties unknown, together with unknown heirs or devisees and spouses, if any.

2. Although not identified in the Petition, the Property is subject to an unrecorded lease in favor of “Que Viet Village House 3.”

3. Pursuant to a separate Stipulation of Settlement Parcels 34 & 35, the Parties have agreed to a full and final settlement of all claims related to and arising from the City’s acquisition from the Property for the amount of \$9,600.00 (the “Settlement Amount”).

4. The Owners have requested that the City make payment of the Settlement Amount by check made payable to “Que Viet Village House 3” and delivered to 6100 Brooklyn Boulevard, Brooklyn Center, MN 55429. The undersigned Owners agree that said payment by the City fully satisfies the City’s payment obligation under the Stipulation of Settlement Parcels 34 & 35 and the proposed Report of Commissioners Parcels 34 & 35, and shall constitute a final and complete payment of the Settlement Amount the same as if payment were made to the Owners.

5. This Stipulation shall be considered a supplement to the above-referenced Stipulation of Settlement Parcels 34 & 35 and may be executed in counterparts which, taken together, shall constitute one agreement. A facsimile or electronic copy of any execution of a counterpart shall have the same force and effect as if it were an original.

{Remainder of Page Intentionally Left Blank; Signature Pages to Follow}

Dated: March 3, 2023

KENNEDY & GRAVEN, CHARTERED

/s/ Joshua P. Weir

Joshua P. Weir (#0402328)

Joshua P. Devaney (#0398809)

Fifth Street Towers

150 South Fifth Street, Suite 700

Minneapolis, MN 55402

(612) 337-9300

Email: jweir@kennedy-graven.com

jdevaney@kennedy-graven.com

**ATTORNEYS FOR PETITIONER
CITY OF BROOKLYN CENTER**

Council Regular Meeting

DATE: 3/13/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: James Soltis, P.E., Assistant City Engineer

SUBJECT: Resolution Authorizing the Application and Execution of the Metropolitan Council Grant Agreement for Inflow and Infiltration

Requested Council Action:

- Motion to approve a resolution authorizing the application and execution of the Metropolitan Council grant agreement for inflow and infiltration

Background:

A 2020 Metro Cities' legislative bonding initiative helped secure state funding and grants for municipalities to reduce inflow and infiltration in their public sewer systems that flow to the Metropolitan Council Environmental Services (MCES) regional treatment system. Criteria included projects that would be constructed between the periods from 2020 to 2021. The City already had programmed projects with improvements that qualified for inflow and infiltration mitigation.

On April 29, 2021, the MCES notified the City that it was selected to receive grant funding for a portion of the project improvement costs related to inflow and infiltration improvements. The projects have been completed and the City is required to submit claims to MCES by March 31, 2023, including a resolution of support for the grant agreement.

Budget Issues:

All project costs were originally fully funded out of the City's Sanitary Sewer fund. The Metropolitan Council grant funding was not programmed as part of the original project approval; however, the grant amounts will be used to reimburse the fund for the applicable expenses, estimated at \$146,559.

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
-------------	-------------	------

Resolution

3/6/2023

Resolution Letter

RESOLUTION NO. _____

Member _____
moved its adoption: _____
introduced the following
resolution and

RESOLUTION NO. _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE APPLICATION AND EXECUTION OF
THE METROPOLITAN COUNCIL GRANT AGREEMENT FOR INFLOW
AND INFILTRATION

WHEREAS, the Minnesota State Legislature has appropriated \$5,000,000 in general obligation bond funds for grants to municipalities to reduce inflow and infiltration in their public system infrastructure, administered by Metropolitan Council Environmental Services (MCES); and

WHEREAS, application to participate in the MCES 2020 Municipal Grant Program (Grant Program) was made on March 30, 2021, for reimbursement of a percentage of the sanitary sewer improvements as part of the Grandview Area South Reconstruction Project, 53rd Avenue Project, Ryan Lake Industrial Park Area Street and Utility Improvements, Northwest Area, Lyndale Avenue Area Mill and Overlay and Woodbine Area Reconstruction Project; and

WHEREAS, the City of Brooklyn Center was notified by MCES Letter of Intent dated April 29, 2021, of approval to participate in the Grant Program and of estimated Final Reimbursement Amount (FRA) of \$146,559; and

WHEREAS, the City of Brooklyn Center awarded bid for Woodbine Area Reconstruction Project on March 14, 2022, and issued payment for the work on November 8, 2022; and

WHEREAS, the City of Brooklyn Center awarded bid for Grandview Area South Reconstruction Project March 8, 2021, and issued payment for the work on January 25, 2022; and

WHEREAS, the City of Brooklyn Center awarded bid for Brooklyn Boulevard Corridor Project Phase 2 (Bass Lake Road to I-94) on May 10, 2021, and issued payment for the work on December 20, 2022; and

WHEREAS, the City of Brooklyn Center awarded bid for Ryan Lake Industrial Park Area Street and Utility Improvements on May 10, 2021, and issued payment for the work on September 19, 2022; and

WHEREAS, the City of Brooklyn Center awarded bid for Northwest Area on May 10, 2021, and issued payment for the work on September 19, 2022; and

WHEREAS, the City of Brooklyn Center awarded bid for Lyndale Avenue Area Mill and Overlay on May 10, 2021, and issued payment for the work on September 19, 2022; and

WHEREAS, Grant Agreement between the Metropolitan Council and the City of Brooklyn Center is currently being drafted by MCES; and

WHEREAS, the City of Brooklyn Center has completed \$2,448,286.00 of work eligible for funding and desires to enter into Grant Agreement to finalize the reimbursement process.

RESOLUTION NO. _____

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

1. The City Council hereby approves application for MCES 2020
Municipal Inflow and Infiltration Grant Program.
2. The City Council hereby approves the Grant Agreement between
Metropolitan Council and the City of Brooklyn Center and
authorizes the City Manager to execute the Grant Agreement,
subject to minor modifications and final review by the City
Attorney.

Date

Mayor

ATTEST: _____

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: 3/13/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Elizabeth Heyman - Director of Public Works

SUBJECT: Resolution Authorizing the Filing of an Application for the Hennepin Youth Sports Program Grant

Requested Council Action:

Motion to approve a resolution authorizing the application and execution of agreement to develop recreation facilities under the provisions of the Hennepin Youth Sports Program.

Background:

Background:

City staff are recommending applying for a grant to expand the 2023 playground replacement project at Lions Park. The attached resolution is required to apply for the Hennepin County Youth Sports Program.

As part of the City's 2023 Capital Improvement Program (CIP), staff are recommending replacing playground equipment at Lions Park under Project 2023-06.

Lions Park's equipment was last replaced in 1994, and updates are necessary. The current approved purchase amount will cover a seesaw, a spinner, a swing set, and two jungle gyms (one large and one small) including a chinning bar, a firepole, a tightrope, multiple slides, and various other features. The grant request of \$50,000 will allow the City to add two benches with shade structures, a hemisphere climber, and additional poured in place rubber surface to the playground, which will increase the accessibility of the park for residents with mobility issues

The selected vendor for the playground replacement projects, Flagship Recreation/Landscape Structures, an approximate total of \$122,912 for the Lions Park Playground. This purchase amount was approved by the City Council on January 23, 2023 (Resolution No. 2023-23). If the City's grant application is successful, the total cost of the project will be approximately \$172,912.

Hennepin County Youth Sports Program:

Hennepin County Board of Commissioners, via the Hennepin County Youth Sports Program, provides capital funds to assist local government units (LGUs) of Hennepin County for the development of sports or recreational facilities. Hennepin County Youth Sports Program Grant funds are meant to be the last funds for a project and are paid as reimbursement to the LGU after the playground structure has been installed. Grants up to \$50,000 are available.

Budget Issues:

N/A

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Hennepin Youth Sports Program Resolution	3/9/2023	Resolution Letter

Member _____ introduced the following resolution and moved its adoption: _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE APPLICATION AND EXECUTION OF AGREEMENT FOR THE HENNEPIN YOUTH SPORTS PROGRAM GRANT

WHEREAS, the Hennepin County Board of Commissioners, via the Hennepin Youth Sports Program, provides for capital funds to assist local government units of Hennepin County for the development of sports or recreational facilities, and;

WHEREAS, The City of Brooklyn Center desires to develop the Lions Park Playground.

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

1. The estimate of the total cost of developing Lions Park Playground shall be \$172,912. The City of Brooklyn Center is requesting \$50,000 from the Hennepin Youth Sports Program and will assume responsibility for providing matching funds of \$122,912.
2. The City of Brooklyn Center is the owner of the property where the Lions Park Playground is located. The City will own the property where the Lions Park Playground is located for at least the functional life of the facility, which is estimated to be 15 years. The Lions Park Playground may not be converted to a non-public or non-recreational uses within this time period without the approval of Hennepin County.
3. The City of Brooklyn Center agrees to assume one hundred (100) percent of operational and maintenance costs for the Lions Park Playground. The City of Brooklyn Center will operate the Lions Park Playground for its intended purpose as stated in the Lions Park Playground application for the functional life of the facility.
4. The City of Brooklyn Center agrees to enter into necessary and required agreements with Hennepin County for the specific purpose of developing Lions Park Playground and managing its long-term operation.
5. The Public Works Director is authorized and directed to execute the application for the Hennepin Youth Sports Program grant.

Date

Mayor

ATTEST: _____

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.

RESOLUTION NO.

Council Regular Meeting

DATE: 3/13/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Dr. Reggie Edwards, City Manager

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Resolution Extending Services with Carson, Clelland, and Schreder for Criminal Attorney Services

Requested Council Action:

- motion to approve a resolution deferring schedule solicitation of requests for proposals on prosecution services

Background:

At the February 27, 2023, Study Session the City Council was presented with the options of the request for proposal for prosecution services in accordance with Council Policies 2.81. At the meeting the City Council came to a consensus to continue services with Carson, Clelland & Schreder.

Before you tonight is a resolution for the retention of Carson, Clelland & Schreder for the years 2024-2027.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/10/2023	Resolution Letter
Resolution	3/10/2023	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING RETENTION OF CARSON, CLELLAND AND SCHREDER FOR CITY PROSECUTION SERVICES AND AUTHORIZING MAYOR AND CITY MANAGER TO EXECUTE CONTRACT

WHEREAS, the City Council has adopted a regular schedule for considering the provision of prosecution services; and

WHEREAS, under that schedule, a request for proposals would be solicited for the provision of criminal prosecution services for the period 2024-2027; and

WHEREAS, the City Council has reviewed the provisions of prosecution services and determined that the continuation of the provision of services by the law firm of Carson, Clelland, & Schreder would be appropriate and that no financial or service benefit would be obtained by soliciting proposals; and

WHEREAS, the City Council does not wish to solicit requests for proposals for the period 2024-2027 based on its evaluation that it is in the City's best interest to continue its current arrangement with the law firm of Carson, Clelland & Schreder; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Brooklyn Center Minnesota that staff be and hereby are directed not to seek proposals for the provision of prosecution services; and

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center that the next scheduled review of prosecution services for the period 2028-2031, reserving to the City Council the right to reconsider and solicit proposals for the provisions of prosecution services at any time the City Council would deem it in the City's best interest to solicit proposals.

March 13, 2023

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING RETENTION OF CARSON, CLELLAND AND SCHREDER FOR CITY PROSECUTION SERVICES AND AUTHORIZING MAYOR AND CITY MANAGER TO EXECUTE CONTRACT

WHEREAS, the City Council has adopted a regular schedule for considering the provision of prosecution services; and

WHEREAS, under that schedule, a request for proposals would be solicited for the provision of criminal prosecution services for the period 2024-2027; and

WHEREAS, the City Council has reviewed the provisions of prosecution services and determined that the continuation of the provision of services by the law firm of Carson, Clelland, & Schreder would be appropriate and that no financial or service benefit would be obtained by soliciting proposals; and

WHEREAS, the City Council does not wish to solicit requests for proposals for the period 2024-2027 based on its evaluation that it is in the City's best interest to continue its current arrangement with the law firm of Carson, Clelland & Schreder; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Brooklyn Center Minnesota that staff be and hereby are directed not to seek proposals for the provision of prosecution services; and

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center that the next scheduled review of prosecution services for the period 2028-2031, reserving to the City Council the right to reconsider and solicit proposals for the provisions of prosecution services at any time the City Council would deem it in the City's best interest to solicit proposals.

March 13, 2023

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: 3/13/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Mayor Graves

SUBJECT: Proclamation of Recognition and Appreciation to Doris Branch for Over 24 Years of Dedicated Service to the City of Brooklyn Center as an Election Judge

Requested Council Action:

- *Accept proclamation recognizing Doris Branch*

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Proclamation	3/10/2023	Proclamation



**PROCLAMATION OF RECOGNITION AND APPRECIATION
TO DORIS BRANCH FOR OVER 22 YEARS OF DEDICATED SERVICE TO
THE CITY OF BROOKLYN CENTER AS AN ELECTION JUDGE**

WHEREAS, Doris Branch and her family moved to Brooklyn Center in 1996; and

WHEREAS, Doris Branch applied to serve as an election judge within the year of moving to Brooklyn Center; and

WHEREAS, Doris Branch began serving as an election judge in precincts in 1997 and served in that capacity for many years; and

WHEREAS, Doris Branch shifted her expertise from in the precinct to absentee voting and health care facility voting; and

WHEREAS, Doris Branch continued this work through the 2020 Presidential Election; and

WHEREAS, having Doris Branch part of the “Election Team” for so many years has been an honor of Office of the City Clerk.

NOW, THEREFORE, I, April Graves, Mayor of the City of Brooklyn Center, on behalf of the Brooklyn Center City Council and residents of Brooklyn Center, do hereby recognize and appreciate Doris Branch for over 22 years of dedicated service to the City of Brooklyn Center.

March 13, 2023

Date

Mayor

ATTEST:

City Clerk