

Council Study Session

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
97680230856# Passcode:
7635693300#
February 8, 2021

AGENDA

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

CITY COUNCIL MEETING

VIRTUAL meeting being
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telephone Dial: 1-312-626-
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AGENDA



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

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

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

2. Invocation - Butler - 7 p.m.

3. Call to Order Regular Business Meeting

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

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- Motion to approve minutes for the following meetings:

- *January 25, 2021 Study Session*
 - *January 25, 2021 Regular Session*
 - *January 25, 2021 Work Session*
- b. Approval of Licenses
 - *Motion to approve licenses as presented.*
 - c. Resolution Authorizing Acquisition of Easements for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05
 - *Motion to approve a resolution authorizing acquisition of easements for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05*
 - d. Resolution Approving and Authorizing Execution of Limited Use Permit Agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements Within State Right-of-Way Between City of Brooklyn Center and Minnesota Department of Transportation
 - *Motion to approve the attached resolution approving and authorizing execution of a Limited Use Permit Agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements within State Right-of-Way between City of Brooklyn Center and Minnesota Department of Transportation*
 - e. Resolution Approving Plans and Specifications and Authorizing Advertisement for Bids, Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements
 - *Motion to approve the attached resolution approving plans and specifications and authorizing advertisement for bids, Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements*
 - f. Resolution Appointing Council Members to Outside Organizations
 - *Approve a resolution appointing City Council Members to Serve as Liaisons to City Advisory Commissions and as City Representatives/Voting Delegates for Other Organizations for 2021*
 - g. Legislative Priorities Update
 - *Updated 2021 Legislative Priorities*

7. Presentations/Proclamations/Recognitions/Donations

- a. Presentation from Hennepin County Commissioner Jeff Lunde
Receive the presentation from Commission Lunde.
- b. Presentation from Catrice O'Neal on Brooklynk

8. Public Hearings

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

9. Planning Commission Items

10. Council Consideration Items

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Background:

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

Budget Issues:

-None.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
1/25 Study Session	2/2/2021	Backup Material
1/25 Regular Session	2/2/2021	Backup Material
1/25 Work Session	2/2/2021	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
JANUARY 25, 2021

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:00 p.m. The meeting was conducted via Zoom.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

-None.

MISCELLANEOUS

Councilmember Butler stated she has been invited by Seth Ryan to participate in the Community Ed Advisory Board, which consists of School Board members and Community Ed staff, and herself. She added she wanted to mention it since the City Council appointments to Commissions will be addressed at this evening's meeting.

Councilmember Graves stated she attended a meeting earlier that day regarding Covid-related issues. She added the meeting was attended by jurisdictional partners, including representatives from Hennepin County Health Department, the Minnesota Department of Health, Minneapolis Department of Health, and Anoka County Public Health, as well as representatives from Brooklyn Park. She noted she believes the group plans to meet once or twice a month. She asked whether City Staff is aware of these meetings and intends to participate.

Mr. Boganey stated he is not familiar with the group but agreed to follow up and report back to the City Council. He added it seems like something Brooklyn Center should participate in.

Councilmember Graves stated Kelsey from Hennepin County is hosting the meetings. She agreed to forward the invitation to Mr. Boganey.

Councilmember Ryan stated he is reaching the meeting again via his phone. He added the live link that he received via an email from the City Clerk is not functioning on his tablet. He wanted

to be sure that everyone knows he has joined the meeting. He noted his phone is working fine, and he is okay to proceed.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

COMMUNITY CELEBRATION NAME

Mr. Boganey stated the City's community celebration has been called Earle Brown Days for several decades, and was initially planned and managed by volunteers, with limited staff support. He added City Staff involvement and City funding have increased over the years, as volunteers and funding have decreased. He noted City Staff have attempted to increase community involvement and satisfaction, increase cultural relevance, and diversify participation and planning of the celebration.

Mr. Boganey stated City Staff have discussed ways to increase participation over the years, and considered a name change for the celebration. He added, a few years ago, it became known that there is some controversy regarding Earle Brown's connection with the Ku Klux Klan in Minnesota. He noted a change in the name might be imperative now, as there is no historical connection between the community celebration and Earle Brown, and community celebrations are generally named for unique aspects of the community itself rather than an individual.

Mr. Boganey stated City Staff is seeking City Council direction regarding a change in the name of the celebration. He asked whether the City Council has sufficient information to provide direction; whether they believe a name change serves the interests of Brooklyn Center residents and stakeholders; and whether the City Council how the City Council would like to proceed with establishing a new name, if it is determined that a name change is warranted. He noted the City Council can ultimately decide what is best for the community.

Mayor Elliott stated he believes a new name is necessary, for the reasons stated. He added a new name should be chosen for the community celebration that is reflective of the community and all its members.

Councilmember Graves stated she is on board. She added she has lived in Brooklyn Center about 9 years and did not learn about Earle Brown Days until she joined the City Council. She added she was unsure about what it represented. She noted she grew up going to Rondo Days and Grand Old Days, and even Selby Days. She noted something simple would make sense, maybe something connected to the "At the Center" branding, or a focus on culture and diversity.

Councilmember Butler stated she is in line with what has been presented. She added she grew up going to Earle Brown Days, but she is not tied to the name. She noted she likes the idea of changing the name, and community input will be very important. She noted she would also support something simple, like "Brooklyn Center Days".

Councilmember Lawrence-Anderson stated she concurs with Councilmember Graves and Butler. She added she is not tied to the name, and simply "Brooklyn Center Days" would be fine. She noted she agrees that a name change is valid, and she agrees it should be changed.

Councilmember Ryan stated he is in line with all the previous comments. He added Mr. Boganey indicated there are many people in the City that do not identify with the current name and that aspect of the City's past, and the City Council should be forward-looking and respectful of the sentiments of the community, especially with revelations about Earle Brown, who was emblematic for the festival. He noted he would support having a contest, to engage all the City's diverse communities, to come up with a name for the festival. He agreed something simple would be fine.

Mr. Boganey stated there seems to be consensus that City Staff should proceed with a plan to re-name the City celebration. He asked whether the City Council would support proceeding with plans for this year's celebration, to be renamed "Brooklyn Center Days", after which there will be an opportunity for community input to decide on a permanent name.

Mayor Elliott stated he thinks that is fine, as the issue is to truly engage everyone in the process of planning the celebration, ensuring that it is inclusive, and pick a name that will capture everybody. He added more ideas can be sought from the community.

Mr. Boganey stated City Staff will proceed with "Brooklyn Center Days" in 2021, with the expectation of a more engaged process before settling on a permanent name in the future.

LEGISLATIVE PRIORITIES

Mr. Boganey stated City Staff have identified potential legislative priorities for 2021 for the City of Brooklyn Center, to be reviewed by the City Council. He asked whether Councilmembers have additional changes or additions that they believe should be made to the legislative agenda.

Mr. Boganey stated the 2020 agenda included support for residents seeking permanent status under the Liberian Refugee Immigration Fairness Act. He added he does not believe any action was taken by the legislature in 2020 on this issue, and it will expire soon. He asked whether the City Council feels this policy is relevant and should be continued.

Mayor Elliott stated it is still relevant and should remain a priority. He added the new president extended this opportunity, and the State of Minnesota has engaged in this process. He noted the governor's office and other State Legislators have worked to intervene on behalf of individuals.

Mr. Boganey stated City Staff supports two new proposed items: housing security and tenant protections. He added these are important issues to be advocated at the State level.

There was a majority consensus of the City Council to include these two new legislative priorities.

Councilmember Ryan stated there is a general trend at the State Legislature to restrict local discretion on policies like tenant protection, which local governments are best equipped to address. He added he is absolutely on board with this.

Councilmember Graves asked whether any Councilmembers or City Staff are planning to attend the legislative breakfast on Saturday, January 30, 2021. She added it will be a good opportunity to advocate for these legislative priorities.

Mayor Elliott stated he is going to the breakfast. Councilmembers Graves and Ryan and Mr. Boganey indicated they plan to join the breakfast virtually.

Mr. Boganey stated another legislative priority is “T-21”, raising the age to purchase tobacco to 21 years. He added it is my understanding that the law has taken effect, so presumably this is an item could be removed.

Mr. Boganey stated an item for consideration is a self-identified race designation on State Driver’s Licenses. He added the City of Crystal has added this to their legislative agenda, and he believes the City of Brooklyn Center should consider it. He noted this data would make it easier to get complete and accurate information and ensure that the City’s policies and practices are equitable and not discriminatory.

Mayor Elliott stated he would like to get more information about this issue, which raises concerns about privacy. He added it seems it could be helpful but could also be misused.

Councilmember Graves agreed. She added she understand the reasoning behind it but feels there is not enough information to add it as a priority right now.

Mr. Boganey stated it sounds like there is enough hesitation, and this item will not be added to the list of priorities.

Mr. Boganey asked whether the City Council has any suggestions for additional priorities or modifications to the list.

Mayor Elliott proposed a legislative priority item, “Advancing Racial Equity”, and presented a brief statement as follows:

“Advancing racial equity is central to the well-being and long-term vitality of the City of Brooklyn Center and the State of Minnesota. The City of Brooklyn Center’s goal is to approach all of our policies and programs through the lens of racial equity and champion intentional State legislative strategies that promote racial equity, including in housing, health, education, economic and other social justice issues, and prevent and eliminate disparities in public policy and public investments.”

Mayor Elliott stated this statement is modeled after the City of Minneapolis’ legislative priority. He requested feedback and comments from the City Council.

Mr. Boganey stated that statement is consistent with the City Council’s direction.

Councilmember Butler stated she believes it is well-stated and she is fine with including it in the legislative priorities.

Councilmembers Graves and Lawrence-Anderson agreed.

Councilmember Graves stated she would support a legislative priority related to environmental justice or environmental responsibility. She added she can do some research, and find out what is coming up, and send out some information. She asked whether City Staff is aware of any related legislation.

Mr. Boganey stated he is not aware of any pending legislation related to that issue, but clearly it is a public policy question, and City Staff can assist with researching it.

Councilmember Graves asked what the goals are for carbon emissions and renewable energy, and whether the State is on track to meet these goals.

Councilmember Graves stated line 3 is an important issue that does not directly affect Brooklyn Center residents, but it has a significant impact on the greater community of the State of Minnesota. She added oil lines affect native populations and sovereign rights. She asked whether City Staff could add that to the priorities without investing too much time, even if it is just a general statement.

Mr. Boganey stated City Staff will attempt to put together a policy statement to send out to the City Council within the next 24-48 hours, to determine whether there is consensus to add it to the list.

Mayor Elliott stated he would support recognition of the rights of rivers, which has been done in other cities to protect important natural resources.

Mayor Elliott stated he intended to present a draft supporting police reform effort at the State level. He added, if there is agreement, he can draft something and send it out to the City Council via email for review and approval.

Mayor Elliott stated he supports the “Freedom to Drive” legislation.

Councilmember Graves stated she agrees with the additions. She added the State of Illinois recently made the decision to eliminate bail, effective in 2023. She added other states have done the same.

Mayor Elliott stated he was not aware of that and would support it in Minnesota.

Mr. Boganey stated the policies will be brought back for City Council approval and formal adoption at the first meeting in February 2021.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Elliott closed the Study Session at 6:54 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
JANUARY 25, 2021

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Mike Elliott at 6:54 p.m. The meeting was conducted via Zoom.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, City Engineer Mike Albers, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

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

There were no comments.

Councilmember Graves made a motion to close the Informal Open Forum.

Alfreda Daniels requested to speak.

Councilmember Graves withdrew her motion.

Alfreda Daniels asked whether the City Council has considered a Code of Conduct for Councilmembers.

Mayor Elliott stated that issue is on the City Council's agenda, to draft a Code of Conduct for the City Council.

Councilmember Graves stated there was a previous discussion at which City Staff agreed to find a way to have City Council norms visible during meetings.

Mr. Boganey stated City Staff talked to Common Sense Consultants, who will facilitate development of a Code of Conduct as part of their work with the City Council. He added "norms" were included in the City Council's Weekly Update, as well as the City Council policy on decorum and order. He noted Common Sense has expressed hesitancy at this stage to publicly post the City Council "norms" before a Code of Conduct is developed.

Ms. Daniels thanked Mr. Boganey for sending her the “norms” document. She added there should be a place for accountability in the Code of Conduct. She added there was no mention of accountability in the “norms” document. She requested that accountability should be included in the Code of Conduct.

Mr. Boganey stated representatives from Common Sense are scheduling individual meetings with Councilmembers and will discuss City Council norms and how they can and should be used. He added they have expressed that they would not want new norms that could be used in an unintended manner and stressed the importance of discussing the use of norms with the City Council before they are posted.

Mayor Elliott stated it makes sense to have a mechanism for accountability, and the City Council can have that discussion.

Randy Christensen asked whether norms for Commissions could also be considered at the same time as norms for the City Council.

Mayor Elliott stated that will be left up to the Commissions to decide. He added it is not the place of the City Council to establish a process for the Commissions.

Mayor Elliott moved and Councilmember Graves seconded to close the Informal Open Forum at 7:05 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Ryan read the following as an Invocation:

Leading in the news of the day is the ongoing tragedy of the coronavirus pandemic. There have been over 420,000 deaths nationwide, and 6,000 deaths in Minnesota. Earlier this winter, Councilmember Ryan lost a neighbor to Covid-19, whom he and his wife have known for many years. He requested a moment of silent reflection and prayer in memory of those who have died in our community and across the nation; and to pray for those who have fallen ill, that they may recover their health.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:08 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager

Reggie Edwards, Director of Public Works Doran Cote, City Engineer Mike Albers, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Boganey stated, related to Resolutions on the Consent Agenda approving City Council appointments to organizations, the specific names of appointees has not been shared or determined.

Councilmember Butler moved and Councilmember Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. January 4, 2021 – Work Session
2. January 11, 2021 – Study Session
3. January 11, 2021 – Regular Session

6b. LICENSES

LIQUOR-OFF-SALE 3.2 MALT

Kalaban, LLC
dba: Pump n' Munch

1505 69th Ave N
Brooklyn Center MN 55430

LIQUOR – ON-SALE INTOXICATING

Brooklyn Hotel Partners, LLC
dba: Embassy Suites

6300 Earle Brown Dr
Brooklyn Center MN 55430

Irie Vybz Jamaican Restaurant

6056 Shingle Creek Parkway
Brooklyn Center MN 55430

LIQUOR – ON-SALE SUNDAY SALES

Brooklyn Hotel Partners, LLC
dba: Embassy Suites

6300 Earle Brown Dr
Brooklyn Center MN 55430

Irie Vybz Jamaican Restaurant

6056 Shingle Creek Parkway
Brooklyn Center MN 55430

MECHANICAL LICENSES

Metro Heating and Cooling

1220 Cope Ave E
Maplewood MN 55109

Minneapolis Heating & Air

10701 93rd Ave N Ste B
Maple Grove MN 55369

St Marie Sheet Metal

8380 Pleasant View Dr
Mounds View MN 55112

RENTAL

RENEWAL (TYPE IV – one-year license)

7148 Morgan Ave N

Fred Hanus

3012-18 51st Ave N

Sri Lakshmi Valiveti - met requirements

RENEWAL (TYPE III – one-year license)

4216 Lakebreeze Ave

Daniel Tan - met requirements

- 6c. **RESOLUTION NO. 2021-20 APPOINTING BROOKLYN CENTER REPRESENTATIVES TO EXECUTIVE COMMITTEE AND/OR BOARD OF DIRECTORS OF THE BROOKLYN BRIDGE ALLIANCE FOR YOUTH, HENNEPIN RECYCLING GROUP, LOCAL GOVERNMENT INFORMATION SYSTEMS, MINNEAPOLIS NORTHWEST CONVENTION & VISITORS BUREAU, NORTH METRO MAYORS ASSOCIATION, NORTHWEST SUBURBS CABLE COMMUNICATIONS COMMISSION, PETS UNDER POLICE SECURITY AND TWIN LAKE JOINT POWERS ORGANIZATION**
- 6d. **RESOLUTION NO. 2021-21 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS, IMPROVEMENT PROJECT NOS. 2021-01, 02, 03 AND 04, GRANDVIEW SOUTH AREA STREET, STORM DRAINAGE AND UTILITY IMPROVEMENTS**
- 6e. **RESOLUTION NO. 2021-22 ESTABLISHING PARKING RESTRICTIONS FOR SEGMENTS ON LILAC DRIVE/59TH AVENUE FROM LOGAN AVENUE TO DUPONT AVENUE AND FOR SEGMENTS ON HUMBOLDT AVENUE FROM 57TH AVENUE TO 59TH AVENUE**
- 6f. **RESOLUTION NO. 2021-23 APPROVING CHANGE ORDER NOS. 28-34, IMPROVEMENT PROJECT NO. 2018-05, BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1**
- 6g. **RESOLUTION NO. 2021-24 AMENDING RESOLUTION NO. 2021-013 AND APPROVING APPRAISED VALUES OF REDUCED EASEMENTS FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2 IMPROVEMENTS, PROJECT NO. 2021-05 (PARCELS 45 AND 46)**

- 6h. RESOLUTION NO. 2021-25 ESTABLISHING IMPROVEMENT PROJECT NO. 2021-12, 53RD AVENUE MILL AND OVERLAY (PENN AVENUE TO INTERSTATE 94)**
- 6i. RESOLUTION NO. 2021-26 ACCEPTING SANITARY SEWER AND WATER IMPROVEMENTS FOR CONTINUAL MAINTENANCE FOR EASTBROOK ESTATES 2ND ADDITION**
- 6j. RESOLUTION NO. 2021-27 APPOINTING COUNCIL MEMBERS TO COMMISSIONS AND OUTSIDE ORGANIZATIONS**
- 6k. EXTEND UNUSED VACATION HOURS FOR CITY MANAGER**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

-None.

8. PUBLIC HEARINGS

- 8a. PUBLIC HEARINGS FOR LYNDALE AVENUE AREA PAVEMENT REHABILITATION: RESOLUTION NO. 2021-28 ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT PROJECT NO. 2021-07, LYNDALE AVENUE AREA PAVEMENT REHABILITATION AND RESOLUTION NO. 2021-29 CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NO. 2021-07, LYNDALE AVENUE AREA PAVEMENT REHABILITATION TO THE HENNEPIN COUNTY TAX ROLLS**

City Engineer Mike Albers requested City Council consideration of three projects within the Street and Utility Improvement Program.

Mr. Albers stated the Lyndale Avenue Area Pavement Rehabilitation Project includes proposed roadway and utility improvements on Lyndale Avenue south of 57th Avenue. The City Council received the feasibility study on December 14, 2020 and called for two public hearings to be scheduled at tonight's meeting – to order improvements and certify special assessments.

Mr. Albers stated property owners may choose to appeal or object to special assessments. All property owners have been notified of the date and time of this public hearing. Staff has not received any appeals for the Lyndale Avenue project. Any objections will be referred to City Staff for additional review.

Mr. Albers stated the Lyndale Avenue rehabilitation project consists of 2,000 feet of street improvements between 55th and 57th Avenues and includes improvements to the 55th and 56th Avenue cul-de-sacs. An informational public meeting held in early December 2020. This project

is a continuation of City's Capital Improvement Program, and evaluation was completed on sanitary sewer, water main, storm drainage, streets, sidewalks and trails, and streetlights. Proposed improvements include mill and overlay to existing pavement on Lyndale Avenue and full depth replacement on the 55th and 56th Avenue cul-de-sacs. Spot repair of curb and gutter and driveway aprons is planned necessary, as well as repairs to sod and topsoil in the right of way.

Mr. Albers stated the preliminary budget is \$700,000 with special assessments of \$25,175.64 anticipated for a portion of the project. If the City Council decides to move forward with special assessments, payment options are: pay in full with no interest between March 1 & September 30, 2021; pay in full from October 1 to November 20, 2021 with interest from October 1; or pay in installments with property taxes over a 10-year period starting in 2022. Partial prepayments cannot be accepted. Residents who meet income and age requirements can defer a portion of their assessment. Questions about deferral can be directed to the Engineering Department at 763-569-3340.

Mr. Albers stated City Staff recommends holding public hearings and adopt Resolutions for approval to order improvements and authorize preparation of plans and specifications; and certifying special assessments for improvement project to the Hennepin County Tax Rolls.

Mayor Elliott asked what would happen if someone cannot afford the special assessment, and they are not 65 or older.

Public Works Director Doran Cote stated, as referenced by Mr. Albers, assessments can be added to taxes, but not until 2022.

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

Motion passed unanimously.

No one appeared to address this item.

Mayor Elliott moved and Councilmember Lawrence-Anderson seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Ryan moved and Mayor Elliott seconded to adopt RESOLUTION NO. 2021- 28 Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project No. 2021-07, Lyndale Avenue Area Pavement Rehabilitation; and

RESOLUTION NO. 2021-29 Certifying Special Assessments for Improvement Project No. 2021-07, Lyndale Avenue Area Pavement Rehabilitation to the Hennepin County Tax Rolls.

Motion passed unanimously.

8b. PUBLIC HEARINGS FOR NORTHWEST AREA MILL AND OVERLAY IMPROVEMENTS: RESOLUTION NO. 2021-30 ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT PROJECT NO. 2021-06, NORTHWEST AREA MILL AND OVERLAY IMPROVEMENTS; AND RESOLUTION NO. 2021-31 CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NO. 2021-06, NORTHWEST AREA MILL AND OVERLAY IMPROVEMENTS TO THE HENNEPIN COUNTY TAX ROLLS.

Mr. Albers reviewed the Northwest Area Mill and Overlay Project, the feasibility report for which was reviewed by the City Council at their December 14, 2020 meeting. All residents were sent information about the date and time of this public hearing, and property owners may choose to appeal. City Staff is aware of one objection from the property owners at 4825 71st Avenue which was included in the meeting packet. A property owner must file an appeal within 10 days of the assessment hearing. The City Council can refer any objections to City Staff for continuation and review.

Mr. Albers stated the Northwest Area Mill and Overlay Project includes roadway and utility improvements for 6,200 feet of street in the area bound by 69th avenue to the south and 71st Avenue to the north. A neighbor information meeting was held December 22, 2020. The proposed project will include sanitary sewer, water main, storm drainage, street sidewalk and trails, and streetlights. Proposed improvements include cured sewer lining and adjustment and replacement of castings as needed; sidewalk repairs and the addition of ADA-compliant pedestrian curb ramps. The total project budget of \$1,750,000 includes \$199,168.00 in special assessments.

Mr. Albers stated the City Council adopted the assessment rates at their November 9, 2020 meeting, at \$1,556 per property and an interest rate of 3%. Payment options are: pay in full with no interest between March 1 & September 30, 2021; pay in full from October 1 to November 20, 2021 with interest from October 1; or pay in installments with property taxes over a 10-year period starting in 2022. Residents 65 or over or disabled may qualify for a deferral and can call the Engineering Department at 763-569-3340 for more information.

Mr. Albers stated City Staff recommends that the City Council hold a public hearing to order improvements and a public hearing for special assessments.

Mayor Elliott requested that mitigation measures are in place to reduce dust and debris that can cause respiratory issues for people during the pandemic. He added this was an issue that was settled during a road construction project early in the pandemic.

Mr. Cote stated the mill and overlay project is less intrusive than the projects that were completed in 2020. He added, however, dust control measures will be in place.

Mayor Elliott asked whether mitigation efforts are included as a potential cost in the RFP, so that there is an understanding that the City will address public health issues.

Mr. Cote stated that can be included in the plans and specifications. Mayor Elliott agreed. Mr. Boganey stated those requirements can be added to the specifications, if there is no objection from the City Council.

Mayor Elliott moved and Councilmember Butler seconded to open the Public Hearing ordering improvements.

Motion passed unanimously.

No one appeared to address this item.

Councilmember Butler moved and Mayor Elliott seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves moved and Mayor Elliott seconded to adopt RESOLUTION NO. 2021-30 Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project No. 2021-06, Northwest Area Mill and Overlay Improvements.

Motion passed unanimously.

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

Motion passed unanimously.

No one appeared to address this item.

Councilmember Graves moved and Mayor Elliott seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves asked whether the address with property owner who had questions about their assessment was removed from the roll.

Mr. Albers stated it is City Staff's recommendation that the property remains on the assessment roll, and they can file their objection with the Court.

Mr. Boganey agreed, adding that is the typical way that objections are handled. He added if the resident had joined the meeting, or sent a representative, the City's recommendation would be to remove the appeal from the roll for additional review and recommendations. He noted, in this case, City Staff had a chance to look at the appeal, and based on analysis, the property should remain on the assessment roll.

Councilmember Graves moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2021-31 Certifying Special Assessments for Improvement Project No. 2021-06, Northwest Area Mill and Overlay Improvements to the Hennepin County Tax Rolls.

Motion passed unanimously.

8c. PUBLIC HEARINGS FOR RYAN LAKE INDUSTRIAL PARK AREA IMPROVEMENTS: RESOLUTION NO. 2021-32 ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT PROJECT NOS. 2021-08, 09, 10 AND 11, RYAN LAKE INDUSTRIAL PARK AREA STREET, STORM DRAINAGE AND UTILITY IMPROVEMENTS; AND RESOLUTION NO. 2021-33 CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NOS. 2021-08 AND 2021-09, RYAN LAKE INDUSTRIAL PARK AREA STREET AND STORM DRAINAGE IMPROVEMENTS TO THE HENNEPIN COUNTY TAX ROLLS

Mr. Albers reviewed the reconstruction project for the Ryan Lake Industrial Park area. Public comments have been provided in the feasibility report. A property owner may object, and all property owners have been notified of the date and time of the public hearing, but no appeals have been received.

Mr. Albers stated the project area is a portion of the Ryan Lake Industrial Park, and an informational meeting was held December 22, 2020. The proposed project will include sanitary sewer, water main, storm drainage, streets, sidewalks and trails, and streetlights. New trunk sewers are proposed as well as replacement of services lines to property lines.

Mr. Albers stated City Staff plans to implement a number of mitigation efforts related to dust, due to the COVID pandemic. City Staff is aware that business owners will need to maintain access to their businesses during the reconstruction process.

Mayor Elliott requested clarification regarding partial payments.

Mr. Boganey stated it has long been the City's practice to not accept partial payments, as they create a substantial administrative burden and additional efforts on the part of City Staff that lead to complications for the entire process. He added partial payments are not accepted by Hennepin County.

Mayor Elliott stated public health measures should be included in the RFP, and information should be available to property owners at least 2 months in advance, so they have an opportunity to respond to the notification and request mitigation measures.

Councilmember Graves moved and Mayor Elliott seconded to open the Public Hearing to order improvements.

Motion passed unanimously.

No one appeared to address this item.

Mayor Elliott moved and Councilmember Graves seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Elliott moved and Councilmember Butler seconded to open the Public Hearing for special assessments.

Motion passed unanimously.

No one appeared to address this item.

Mayor Elliott moved and Councilmember Graves seconded to close the Public Hearing.

Motion passed unanimously.

Mayor Elliott moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2021-32 Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project Nos. 2021-08, 09, 10 and 11, Ryan Lake Industrial Park Area Street, Storm Drainage and Utility Improvements; and RESOLUTION NO. 2021-33 Certifying Special Assessments for Improvement Project No. 2021-08 and 2021-09, Ryan Lake Industrial Park Area Street and Storm Drainage Improvements to the Hennepin County Tax Rolls.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

-None.

10. COUNCIL CONSIDERATION ITEMS

-None.

11. COUNCIL REPORT

-None.

12. ADJOURNMENT

Councilmember Ryan moved and Mayor Elliott seconded adjournment of the City Council meeting at 8:25 p.m.

Motion passed unanimously.

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL/ECONOMIC
DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER
IN THE COUNTY OF HENNEPIN AND
THE STATE OF MINNESOTA

WORK SESSION
JANUARY 25, 2021

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 8:35 p.m. The meeting was conducted via Zoom.

ROLL CALL

Mayor/President Mike Elliott and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Community Development Director Meg Beekman, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

HOUSING POLICY DISCUSSION

Community Development Director Meg Beekman gave a review of potential policies and ordinances related to housing goals. She added the 2040 Housing and Neighborhood Goals includes the promotion of diverse housing stock and matching housing with changing demographics. She noted the City's housing policies should be responsive to the needs of current and future residents.

Ms. Beekman stated the City Council/EDA discussed housing policies in April 2018 and adopted a tenant protection Ordinance in December 2018. In March 2020, the City Council/EDA began to discuss a housing policy, to include fair housing, a housing study, which is currently under way, a review of preservation of naturally occurring affordable housing (NOAH) and mixed income/inclusionary policies.

Ms. Beekman stated the goal of this review is to receive feedback from the City Council/EDA regarding mixed income policy, and what should be included. She reviewed related policies that require or encourage new affordable units to be included with new market-rate residential development. The key components of a mixed income policy will be applicability; affordability requirements and the affordability period; distribution of affordable units; language prohibiting discrimination based on source of rent payment; and other considerations including incentives to reduce financing gaps and encourage mixed income housing, such as parking reduction, or waived fees.

Ms. Beekman stated, with regard to the financial impact of a mixed income policy, it is typical that a multi-family development will experience some type of financial gap due to construction costs.

Policy can be written that addresses projects on a case-by-case basis, based on available Tax Increment Financing (TIF) and other community goals. Gap funding sources include federal low-income housing tax credits, which are very competitive as projects are usually 100% affordable; State and County grant sources, which are also competitive but there are limited resources available; and State loan/mortgage programs. Other sources include TIF, tax abatement, and fee waivers, as well as land use and zoning concessions.

Ms. Beekman reviewed a mixed-use development, Elevate Apartments in Eden Prairie, which is an example of a high-density, multi-story mixed use project with 20% of units affordable at 50% AMI for 26 years, which created a gap of about \$5 million to the project. A \$7.7 million TIF district helped to close the gap, along with a Met Council Livable Communities Grant of \$750,000, and a \$550,000 Hennepin County HOME loan as well as reduced park dedication fees.

Ms. Beekman stated a NOAH preservation program is uniquely well-suited for Brooklyn Center's housing stock, with 37%, or 829 properties, currently used as rental properties, almost all of which is considered naturally occurring affordable housing. NOAH preservation program goals include prevention of displacement; rent stabilization; inject capital investment into rental properties; and tools to adjust for market conditions. Key components of a NOAH preservation policy are applicability; affordability requirements and duration; eligibility of properties; incentive programs and other components including free building energy assessments; and rent increase caps for other tenants.

Ms. Beekman stated City Staff hopes to get feedback and comments from the City Council/EDA regarding the components they would like to see in a naturally occurring affordable housing program policy. City Staff could identify opportunities for a pilot program to be rolled out for a specific property to test the program and bring it back to the City Council/EDA for consideration after it is completed.

Ms. Beekman stated some considerations for the City Council/EDA are: does the City Council/EDA want to move forward with a mixed-income housing policy? What criteria/components should be included, and how should the program address projects that cannot finance the requirement? Does the City Council/EDA want to move forward with a NOAH preservation program? Are there any concerns or considerations regarding the draft program? What are the initial goals of the program?

Mayor/President Elliott stated this is an important discussion, and he has questions regarding how affordability is measured. He asked how Brooklyn Center can use the same Area Median Income as other communities who have double the median income. He added the issue is what affordability means in different contexts and different cities, when all cities use the same measures for affordability. He noted that is a discussion the City Council/EDA should have, to determine a measure that will actually make a difference for affordability in Brooklyn Center.

Mayor/President Elliott stated he would like to focus on preserving naturally occurring affordable housing. He added, in addition to talking to landlords, tenants should also be consulted to ensure their concerns are being heard and understood. He noted he would like to schedule another session to talk about housing and the issues presented tonight.

Councilmember/Commissioner Butler thanked Ms. Beekman for her presentation, which was a lot of information to take in. She added she is not ready to give direction in terms of numbers or percentages at this time. She noted she would like to have another work session to review this issue, including how the decisions we make have implications on the Opportunity Site and any housing coming down the pipeline, as well as how housing fits into the University of Minnesota's Housing Study that is currently under way.

Councilmember/Commissioner Ryan stated the City Council/EDA should recognize the serious long-term budgetary and fiscal impacts of its decisions, centering around difficult and complex issues. He added he agrees there should be more opportunity for deliberation. He expressed concern about the potential for community members being displaced due to the economic impacts of investments in the community, including development of the Opportunity Site and other places around the City. He noted the proposed housing policy should be inclusive and respectful for all community members.

Councilmember/Commissioner Ryan stated the City Council/EDA's decisions will have an impact on different consumers of aspects of the City's housing economy. He added he would like the opportunity to digest the information and consider policy choices with greater reflection.

Councilmember/Commissioner Graves thanked Ms. Beekman for her thorough presentation. She added some things that stood out to her related to inclusionary or mixed income housing policy, and consideration for how to weigh potential benefits of a development, including community amenities. She asked how projects can be addressed if they are unable to finance the requirement. She noted most of Ms. Beekman's presentation was easy to understand, but the NOAH program seems more complicated than she had originally thought. She stressed the importance of being intentional regarding financial and affordability goals, and providing more amenities for the community, so everyone is represented.

Councilmember/Commissioner Graves stated an important issue is how NOAH and mixed-income policies interact with new development in the City, and how it can result in gentrification. She added there should be some way of trying to quantify those results, in terms of impact on the larger community. She noted she found the presentation very beneficial, and looks forward to continuing the conversation, and moving policies forward in a smart and sustainable way.

Mayor/President Elliott stated he would like to bring in a housing expert from St. Louis Park, who served on their City Council/EDA until recently. He added she is very knowledgeable on these issues, and has been an advocate for affordability, renter's rights and housing policies. He noted he would like to see if he can bring her in to be part of a work session.

Mayor/President Elliott thanked everyone for participating in this important discussion. He added housing is the issue of our day and time.

ADJOURNMENT

Councilmember/Commissioner Graves moved and Mayor/President Elliott seconded adjournment of the City Council/Economic Development Authority Work Session at 9:30 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Background:

The below 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

Carlson Plumbing 16440 7th St Ln S
Lakeland MN 55043

Endless Quality and Comfort 1010 Newton Ave N
Minneapolis MN 55411

McQuillan Brothers 1711 Highway 36
Maplewood MN 55109

Ron's Heating & A/C 2747 Garfield St NE
Minneapolis MN 55418

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	7/7/2020	Backup Material
Rentals 2-8-2021	2/2/2021	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 on February 8, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
4522 Kathrene Dr	Single	Initial	Evanstus Ejimadu / Motivate Home Services	7	III	NA	III	
5627 Knox Ave N	Single	Initial	Ross Herman / Prop Operam Sub XIII LLC	2	II	NA	II	
5661 Northport Dr	Single	Initial	Allan Kemboi	15	IV	NA	IV	
5415 Penn Ave N	Single	Initial	Paul Leintz	2	II	NA	II	
2833 67th Ln N	Single	Renewal	Konrad Wagner/Wagner Property Rentals	5	II	0	II	I
1308 68th Ln N	Single	Renewal	Konrad Wagner/Wagner Property Rentals - met requirements	1	I	0	I	III
5700 Camden Ave N	Single	Renewal	Quality Residences / Danmark Properties LLC - met requirements	12	IV	0	IV	IV
6107 Emerson Ave N	Single	Renewal	Lydia Yeboah - met requirements	2	I	0	I	IV
5330 Girard Ave N	Single	Renewal	Charles Jing Bright/Wagner Property Rentals	8	III	0	III	II
7024 Oliver Cir	Single	Renewal	Juliana Koe	6	III	0	III	II

* CFS = Calls For Service for Renewal Licenses Only (Initial Licenses are not applicable to calls for service and will be listed N/A.)
 ** License Type Being Issued
 *** Initial licenses will not show Type 1 = 3 Year Type II = 2 Year Type III = 1 Year
 All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Doran M. Cote, P.E., Director of Public Works

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

SUBJECT: Resolution Authorizing Acquisition of Easements 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. This project is scheduled to be constructed in 2021 and 2022.

The proposed reconstruction and streetscape improvements will improve roadway safety, enhance traffic operations, reduce access points and provide improved bicycle and pedestrian facilities for a one-mile segment of the corridor in Brooklyn Center between Bass Lake Road (County Road 10) and Interstate 94. The project will enhance bicycle and pedestrian travel by adding a trail, improving sidewalks, transit stops, adding streetscaping and landscaping and improving the functionality of intersections with modified turn lanes and access control throughout the corridor.

In order to construct the improvements, permanent drainage, utility, sidewalk and trail easements and/or temporary construction easements are required from 47 separate parcels adjacent to the corridor. Parcel numbers are identified on the right-of-way plan prepared for the project. The City's consulting engineer, SRF Consulting Group, Inc., has been diligently working with the affected property owners to reach agreements to voluntarily convey the easements. Acquisition Agreements have been reached for the following parcels which require City Council approval:

Parcel No. 3; 5929 Brooklyn Boulevard (PIN 03-11-821-12-0097): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$57,744.32.

Parcel No. 24; 6415 Brooklyn Boulevard (PIN 34-119-21-31-0106): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$24,600 and reimbursement for a second appraisal in the amount of \$5,000.

Parcel No. 26; 6503 Brooklyn Boulevard (PIN 34-119-21-24-0055): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$0. The existing sidewalk on the Metropolitan Council park and ride property will be converted to a 10' bituminous trail. The City of Brooklyn Center currently maintains the existing sidewalk as part of the City's sidewalk network. An easement agreement is necessary to

construct, maintain and operate the trail within the Metropolitan Council property. Once constructed, the trail improvements included under this project will remain the responsibility of the City. The attached easement agreement outlines the responsibilities of each party. The conditions of the easement are straight forward, standard and complimentary to City practices that are already in place.

Parcel No. 32; 6044 Brooklyn Boulevard (PIN 03-118-21-12-0002): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$18,800.

Parcel No. 38; 6136 Brooklyn Boulevard (PIN 34-119-21-43-0038): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$8,800.

Parcel No. 47; 3501 65th Avenue (PIN 34-119-21-42-0013): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$76,500 and reimbursement for a second appraisal in the amount of \$2,800.

To date, including the above 6 parcels, we have acquisition agreements with 33 of the 47 parcels.

Budget Issues:

The Brooklyn Boulevard Corridor Project Phase 2 Improvement (Bass Lake Road to Interstate 94) is identified in the City's 2021 Capital Improvement Program and the total project cost is 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 3, 24, 26, 32, 38 and 47 is \$194,244.32 which is being funded out of the Capital Projects Fund.

To date, including the above 6 parcels, the total value of the permanent easements and temporary construction easements for the project is \$529,920.32.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/1/2021	Cover Memo
Easement Status	2/1/2021	Cover Memo
Parcel 3	2/1/2021	Cover Memo
Parcel 24	2/1/2021	Cover Memo
Parcel 26	2/1/2021	Cover Memo
Parcel 32	2/1/2021	Cover Memo
Parcel 38	2/1/2021	Cover Memo
Parcel 47	2/1/2021	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING ACQUISITION OF EASEMENTS 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, a memorandum of agreement has been prepared between the City of Brooklyn Center and property owners for the acquisition of permanent drainage, utility, sidewalk and trail easements and/or temporary construction easements; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 3; 5929 Brooklyn Boulevard (PIN 03-11-821-12-0097) the sum of \$57,744.32 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 24; 6415 Brooklyn Boulevard (PIN 34-119-21-31-0106) the sum of \$24,600 for land and damages and the sum of \$5,000 for second appraisal reimbursement; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 26; 6503 Brooklyn Boulevard (PIN 34-119-21-24-0055) the sum of \$0 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 32; 6044 Brooklyn Boulevard (PIN 03-118-21-12-0002) the sum of \$18,800 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 38; 6136 Brooklyn Boulevard (PIN 34-119-21-43-0038) the sum of \$8,800 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of P Parcel No. 47; 3501 65th Avenue (PIN 34-119-21-42-0013) the sum of \$76,500 for land and damages and the sum of \$2,800 for second appraisal reimbursement; and

WHEREAS, said memorandum of agreements have been signed by the property owners and it is recommended for approval to the City Council.

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

RESOLUTION NO. _____

Brooklyn Center, Minnesota, that

1. The City Manager is hereby authorized to execute the memorandum of agreement for Parcels 3, 24, 32, 38 and 47 for permanent easements and temporary construction easements that will be conveyed to the City, in the name of the City of Brooklyn Center.
2. The Mayor and City Manager are hereby authorized and directed to enter into an easement agreement with Metropolitan Council for the trail improvements on Parcel 26.

February 8, 2021

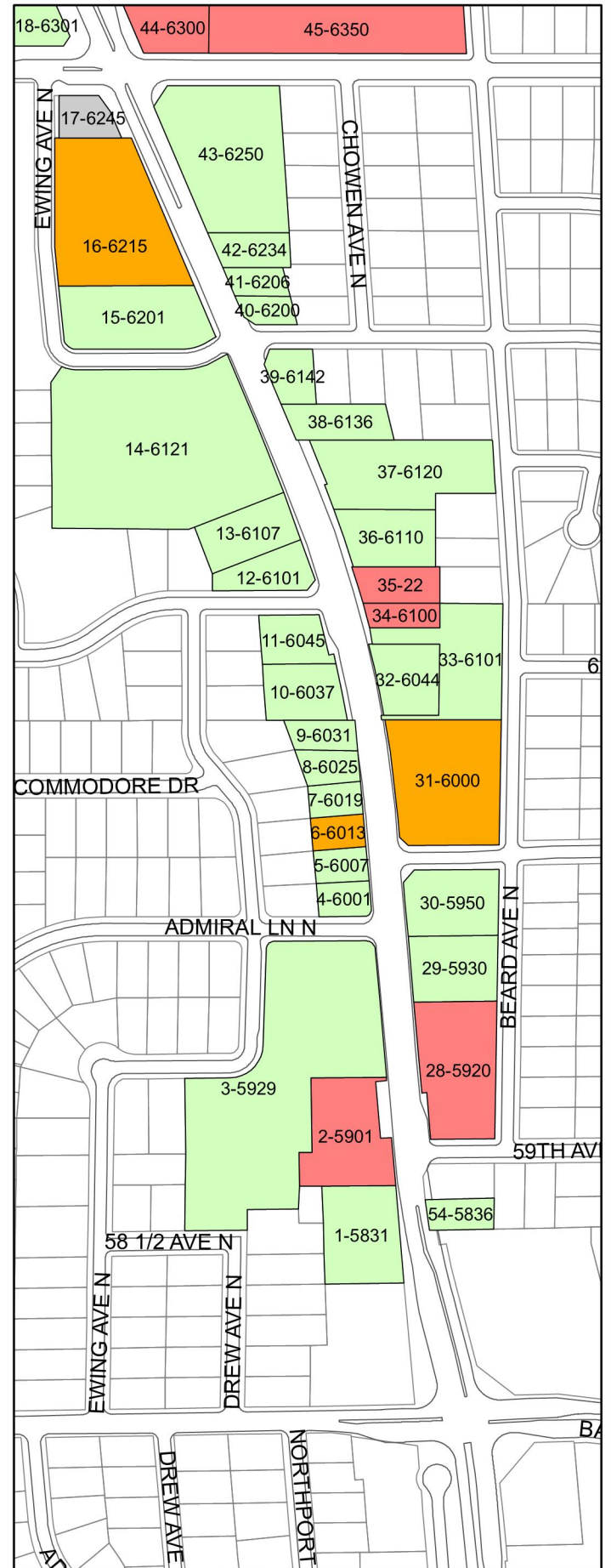
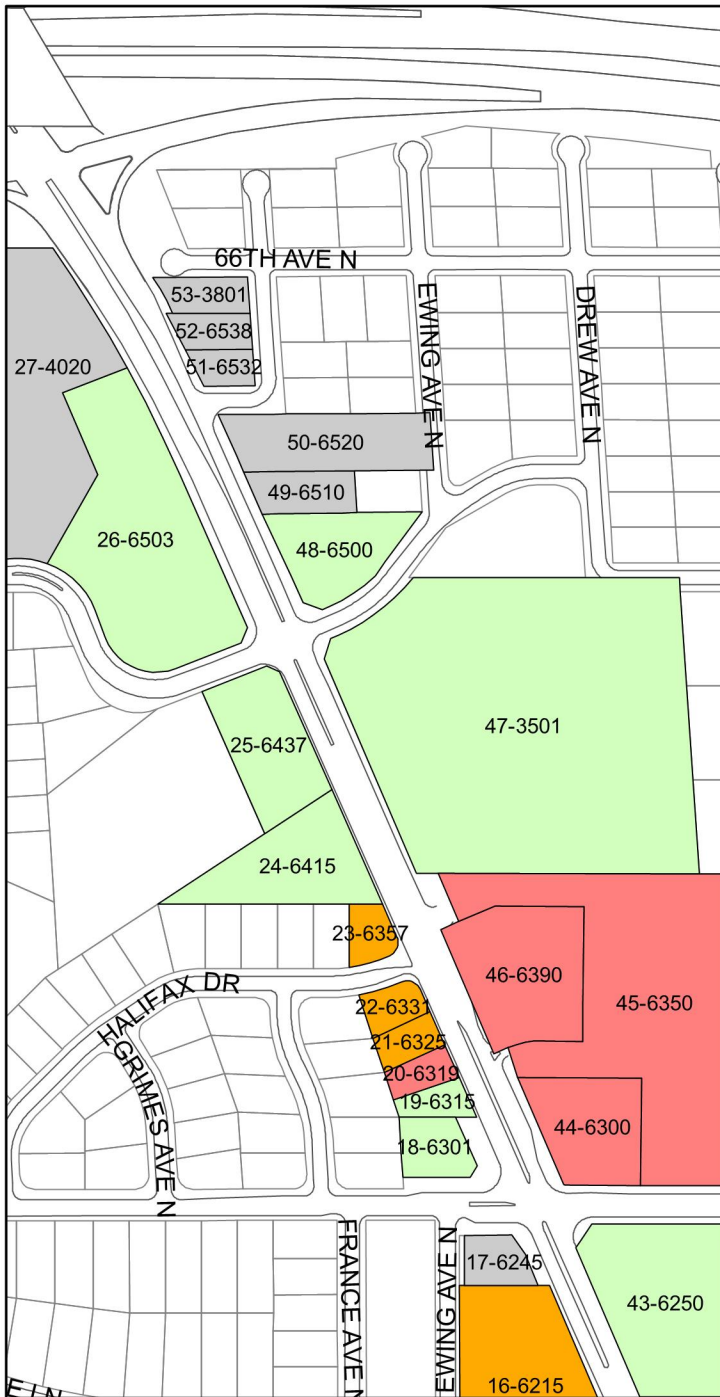
Date

Mayor

ATTEST: _____
City Clerk

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

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



Legend

- Easement Completed
- Easement Pending
- Eminent Domain - Signed Pending Mortgage Consent
- Eminent Domain - Easement Negotiations On Going
- No Easement Required



MEMORANDUM OF AGREEMENT

Brooklyn Boulevard (Hennepin County Road 152)
Phase II Improvements Project

Parcel No: 3
Fee Owners: Cross of Glory Lutheran Church of Brooklyn Center

On this 29th day of January, 2021, Cross of Glory Lutheran Church of Brooklyn Center, a Minnesota corporation under the laws of the State of Minnesota Owners of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center.

This agreement is now made and entered as a Memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

1. The Owners have been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owners understand that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project.
2. The Owners understand and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owners the sum of \$57,744.32 for land and damages. Owners understand that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally:

See Attached Exhibit A

It is understood and agreed that the entire agreement of the parties is contained in this Memorandum of Agreement and that this Agreement supersedes all oral agreements and negotiations between the parties.

Owner(s)
Cross of Glory Lutheran Church of
Brooklyn Center

City of Brooklyn Center

By: Indith A. Lewis

By: _____

Its: Council President

Its: _____



Exhibit A
Memorandum of Agreement

- The property owner would need to coordinate with the Community Development Department to ensure that any signs by the property owner are in compliance with City Ordinances or permits.
- The property owner is responsible for the complete removal of the existing sign. The removal of the existing sign should be completed by May 15, 2021 to avoid conflicts with the street reconstruction schedule.
- The property owner is responsible for any permitting requirements and the complete installation of temporary or new permanent signs.
- The property owner must ensure that temporary signs are outside the construction easements and new permanent signs are outside of the proposed easement.
- The permanent sign is to be installed after the street and trail improvements are completed in 2022.
- The property owner is responsible for all irrigation repairs.



SRF No. 11765-D0290

ADMINISTRATIVE SETTLEMENT MEMORANDUM

Date: February 1, 2021

To: Mike Albers
Project Engineer

From: Cindy Wiste, Senior Associate

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 5929 Brooklyn Boulevard
PARCEL NO.: 3

The certified offer was made on September 30, 2020 in the amount of \$50,200.00. The acquisition consists of 10,759 square feet of temporary construction easement and 2,288 square feet of permanent drainage and utility easement. The owners are asking for additional compensation for moving the sign and irrigation system. They are asking for an additional \$7,544.32.

In lieu of additional costs foreseeable in condemnation, we are recommending settlement in the amount of \$57,744.32.

	Certified value:	\$ 50,200.00
Description of administrative adjustments:		
Additional compensation for sign		\$ 5,044.32
Additional compensation for irrigation	:	\$ 2,500.00
	Total Adjustments:	\$ 7,544.32
	SETTLEMENT TOTAL:	\$ 57,744.32

APPROVAL:

By: _____

Date _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

Cross of Glory Lutheran Church of Brooklyn Center
Attn: Judy Lewis
5929 Brooklyn Boulevard
Brooklyn Center, MN 55429

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 5929 BROOKLYN BOULEVARD
PARCEL No.: 3

Dear Judy:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$50,200.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

This offer is made pursuant to the Market Value Appraisal procedures provided for under Minnesota law. The City of Brooklyn Center previously, or with this offer, has provided you with a copy of "*Acquisition Information for Property Owners*" brochure.

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$5,000.00 for the actual costs of an appraisal of property acquired by direct purchase.

If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst-case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding.

Your signature on this OFFER TO PURCHASE is only for the verification that such an offer has been made to you and verification that the "*Acquisition Information for Property Owners*" brochure has been received by you. Your signature below does not prejudice your right to have the final amount determined through eminent domain proceedings in the event you do not accept the offer.

On behalf of The City of Brooklyn Center and Hennepin County we wish to thank you for your cooperation and assistance and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,

SRF CONSULTING GROUP, INC.

 For
Reed Scherbel
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

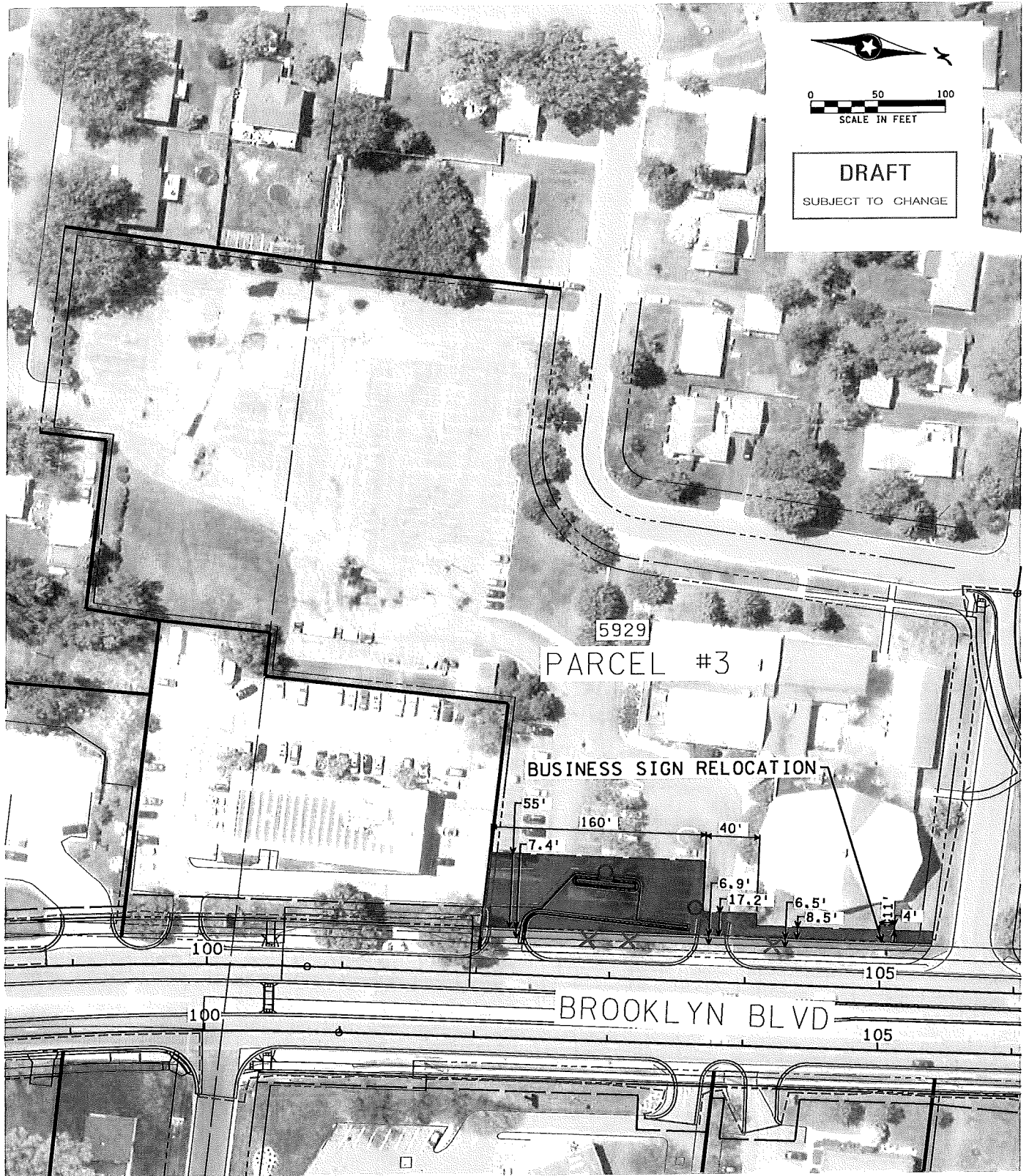
I CERTIFY THAT on 7th day of October, 20 20 this *Offer to Acquire* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

Cross of Glory Lutheran Church of Brooklyn Center

By: Andy Lewis

Its: Council President

Exhibit A



PID	ADDRESS			PARCEL LINE	
03-11-821-12-0097	5929 BROOKLYN BOULEVARD			EXISTING R/W	-----
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]	EXISTING PE	-----
	199800	2288	10759	TEMP EASE	-----
BROOKLYN BOULEVARD - PHASE 2				PROPOSED D&U	-----
SP 109-020-014				CONST LIMITS	-----
CITY OF BROOKLYN CENTER				TREE REMOVAL	X
				POT. TREE IMPACT	O
				SRE	DATE
					9/19/2020
					PARCEL
					3

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by Cross of Glory Lutheran Church of Brooklyn Center, a Minnesota corporation under the laws of the State of Minnesota, (hereinafter referred to as the "**Grantor**") in favor of and to the City of Brooklyn Center, a Minnesota municipal corporation (hereinafter referred to as the "**Grantee**").

The following recitals of fact are a material part of this instrument:

A. The Grantor is the owner of a tract of land described as follows (hereinafter referred to as the "**Parcel**"):

B. The Grantor wishes to grant and convey to Grantee a temporary construction easement over, under, and across those parts of the Parcel described as follows (hereinafter referred to as the "**Temporary Construction Easement**"):

See attached Exhibit A

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following grants, agreements, and covenants and restrictions are made:

1. **GRANT OF TEMPORARY CONSTRUCTION EASEMENT.** The Grantor hereby grants to the Grantee, for its successors and assigns, the Temporary Construction Easement over, under, and across the Parcel.

2. **USE OF TEMPORARY CONSTRUCTION EASEMENT.** Access for construction purposes including, but not limited to, the right to trim and cut such vegetation within the Easement Area as needed to reasonably accommodate the construction activities and the right to use the Easement Area to stage, operate, and store equipment as needed to complete the construction activities. Displacing soil and grading, are permissible over, under, and across the Temporary Construction Easement premises.

3. **TERM OF TEMPORARY CONSTRUCTION EASEMENT.** The Temporary Construction Easement shall commence on April 1, 2021 and shall expire on November 30, 2022, and any and all right, title, interest, lien or right of possession to the Temporary Construction Easement premises shall thereupon automatically terminate and be of no further legal effect or validity.

4. RESTORATION OF TEMPORARY CONSTRUCTION EASEMENT PREMISES. As a condition of said Temporary Construction Easement grant, Grantee shall, upon completion of construction and prior to termination, restore the ground surface of the Temporary Construction Easement premises to its original condition so far as is reasonably practicable with the exception of any grade changes, bank sloping, ditching, fills, slope construction, cuts and any removal of earth, other materials, trees and other vegetation.

5. WARRANTIES OF TITLE. Grantor warrants and guarantees that Grantor has good and indefeasible fee simple title to the Parcel and Grantor warrants and guarantees that Grantor has the full authority to grant the Temporary Construction Easement provided herein, free and clear of all other claims.

6. RUNNING OF BENEFITS AND BURDENS. All provisions of this instrument, including the benefits and burdens, run with the Parcel and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

7. ENVIRONMENTAL MATTERS. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the Easement Area or Property prior to the date of this instrument.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 29th day of January, 2021

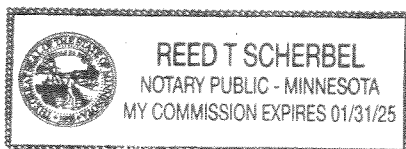
GRANTORS
Cross of Glory Lutheran Church of Brooklyn Center

By: Judith A. Lemus

Its: Council President

STATE OF Minnesota)
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 29th day of January, 2021
by Judith A. Lemus the Council President
of Cross of Glory Lutheran Church of Brooklyn Center, a Minnesota corporation under the laws
of the State of Minnesota, Grantors.



Reed Scherbel
Notary Public

This Instrument Drafted By:

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Return to:

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 29th day of January, 2021 by

Cross of Glory Lutheran Church of Brooklyn Center, a Minnesota corporation under the laws of the State of Minnesota, GRANTOR, and Hennepin County, a body politic and corporate under the laws of the State of Minnesota, together with all hereditaments and appurtenances belonging thereto (hereinafter referred to as the “Grantee”).

WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the Grantor hereby gives, grants, conveys and relinquishes unto said Grantee, and Grantee’s officers, employees, agents, representatives, contractors and invitees, a permanent and perpetual Easement for the drainage and utility purposes and other municipal utilities, reconstruction, operation, maintenance, inspection, alteration, repair and use of a public sidewalk, street, curb and gutter, storm sewer, sanitary sewer, water, cable, electric and other municipal utilities, trails facilities and improvements upon, over, under, across and through the following-described tract or parcel of land located in Hennepin County, Minnesota, and described as follows:

See attached Exhibit A

(The "Easement Area")

Grantor warrants and covenants that Grantor is the fee simple owner of the above-described premises and has the lawful right and authority to convey and grant this Easement and will warrant and defend title to the above-described premises against all claims.

This Easement includes the right of the Grantee, its contractors, agents, employees and invitees to enter upon said premises at all reasonable times for the purposes of construction, grading, sloping, restoration, and all purposes in furtherance thereof or related thereto, including but not limited to the right to remove trees, shrubs or other vegetation and existing structures and improvements in the Easement Area, as well as the right to deposit earthen materials within the Easement Area, to move, store, and remove equipment and supplies, and to perform any other work necessary and incident to Grantee's project or to the continued operation of Grantee's improvements within the Easement Area or Grantee's use of this Easement.

Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

To have and to hold the Easement and right of way unto the Grantee for the purposes herein stated.

This Easement, and all covenants, terms, conditions, provisions and undertakings created by this Easement are perpetual and will run with the land and will be binding upon Grantor's heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has hereunto executed this Easement on the day and year first above written.

WITNESS, The hand of the GRANTOR:

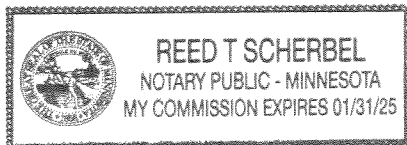
Cross of Glory Lutheran Church of Brooklyn Center

By: Judith A. Lewis

Its: Council President

STATE OF Minnesota
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 29th day of January, 2021 by Judith A. Lewis the Council President Cross of Glory Lutheran Church of Brooklyn Center, a Minnesota corporation under the laws of the State of Minnesota, Grantor.



Reed Scherbel
Notary Public
County of Washington
State of Minnesota
My Commission Expires: 1/31/25

This Instrument Drafted By:

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Return to:

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791



MEMORANDUM OF AGREEMENT

Brooklyn Boulevard (Hennepin County Road 152)
Phase II Improvements Project

Parcel No: 24
Fee Owners: Parents In Community Action, Inc.

On this 27th day of January, 2021, Parents In Community Action, Inc., a Minnesota nonprofit corporation Owners of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center.

This agreement is now made and entered as a Memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

1. The Owners have been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owners understand that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project.
2. The Owners understand and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owners the sum of \$ 24,600.00 for land and damages. Owners understand that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally:

It is understood and agreed that the entire agreement of the parties is contained in this Memorandum of Agreement and that this Agreement supersedes all oral agreements and negotiations between the parties.

Owner(s)
Parents In Community Action, Inc.

City of Brooklyn Center

By: [Signature]

By: _____

Its: [Signature]

Its: _____



September 30, 2020

SRF No. 11765-D0290

Parents In Community Action, Inc.
Attn: Rico Alexander
700 Humboldt Avenue N
Minneapolis, MN 55411

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6415 BROOKLYN BOULEVARD
PARCEL No.: 24

Dear Rico:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of ~~\$23,100.00~~ ^{34,600.00}, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

This offer is made pursuant to the Market Value Appraisal procedures provided for under Minnesota law. The City of Brooklyn Center previously, or with this offer, has provided you with a copy of "*Acquisition Information for Property Owners*" brochure.

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$5,000.00 for the actual costs of an appraisal of property acquired by direct purchase.

If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst-case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding.

Your signature on this OFFER TO PURCHASE is only for the verification that such an offer has been made to you and verification that the "*Acquisition Information for Property Owners*" brochure has been received by you. Your signature below does not prejudice your right to have the final amount determined through eminent domain proceedings in the event you do not accept the offer.

On behalf of The City of Brooklyn Center and Hennepin County we wish to thank you for your cooperation and assistance, and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,

SRF CONSULTING GROUP, INC.



Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 27TH day of January, 2021, this *Offer to Acquire* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

Parents In Community Action, Inc.

By: 

Its: 



SRF No. 11765.D0290

VALUE CALCULATION

THE CITY OF BROOKLYN CENTER AND HENNEPIN COUNTY
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT

Parcel No.: 24
Fee Owners: Parents In Community Action, Inc.

Legal Description of property to be acquired:

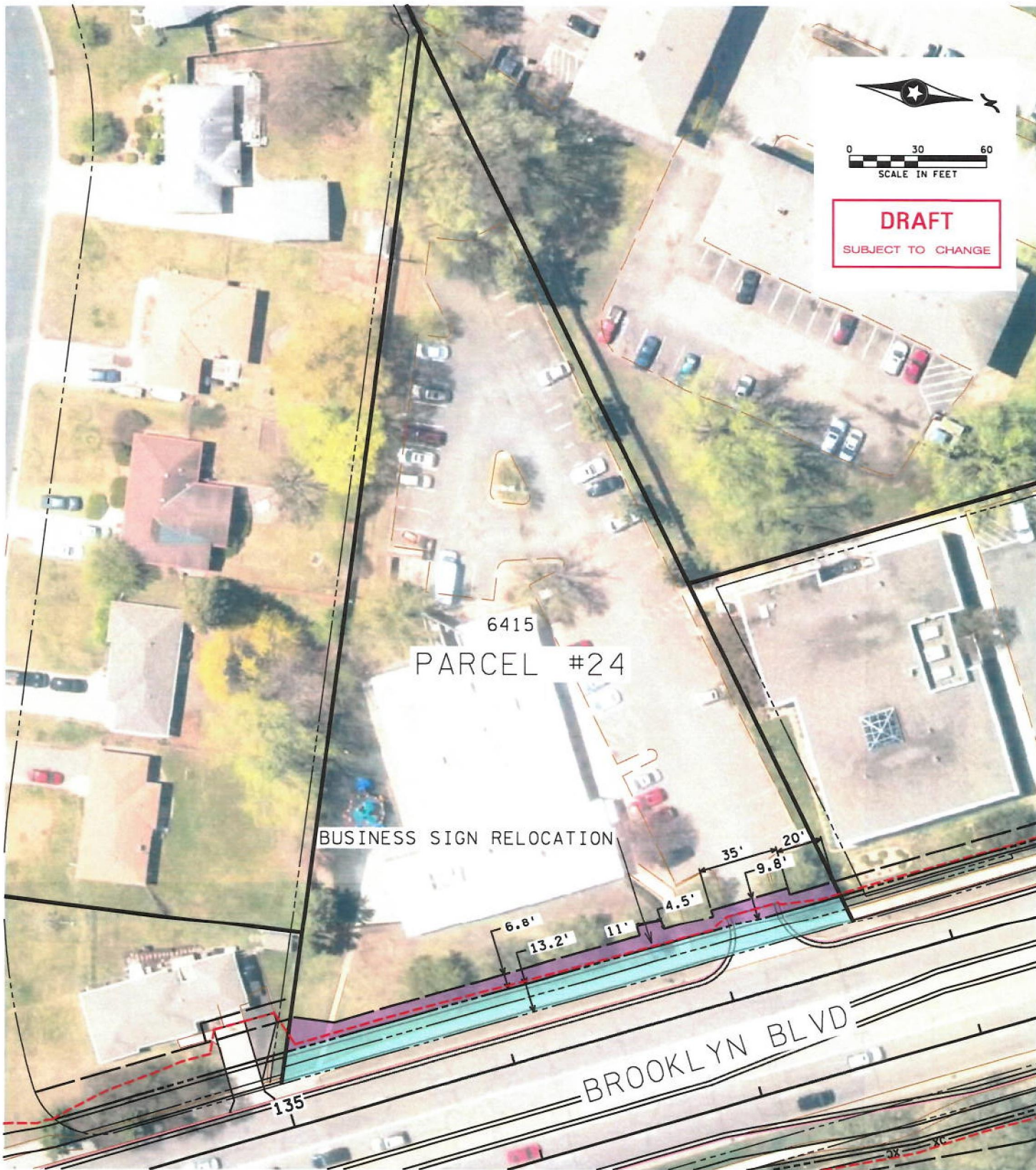
See Attached Exhibit A

ACQUISITION INFORMATION

Drainage and Utility Easement: 3,387 square feet
Temporary Construction Easement: 1,952 square feet

VALUATION

Land Value Before Taking	= \$541,800.00
Land Value After Taking	= <u>\$518,700.00</u>
Drainage and Utility Easement	= \$ 17,670.00
Temporary Easement	= \$ 3,260.00
Indicated Damages	= <u>\$ 2,085.00</u>
TOTAL (rounded)	= \$ 23,100.00 24,600.00



PID	ADDRESS			PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL POT. TREE IMPACT	
34-11-921-31-0106	6415 BROOKLYN BOULEVARD				
	EXISTING PARCEL AREA [SQ. FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]		
	55800	3387	1952		
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014					
CITY OF BROOKLYN CENTER			2021-05		DATE 9/19/2020
					PARCEL 24



Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project

County: Hennepin

Property Address: 6415 Brooklyn Boulevard, Parcel No: 24

Owner(s): Parents In Community Action, Inc.

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated July 13, 2020.

Minnesota law also provides that the owner of the affected property may acquire his/her own independent appraisal for the proposed acquisition and that the governmental agency must reimburse for reasonable costs of the appraisal fee incurred by the owner up to a maximum of \$1,500 for single family and two-family residential property and minimum damage acquisition, and up to a maximum of \$5,000 for other types of property. In order to be entitled to reimbursement, the owner must comply with the following:

1. The owner's appraisal must be prepared by a qualified appraiser who is licensed under Minnesota appraisal licensing laws.
2. Payment for the appraisal will be reimbursed within 30 days after receiving a copy of the appraisal and the paid receipt from the appraiser. (Upon agreement between the acquiring authority and the owner, the acquiring authority may pay the reimbursement directly to the appraiser.)

If you choose to obtain your own appraisal, we would request that the appraiser be instructed to provide you with two copies of his/her appraisal report.

Please feel free to contact the undersigned agent with any questions you might have. Thank you for your cooperation.

Appraisal received this 27th day of January, 20 21

Owner(s):
Parents In Community Action, Inc.

SRF Consulting Group Inc.

By: [Signature]

Contact: Matthew Marsh

Address: 3701 Wayzata Boulevard, Suite 100

Minneapolis, MN 55416

Its: [Signature]

Phone: 763-249-6703

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by Parents In Community Action, Inc., a Minnesota nonprofit corporation, (hereinafter referred to as the "**Grantor**") in favor of and to the City of Brooklyn Center, a Minnesota municipal corporation (hereinafter referred to as the "**Grantee**").

The following recitals of fact are a material part of this instrument:

A. The Grantor is the owner of a tract of land described as follows (hereinafter referred to as the "**Parcel**"):

B. The Grantor wishes to grant and convey to Grantee a temporary construction easement over, under, and across those parts of the Parcel described as follows (hereinafter referred to as the "**Temporary Construction Easement**"):

See attached Exhibit A

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following grants, agreements, and covenants and restrictions are made:

1. **GRANT OF TEMPORARY CONSTRUCTION EASEMENT.** The Grantor hereby grants to the Grantee, for its successors and assigns, the Temporary Construction Easement over, under, and across the Parcel.

2. **USE OF TEMPORARY CONSTRUCTION EASEMENT.** Access for construction purposes including, but not limited to, the right to trim and cut such vegetation within the Easement Area as needed to reasonably accommodate the construction activities and the right to use the Easement Area to stage, operate, and store equipment as needed to complete the construction activities. Displacing soil and grading, are permissible over, under, and across the Temporary Construction Easement premises.

3. **TERM OF TEMPORARY CONSTRUCTION EASEMENT.** The Temporary Construction Easement shall commence on April 1, 2021 and shall expire on November 30, 2022, and any and all right, title, interest, lien or right of possession to the Temporary Construction Easement premises shall thereupon automatically terminate and be of no further legal effect or validity.

4. RESTORATION OF TEMPORARY CONSTRUCTION EASEMENT PREMISES. As a condition of said Temporary Construction Easement grant, Grantee shall, upon completion of construction and prior to termination, restore the ground surface of the Temporary Construction Easement premises to its original condition so far as is reasonably practicable with the exception of any grade changes, bank sloping, ditching, fills, slope construction, cuts and any removal of earth, other materials, trees and other vegetation.

5. WARRANTIES OF TITLE. Grantor warrants and guarantees that Grantor has good and indefeasible fee simple title to the Parcel and Grantor warrants and guarantees that Grantor has the full authority to grant the Temporary Construction Easement provided herein, free and clear of all other claims.

6. RUNNING OF BENEFITS AND BURDENS. All provisions of this instrument, including the benefits and burdens, run with the Parcel and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

7. ENVIRONMENTAL MATTERS. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the Easement Area or Property prior to the date of this instrument.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 27th day of January, 2021

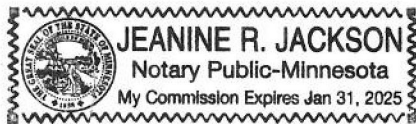
GRANTORS
Parents In Community Action, Inc.

By: [Signature]

Its: [Signature]

STATE OF Minnesota)
COUNTY OF Henn.) ss

The foregoing instrument was acknowledged before me this 27th day of January, 2021,
by Jeanine Jackson the Notary
of Parents In Community Action, Inc., a Minnesota nonprofit corporation, Grantor.



[Signature]
Notary Public

This Instrument Drafted By:

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Return to:

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Exhibit A
(Temporary Easement)

PARCEL 24 TE

EASEMENT DESCRIPTION

OWNER: PARENTS IN COMMUNITY ACTION, INC.

P.I.N. 34-119-21-31-0106

PROPERTY DESCRIPTION AND OWNER ACCORDING TO LAND TITLE PROPERTY REPORT NO. 606799

A 6.80 foot temporary easement for construction purposes over, under, across and through the following described property:

Lot 3, Block 1, DENTAL CENTER ADDITION, Hennepin County, Minnesota

Said temporary easement lying southwesterly of and adjacent to a line run parallel with and distant 33.00 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 and said described line there terminating.

Together with a temporary easement for construction purposes over, under, across and through that part of said Lot 3 described as commencing at the intersection of the north line of said Lot 3 with a line run parallel with and distant 39.80 feet southwesterly of the above described line; thence southeasterly along said parallel line a distance of 20.13 feet to the point of beginning of said temporary easement; thence continuing southeasterly along said parallel line a distance of 35.00 feet; thence southwesterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 3.00 feet; thence northwesterly parallel with the above described line a distance of 35.00 feet; thence northeasterly 3.00 feet to the point of beginning.

Together with a temporary easement for construction purposes over, under, across and through that part of said Lot 3 described as beginning at the intersection of the south line of said Lot 3 with a line run parallel with and distant 39.80 feet southwesterly of the above described line; thence northwesterly along said parallel line a distance of 21.12 feet; thence southerly 19.32 feet to a point on the south line of said Lot 3 distant 8.53 feet westerly of the point of beginning; thence easterly along said south line a distance of 8.53 feet to the point of beginning.

Said temporary easement to expire November 30, 2022.

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 27th day of January, 2024 by
Parents In Community Action, Inc., a Minnesota nonprofit corporation, GRANTOR, and
Hennepin County, a body politic and corporate under the laws of the State of Minnesota,
together with all hereditaments and appurtenances belonging thereto (hereinafter referred to
as the “**Grantee**”).

WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) and
other good and valuable considerations, the Grantor hereby gives, grants, conveys and
relinquishes unto said Grantee, and Grantee’s officers, employees, agents, representatives,
contractors and invitees, a permanent and perpetual Easement for the drainage and utility
purposes and other municipal utilities, reconstruction, operation, maintenance, inspection,
alteration, repair and use of a public sidewalk, street, curb and gutter, storm sewer, sanitary
sewer, water, cable, electric and other municipal utilities, trails facilities and improvements
upon, over, under, across and through the following-described tract or parcel of land located in
Hennepin County, Minnesota, and described as follows:

See attached Exhibit A

(The "Easement Area")

Grantor warrants and covenants that Grantor is the fee simple owner of the above-described premises and has the lawful right and authority to convey and grant this Easement and will warrant and defend title to the above-described premises against all claims.

This Easement includes the right of the Grantee, its contractors, agents, employees and invitees to enter upon said premises at all reasonable times for the purposes of construction, grading, sloping, restoration, and all purposes in furtherance thereof or related thereto, including but not limited to the right to remove trees, shrubs or other vegetation and existing structures and improvements in the Easement Area, as well as the right to deposit earthen materials within the Easement Area, to move, store, and remove equipment and supplies, and to perform any other work necessary and incident to Grantee's project or to the continued operation of Grantee's improvements within the Easement Area or Grantee's use of this Easement.

Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

To have and to hold the Easement and right of way unto the Grantee for the purposes herein stated.

This Easement, and all covenants, terms, conditions, provisions and undertakings created by this Easement are perpetual and will run with the land and will be binding upon Grantor's heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has hereunto executed this Easement on the day and year first above written.

WITNESS, The hand of the GRANTOR:

Parents In Community Action, Inc.

By: _____

Its: _____

STATE OF Mn)
) ss
COUNTY OF Henn.)

The foregoing instrument was acknowledged before me this 27th day of January, 2021 by Jeanine Jackson the notary of Parents In Community Action, Inc., a Minnesota nonprofit corporation, Grantor.



Notary Public
County of Hennepin
State of Minnesota
My Commission Expires: 1/31/25

This Instrument Drafted By:

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Return to:

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Exhibit A
(Permanent Easement)

PARCEL 24 PE

EASEMENT DESCRIPTION

OWNER: PARENTS IN COMMUNITY ACTION, INC.

P.I.N. 34-119-21-31-0106

PROPERTY DESCRIPTION AND OWNER ACCORDING TO LAND TITLE PROPERTY REPORT NO. 606799

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

Lot 3, Block 1, DENTAL CENTER ADDITION, Hennepin County, Minnesota

Said perpetual easement being that part of said Lot 3 lying northeasterly of a line run parallel with and distant 33.00 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 and said described line there terminating.

**EASEMENT AGREEMENT FOR
TRAIL, SIDEWALK, UTILITY AND DRAINAGE PURPOSES**

THIS EASEMENT AGREEMENT FOR **TRAIL, SIDEWALK, UTILITY AND DRAINAGE** purposes (“**Easement**”) is made and entered into as of the ____ day of _____, 202_, by and between the Metropolitan Council, a Minnesota public corporation and political subdivision (“**Grantor**”) and the **City of Brooklyn Center**, a municipal corporation under the laws of the State of Minnesota (“**Grantee**”).

WITNESSETH:

WHEREAS, Grantor is the fee owner of real property located in the city of Brooklyn Center, County of Hennepin, State of Minnesota, and legally described on **Exhibit A** attached hereto (“**Grantor Property**”), as identified on Certificate of Title, No. 1041624 on file with the Registrar of Titles, Hennepin County, Minnesota, and by warranty deed dated January 28, 2000 and recorded February 14, 2000 as document no. 7260248 in the Office of County Recorder, Hennepin County, Minnesota; and

WHEREAS, Grantee has a current sidewalk easement across a portion of Grantor’s property, which is legally described on **Exhibit B** attached hereto (“**Sidewalk Easement**”); and

WHEREAS, Grantor is successor in interest to the Sidewalk Easement that was established by two easements: an easement (“**Sears Easement**”) dated October 11, 1971 and recorded June 2, 1972 as document No. 1032884 and an Easement (“**Midwest Federal Savings and Loan Easement**”) dated March 18, 1976 and recorded April 2, 1976 as document No. 1171643, both recorded in the Registrar of Titles for Hennepin County, and as dedicated pursuant to the Carl Swing Addition Plat as recorded on December 6, 1999 in the Registrar of Titles and Office of the County Recorder, respectively, in Hennepin County, Minnesota; and

WHEREAS, Grantee seeks to expand the size of the sidewalk and allow for a multi-use trail to be constructed as part of a city trail corridor project, which includes the existing Sidewalk Easement area, and

WHEREAS, Grantor is willing to grant Grantee an Easement Agreement For Trail, Sidewalk, Utility and Drainage purposes and a Temporary Construction Easement to accommodate the city's planned trail across Grantor's property and enhance the current improvements,

NOW, THEREFORE, in consideration of the sum of one dollar and (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the mutual promises contained herein, the parties agree as follows:

1. Grant of Trail, Sidewalk, Utility and Drainage Easement. Grantor grants to Grantee, its successors and assigns, a non-exclusive, permanent easement of 10,901 square feet to locate, install, construct, inspect, maintain, repair, replace, use, and operate a Trail, Sidewalk, Utility and Drainage Easement over that portion of the Grantor Property as legally described on **Exhibit C** attached hereto and incorporated herein and illustrated on the attached depictions.

2. Restates and Replaces Existing Sidewalk Easement. This Trail, Sidewalk, Utility and Drainage Easement incorporates and replaces the portion of the sidewalk easement on Grantor's property as identified and legally described in **Exhibit B**.

3. Grant of Temporary Construction Easement. Grantor grants to Grantee a temporary, non-exclusive construction easement of 3,970 square foot over, under and across that part of the Property legally described and depicted on the attached **Exhibit D** to, without limitation, locate, install and construct the Trail, Sidewalk, Utility and Drainage Easement and associated improvements.

a. Term of Temporary Easements. The Temporary Construction Easement shall commence upon final binding signature of this Agreement and expire December 31, 2023.

b. Restoration for Temporary Easements. Grantee shall make reasonable efforts to restore the Temporary Easements matching the original surface grade as far as practicable, and restoration of the surface to like condition, either grass seeding or sodding, either paved or gravel surface restoration.

4. Termination of Easement. In the event that the Trail, Sidewalk, Utility and Drainage system on Grantor's Property is ever abandoned, demolished or otherwise permanently removed from the Easement Area for a period longer than three (3) years, this Easement shall automatically terminate without any action of Grantor and the easement rights granted herein shall automatically cease with no further action by the parties.

5. Alterations. Grantee agrees that it will not change the grade or location of the Easement improvements without first providing Grantor with a full copy of its design documents for review and obtaining Grantor's express written consent prior to commencing construction.

6. Successors and/or Assigns. The terms, covenants and provisions hereof shall inure to the benefit of and be binding upon the legal representatives, successors and assigns of the parties hereto and the covenants, agreements and easements contained herein shall be deemed to run with and burden the Grantor Property and benefit the Grantee Property.

7. Amendments. The parties hereto acknowledge and agree that this Agreement shall not be modified or amended without the written approval of each of the parties.

8. Construction, Operations and Maintenance. Grantee bears the sole cost to construct, install, maintain and replace the improvements within its Easement area at its sole cost and expense. Grantee shall be responsible for keeping the easement area clear of snow.

9. Liability. Each party is responsible only for its own acts and the results of its acts. Grantor and Grantee liability is governed by the provisions of Minnesota Statutes, Chapter 466. The Grantee shall maintain and cause its contractors to maintain insurance with minimum coverage consistent with the liability limits in Minnesota Statutes, Chapter 466.

10. Notice.

Grantor: Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805
Attn: Real Estate Office

Grantee: City of Brooklyn Center
6301 Shingle Creek Pkwy.
Brooklyn Center, MN 55430
Attn: Public Works

11. Miscellaneous.

- a. Further Actions. The Parties shall execute and deliver all further documents and take all further actions reasonably necessary or appropriate to effectuate the purposes of this Agreement.
- b. Time of the Essence. Time is of the essence of each provision in this Agreement where time is a factor.
- c. Waiver. No waiver of any provision of this Agreement shall be binding unless executed in writing by the Party making the waiver. No waiver of any provision of this Agreement shall be deemed to constitute a waiver of any other provision,

nor shall any waiver constitute a continuing waiver unless the written waiver so specifies.

- d. Binding Covenants. The provisions herein shall be deemed covenants that run with the land and shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.
- e. Governing Law. This Agreement has been made under the laws of the State of Minnesota and such laws shall control its interpretation.
- f. Counterparts. This Agreement and any amendments to this Agreement may be executed in counterparts, each of which shall be fully effective and all of which together shall constitute the same instrument.
- g. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- h. No Presumption against Drafter. This Agreement has been negotiated at arm's length and between persons sophisticated and knowledgeable in the matters dealt with herein. Accordingly, this Agreement shall be interpreted to achieve the intents and purposes of the Parties, without any presumption against the Party responsible for drafting any part of this Agreement.

Signatures follow this page.

METROPOLITAN COUNCIL,
a public corporation and political subdivision under the laws of
the State of Minnesota,

By: _____
Mary Bogie
Title: Acting Regional Administrator

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Mary Bogie, the Acting Regional Administrator of the Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, on its behalf.

NOTARY PUBLIC

My commission expires: _____

**CITY OF BROOKLYN CENTER, a
municipal corporation**

By: _____
Mike Elliot
Its: Mayor

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____,
20__ by Mike Elliot, the Mayor of the City of Brooklyn Center, on its behalf.

Notary Public

CITY OF BROOKLYN CENTER, a
municipal corporation

By: _____

Curt Boganey

Its: City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
20__ by Curt Boganey, the City Manager of the City of Brooklyn Center, on its behalf.

Notary Public

EXHIBIT A
Grantor Property

Lot 2, Block 1, Carl Swing Addition

Abstract and Torrens Property

Registered Property evidenced by Certificate of Title 1041624:

That part of Lot 2, Block 1, Carl Swing Addition, embraced within Lot 5, Block 1, Northgate;
and

That part of Lot 2, Block 1, Carl Swing Addition embraced within Registered Land Survey No.
970,

Hennepin County, Minnesota.

DRAFT

EXHIBIT B – Current Sidewalk Easement (to be replaced)

Tract A of Registered Land Survey No. 970, according to the title of record, office of the Registrar of Titles, Hennepin County, Minnesota, which lies within a distance of 10 feet southwesterly of the southwesterly boundary of Trunk Highway No. 152 as now located and traveled.

And

The easterly 8 feet of the following described lot:

Tract B of Registered Land Survey No. 970, according to the title of record, office of the Registrar of Titles, Hennepin County, Minnesota, except State Highway.

DRAFT

Exhibit C - Permanent Easement

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

Lot 2, Block 1, CARL SWING ADDITION, Hennepin County, Minnesota

Said perpetual easement being that part of said Lot 2 lying northeasterly of a line described as commencing at the most northerly corner of said Lot 2; thence South 68 degrees 38 minutes 35 seconds West, assumed bearing, along the northwesterly line of said Lot 2 a distance of 17.83 feet to the point of beginning of the line to be described; thence South 31 degrees 29 minutes 33 seconds East a distance of 45.36 feet; thence South 23 degrees 12 minutes 46 seconds East a distance of 234.24 feet; thence South 35 degrees 30 minutes 42 seconds East a distance of 54.66 feet; thence South 23 degrees 49 minutes 50 seconds East a distance of 170.58 feet; thence South 17 degrees 19 minutes 54 seconds East a distance of 68.75 feet; thence South 50 degrees 00 minutes 25 seconds East a distance of 34.58 feet to the southeasterly line of said Lot 2 and there terminating.

DRAFT

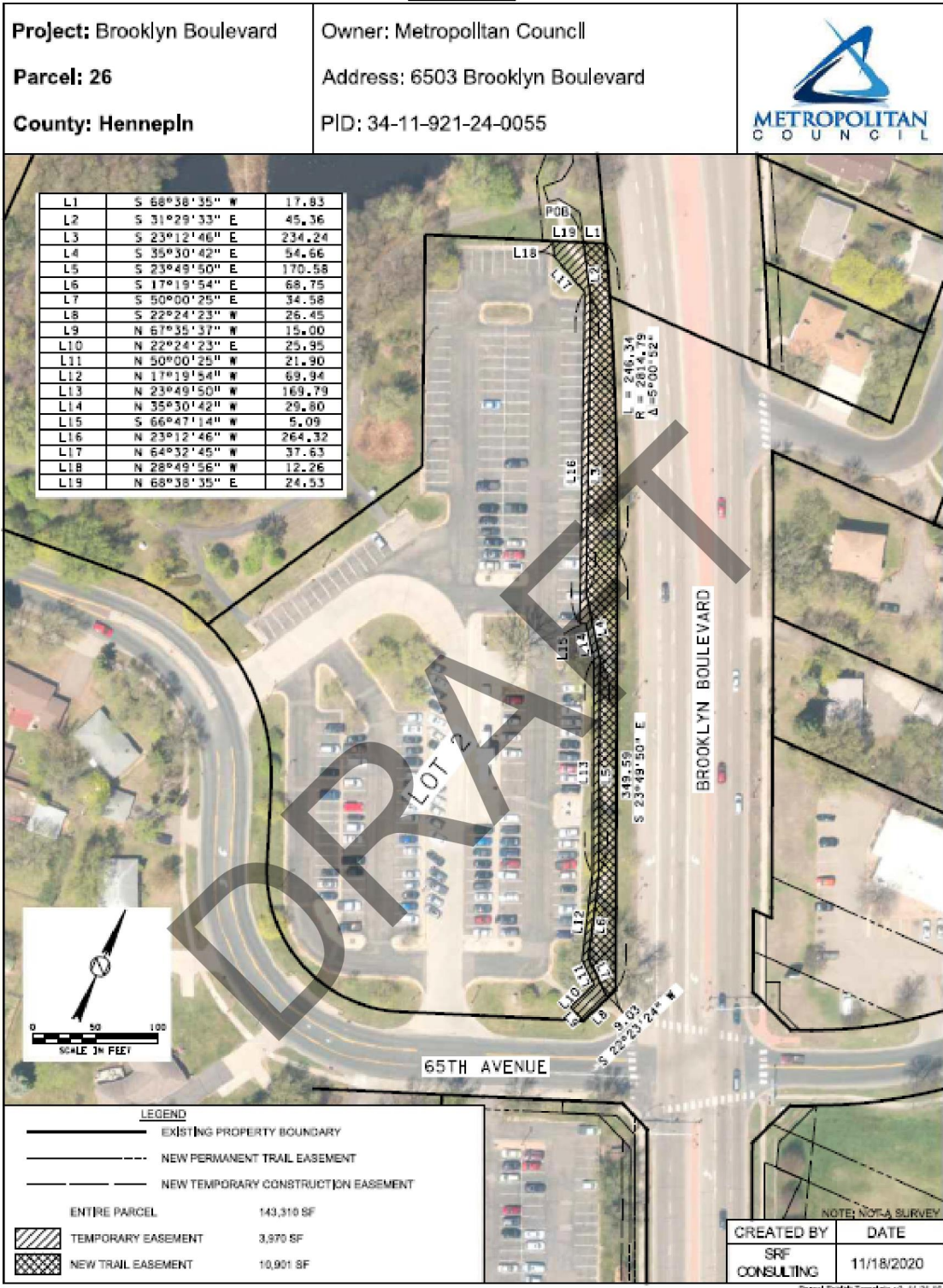
Exhibit D – Temporary Easement

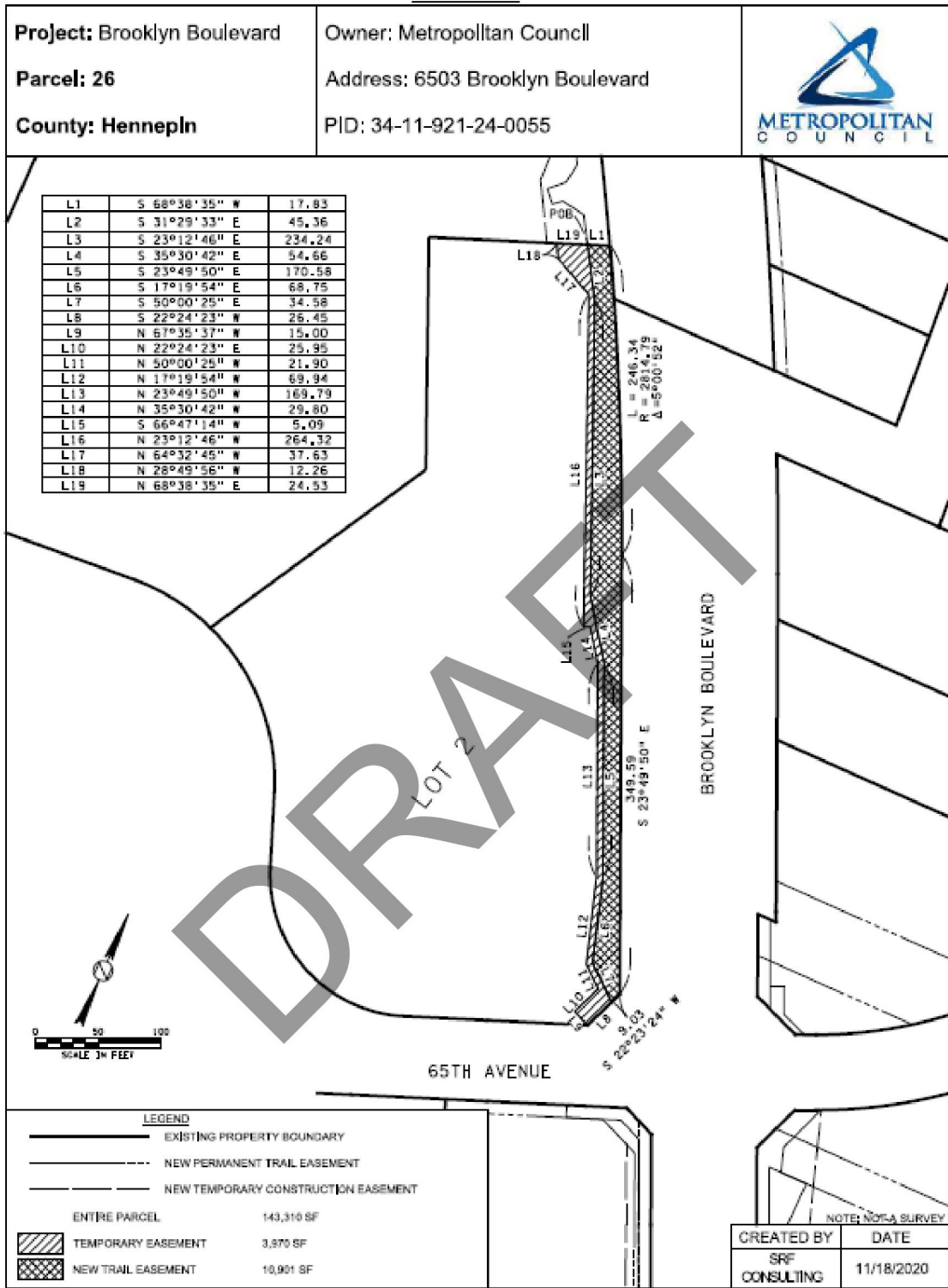
A temporary easement for construction purposes over, under, across and through part of the following described property:

Lot 2, Block 1, CARL SWING ADDITION, Hennepin County, Minnesota

Said temporary easement being that part of said Lot 2 described as commencing at the most northerly corner of said Lot 2; thence South 68 degrees 38 minutes 35 seconds West, assumed bearing, along the northwesterly line of said Lot 2 a distance of 17.83 feet to the actual point of beginning; thence South 31 degrees 29 minutes 33 seconds East a distance of 45.36 feet; thence South 23 degrees 12 minutes 46 seconds East a distance of 234.24 feet; thence South 35 degrees 30 minutes 42 seconds East a distance of 54.66 feet; thence South 23 degrees 49 minutes 50 seconds East a distance of 170.58 feet; thence South 17 degrees 19 minutes 54 seconds East a distance of 68.75 feet; thence South 50 degrees 00 minutes 25 seconds East a distance of 34.58 feet to the southeasterly line of said Lot 2; thence South 22 degrees 24 minutes 23 seconds West, along said southeasterly line, a distance of 26.45 feet; thence North 67 degrees 35 minutes 37 seconds West a distance of 15.00 feet; thence North 22 degrees 24 minutes 23 seconds East a distance of 25.95 feet; thence North 50 degrees 00 minutes 25 seconds West a distance of 21.90 feet; thence North 17 degrees 19 minutes 54 seconds West a distance of 69.94 feet; thence North 23 degrees 49 minutes 50 seconds West a distance of 169.79 feet; thence North 35 degrees 30 minutes 42 seconds West a distance of 29.80 feet; thence South 66 degrees 47 minutes 14 seconds West a distance of 5.09 feet; thence North 23 degrees 12 minutes 46 seconds West a distance of 264.32 feet; thence North 64 degrees 32 minutes 45 seconds West a distance of 37.63 feet; thence North 28 degrees 49 minutes 56 seconds West a distance of 12.26 feet to the northwesterly line of said Lot 2; thence North 68 degrees 38 minutes 35 seconds East, along said northwesterly line, a distance of 24.53 feet to the point of beginning.

Said temporary easement to expire December 31, 2023







MEMORANDUM OF AGREEMENT

Brooklyn Boulevard (Hennepin County Road 152)
Phase II Improvements Project

Parcel No: 32
Fee Owners: Old Partners, Inc.

On this 10th day of December, 2020, Old Partners, Inc., Owner of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center.

This agreement is now made and entered as a Memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

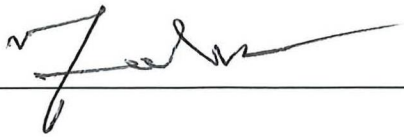
1. The Owners have been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owners understand that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project.
2. The Owners understand and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owners the sum of \$ 18,800.00 for land and damages. Owners understand that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally:

The City will direct its contractor to maintain reasonable access to the property during the project, as provided in the Project contract documents. If the Owner has a concern with access to its property during the Project, it may notify the City Engineer (Mike Albers, 763-569-3340), publicworks@ci.brooklyn-center.mn.us) at the City and the City will take all reasonable efforts to ensure that the contractor is complying with the Project contract.

It is understood and agreed that the entire agreement of the parties is contained in this Memorandum of Agreement and that this Agreement supersedes all oral agreements and negotiations between the parties.

Owner(s)
Old Partners, Inc.

City of Brooklyn Center

By: 

By: _____

Its: OWNER.

Its: _____



SRF No. 11765-D0290

ADMINISTRATIVE SETTLEMENT MEMORANDUM

Date: January 21, 2021

To: Mike Albers
Project Engineer

From: Cindy Wiste, Senior Associate

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6044 Brooklyn Boulevard
PARCEL NO.: 32

The certified offer was made on September 23, 2020 in the amount of \$9,100.00. The acquisition consists of 1,398 square feet of temporary construction easement and 1,994 square feet of permanent drainage and utility easement. The owners are asking for additional compensation due to impacts to their projected loss in business during the construction period.

In lieu of additional costs foreseeable in condemnation, we are recommending settlement in the amount of \$18,800.00.

Certified value:	\$ 9,100.00
-------------------------	--------------------

Description of administrative adjustments:

Additional compensation for impact to business sales	\$ 9,700.00
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Total Adjustments:	\$ 9,700.00
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SETTLEMENT TOTAL:	\$18,800.00
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APPROVAL:

By: _____

Date _____

Its: _____



September 23, 2020

Old Partners, Inc.
Attn: Sue Dahdal
6218 Camden Avenue North
Brooklyn Center, MN 55430

SRF No. 11765-D0290

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6044 BROOKLYN BOULEVARD
PARCEL NO.: 32

Dear Sue:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$9,100.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

This offer is made pursuant to the Market Value Appraisal procedures provided for under Minnesota law. The City of Brooklyn Center previously, or with this offer, has provided you with a copy of "*Acquisition Information for Property Owners*" brochure.

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$5,000.00 for the actual costs of an appraisal of property acquired by direct purchase.

If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst-case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding.

Your signature on this OFFER TO PURCHASE is only for the verification that such an offer has been made to you and verification that the "*Acquisition Information for Property Owners*" brochure has been received by you. Your signature below does not prejudice your right to have the final amount determined through eminent domain proceedings in the event you do not accept the offer.

On behalf of The City of Brooklyn Center and Hennepin County we wish to thank you for your cooperation and assistance, and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,

SRF CONSULTING GROUP, INC.



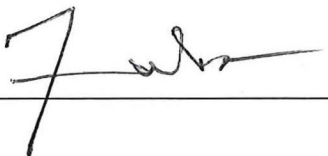
Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 10th day of December, 2020, this *Offer to Acquire* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

Old Partners, Inc.

By:  _____

Its: OWNER _____



SRF No. 11765.D0290

VALUE CALCULATION

THE CITY OF BROOKLYN CENTER AND HENNEPIN COUNTY
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT

Parcel No.: 32
Fee Owners: Old Partners, Inc.

Legal Description of property to be acquired:

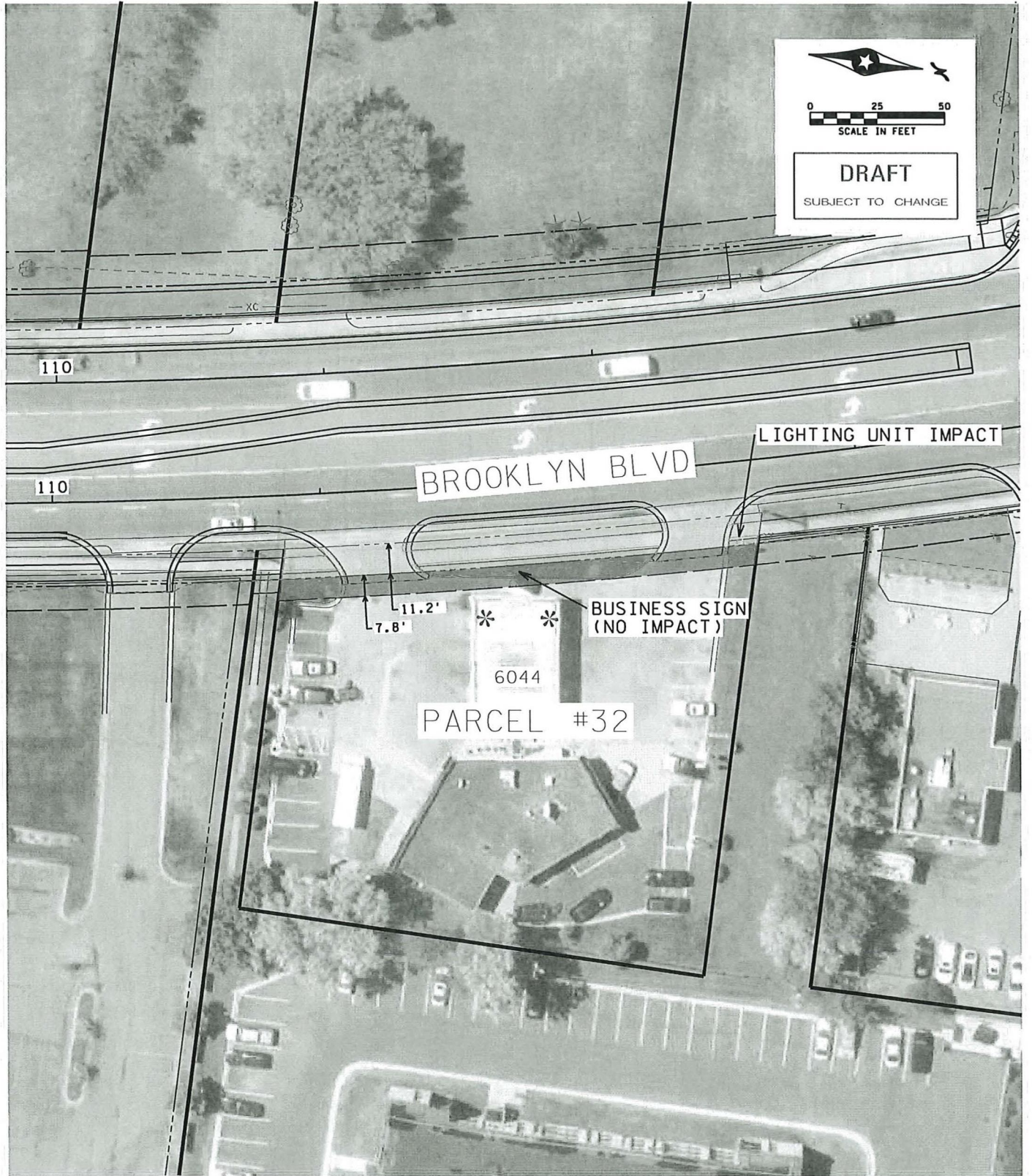
See Attached Exhibit A

ACQUISITION INFORMATION

Drainage and Utility Easement: 1,994 square feet
Temporary Construction Easement: 1,398 square feet

VALUATION

Land Value Before Taking	= \$303,600.00
Land Value After Taking	= <u>\$294,500.00</u>
Drainage and Utility Easement	= \$ 4,650.00
Temporary Easement	= \$ 2,802.00
Indicated Damages	= <u>\$ 1,573.00</u>
TOTAL (rounded)	= \$ 9,100.00



PID	ADDRESS			PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE X O	
03-11-821-12-0002	6044 BROOKLYN BOULEVARD				
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]		
	26900	1994	1398		
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014					
CITY OF BROOKLYN CENTER		2021-05	SRE	DATE 7/9/2020	PARCEL 32



Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project

County: Hennepin

Property Address: 6044 Brooklyn Boulevard Parcel No: 32

Owner(s): Old Partners, Inc.

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated July 14, 2020.

Minnesota law also provides that the owner of the affected property may acquire his/her own independent appraisal for the proposed acquisition and that the governmental agency must reimburse for reasonable costs of the appraisal fee incurred by the owner up to a maximum of \$1,500 for single family and two-family residential property and minimum damage acquisition, and up to a maximum of \$5,000 for other types of property. In order to be entitled to reimbursement, the owner must comply with the following:

1. The owner's appraisal must be prepared by a qualified appraiser who is licensed under Minnesota appraisal licensing laws.
2. Payment for the appraisal will be reimbursed within 30 days after receiving a copy of the appraisal and the paid receipt from the appraiser. (Upon agreement between the acquiring authority and the owner, the acquiring authority may pay the reimbursement directly to the appraiser.)

If you choose to obtain your own appraisal, we would request that the appraiser be instructed to provide you with two copies of his/her appraisal report.

Please feel free to contact the undersigned agent with any questions you might have. Thank you for your cooperation.

Appraisal received this 10th day of December, 2020

Owner(s):
Old Partners, Inc.

SRF Consulting Group Inc.

By: [Signature]
Its: Owner

Contact: Matthew Marsh
Address: 3701 Wayzata Blvd, Suite 100
Minneapolis, MN 55416
Phone: 763-249-6703

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by Old Partners, Inc., , (hereinafter referred to as the "**Grantor**") in favor of and to the City of Brooklyn Center, a Minnesota municipal corporation (hereinafter referred to as the "**Grantee**").

The following recitals of fact are a material part of this instrument:

A. The Grantor is the owner of a tract of land described as follows (hereinafter referred to as the "**Parcel**"):

B. The Grantor wishes to grant and convey to Grantee a temporary construction easement over, under, and across those parts of the Parcel described as follows (hereinafter referred to as the "**Temporary Construction Easement**"):

See attached Exhibit A

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following grants, agreements, and covenants and restrictions are made:

1. GRANT OF TEMPORARY CONSTRUCTION EASEMENT. The Grantor hereby grants to the Grantee, for its successors and assigns, the Temporary Construction Easement over, under, and across the Parcel.

2. USE OF TEMPORARY CONSTRUCTION EASEMENT. Access for construction purposes including, but not limited to, the right to trim and cut such vegetation within the Easement Area as needed to reasonably accommodate the construction activities and the right to use the Easement Area to stage, operate, and store equipment as needed to complete the construction activities. Displacing soil and grading, are permissible over, under, and across the Temporary Construction Easement premises.

3. TERM OF TEMPORARY CONSTRUCTION EASEMENT. The Temporary Construction Easement shall commence on April 1, 2021 and shall expire on November 30, 2022, and any and all right, title, interest, lien or right of possession to the Temporary Construction Easement premises shall thereupon automatically terminate and be of no further legal effect or validity.

4. RESTORATION OF TEMPORARY CONSTRUCTION EASEMENT PREMISES. As a condition of said Temporary Construction Easement grant, Grantee shall, upon completion of construction and prior to termination, restore the ground surface of the Temporary Construction Easement premises to its original condition so far as is reasonably practicable with the exception of any grade changes, bank sloping, ditching, fills, slope construction, cuts and any removal of earth, other materials, trees and other vegetation.

5. WARRANTIES OF TITLE. Grantor warrants and guarantees that Grantor has good and indefeasible fee simple title to the Parcel and Grantor warrants and guarantees that Grantor has the full authority to grant the Temporary Construction Easement provided herein, free and clear of all other claims.

6. RUNNING OF BENEFITS AND BURDENS. All provisions of this instrument, including the benefits and burdens, run with the Parcel and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

7. ENVIRONMENTAL MATTERS. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the Easement Area or Property prior to the date of this instrument.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 10th day of December, 2020

GRANTORS
Old Partners, Inc.

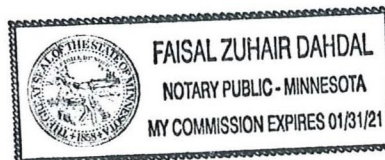
By: [Signature]

Its: OWNER

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 10th day of December, 2020
by ZUHAIR FANZI DAHDAL the OWNER & CEO
of Old Partners, Inc., , Grantors.

[Signature]
Notary Public



This Instrument Drafted By:

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Return to:

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Exhibit A
(Temporary Easement)

PARCEL 32 TE
EASEMENT DESCRIPTION
OWNER: OLD PARTNERS, INC.
P.I.N. 03-118-21-12-0002

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1200885

A 7.80 foot temporary easement for construction purposes over, under, across and through the following described property:

That part of Lot 37, Auditor's Subdivision No. 216, Hennepin County, Minn., described as follows: Commencing at a point distant 182.5 feet west for the East line and 10 feet north from the South line of said Lot 37; thence north parallel to the East line of said Lot 37 a distance of 175 feet; thence west parallel to the North line of Section 3, Township 118, Range 21, to the westerly line of said Lot 37; thence southerly along the Westerly line of said Lot 37 to a point distant 10 feet north of the South line of said Lot 37 measured at right angles to said South line and the extension thereof; thence east parallel to the South line of said Lot 37 to the point of beginning.

Except that part thereof which lies southwesterly of a line run parallel with and distant 42 feet northeasterly of the following described line:

From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet west of the Southeast corner thereof, run northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minute curve (delta 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating; according to the recorded plat thereof.

Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 31.00 feet easterly 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 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds and said described line there terminating.

Said temporary easement to expire November 30, 2022.

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 10th day of December, 2020 by
Old Partners, Inc., , GRANTOR, and Hennepin County, a body politic and corporate under the
laws of the State of Minnesota, together with all hereditaments and appurtenances belonging
thereto (hereinafter referred to as the “**Grantee**”).

WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) and
other good and valuable considerations, the Grantor hereby gives, grants, conveys and
relinquishes unto said Grantee, and Grantee’s officers, employees, agents, representatives,
contractors and invitees, a permanent and perpetual Easement for the drainage and utility
purposes and other municipal utilities, reconstruction, operation, maintenance, inspection,
alteration, repair and use of a public sidewalk, street, curb and gutter, storm sewer, sanitary
sewer, water, cable, electric and other municipal utilities, trails facilities and improvements
upon, over, under, across and through the following-described tract or parcel of land located in
Hennepin County, Minnesota, and described as follows:

See attached Exhibit A

(The "Easement Area")

Grantor warrants and covenants that Grantor is the fee simple owner of the above-described premises and has the lawful right and authority to convey and grant this Easement and will warrant and defend title to the above-described premises against all claims.

This Easement includes the right of the Grantee, its contractors, agents, employees and invitees to enter upon said premises at all reasonable times for the purposes of construction, grading, sloping, restoration, and all purposes in furtherance thereof or related thereto, including but not limited to the right to remove trees, shrubs or other vegetation and existing structures and improvements in the Easement Area, as well as the right to deposit earthen materials within the Easement Area, to move, store, and remove equipment and supplies, and to perform any other work necessary and incident to Grantee's project or to the continued operation of Grantee's improvements within the Easement Area or Grantee's use of this Easement.

Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

To have and to hold the Easement and right of way unto the Grantee for the purposes herein stated.

This Easement, and all covenants, terms, conditions, provisions and undertakings created by this Easement are perpetual and will run with the land and will be binding upon Grantor's heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has hereunto executed this Easement on the day
and year first above written.

WITNESS, The hand of the GRANTOR:

Old Partners, Inc.

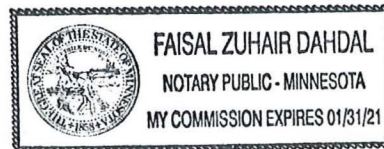
By: [Signature]

Its: OWNER

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 10th day of
December, 2020 by ZUHAIR FAWZI DAHDAL the
OWNER & CEO of Old Partners, Inc., Grantor.

[Signature]
Notary Public
County of HENNEPIN
State of MINNESOTA
My Commission Expires: 1/31/2021



This Instrument Drafted By:

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Return to:

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Exhibit A
(Permanent Easement)

PARCEL 32 PE
EASEMENT DESCRIPTION
OWNER: OLD PARTNERS, INC.
P.I.N. 03-118-21-12-0002

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1200885

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

That part of Lot 37, Auditor's Subdivision No. 216, Hennepin County, Minn., described as follows: Commencing at a point distant 182.5 feet west for the East line and 10 feet north from the South line of said Lot 37; thence north parallel to the East line of said Lot 37 a distance of 175 feet; thence west parallel to the North line of Section 3, Township 118, Range 21, to the westerly line of said Lot 37; thence southerly along the Westerly line of said Lot 37 to a point distant 10 feet north of the South line of said Lot 37 measured at right angles to said South line and the extension thereof; thence east parallel to the South line of said Lot 37 to the point of beginning.

Except that part thereof which lies southwesterly of a line run parallel with and distant 42 feet northeasterly of the following described line:

From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet west of the Southeast corner thereof, run northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minute curve (delta 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating; according to the recorded plat thereof.

Said perpetual easement being that part of said described property lying westerly of a line run parallel with and distant 31.00 feet easterly 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 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds and said described line there terminating.



MEMORANDUM OF AGREEMENT

Brooklyn Boulevard (Hennepin County Road 152)
Phase II Improvements Project

Parcel No: 38
Fee Owners: April Graves

On this 5th day of November, 2020, April Graves, a single person, Owner of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center and Hennepin County.

This agreement is now made and entered as a Memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

1. The Owner has been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owner understands that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project.
2. The Owner understands and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owner the sum of \$ 8,800 for land and damages. Owner understands that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally:

It is understood and agreed that the entire agreement of the parties is contained in this Memorandum of Agreement and that this Agreement supersedes all oral agreements and negotiations between the parties.

Owner(s)

The City of Brooklyn Center

April Graves
April Graves

By: _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

April Graves
6136 Brooklyn Boulevard
Brooklyn Center, MN 55429

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6136 BROOKLYN BOULEVARD
PARCEL No.: 38

Dear April:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$8,800.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

This offer is made pursuant to the Market Value Appraisal procedures provided for under Minnesota law. The City of Brooklyn Center previously, or with this offer, has provided you with a copy of "*Acquisition Information for Property Owners*" brochure.

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$1,500.00 for the actual costs of an appraisal of property acquired by direct purchase.

If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst-case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding.

Your signature on this OFFER TO PURCHASE is only for the verification that such an offer has been made to you and verification that the "*Acquisition Information for Property Owners*" brochure has been received by you. Your signature below does not prejudice your right to have the final amount determined through eminent domain proceedings in the event you do not accept the offer.

On behalf of The City of Brooklyn Center and Hennepin County we wish to thank you for your cooperation and assistance and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,

SRF CONSULTING GROUP, INC.



Reed Scherbel
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 5th day of November, 2020, this *Offer to Acquire* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.


April Graves



SRF No. 11765.D0290

VALUE CALCULATION

THE CITY OF BROOKLYN CENTER AND HENNEPIN COUNTY
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT

Parcel No.: 38
Fee Owners: April Graves

Legal Description of property to be acquired:

See Attached Exhibit A

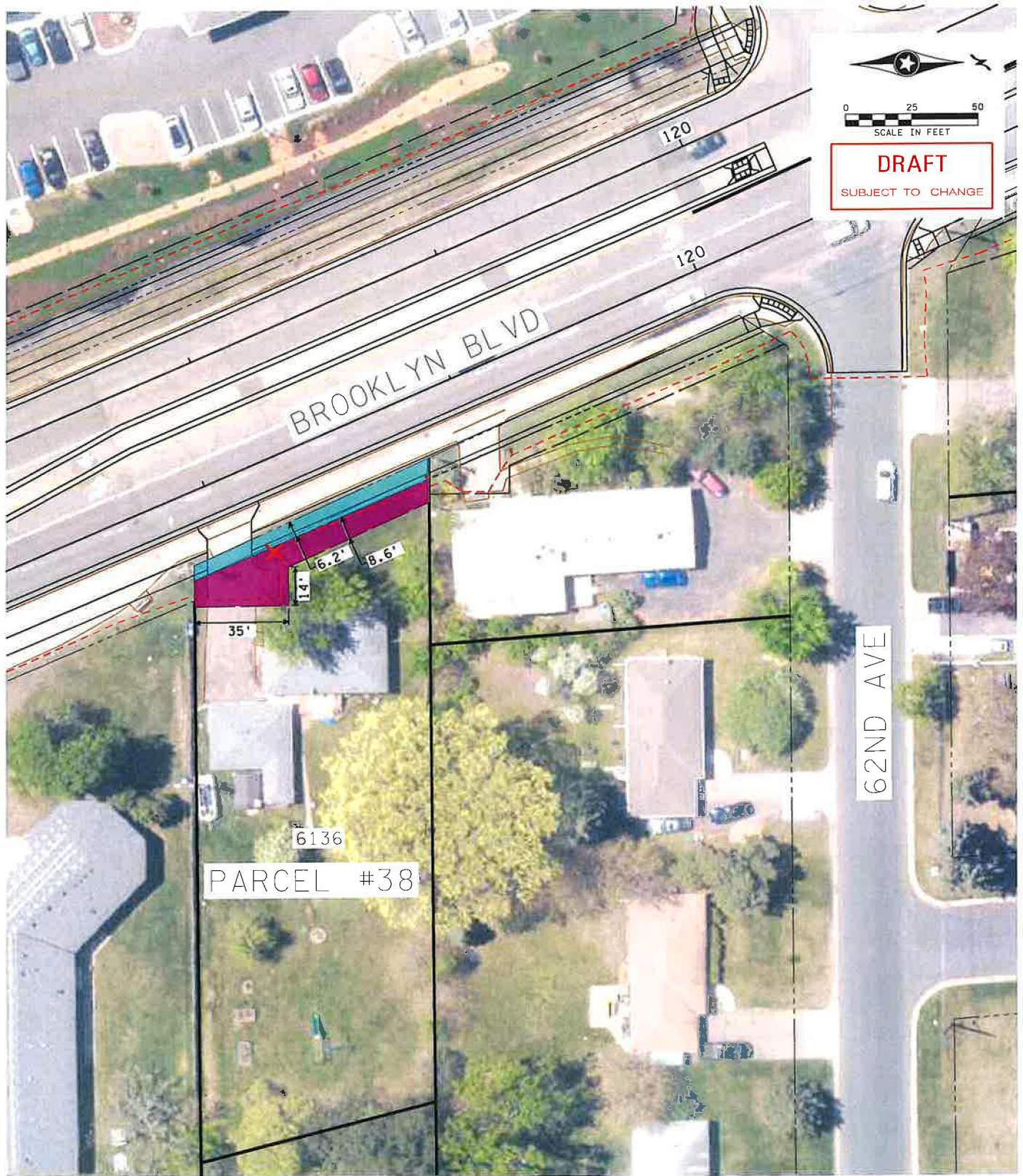
ACQUISITION INFORMATION

Drainage and Utility Easement: 595 square feet
Temporary Construction Easement: 1,082 square feet

VALUATION

Land Value Before Taking	= \$225,000.00
Land Value After Taking	= <u>\$216,200.00</u>
Drainage and Utility Easement	= \$ 1,141.00
Temporary Easement	= \$ 1,240.00
Indicated Damages	= \$ 1,900.00
Severance	= <u>\$ 4,476.00</u>
TOTAL (rounded)	= \$ 8,800.00

Exhibit A



PARCEL #38

PID	ADDRESS			PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE		
34-11-921-43-0038	6136 BROOKLYN BOULEVARD					
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]			
	21800	595	1082			
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014				SRE	DATE 7/9/2020	PARCEL 38
CITY OF BROOKLYN CENTER		2021-05				



Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project

County: Hennepin

Property Address: 6136 Brooklyn Boulevard

Parcel No: 38

Owner(s): April Graves

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated July 14, 2020.

Minnesota law also provides that the owner of the affected property may acquire his/her own independent appraisal for the proposed acquisition and that the governmental agency must reimburse for reasonable costs of the appraisal fee incurred by the owner up to a maximum of \$1,500 for single family and two-family residential property and minimum damage acquisition, and up to a maximum of \$5,000 for other types of property. In order to be entitled to reimbursement, the owner must comply with the following:

1. The owner's appraisal must be prepared by a qualified appraiser who is licensed under Minnesota appraisal licensing laws.
2. Payment for the appraisal will be reimbursed within 30 days after receiving a copy of the appraisal and the paid receipt from the appraiser. (Upon agreement between the acquiring authority and the owner, the acquiring authority may pay the reimbursement directly to the appraiser.)

If you choose to obtain your own appraisal, we would request that the appraiser be instructed to provide you with two copies of his/her appraisal report.

Please feel free to contact the undersigned agent with any questions you might have. Thank you for your cooperation.

Appraisal received this 5th day of November, 20 20

Owner(s):

April Graves
April Graves

SRF Consulting Group Inc.

Contact: Reed Scherbel
Address: 3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416
Phone: 763-249-6759

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by April Graves, a single person, (hereinafter referred to as the "**Grantor**") in favor of and to the City of Brooklyn Center, a Minnesota municipal corporation (hereinafter referred to as the "**Grantee**").

The following recitals of fact are a material part of this instrument:

A. The Grantor is the owner of a tract of land described as follows (hereinafter referred to as the "**Parcel**"):

B. The Grantor wishes to grant and convey to Grantee a temporary construction easement over, under, and across those parts of the Parcel described as follows (hereinafter referred to as the "**Temporary Construction Easement**"):

See attached Exhibit A

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following grants, agreements, and covenants and restrictions are made:

1. **GRANT OF TEMPORARY CONSTRUCTION EASEMENT.** The Grantor hereby grants to the Grantee, for its successors and assigns, the Temporary Construction Easement over, under, and across the Parcel.

2. **USE OF TEMPORARY CONSTRUCTION EASEMENT.** Access for construction purposes including, but not limited to, the right to trim and cut such vegetation within the Easement Area as needed to reasonably accommodate the construction activities and the right to use the Easement Area to stage, operate, and store equipment as needed to complete the construction activities. Displacing soil and grading, are permissible over, under, and across the Temporary Construction Easement premises.

3. **TERM OF TEMPORARY CONSTRUCTION EASEMENT.** The Temporary Construction Easement shall commence on April 1, 2021 and shall expire on November 30, 2022, and any and all right, title, interest, lien or right of possession to the Temporary Construction Easement premises shall thereupon automatically terminate and be of no further legal effect or validity.

4. RESTORATION OF TEMPORARY CONSTRUCTION EASEMENT PREMISES. As a condition of said Temporary Construction Easement grant, Grantee shall, upon completion of construction and prior to termination, restore the ground surface of the Temporary Construction Easement premises to its original condition so far as is reasonably practicable with the exception of any grade changes, bank sloping, ditching, fills, slope construction, cuts and any removal of earth, other materials, trees and other vegetation.

5. WARRANTIES OF TITLE. Grantor warrants and guarantees that Grantor has good and indefeasible fee simple title to the Parcel and Grantor warrants and guarantees that Grantor has the full authority to grant the Temporary Construction Easement provided herein, free and clear of all other claims.

6. RUNNING OF BENEFITS AND BURDENS. All provisions of this instrument, including the benefits and burdens, run with the Parcel and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

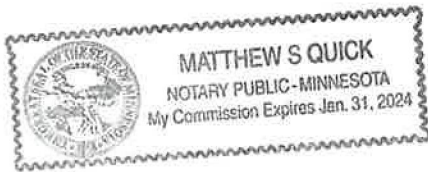
7. ENVIRONMENTAL MATTERS. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the Easement Area or Property prior to the date of this instrument.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 5th day of November, 2020.

April Graves
April Graves

STATE OF Minnesota)
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 5 day of November, 2020,
by April Graves, a single person, Grantor.



Matthew S Quick
Notary Public

This Instrument Drafted By:

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Return to:

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

PARCEL 38 TE
EASEMENT DESCRIPTION
OWNER: APRIL GRAVES
P.I.N. 03-119-21-43-0038

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1342731

An 8.60 foot temporary easement for construction purposes over, under, across and through the following described property:

Lot 7, Block 3, "LAWN RIDGE", Hennepin County, Minnesota.

Said temporary easement is described as follows:

Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 31.00 feet easterly 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 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds and said described line there terminating.

Together with that part of said Lot 7 described as commencing at the intersection of the north line of the South 35.00 feet of said Lot 7 with a line run parallel with and distant 39.60 feet easterly of the above described line; thence easterly along said north line a distance of 14.40 feet; thence southerly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 32.55 feet to the intersection with said parallel line; thence northwesterly along said parallel line a distance of 35.59 feet to the point of beginning.

Said temporary easement to expire November 30, 2022.

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 5th day of November, 2020 by April Graves, a single person, GRANTOR, and Hennepin County, a body politic and corporate under the laws of the State of Minnesota, together with all hereditaments and appurtenances belonging thereto (hereinafter referred to as the “**Grantee**”).

WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the Grantor hereby gives, grants, conveys and relinquishes unto said Grantee, and Grantee’s officers, employees, agents, representatives, contractors and invitees, a permanent and perpetual Easement for the drainage and utility purposes and other municipal utilities, reconstruction, operation, maintenance, inspection, alteration, repair and use of a public sidewalk, street, curb and gutter, storm sewer, sanitary sewer, water, cable, electric and other municipal utilities, trails facilities and improvements upon, over, under, across and through the following-described tract or parcel of land located in Hennepin County, Minnesota, and described as follows:

See attached Exhibit A

(The “Easement Area”)

Grantor warrants and covenants that Grantor is the fee simple owner of the above-described premises and has the lawful right and authority to convey and grant this Easement and will warrant and defend title to the above-described premises against all claims.

This Easement includes the right of the Grantee, its contractors, agents, employees and invitees to enter upon said premises at all reasonable times for the purposes of construction, grading, sloping, restoration, and all purposes in furtherance thereof or related thereto, including but not limited to the right to remove trees, shrubs or other vegetation and existing structures and improvements in the Easement Area, as well as the right to deposit earthen materials within the Easement Area, to move, store, and remove equipment and supplies, and to perform any other work necessary and incident to Grantee's project or to the continued operation of Grantee's improvements within the Easement Area or Grantee's use of this Easement.

Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

To have and to hold the Easement and right of way unto the Grantee for the purposes herein stated.

This Easement, and all covenants, terms, conditions, provisions and undertakings created by this Easement are perpetual and will run with the land and will be binding upon Grantor's heirs, successors and assigns.

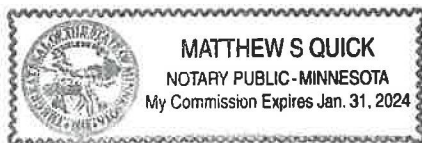
IN WITNESS WHEREOF, the Grantor has hereunto executed this Easement on the day
and year first above written.

WITNESS, The hand of the GRANTOR:

April Graves
April Graves

STATE OF Minnesota)
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 5 day of
November, 2020 by April Graves, a single person, Grantor.



Matthew S Quick
Notary Public
County of Hennepin
State of Minnesota
My Commission Expires: 01/31/2024

This Instrument Drafted By:

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Return to:

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Exhibit A
(Permanent Easement)

PARCEL 38 PE
EASEMENT DESCRIPTION
OWNER: APRIL GRAVES
P.I.N. 03-119-21-43-0038

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1342731

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

Lot 7, Block 3, "LAWN RIDGE", Hennepin County, Minnesota.

Said perpetual easement being that part of said Lot 7 lying westerly of a line run parallel with and distant 31.00 feet easterly 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 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds and said described line there terminating.



MEMORANDUM OF AGREEMENT

Brooklyn Boulevard (Hennepin County Road 152)
Phase II Improvements Project

Parcel No: 47
Fee Owners: Independent School District No. 279 (a Minn Corp),
a political subdivision in the State of Minnesota

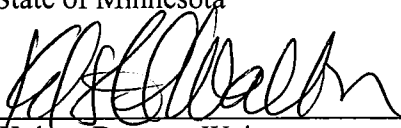
On this _____ day of _____, 20 21, Independent School District No. 279 (a Minn Corp), a political subdivision in the State of Minnesota, Owners of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center.

This agreement is now made and entered as a Memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

1. The Owners have been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owners understand that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project.
2. The Owners understand and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owners the sum of \$ 79,300.00 for land and damages. Owners understand that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally:

It is understood and agreed that the entire agreement of the parties is contained in this Memorandum of Agreement and that this Agreement supersedes all oral agreements and negotiations between the parties.

Owner(s)
Independent School District No. 279
(a Minn Corp), a political subdivision in
the State of Minnesota

By: 
Kelsey Dawson Walton

Its: Board Chair
Board Chair

City of Brooklyn Center

By: _____

Its: _____



SRF No. 11765-D0290

ADMINISTRATIVE SETTLEMENT MEMORANDUM

Date: February 1, 2021

To: Mike Albers
Project Engineer

From: Cindy Wiste, Senior Associate

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 3501 65th Avenue North
PARCEL NO.: 47

The certified offer was made on September 30, 2020 in the amount of \$67,500.00. The acquisition consists of 6,061 square feet of temporary construction easement and 9,101 square feet of permanent drainage and utility easement. The owners are asking for an additional \$9,000 for the easements plus \$2,800 for their appraisal reimbursement.

In lieu of additional costs foreseeable in condemnation, we are recommending settlement in the amount of \$79,300.

Certified value:	\$ 67,500.00
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Description of administrative adjustments:

Additional compensation for easment	:	\$ 9,000.00
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Appraisal reimbursement	:	\$ 2,800.00
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Total Adjustments:	\$ 11,800.00
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SETTLEMENT TOTAL:	\$ 79,300.00
--------------------------	---------------------

APPROVAL:

By: _____

Date: _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

Independent School District No. 279 (a Minn Corp),
a political subdivision in the state of Minnesota
Attn: Ronald Meyer
11200 93rd Avenue N
Maple Grove, MN 55369

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 3501 65TH AVENUE NORTH
PARCEL NO.: 47

Dear Ronald:

As you may be aware, The City of Brooklyn Center and Hennepin County are acquiring right of way for the above referenced project. This letter constitutes the City's formal offer for the purchase of the necessary land rights. The City of Brooklyn Center hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$67,500.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

This offer is made pursuant to the Market Value Appraisal procedures provided for under Minnesota law. The City of Brooklyn Center previously, or with this offer, has provided you with a copy of "*Acquisition Information for Property Owners*" brochure.

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$5,000.00 for the actual costs of an appraisal of property acquired by direct purchase.

If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst-case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding.

Your signature on this OFFER TO PURCHASE is only for the verification that such an offer has been made to you and verification that the "*Acquisition Information for Property Owners*" brochure has been received by you. Your signature below does not prejudice your right to have the final amount determined through eminent domain proceedings in the event you do not accept the offer.

On behalf of The City of Brooklyn Center and Hennepin County we wish to thank you for your cooperation and assistance, and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,

SRF CONSULTING GROUP, INC.



Reed Scherbel
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 30 day of October, 2020, this *Offer to Acquire* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

Independent School District No. 279 (a Minn Corp),
a political subdivision in the State of Minnesota

By: 

Ronald Meyer

Executive Director of

Its: Finance & Operations

ISD 279 - Osseo Area Schools



SRF No. 11765.D0290

VALUE CALCULATION

THE CITY OF BROOKLYN CENTER AND HENNEPIN COUNTY
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT

Parcel No.: 47

Fee Owners: Independent School District No. 279 (a Minn Corp),
a political subdivision in the State of Minnesota

Legal Description of property to be acquired:

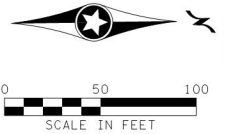
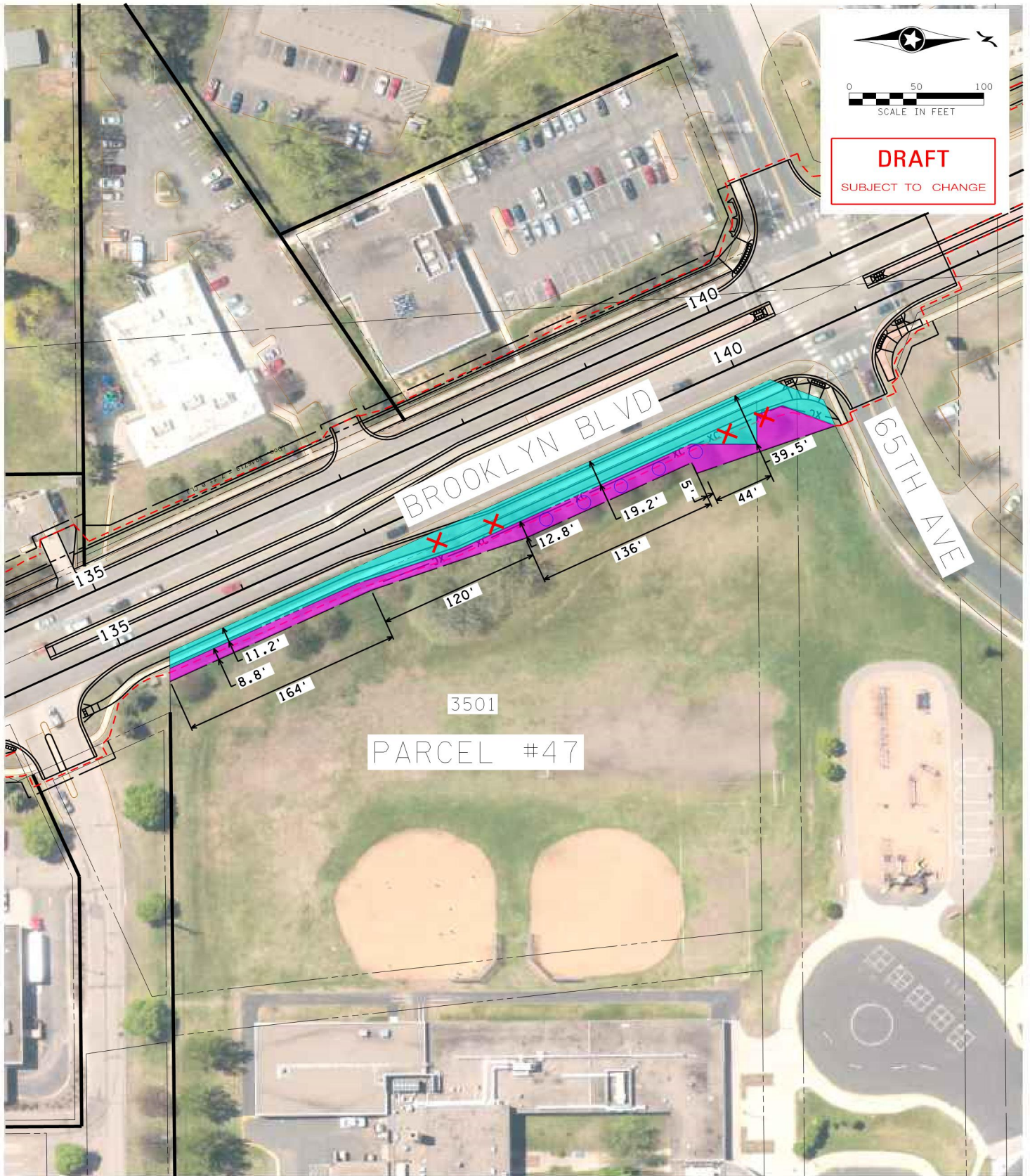
See Attached Exhibit A

ACQUISITION INFORMATION

Drainage and Utility Easement: 9,101 square feet
Temporary Construction Easement: 6,061 square feet

VALUATION

Land Value Before Taking	= \$2,009,400.00
Land Value After Taking	= <u>\$1,941,900.00</u>
Drainage and Utility Easement	= \$ 47,360.00
Temporary Easement	= \$ 10,122.00
Indicated Damages	= <u>\$ 9,900.00</u>
TOTAL (rounded)	= \$ 67,500.00



DRAFT
SUBJECT TO CHANGE

3501
PARCEL #47

PID		ADDRESS		PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE
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Appraisal Receipt and Disclosure

Project Name: Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project

County: Hennepin

Property Address: 3501 65th Avenue North Parcel No: 47

Owner(s): Independent School District No. 279 (a Minn Corp).
a political subdivision in the State of Minnesota

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated July 13, 2020.

Minnesota law also provides that the owner of the affected property may acquire his/her own independent appraisal for the proposed acquisition and that the governmental agency must reimburse for reasonable costs of the appraisal fee incurred by the owner up to a maximum of \$1,500 for single family and two-family residential property and minimum damage acquisition, and up to a maximum of \$5,000 for other types of property. In order to be entitled to reimbursement, the owner must comply with the following:

1. The owner's appraisal must be prepared by a qualified appraiser who is licensed under Minnesota appraisal licensing laws.
2. Payment for the appraisal will be reimbursed within 30 days after receiving a copy of the appraisal and the paid receipt from the appraiser. (Upon agreement between the acquiring authority and the owner, the acquiring authority may pay the reimbursement directly to the appraiser.)

If you choose to obtain your own appraisal, we would request that the appraiser be instructed to provide you with two copies of his/her appraisal report.

Please feel free to contact the undersigned agent with any questions you might have. Thank you for your cooperation.

Appraisal received this 30 day of October, 2020

Owner(s):
Independent School District No. 279 (a Minn Corp),
a political subdivision in the State of Minnesota

By: Ronald T. Meyer

Its: Ronald Meyer
Executive Director of
Finance & Operations
ISD 279 - Osseo Area Schools

SRF Consulting Group Inc.

Contact: Reed Scherbel
Address: 3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416
Phone: 763-249-6759

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by Independent School District No. 279, a political subdivision in the State of Minnesota (hereinafter referred to as the "**Grantor**") in favor of and to the City of Brooklyn Center, a Minnesota municipal corporation (hereinafter referred to as the "**Grantee**").

The following recitals of fact are a material part of this instrument:

A. The Grantor is the owner of a tract of land described as follows (hereinafter referred to as the "**Parcel**"):

B. The Grantor wishes to grant and convey to Grantee a temporary construction easement over, under, and across those parts of the Parcel described as follows (hereinafter referred to as the "**Temporary Construction Easement**"):

See attached Exhibit A

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following grants, agreements, and covenants and restrictions are made:

1. **GRANT OF TEMPORARY CONSTRUCTION EASEMENT.** The Grantor hereby grants to the Grantee, for its successors and assigns, the Temporary Construction Easement over, under, and across the Parcel.

2. **USE OF TEMPORARY CONSTRUCTION EASEMENT.** Access for construction purposes including, but not limited to, the right to trim and cut such vegetation within the Easement Area as needed to reasonably accommodate the construction activities and the right to use the Easement Area to stage, operate, and store equipment as needed to complete the construction activities. Displacing soil and grading, are permissible over, under, and across the Temporary Construction Easement premises.

3. **TERM OF TEMPORARY CONSTRUCTION EASEMENT.** The Temporary Construction Easement shall commence on April 1, 2021 and shall expire on November 30, 2022, and any and all right, title, interest, lien or right of possession to the Temporary Construction Easement premises shall thereupon automatically terminate and be of no further legal effect or validity.

4. RESTORATION OF TEMPORARY CONSTRUCTION EASEMENT PREMISES. As a condition of said Temporary Construction Easement grant, Grantee shall, upon completion of construction and prior to termination, restore the ground surface of the Temporary Construction Easement premises to its original condition so far as is reasonably practicable with the exception of any grade changes, bank sloping, ditching, fills, slope construction, cuts and any removal of earth, other materials, trees and other vegetation.

5. WARRANTIES OF TITLE. Grantor warrants and guarantees that Grantor has good and indefeasible fee simple title to the Parcel and Grantor warrants and guarantees that Grantor has the full authority to grant the Temporary Construction Easement provided herein, free and clear of all other claims.

6. RUNNING OF BENEFITS AND BURDENS. All provisions of this instrument, including the benefits and burdens, run with the Parcel and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

7. ENVIRONMENTAL MATTERS. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the Easement Area or Property prior to the date of this instrument.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 26th day of January, 2021.

GRANTOR

Independent School District No. 279, a political subdivision in the State of Minnesota

By: Kelsey Dawson Walton

Kelsey Dawson Walton

Its: Board Chair

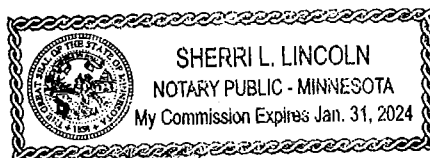
By: Heather Douglass

Heather Douglass

Its: Clerk

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 26th day of January, 2021, by Kelsey Dawson Walton and Heather Douglass, the Board Chair and Clerk of Independent School District No. 279, a political subdivision in the State of Minnesota, on behalf of the political subdivision.



Sherri L. Lincoln
Notary Public

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

EXHIBIT A

PARCEL 47 TE
EASEMENT DESCRIPTION
OWNER: INDEPENDENT SCHOOL DISTRICT NO. 279 (A MINN CORP)
P.I.N. 34-119-21-42-0029

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 427844

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

Tract A, except that part thereof lying northwesterly of a line drawn from a point on the North line of Tract A, 240 feet east of the Northwest corner of Tract A to a point on the West line of Tract A, 138 feet south of the Northwest corner of said tract, REGISTERED LAND SURVEY No. 803, Hennepin County, Minnesota.

Said temporary easement being that part of said Tract A described as beginning at the intersection of the southerly line of said Tract with a line run parallel with and distant 31.00 feet northeasterly of the following described "Line A"; thence northwesterly along said parallel line a distance of 151.67 feet; thence northwesterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 80.40 feet to the intersection with a line run parallel with and distant 39.00 feet northeasterly of said "Line A"; thence northwesterly along said parallel line a distance of 240.74 feet; thence northwesterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 21.61 feet; thence northeasterly deflecting to the right 39 degrees 17 minutes 22 seconds a distance of 41.90 feet to the northerly line of said Tract A; thence southeasterly deflecting to the right 140 degrees 27 minutes 50 seconds a distance of 108.79 feet; thence southwesterly deflecting to the right 84 degrees 32 minutes 10 seconds a distance of 8.59 feet; thence southeasterly deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 135.67 feet; thence southeasterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 120.60 feet; the southeasterly deflecting to the left 05 degrees 42 minutes 38 seconds a distance of 163.98 feet to the southerly line of said Tract A; thence westerly along said south line a distance of 9.63 feet to the point of beginning.

Said "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 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet and said "Line A" there terminating.

Said temporary easement to expire __ November 30, 2022.

PERMANENT EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 26th day of January, 2021 by Independent School District No. 279, a political subdivision in the State of Minnesota, GRANTOR, and Hennepin County, a body politic and corporate under the laws of the State of Minnesota, together with all hereditaments and appurtenances belonging thereto (hereinafter referred to as the "**Grantee**").

WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the Grantor hereby gives, grants, conveys and relinquishes unto said Grantee, and Grantee's officers, employees, agents, representatives, contractors and invitees, a permanent and perpetual Easement for the drainage and utility purposes and other municipal utilities, reconstruction, operation, maintenance, inspection, alteration, repair and use of a public sidewalk, street, curb and gutter, storm sewer, sanitary sewer, water, cable, electric and other municipal utilities, trails facilities and improvements upon, over, under, across and through the following-described tract or parcel of land located in Hennepin County, Minnesota, and described as follows:

See attached Exhibit A for legal description and Exhibit B for graphic.

(The "Easement Area")

Grantor warrants and covenants that Grantor is the fee simple owner of the above-described premises and has the lawful right and authority to convey and grant this Easement and will warrant and defend title to the above-described premises against all claims.

This Easement includes the right of the Grantee, its contractors, agents, employees and invitees to enter upon said premises at all reasonable times for the purposes of construction, grading, sloping, restoration, and all purposes in furtherance thereof or related thereto, including but not limited to the right to remove trees, shrubs or other vegetation and existing structures and improvements in the Easement Area, as well as the right to deposit earthen materials within the Easement Area, to move, store, and remove equipment and supplies, and to perform any other work necessary and incident to Grantee's project or to the continued operation of Grantee's improvements within the Easement Area or Grantee's use of this Easement.

Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

To have and to hold the Easement and right of way unto the Grantee for the purposes herein stated.

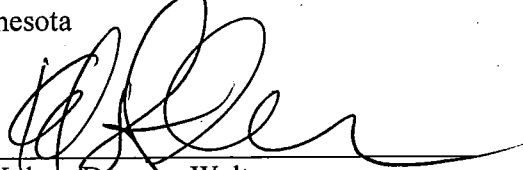
This Easement, and all covenants, terms, conditions, provisions and undertakings created by this Easement are perpetual and will run with the land and will be binding upon Grantor's heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has hereunto executed this Easement on the day
and year first above written.

WITNESS, The hand of the GRANTOR:

Independent School District No. 279,
a political subdivision in the State of
Minnesota

By:

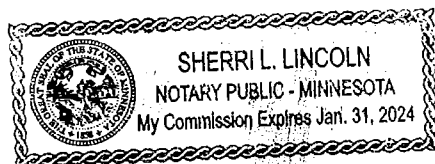

Kelsey Dawson Walton
Its: Board Chair

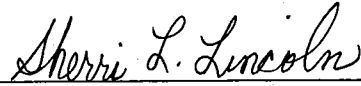
By:


Heather Douglass
Its: Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Kelsey Dawson Walton
The foregoing instrument was acknowledged before me this 26th day of January, 2021
by ~~Michael Ostafie~~ and Heather Douglass, the Board Chair and Clerk of Independent School
District No. 279, a political subdivision in the State of Minnesota, on behalf of the political
subdivision.




Notary Public
County of Anoka
State of Minnesota
My Commission Expires: Jan. 31, 2024

This Instrument Drafted By:

SRF Consulting Group, Inc. as Agent for
the City of Brooklyn Center, MN
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

Return to:

Cindy Wiste
Senior Associate
SRF CONSULTING GROUP, INC.
3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416-3791

EXHIBIT A

PARCEL 47 PE

EASEMENT DESCRIPTION

OWNER: INDEPENDENT SCHOOL DISTRICT No. 279 (A MINN CORP)

P.I.N. 34-119-21-42-0029

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 427844

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

Tract A, except that part thereof lying northwesterly of a line drawn from a point on the North line of Tract A, 240 feet east of the Northwest corner of Tract A to a point on the West line of Tract A, 138 feet south of the Northwest corner of said tract, REGISTERED LAND SURVEY No. 803, Hennepin County, Minnesota.

Said perpetual easement being that part of said Tract A lying southwesterly a line described as beginning at the intersection of the southerly line of said Tract with a line run parallel with and distant 31.00 feet northeasterly of the following described "Line A"; thence northwesterly along said parallel line a distance of 151.67 feet; thence northwesterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 80.40 feet to the intersection with a line run parallel with and distant 39.00 feet northeasterly of said "Line A"; thence northwesterly along said parallel line a distance of 240.74 feet; thence northwesterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 21.61 feet; thence northeasterly deflecting to the right 39 degrees 17 minutes 22 seconds a distance of 41.90 feet to the northerly line of said Tract A and there terminating.

Said "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 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet and said "Line A" there terminating.

Council Regular Meeting

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Doran M. Cote, P.E., Director of Public Works

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

SUBJECT: Resolution Approving and Authorizing Execution of Limited Use Permit Agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements Within State Right-of-Way Between City of Brooklyn Center and Minnesota Department of Transportation

Background:

The City completed the Brooklyn Boulevard Corridor Study in 2013 to guide the reconstruction and redevelopment of this corridor. 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. This project is scheduled to be constructed in 2021 and 2022.

The proposed reconstruction and streetscape improvements will improve roadway safety, enhance traffic operations, reduce access points and provide improved bicycle and pedestrian facilities for a one-mile segment of Brooklyn Boulevard between Bass Lake Road (County Road 10) and Interstate 94. The project will enhance bicycle and pedestrian travel by adding a trail, improving sidewalks, transit stops, adding streetscaping and landscaping and improving the functionality of intersections with modified turn lanes and access control throughout the corridor.

A portion of the project is located within the MnDOT I-94 right-of-way. In accordance with MnDOT policy, a limited use permit is required to construct, maintain and operate a municipal identification entrance sign that falls within state right-of-way near I-94. Once constructed, the sign and landscape improvements included under this project will remain the responsibility of the City. The attached limited use permit outlines the responsibilities of each party. The conditions of the permit are straight forward, standard and complimentary to City practices that are already in place.

The agreement has been reviewed by staff, the City Attorney and MnDOT. It is anticipated that final agreement will be completed and ready for final execution by the end of February.

Budget Issues:

The Brooklyn Boulevard Corridor Project Phase 2 Improvement (Bass Lake Road to Interstate 94) is identified in the City's 2021 Capital Improvement Program and the total project cost is estimated to be \$18,095,000. Federal funding through the Surface Transportation Program has been awarded to the City and County for this project in the amount of up to \$6,616,000 and the remaining project costs are to be funded from local funding as part of the required cost share. The local partnership and proportions are anticipated to include Hennepin County funding and City funding. The Hennepin County share of project costs is estimated at \$4.5 million.

Installation of new municipal identification entrance sign and landscape improvements are included in the project cost. Routine maintenance of the sign and landscaping will be included in future operating budgets. No additional budget issues are involved with officially adopting the limited use permit.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/1/2021	Cover Memo
LUP	2/1/2021	Cover Memo

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF LIMITED USE PERMIT AGREEMENT FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2 IMPROVEMENTS WITHIN STATE RIGHT-OF-WAY BETWEEN CITY OF BROOKLYN CENTER AND MINNESOTA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Brooklyn Center is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Brooklyn Center has approved a plan to construct a Municipal Identification Entrance Sign in the right-of way of Trunk Highway 94; and

WHEREAS, the State of Minnesota, Department of Transportation requires a Limited Use Permit for the construction and utilization of said Municipal ID Entrance Sign.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brooklyn Center hereby enters into a Limited Use Permit with the State of Minnesota, Department of Transportation for the following purposes:

To construct, operate and maintain a Municipal ID Entrance Sign within the right-of-way of Trunk Highway 94 of the State of Minnesota along County State Aid Highway No. 152 (Brooklyn Boulevard). The City of Brooklyn Center shall construct, operate and maintain said Municipal ID Entrance Sign in accordance with the Limited Use Permit granted by the Minnesota Department of Transportation.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and City Manager are authorized to execute Limited Use Permit No. 2786-0235 and any amendments to the Permit.

February 8, 2021
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
DEPARTMENT OF TRANSPORTATION**

LIMITED USE PERMIT

C.S. 2786 (T.H. 94)
County of Hennepin
LUP # 2786-0235
Permittee: City of Brooklyn Center
Expiration Date: 3/1/2031
Coop./Const. Agmt # _____

In accordance with Minnesota Statutes Section 161.434, the State of Minnesota, through its Commissioner of Transportation, ("MnDOT"), hereby grants a Limited Use Permit (the "LUP") to City of Brooklyn Center, ("Permittee"), to use the area within the right of way of Trunk Highway No. 94 as shown in red on Exhibit "A", (the "Area") attached hereto and incorporated herein by reference. This Limited Use Permit is executed by the Permittee pursuant to resolution, a certified copy of which is attached hereto as Exhibit B.

Municipal ID Entrance Sign

The Permittee's use of the Area is limited to only the constructing and maintaining a Municipal Identification Entrance Sign ("Facility") and the use thereof may be further limited by Minnesota Statutes Section 173.02 Subdivision 6(a) and Section 173.025. The Permittee will be allowed access from said trunk highway for the purpose of constructing and maintaining the sign. When working on the Area, the Permittee will conduct its operations in accordance with the requirements of the "Minnesota Field manual on Temporary Traffic Control Zone Layouts". No advertising of any nature is permitted on the Sign except that the Permittee may incorporate a short promotional slogan which has historically been used in the identification of the Permittee.

In addition, the following special provisions shall apply:

SPECIAL PROVISIONS

1. **TERM.** This LUP terminates at 11:59PM on 11/12/2030 (“Expiration Date”) subject to the right of cancellation by MnDOT, with or without cause, by giving the Permittee ninety (90) days written notice of such cancellation. This LUP will not be renewed except as provided below.

Provided this LUP has not expired or terminated, MnDOT may renew this LUP for a period of up to ten (10) years, provided Permittee delivers to MnDOT, not later than ninety (90) days prior to the Expiration Date, a written request to extend the term. Any extension of the LUP term will be under the same terms and conditions in this LUP, provided:

- (a) At the time of renewal, MnDOT will review the Facility and Area to ensure the Facility and Area are compatible with the safe and efficient operation of the highway and the Facility and Area are in good condition and repair. If, in MnDOT’s sole determination, modifications and repairs to the Facility and Area are needed, Permittee will perform such work as outlined in writing in an amendment of this LUP; and
- (b) Permittee will provide to MnDOT a certified copy of the resolution from the applicable governmental body authorizing the Permittee’s use of the Facility and Area for the additional term.

If Permittee’s written request to extend the term is not timely given, the LUP will expire on the Expiration Date.

Permittee hereby voluntarily releases and waives any and all claims and causes of action for damages, costs, expenses, losses, fees and compensation arising from or related to any cancellation or termination of this LUP by MnDOT. Permittee agrees that it will not make or assert any claims for damages, costs, expenses, losses, fees and compensation based upon the existence, cancellation or termination of the LUP. Permittee agrees not to sue or institute any legal action against MnDOT based upon any of the claims released in this paragraph.

2. **REMOVAL.** Upon the Expiration Date or earlier termination, at the Permittee’s sole cost and expense Permittee will:
 - (a) Remove the Facility and restore the Area to a condition satisfactory to the MnDOT District Engineer; and
 - (b) Surrender possession of the Area to MnDOT.

If, without MnDOT’s written consent, Permittee continues to occupy the Area after the Expiration Date or earlier termination, Permittee will remain subject to all conditions, provisions, and obligations of this LUP, and further, Permittee will pay all costs and expenses, including attorney’s fees, in any action brought by MnDOT to remove the Facility and the Permittee from the Area.

3. **CONSTRUCTION.** The construction, maintenance, and supervision of the Facility shall be at no cost or expense to MnDOT.

Before construction of any kind, the plans for such construction shall be approved in writing by the MnDOT's District Engineer. Approval in writing from MnDOT District Engineer shall be required for any changes from the approved plan.

The Permittee will construct the Facility at the location shown in the attached Exhibit "A", and in accordance with MnDOT-approved plans and specifications. Further, Permittee will construct the Facility using construction procedures compatible with the safe and efficient operation of the highway.

Upon completion of the construction of the Facility, the Permittee shall restore all disturbed slopes and ditches in such manner that drainage, erosion control and aesthetics are perpetuated.

The Permittee shall preserve and protect all utilities located on the lands covered by this LUP at no expense to MnDOT and it shall be the responsibility of the Permittee to call the Gopher State One Call System at 1-800-252-1166 at least 48 hours prior to performing any excavation.

Any crossings of the Facility over the trunk highway shall be perpendicular to the centerline of the highway and shall provide and ensure reasonable and adequate stopping sight distance.

4. **MAINTENANCE.** Any and all maintenance of the Facility shall be provided by the Permittee at its sole cost and expense, including, but not limited to, plowing and removal of snow and installation and removal of regulatory signs. No signs shall be placed on any MnDOT or other governmental agency sign post within the Area. MnDOT will not mark obstacles for users on trunk highway right of way.
5. **USE.** Other than as identified and approved by MnDOT, no permanent structures or no advertising devices in any manner, form or size shall be allowed on the Area. No commercial activities shall be allowed to operate upon the Area.

Any use permitted by this LUP shall remain subordinate to the right of MnDOT to use the property for highway and transportation purposes. This LUP does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge. No rights to relocation benefits are established by this LUP.

This LUP is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy the Area.

6. **APPLICABLE LAWS.** This LUP does not release the Permittee from any liability or obligation imposed by federal law, Minnesota Statutes, local ordinances, or other agency regulations relating thereto and any necessary permits relating thereto shall be applied for and obtained by the Permittee.

Permittee at its sole cost and expense, agrees to comply with, and provide and maintain the Area, Facilities in compliance with all applicable laws, rules, ordinances and regulations issued by any federal, state or local political subdivision having jurisdiction and authority in connection with said Area including the Americans with Disabilities Act ("ADA"). If the Area and Facilities are not in compliance with the ADA or other applicable laws MnDOT may enter the Area and perform such obligation without liability to Permittee for any loss or damage to Permittee thereby incurred, and Permittee shall reimburse MnDOT for the cost thereof, plus 10% of such cost for overhead and supervision within 30 days of receipt of MnDOT's invoice.

7. **CIVIL RIGHTS.** The Permittee for itself, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that in the event improvements are constructed, maintained, or otherwise operated on the Property described in this Limited Use Permit for a purpose for which a MnDOT activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the Permittee will maintain and operate such improvements and services in compliance with all requirements imposed by the Acts and Regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation, Federal Highway Administration, (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or limited English proficiency will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said improvements.
8. **SAFETY.** MnDOT shall retain the right to limit and/or restrict any activity, including the parking of vehicles and assemblage of Facility users, on the highway right of way over which this LUP is granted, so as to maintain the safety of both the motoring public and Facility users.
9. **ASSIGNMENT.** No assignment of this LUP is allowed.
10. **IN WRITING.** Except for those which are set forth in this LUP, no representations, warranties, or agreements have been made by MnDOT or Permittee to one another with respect to this LUP.
11. **ENVIRONMENTAL.** The Permittee shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's right of way. In the event of spillage of regulated materials, the Permittee shall notify in writing MnDOT's District Engineer and shall provide for cleanup of the spilled material and of materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
12. **MECHANIC'S LIENS.** The Permittee (for itself, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers', mechanics', or materialmen's liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by any subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account

of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto.

13. NOTICES. All notices which may be given, by either party to the other, will be deemed to have been fully given when served personally on MnDOT or Permittee or when made in writing addressed as follows: to Permittee at:

City Brooklyn Center
6301 Shingle Creek Pkwy
Brooklyn Center
Brooklyn Center, MN 55430

and to MnDOT at:

State of Minnesota
Department of Transportation
Metro District Right of Way
1500 W. County Road B2
Roseville, MN 55113

The address to which notices are mailed may be changed by written notice given by either party to the other.

14. INDEMNITY. Permittee shall defend, indemnify, hold harmless and release the State of Minnesota, its Commissioner of Transportation and employees and its successors and assigns, from and against:
- (a) all claims, demands, and causes of action for injury to or death of persons or loss of or damage to property (including Permittee's property) occurring on the Facility or connected with Permittee's use and occupancy of the Area,
 - (b) claims arising or resulting from the temporary or permanent termination of Facility user rights on any portion of highway right of way over which this LUP is granted;
 - (c) claims resulting from temporary or permanent changes in drainage patterns resulting in flood damages;
 - (d) any laborers', mechanics', or materialmens' liens or other liens or claims of any kind whatsoever filed or maintained for or on account of any work done or materials furnished;
 - (e) any damages, testing costs and clean-up costs arising from spillage of regulated materials attributable to the construction, maintenance or operation of the Facility; and
 - (f) nothing herein shall be interpreted as a limitation on any immunity provided under Minnesota Statutes, Chapter 466, or common law.

MINNESOTA DEPARTMENT

OF TRANSPORTATION

RECOMMENDED FOR APPROVAL

By: _____

— District Engineer

Date _____

APPROVED BY:

COMMISSIONER OF TRANSPORTATION

By: _____
Director, Office of Land Management

Date _____

—

The Commissioner of Transportation
by the execution of this permit
certifies that this permit is
necessary in the public interest
and that the use intended is for
public purposes.

CITY OF BROOKLYN CENTER

By _____

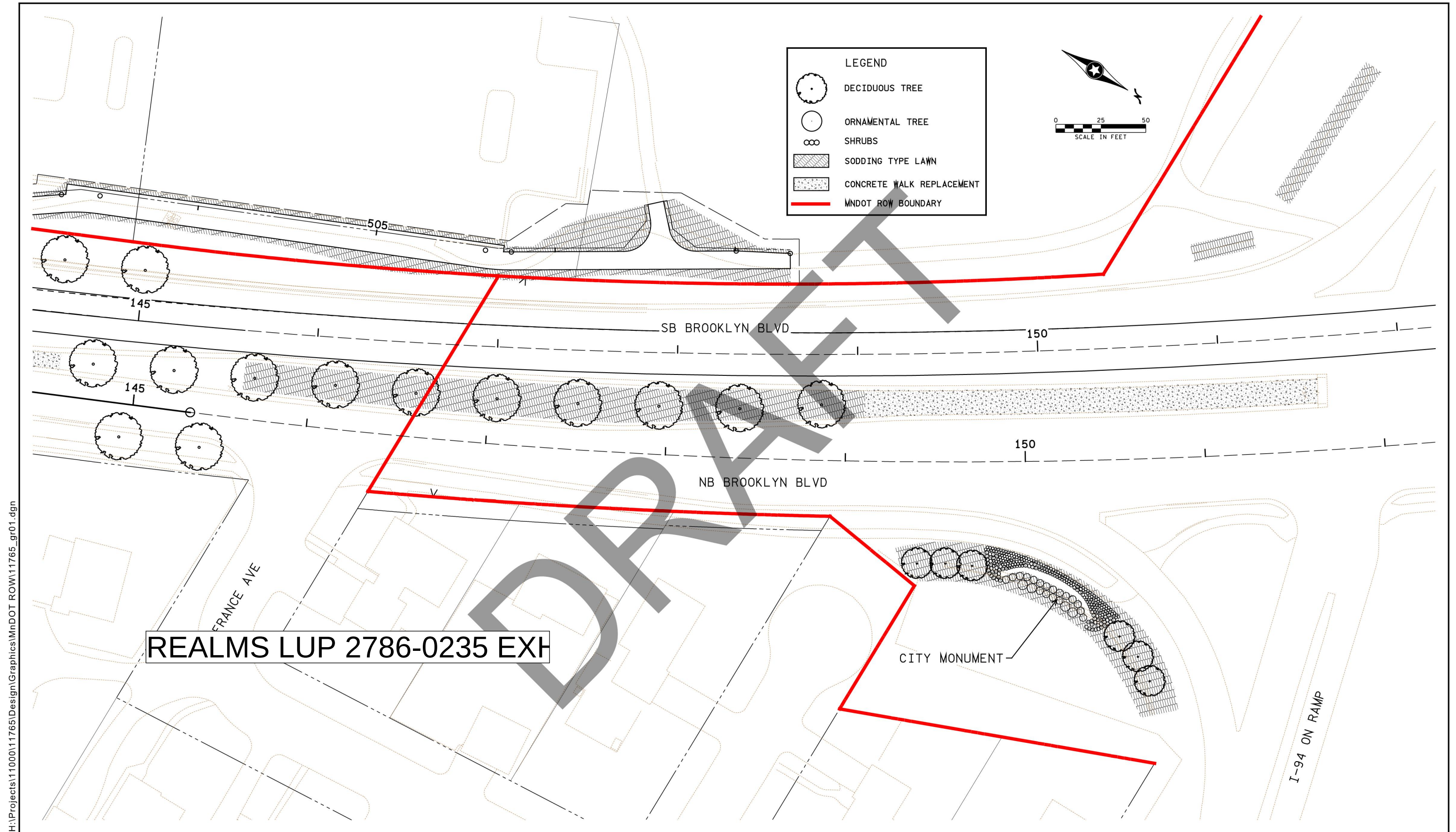
—

Its
Mayor _____

And _____

—

Its City Manager



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Council Regular Meeting

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Doran M. Cote, P.E., Director of Public Works

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

SUBJECT: Resolution Approving Plans and Specifications and Authorizing Advertisement for Bids, Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements

Background:

The City completed the Brooklyn Boulevard Corridor Study in 2013 to guide reconstruction and redevelopment of the Brooklyn Boulevard corridor. On March 25, 2019, the City Council directed staff to proceed with the preliminary design, environmental documentation, easement acquisition, final design work and prepare plans and specifications for the Brooklyn Boulevard Corridor Project Phase 2 Improvements (Bass Lake Road to Interstate 94), Project No. 2021-05. This project is scheduled to be constructed in 2021 and 2022.

Construction plans, specifications and contract documents have been prepared for the project. The overall scope of the Brooklyn Boulevard Corridor Project Phase 2 Improvements remains consistent with the Brooklyn Boulevard Corridor Study. Staff is prepared to begin the project bidding process upon authorization from the City Council.

The bidding process would involve advertisement of the project in the City's official newspaper and in Finance and Commerce. Sealed bids would be collected, opened on a scheduled bid opening date and tabulated by the City Clerk and City Engineer. Staff anticipates that the bid results will be presented to the City Council for consideration in March 2021.

Budget Issues:

The Brooklyn Boulevard Corridor Project Phase 2 Improvement (Bass Lake Road to Interstate 94) is identified in the City's 2021 Capital Improvement Program and the total project cost is estimated to be \$18,095,000. Federal funding through the Surface Transportation Program has been awarded to the City and County for this project in the amount of up to \$6,616,000 and the remaining project costs are to be funded from local funding as part of the required cost share. The local partnership and proportions are anticipated to include Hennepin County funding, and City funding. The Hennepin County share of project costs is estimated at \$4.5 million.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

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

Resolution
SP 109-020-014

2/1/2021
2/1/2021

Cover Memo
Cover Memo

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
AUTHORIZING ADVERTISEMENT FOR BIDS, IMPROVEMENT PROJECT
NO. 2021-05, BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2
IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2019-49,
ordered Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2
Improvements from Bass Lake Road to Interstate 94 and authorized the preparation of plans and
specifications for the Brooklyn Boulevard Corridor Project Phase 2 Improvements; and

WHEREAS, said plans and specifications have been prepared under the direction
of the City Engineer.

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

1. The plans and specifications for Improvement Project No. 2021-05 are
hereby approved, ordered and filed with the City Clerk.
2. The City Clerk shall prepare and cause to be inserted in the official
newspaper and in Finance and Commerce an advertisement for bids for
the making of such improvements in accordance with the approved plans
and specifications. The advertisement shall be published in accordance
with Minnesota Statutes, shall specify the work to be done and shall state
the time and location at which bids will be opened by the City Clerk and
City Manager or their designees. Any bidder whose responsibility is
questioned during consideration of the bid will be given an opportunity to
address the City Council on the issue of responsibility. No bids will be
considered unless sealed and filed with the City Clerk and accompanied
by a cash deposit, cashier's check, bid bond, or certified check payable to
the City of Brooklyn Center for five percent of the amount of such bid.

February 8, 2021

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.

PLAN SYMBOLS

STATE LINE	-----
COUNTY LINE	-----
TOWNSHIP OR RANGE LINE	-----
SECTION LINE	-----
QUARTER LINE	-----
SIXTEENTH LINE	-----
RIGHT-OF-WAY LINE	-----
PRESENT RIGHT-OF-WAY LINE	-----
CONTROL OF ACCESS LINE	-----
PROPERTY LINE (Except Land Lines)	-----
VACATED PLATTED PROPERTY	-----
CORPORATE OR CITY LIMITS	-----
TRUNK HIGHWAY CENTER LINE	-----
CONC. RETAINING WALL	-----
RAILROAD	-----
RAILROAD RIGHT-OF-WAY LINE	-----
RIVER OR CREEK	-----
DRY RUN	-----
DRAINAGE DITCH	-----
DRAIN TILE	-----
CULVERT	-----
DROP INLET	-----
GUARD RAIL	-----
BARBED WIRE FENCE	-----
WOVEN WIRE FENCE	-----
CHAIN LINK FENCE	-----
RAILROAD SNOW FENCE	-----
STONE WALL OR FENCE	-----
HEDGE	-----
RAILROAD CROSSING SIGN	-----
RAILROAD CROSSING BELL	-----
ELECTRIC WARNING SIGN	-----
CROSSING GATE	-----
MEANDER CORNER	-----
MAIL BOX	-----
SPRINGS	-----
MARSH	-----
TIMBER	-----
ORCHARD	-----
BRUSH	-----
NURSERY	-----
CATCH BASIN	-----
FIRE HYDRANT	-----
CATTLE GUARD	-----
OVERPASS (Highway Over)	-----
UNDERPASS (Highway Under)	-----
BRIDGE	-----
BUILDING (One Story Frame)	-----
F-FRAME	-----
C-CONCRETE	-----
S-STONE	-----
T-TILE	-----
B-BRICK	-----
ST-STUCCO	-----
IRON PIPE OR ROD	-----
MONUMENT (STONE, CONCRETE, OR METAL)	-----
WOODEN HUB	-----
GRAVEL PIT	-----
SAND PIT	-----
BORROW PIT	-----
ROCK QUARRY	-----

CRASH BASIN	-----
FIRE HYDRANT	-----
CATTLE GUARD	-----
OVERPASS (Highway Over)	-----
UNDERPASS (Highway Under)	-----
BRIDGE	-----
BUILDING (One Story Frame)	-----
F-FRAME	-----
C-CONCRETE	-----
S-STONE	-----
T-TILE	-----
B-BRICK	-----
ST-STUCCO	-----
IRON PIPE OR ROD	-----
MONUMENT (STONE, CONCRETE, OR METAL)	-----
WOODEN HUB	-----
GRAVEL PIT	-----
SAND PIT	-----
BORROW PIT	-----
ROCK QUARRY	-----

UTILITY SYMBOLS

POWER POLE LINE	-----
TELEPHONE OR TELEGRAPH POLE LINE	-----
JOINT TELEPHONE AND POWER ON POWER POLES	-----
ANCHOR	-----
STEEL TOWER	-----
STREET LIGHT	-----
PEDESTAL (TELEPHONE CABLE TERMINAL)	-----
GAS MAIN	-----
WATER MAIN	-----
CONDUIT	-----
TELEPHONE CABLE IN CONDUIT	-----
ELECTRIC CABLE IN CONDUIT	-----
TELEPHONE MANHOLE	-----
ELECTRIC MANHOLE	-----
BURIED TELEPHONE CABLE	-----
BURIED ELECTRIC CABLE	-----
AERIAL TELEPHONE CABLE	-----
SEWER, (SANITARY)	-----
SEWER, (STORM)	-----
SEWER MANHOLE	-----
HANDHOLE	-----

MINNESOTA DEPARTMENT OF TRANSPORTATION

CITY OF BROOKLYN CENTER, MINNESOTA

CSAH 152 (BROOKLYN BOULEVARD) RECONSTRUCTION PROJECT

CONSTRUCTION PLAN FOR GRADING, BITUMINOUS SURFACING, ADA IMPROVEMENTS, DRAINAGE, SIGNAL SYSTEMS, LIGHTING

LOCATED ON CSAH 152 (BROOKLYN BOULEVARD) FROM 250' NORTH OF CSAH 10 (BASS LAKE ROAD) TO 300' SOUTH OF I-94

STATE PROJ. NO. 109-020-014, 027-752-036
CITY PROJECT NO. 2021-05
COUNTY PROJECT NO. 0906

GROSS LENGTH 5771.01 FEET 1.093 MILES
BRIDGES-LENGTH NA FEET NA MILES
EXCEPTIONS-LENGTH NA FEET NA MILES
NET LENGTH 5771.01 FEET 1.093 MILES
LENGTH AND DESCRIPTION BASED UPON NB CSAH 152 (BROOKLYN BLVD) AND EX NB CSAH 152 (BROOKLYN BLVD)

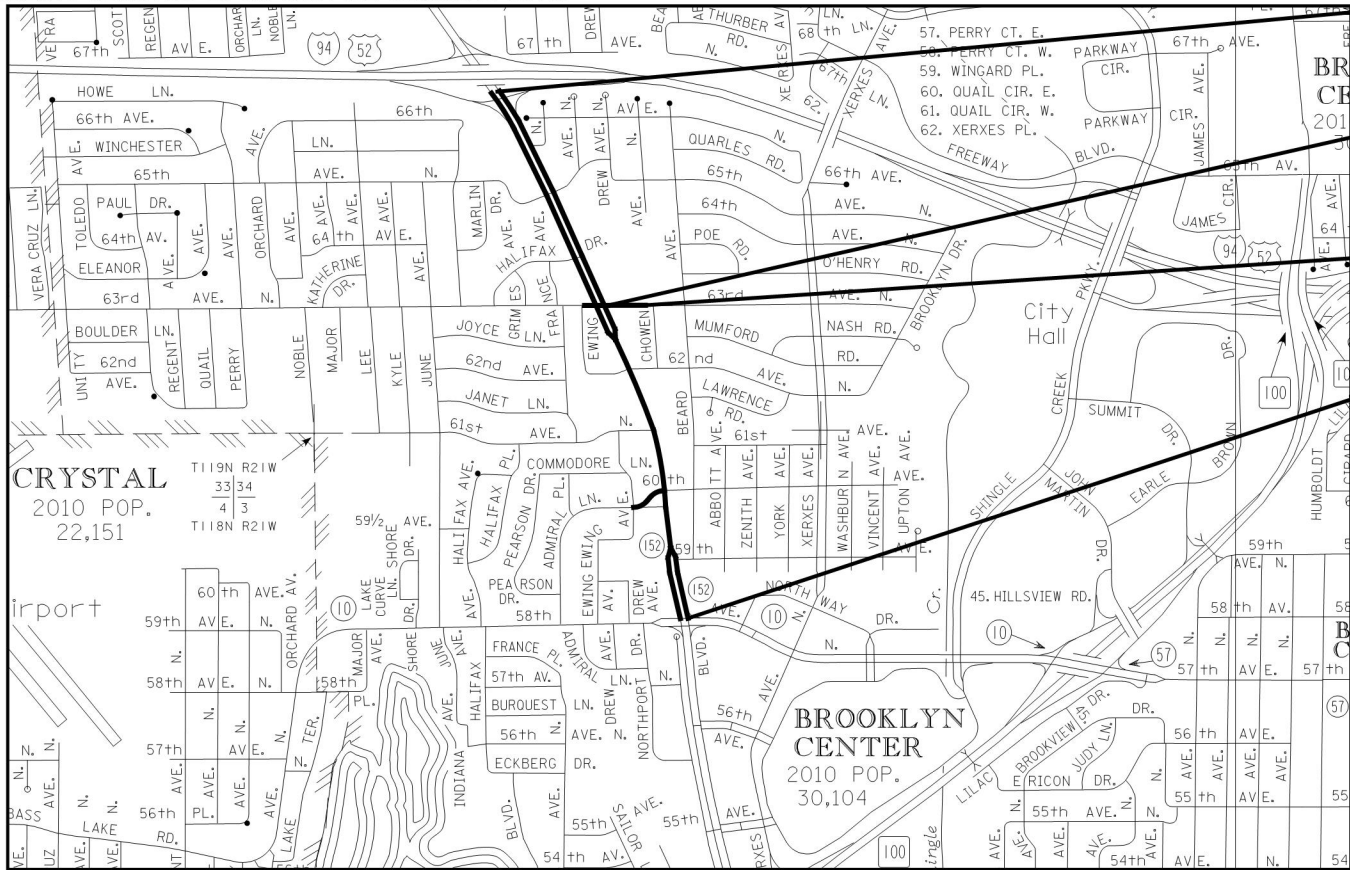
STATE AID PROJ. NO. 109-101-006
CITY PROJECT NO. 2021-05

GROSS LENGTH 173.62 FEET 0.033 MILES
BRIDGES-LENGTH NA FEET NA MILES
EXCEPTIONS-LENGTH NA FEET NA MILES
NET LENGTH 173.62 FEET 0.033 MILES
LENGTH AND DESCRIPTION BASED UPON 63RD AVENUE NORTH

EQUATIONS:

BBSB STA. 85+99.95 BACK=
BBSB STA. 85+96.39 AHEAD
BBSB STA. 122+93.06 BACK=
BBSB STA. 123+07.36 AHEAD

NB CSAH 152 (BROOKLYN BLVD)
STA. 145+35.02 =
EX NB CSAH 152 (BROOKLYN BLVD)
STA. 145+35.02 =



END SP 109-020-014, 027-752-036

EX NB CSAH 152 (BROOKLYN BLVD)
STA. 153+37.08

BEGIN SAP 109-101-006

63RD AVE N
STA. 160+00.00

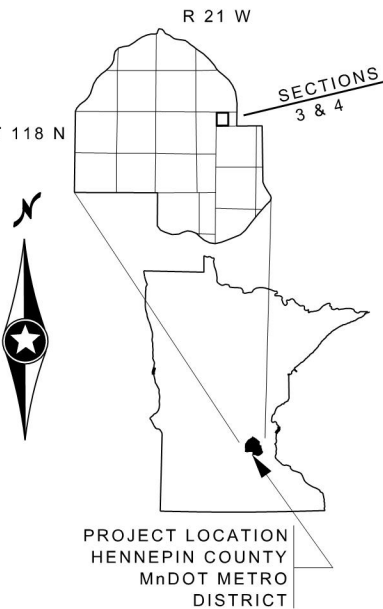
END SAP 109-101-006

63RD AVE N
STA. 161+73.62

BEGIN SP 109-020-014, 027-752-036

NB CSAH 152 (BROOKLYN BLVD)
STA. 95+66.07

PLAN REVISIONS		
DATE	SHEET NO.	APPROVED BY



SCALE 2000'

DESIGN DESIGNATION FOR:

R-VALUE
ADT (Current Year) 2021 =
ADT (Future Year) 2041 =
PAVEMENT DESIGN
FUNCTIONAL CLASSIFICATION
NO. OF TRAFFIC LANES
NO. OF PARKING LANES
ESALS (20)
Design Speed
Based on Sight Distance
Height of eye / Height of Object
Design Speed not achieved at:

CSAH 152 (BROOKLYN BLVD)

50

23,000 (2021)

26,000 (2041)

10 TON

MINOR ARTERIAL

4

0

4,498,000 (20 YEARS)

40 MPH

STOPPING

3.5' / 2.0'

NA

ADMIRAL LN

50

NA

NA

10 TON

LOCAL STREET

2

0

200,000 (20 YRS.)

25 MPH

STOPPING

3.5' / 2.0'

NA

63RD AVE

50

7,700 (2021)

8,700 (2041)

10 TON

COLLECTOR

2

0

680,000 (20 YRS.)

30 MPH

STOPPING

3.5' / 2.0'

NA

DESIGN DESIGNATION FOR:

Design Speed
Based on Sight Distance
Height of eye / Height of Object
Design Speed not achieved at:

TRAIL

20 MPH

STOPPING

4.5' / 0.0'

NA

I HEREBY CERTIFY THAT THE FINAL FIELD CHANGES, IF ANY, OF THIS PLAN WERE MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE _____
DATE _____ LIC. NO. _____ PRINT NAME _____

SP 109-020-014, 027-752-036, SAP 109-101-006

STATE PROJ. NO. SHEET NO. 1 OF 389 SHEETS

FED. PROJ. NO. STPF 2721 (085)

GOVERNING SPECIFICATIONS

THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION 'STANDARD SPECIFICATIONS FOR CONSTRUCTION' SHALL GOVERN.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM AND BE PLACED IN ACCORDANCE TO THE LATEST EDITION OF THE 'MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES' (MN MUTCD) AND PART VI, 'FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS'.

INDEX

SHEET NO.	SHEET DESCRIPTION
1	TITLE SHEET
2-5	GENERAL LAYOUT
6-10	STATEMENT OF ESTIMATED QUANTITIES
11	CONSTRUCTION AND SOILS NOTES
12	STANDARD PLATES AND INDEX OF TABULATIONS
13-15	EARTHWORK SUMMARY AND TABULATIONS
16-38	EXISTING UTILITY TABULATIONS
39-42	TABULATIONS
43-46	TYPICAL SECTIONS
47-48	CITY OF BROOKLYN CENTER STANDARD PLATES
49	MISCELLANEOUS DETAILS
50-70	STANDARD PLAN SHEETS
71-82	DETOUR PLAN
83-109	STAGING AND TRAFFIC CONTROL PLANS AND DETAILS
110-123	ALIGNMENT PLAN AND TABULATIONS
124-128	TOPOGRAPHY AND UTILITY PLANS
129-133	REMOVAL PLANS
134-138	SIGNING REMOVAL PLAN
139-147	CONSTRUCTION PLAN AND PROFILES
148-161	INTERSECTION DETAILS, CURB, AND TRAIL PROFILES
162-170	PEDESTRIAN RAMP DETAILS
171	RETAINING WALL PLANS
172-177	DRAINAGE AND SUPERELEVATION PLAN AND PROFILES
178-195	DRAINAGE PROFILES, TABULATIONS AND DETAILS
196-199	STORM WATER POLLUTION PREVENTION PLAN
200-204	EROSION CONTROL AND TURF ESTABLISHMENT PLANS
205-210	SANITARY SEWER AND WATERMAIN PLANS
211-228	SIGNING AND STRIPING PLAN AND DETAILS
229-241	LIGHTING PLANS AND DETAILS
242-268	STREETSCAPE PLANS AND DETAILS
269-278	IRRIGATION PLANS
279-332	TRAFFIC SIGNAL PLANS
333-334	CONTOUR PLANS
335-337	CROSS SECTION LAYOUT PLANS
338-389	CROSS SECTIONS

THIS PLAN CONTAINS 389 SHEETS



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE _____
DATE _____ LIC. NO. 47160 PRINT NAME JONATHAN MCPHERSON

APPROVED _____
BROOKLYN CENTER CITY ENGINEER 20

APPROVED _____
HENNEPIN COUNTY: COUNTY HIGHWAY ENGINEER 20

RECOMMENDED FOR APPROVAL _____
HENNEPIN COUNTY: DESIGN DIVISION ENGINEER 20

DISTRICT STATE AID ENGINEER: REVIEWED FOR COMPLIANCE WITH STATE AND/OR FEDERAL AID RULES/POLICY 20

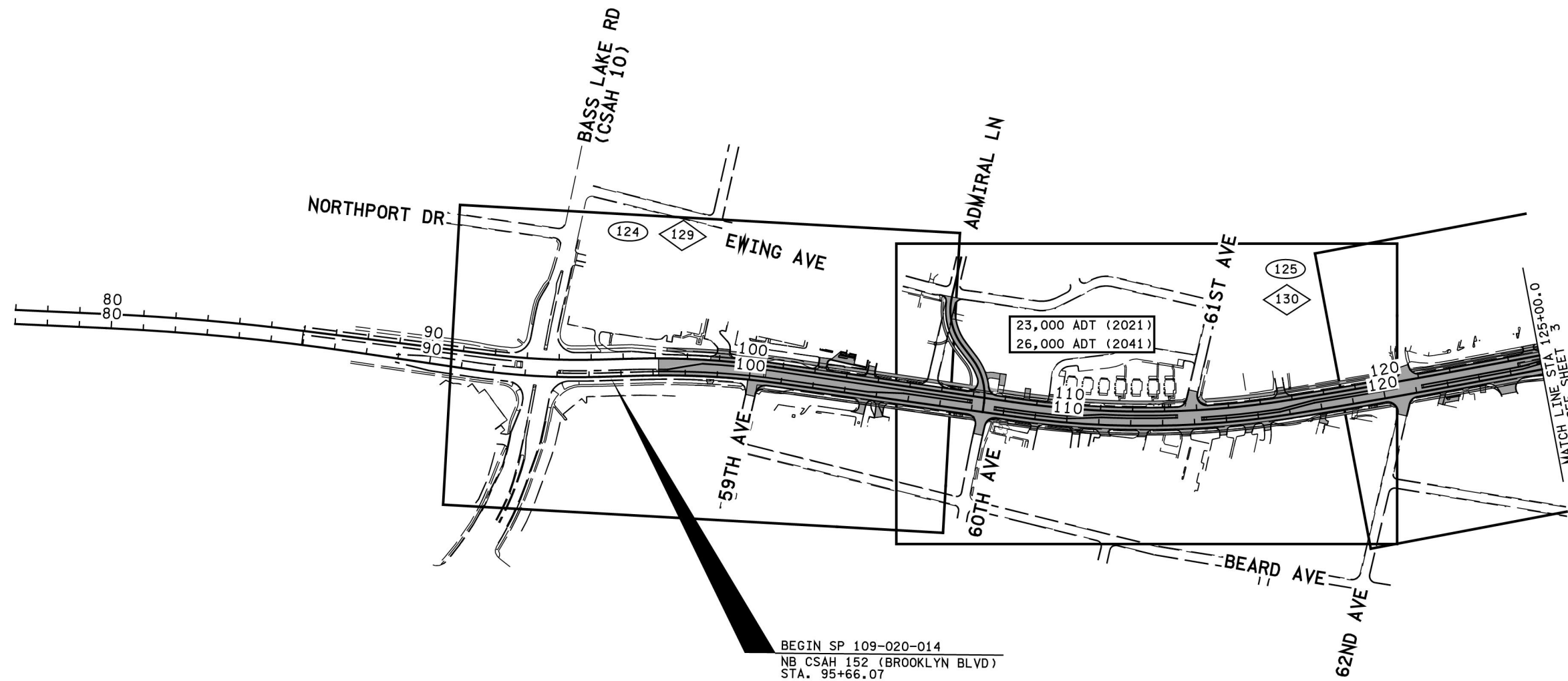
APPROVED FOR STATE AND/OR FEDERAL AID FUNDING: STATE AID ENGINEER 20

THIS PLAN AND/OR SPECIFICATION WAS PREPARED SPECIFICALLY FOR THIS PROJECT, AND ANY RE-USE OF DETAILS OR SPECIFICATIONS ON OTHER PROJECTS IS NOT INTENDED OR AUTHORIZED BY THE DESIGNER. LIABILITY FOR ANY RE-USE ON OTHER PROJECTS IS THE RESPONSIBILITY OF THE PERSON, AGENCY, OR CORPORATION USING PLAN OR SPECIFICATION DATA FROM THIS PROJECT.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".

LEGEND

	TOPOGRAPHY AND UTILITY PLAN SHEET NO.
	REMOVAL PLAN SHEET NO.
	INPLACE ROADWAY
	PROPOSED CONSTRUCTION
	PROPOSED TRAFFIC SIGNAL



NO	DATE	BY	CKD	APPR	REVISION
11765_g101.dgn					

STATE PROJECT NO. 109-020-014
COUNTY PROJECT NO. 0906
CITY PROJECT NO. 2021-05



**SHEET
2
OF
389**

8:07:58 PM
1/19/2021
H:\Projects\11000\11765\Design\PlanSheets\FinalPlan\11765-g101.dgn

Council Regular Meeting

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Resolution Appointing Council Members to Outside Organizations

Background:

At the January 25, 2021, a resolution was approved that appointed City Council Members to Serve as Liaisons to City Advisory Commissions. The appointment for the 252 Project Advisory Committee was not included on that resolution. This resolution will add the appointment to the 252 Project Advisory Committee.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/1/2021	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPOINTING CITY COUNCIL MEMBERS TO SERVE AS
LIAISONS TO CITY ADVISORY COMMISSIONS AND AS CITY
REPRESENTATIVES/VOTING DELEGATES FOR OTHER
ORGANIZATIONS FOR 2021

WHEREAS, the City of Brooklyn Center City Council members are appointed to serve as liaisons to City Advisory Commissions and to serve as City Representatives/Voting delegates for other organizations annually; and

WHEREAS, this resolution will ratify the appointments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the following appointment is hereby approved:

Commission/Organization

252 Project Advisory Committee

Council Member

Mayor Elliott/Councilmember Butler

February 8, 2021

Date

Mayor

ATTEST: _____

City Clerk

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

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: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Legislative Priorities Update

Background:

Attached are the 2021 Legislative Priorities that have been updated from our discussion at the last City Council meeting and updated from the discussion at the Legislative breakfast.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Legislative Priorities	2/2/2021	Backup Material

City of Brooklyn Center 2021 Legislative Agenda



February 2021

Administration

- **BCLG 01-2121 (Advancing Racial Equity)** – Advancing racial equity is central to the wellbeing and long term vitality of the City of Brooklyn Center, and the State of Minnesota. The City of Brooklyn Center’s goal is to approach all of our policies and programs through the lens of racial equity, Champion intentional state legislative strategies and promote racial equity, including housing, health, education, economic and other social justice issues and prevent and eliminate disparities in public policy and public investments.
- **BCLG 02-2121 (Official Notifications / Information Access)** – The City of Brooklyn Center supports the State eliminating outdated and unnecessary publication requirements that are no longer relevant or representative of the City’s technological capabilities.

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

- **BCLG 03-2121 (Election Judge Recruitment and Retention)** – The City of Brooklyn Center supports efforts by the State to amend regulations to eliminate the party balance requirement of appointed and hired staff administering absentee balloting prior to Election Day and for city special elections. We further recommend that the legislature authorize time off for college students if they have been appointed to serve as an election judge.

Justification – City elections are non-partisan and govern elections in a non-partisan manner. One of the City’s strategic priorities is “community engagement across all segments of the City”. The City desires to engage as many residents as possible in the election process.

- **BCLG 03-2121 (Liberian Refugee Immigration Fairness Act)** – The City of Brooklyn Center supports the efforts of public and private organizations seeking to assist residents apply for permanent status under the LRIFA. We implore the State Legislature to provide funding in support of these efforts.

Justification – We estimate that there are more than 30,000 Liberians living in the State of Minnesota of which 4,000 or more would be subject to deportation if their current DED status is not changed. The LRIFA recently approved by Congress will provide individuals with DED extensions, one final year to complete their application for a change in their immigrant status. Failure to complete a qualifying application is likely to result in deportation of these individuals, many of whom have been residents for more than a decade. Historically the State Legislature, Governor and State Officials have supported Brooklyn Center and other communities in the efforts that have led to passage of the LRIFA. Now it is critical that every effort be made to assure that each eligible person is able to take advantage of this opportunity. There are several organizations planning to provide the necessary legal and other assistance required for individuals to submit a qualifying application under the Act. We urge the legislature to provide financial support to these organizations.

- **BCLG 04-2121 Funding for Cultural Centers/Museums and other Community Building Assets**-The City of Brooklyn Center encourages the Legislature to provide funding and provide new rules that will support the establishment of Cultural Museum/Centers that reflect the unique traditions and values provided by immigrants, new Americans and diverse communities; thereby enriching the lives of all Minnesotans.

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

Housing and Development

- **BCLG-05 (Ensure housing security)** the pandemic has accelerated the impacts of an existing housing crisis and has exposed many people to an immediate housing emergency. Tools like aid for tenants and landlords, eviction moratoria, and funding for affordable housing are important for immediate relief and longer-term recovery.
- **BCLG-06 (Tenant protections)** The City of Brooklyn Center supports revising existing regulations that restrict local governments from enacting tenant protection measures. Further, the City of Brooklyn Center supports new legislation that clarifies and creates tools that support tenant protection measures, both locally and state-wide. These tools include but are not limited to, local authority to enact rent control, prevent discrimination on the basis of income sources, limit tenant screening practices, prevent non-renewals of leases without just cause and prevent retaliation by rental property owners.
- **BCLG 07-2120 (Affordable Housing)** - The City of Brooklyn Center 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.

Justification – The lack of workforce housing makes it difficult for employers to attract workers and for cities to attract new residents. Vacancy rates remain low and the market is not keeping up with demand for affordable housing options. Cities want to play a role in addressing this issue, but lack the resources and the flexible tools to create partnerships with public and private entities to ensure an adequate supply of affordable housing options

- BCLG 08-2121 (Group Homes and Housing with Services Establishments)- The City of Brooklyn Center requests 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.

Justification- our experience is that single-family affordable housing neighborhoods are attractive locations to investors seeking to profit from the establishment Group Home and Housing with Services. The concentration of these homes in low-income neighborhoods reduces home ownership opportunities and wealth accumulation for residents and the concentration of these business can change the character of the neighborhood.

- BCLG 09-2121 (Building Officials) – The City of Brooklyn Center supports efforts of the State to increase its efforts to train new and diverse building officials, and provide sufficient education to help local officials administer and enforce construction regulations.

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

Business and Economic Development

- BCLG 10-2121 (Youth Tax Credit) – The City of Brooklyn Center supports efforts by the State to create an internship to work tax credit for organizations hosting young workers in Brooklyn Center. This type of tax credit program exists now, but is targeted to Greater Minnesota.

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

- BCLG 11-2121 (Workforce Readiness) – The City of Brooklyn Center supports efforts of the State to fund fully the Minnesota Job Skills Partnership and other workforce training programs. The City also supports the State providing flexible funding to local workforce councils and pursuing creative programming and funding. Finally, the City supports efforts to design and implement programs designed to address youth employment and workforce readiness.

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

- BCLG 12-2121 (Tax Increment Financing - TIF) – The City of Brooklyn Center 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.

Justification – 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.

- BCLG 13-2121 (Land Recycling and Redevelopment) – The City of Brooklyn Center 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 TIF Act to include the obsolescence and incompatible land use.

Justification – Due to the City being a fully developed city, the City would benefit from more resources and greater flexibility of existing economic development tools to redevelopment deteriorated, obsolete and vacant structures and contaminated land.

Environmental

- BCLG 14-2121 (Protection of the Environment and Local Funding) - The City Council of Brooklyn Center is fully committed to efforts at the Federal, State and Local level to ensure a healthy and safe environment for current and future generations. We are particularly supportive of the 2007 State goal to reduce carbon emissions by 80% by 2050 and believe that Cities should be provided with the necessary funding as we partner with the State to achieve these important goals.

Justification- Minnesota municipalities have historically been the leading funding source for environmental protection and improvements as reported by the League of Minnesota Cities. Municipalities have been and must continue to be a strong partner in achieving environmental goals of the State. Unfortunately more often than not we have been required to do so with unfunded mandates. As we continue to work toward the most critical goal of reducing carbon emissions, we implore the State to continue to invest in renewable energy strategies and to financially support municipal efforts to introduce and adopt renewable energy programs from which we will all benefit.

Financial

- BCLG 15-2121 (Metro Area Fiscal Disparities) - Brooklyn Center was once a net contributor to the Fiscal Disparities pool. Today as a net recipient, Fiscal Disparities is a major factor contributing to the fiscal stability of the City and our taxpayers. Without Fiscal Disparities, the

property tax burden in Brooklyn Center would escalate dramatically, perhaps more than 25%. We strongly encourage continued legislative support for Metro Area Fiscal Disparities.

- BCLG 16-2121 (Sales Tax Exemption Simplification) - We advocate for a way to simplify the utility of the current sales tax exemption for construction materials. The process for using the current sales tax exemption on construction is so complicated, risky, and burdensome to contractors and cities that we are aware of no city that has decided to use this exemption. In Brooklyn Center, we estimate savings of \$300-\$400 thousand annually for our neighborhood street and utility construction projects if the sales tax exemption was viable.
- BCLG 17-2121 (Property Tax Relief) – The City of Brooklyn Center supports efforts of the State increase property tax relief for property owners experiencing high tax burdens due to property tax shifts.

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

- BCLG 18-2121 (Local Government Aid - LGA) – The City of Brooklyn Center supports the existing LGA funding formula as an appropriate mechanism to distribute LGA and opposes special funding using LGA funds.

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

Law Enforcement & Public Safety

- BCLG 19-2121 (Cop Autism Response Education and Vitals App) The City of Brooklyn Center 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

Justification- Each year globally, an increasing number of children are being diagnosed with autism spectrum disorders. The State of Minnesota has the second highest autism prevalence rate in the United States. Individuals with Autism Spectrum Disorder are valued members of our community and help to strengthen the City of Brooklyn Center, Unfortunately individuals on the Autism Spectrum face significant barriers in utilizing emergency services due to sensory processing and other characteristics that are included in the diagnosis of Autism Spectrum Disorder. CARE and Vitals App are two significant tools that may be used improve efficacy and effectiveness of emergency response to persons living in our community diagnosed with Autism Spectrum Disorder.

- BCLG 20 -2121 (Juveniles in Municipal Jails) – The City of Brooklyn Center supports efforts by the State to clarify state statute that would allow juveniles to be held for questioning and booking in the City jail for up to six hours.

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

- BCLG 21-2121 (21st Century Policing) – The City of Brooklyn Center 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.

Justification - The City initiated efforts to implement 21st Century Policing soon after the report was published. The City continues to develop and train peace officers in accordance with 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.

Transportation

- BCLG 22-2121 (MVLST Funding) - The City of Brooklyn Center supports including Hennepin County in the distribution of motor vehicle lease sales tax (MVLST).

Justification - Hennepin County residents contribute substantially to the MVLST but State Law excludes the county from receiving funding from this transportation source. If included, Hennepin County would receive \$10.7 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 of new taxing authority through the creation of the Counties Transit Improvement Board (CTIB). With CTIB's dissolution in 2017, this rationale for excluding Hennepin and Ramsey counties from receiving MVLST Formula funds has ceased to exist.

- BCLG 23-2121 (Transportation Funding) – The City of Brooklyn Center supports the State 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 and conversion of TH 252 to a freeway with the addition of MnPASS lanes.

Justification – The City has various transportation needs ranging from constructing highway overpasses to upgrading Trunk Highway 252 to a freeway, as well as, transit related needs. Additional funding by the legislature would permit the City to access various funding sources from the Minnesota Department of Transportation for city projects. Improvements and conversion of Trunk Highway 252 to a freeway would benefit city residents and regional travelers with improved

safety and less congestion on a corridor that lays claim to two of the top 10 and 5 of the top 100 intersections in statewide crash cost rankings.

Council Regular Meeting

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Presentation from Hennepin County Commissioner Jeff Lunde

Background:

Newly elected County Commissioner Jeff Lunde has requested time to introduce himself to the Council in his new role, share comments and entertain questions from the Council regarding ways that he may best serve the City.

Budget Issues:

None.

Strategic Priorities and Values:

Enhanced Community Image, Customer Intimacy

Council Regular Meeting

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Presentation from Catrice O'Neal on Brooklynk

Background:

Catrice O'Neal, the Director of the Brooklynk Program, will provide a recap of the 2020 program year, share the 2021 budget and discuss what the program will look like heading into this year.

Strategic Priorities and Values:

Resident Economic Stability

**Council/EDA Work
Session**

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
97680230856# Passcode:
7635693300#
February 8, 2021

AGENDA



ACTIVE DISCUSSION ITEMS

1. Community Development Block Grant Funding Allocation Discussion (20 minutes)
2. Chapter 27 of City Code of Ordinances Regarding Parking – Snow Event Parking
3. Earle Brown Name Discussion
4. Police Civilian Review Board

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
 - Council Policy for City Charter requirement of Mayor's signature on all contracts
 - Strategic Plans for years 2018-2020 and 2021-2023
 - Review Special Assessment Policy
 - Opportunity Site Update
 - Tobacco Ordinance
 - Attorney RFP Process
 - Snow Emergency Declaration

MEMORANDUM - COUNCIL WORK SESSION

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Jesse Anderson, Deputy Director of Community Development

SUBJECT: Community Development Block Grant Funding Allocation Discussion (20 minutes)

Recommendation:

- It is recommended that the City Council consider providing direction to staff regarding the Community Development Block Grant (CDBG) funding allocations.

Background:

City Staff is seeking direction from the City Council on the allocation of 2020-2021 Community Development Block Grants (CDBG) funds.

CDBG funds are provided by the U.S. Department of Housing and Urban Development (HUD) to help with community development activities that benefit low and moderate income persons. The funds are primarily intended for bricks and mortar improvements, as opposed to public service activities.

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. Boomington, Eden Prairie, Minnetonka and Plymouth do not participate in the consolidated pool and receive CDBG funds directly from HUD. Brooklyn Center is considered a Direct Allocation City and is a sub-recipient of the funds through Hennepin County.

CDBG Statutory and Administrative Requirements

The Federal Authorizing Statute for the CDBG program requires that each funded CDBG activity meet one of three national objectives:

1. Benefiting low income persons
2. Preventing or eliminating slums and/or blight
3. Meeting urgent community needs.

The Federal Law also specifies that each recipient receiving funds must insure at least 70 percent of the CDBG expenditures during the program year be used for activities benefiting low and/or very low income persons. Each city must meet this requirement at the local level.

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. Last year Hennepin County adopted a new 5-year funding plan. Overall, the priority needs are around continuing what's working, while shifting the focus to preserving affordability and reducing disparities in housing stability.

These include:

- Priority Need 1: Preserve & Create Rental Opportunities
- Priority Need 2: Preserve & Create Homeownership Opportunities
- Priority Need 3: Housing Opportunities for Homeless Populations
- Priority Need 4: Support Education, Outreach, and Services
- Priority Need 5: Encourage Neighborhood Revitalization
- Priority Need 6: Stimulate Economic Development

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.

Prior to 2018, cities were allowed to allocate up to 15 percent of their CDBG funding to public services. While Brooklyn Center regularly did so, other communities chose not to. In addition, the reporting requirements for the funds are onerous, and the County determined that it would be easier to pool the public service allocation and administer the distribution of those funds internally. Each city is now asked to send a representative to a committee, which reviews public service funding requests and makes a determination as a whole as to which public service organizations get funding and how much.

Previous CDBG Allocation

CDBG funding allocations run from July 1st-June 30th each year. The 2020-2021 CDBG funding round was allocated by the City Council in February 2020 and is set through June 30, 2021. The funding was allocated as follows:

2020 CDBG Amount	Allocation Recommendation	Program
\$100,000	\$100,000	Down Payment Assistance
\$158,000	Remaining (\$158,000)	The remaining funds were allocated to the Hennepin County Home rehab program

The use of the funds is limited to allowed uses under HUD program eligibility and further narrowed by Hennepin County's 5-year funding plan. Most cities utilize CDBG to fund their housing rehab programs. These are programs that provide deferred/forgivable loans to low income home owners to make needed repairs and maintenance to their homes. For communities with an aging housing stock such as Brooklyn Center's, this is the only source of funds available to assist with the maintenance and upkeep of homes.

Brooklyn Center has allocated roughly \$85,000 to \$158,000 annually to its housing rehab program. The funds assist 8-10 households annually. There is currently a waiting list of 114 people seeking funding from the housing rehab program as additional funds become available.

Brooklyn Center has allocated \$150,000 of funds towards supporting the Code Enforcement and Neighborhood Revitalization Program since 2009, with 2019 funds being reduced to \$75,000. In 2020 the Code Enforcement and Neighborhood Revitalizations funding was discontinued.

2021-2022 CDBG Allocation

While we do not yet know the exact amount of CDBG allocation for the next cycle, we have been advised by Hennepin County to use the estimate of \$258,000, based off last year's allocation, for the purposes of determining the allocation of funds. However, this allocation amount could be adjusted once HUD provides final amounts. 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.

Funding Allocation Options

Housing Rehab Program - As CDBG funds are the only source of funding to maintain the City's existing single family housing stock, one option would be to increase the allocation of CDBG funds to this use. 86 percent of Brooklyn Center's housing supply is single family homes, nearly all of which were constructed prior to 1975. Many of these homes are in need of maintenance, and for low income home owners this cost can be

overly burdensome. Maintaining the city's housing stock through this program not only provides stable home ownership for low income home owners, but also maintains an affordable housing stock for new buyers as well.

Down Payment Assistance - Brooklyn Center allocated \$100,000 towards home buyer assistance with the 2020 CDBG funding. The City is contracting with Center for Energy and Environment (CEE) to administer the program. The city has had two down payment loans closed. Due to the pandemic and the lower number of homes available on the market the program has had a slower than anticipated start. In order to increase the use of the program, staff is recommending the following adjustments :

- Remove Brooklyn Center Residency requirement, while giving priority to Brooklyn Center Residents.
- Increasing the maximum assistance amount from \$7,500 to \$10,000
- Remove the minimum debt to income ratio from the eligibility requirements.
- The proposed changes are included in the attached Proposed First Time Homebuyer Updated Guidelines Document.

Scattered site acquisition/rehab - The scattered site acquisition is done in New Hope. It is similar to the City's previous buy and replace program. It allows for the purchase and renovation or demo of a blighted structure, which is then sold to a low/moderate income household. The individual cost per unit is high, minimizing the impact of this program.

Infrastructure improvements - These are physical improvements to community or public facilities that are utilized by low and moderate income residents. Some cities have used CDBG funds to purchase playground equipment or make other physical improvements. One challenge with the use of CDBG funds in this manner is that it triggers Federal Fair Wage standards, which require a significant amount of reporting and paperwork, and increasing the cost of the project above what it would be if other funds were available, making small scale improvements more work and more expensive than the value of the funding being used.

Small Business Entrepreneur Funding - Options for using CDBG funds for programs to support the creation/support of small businesses were discussed with Hennepin County staff. HUD rules allow for CDBG funds to be used in this manner under certain circumstances, specifically to support job creation. According to Hennepin County staff, use of the funds requires demonstrated job creation over an extended amount of time. Not unlike other uses of CDBG funds, it requires extensive reporting, which falls on individual small business owners and monitoring is required over a number of years. Federal funding often comes with stringent reporting and monitoring requirements, which can create a barrier. Alternatively, the city's EDA funds may be a better mechanism to serve small businesses as the funds can be more nimbly applied.

Recommendation:

The 2021 CDBG funding for Brooklyn Center is anticipated to be \$258,000. Staff's recommendation is to continue to fund the existing programs. The recommended allocation would be \$100,000 for the Home Ownership Assistance Program and \$158,000 allocated for the Home Rehab Program.

Further, through the Housing Study that is currently underway, it is possible areas of need or programs may be identified. At that time, staff may bring forward a request for reallocation of CDBG funding.

Based on City Council's direction a resolution will be prepared and a public hearing will be scheduled for the February 22, 2020 City Council Meeting.

Attachments

- CDBG Funding History
- Housing Rehab Program Information
- Brooklyn Center Home Buyer Program Information with recommended modification

Policy Issues:

- Are there any other programs or areas that city staff should research?

- Should staff prepare a resolution for the recommend allocations?

Strategic Priorities and Values:

Resident Economic Stability

ATTACHMENTS:

Description	Upload Date	Type
Funding History	2/3/2021	Backup Material
Proposed Updates to Down Payment Program Guidelines	1/27/2021	Backup Material
Home Rehab 4th Quarter Report	2/3/2021	Backup Material
Presentation	2/16/2021	Presentation

Funding Year	Initial Budget	Adjusted	Public Service Funds	Neighborhood Stabilization/ Code Enforcement Initiatives	Hennepin County Rehab Funds	Home Owner Assistance Program
2020*	\$258,000	\$258,000	*	\$0	\$158,000	\$100,000
2019*	\$257,550	\$236,300	*	\$75,000	\$132,550	\$50,000
2018*	\$236,300	\$236,300	*	\$150,000	\$86,300	
2017	\$255,616	\$261,243	\$34,840	\$150,000	\$76,403	
2016	\$258,779	\$259,455	\$38,816	\$150,000	\$70,639	
2015	\$243,462	\$258,779	\$36,519	\$150,000	\$72,260	
2014	\$239,249	\$243,462	\$35,887	\$150,000	\$57,575	
2013	\$211,641	\$239,249	\$31,740	\$150,000	\$57,509	
2012	\$170,294	\$211,641	\$31,745	\$150,000	\$29,896	
2011	\$203,588	\$170,294	\$25,510	\$125,474	\$19,310	
2010	\$188,965	\$203,588	\$28,345	\$164,623	\$10,620	
2009	\$186,215	\$188,965	\$27,935	\$150,000	\$11,030	
2008	\$186,968	\$186,215	\$27,932	\$50,000 Amended by Council	\$158,283	
			\$0		\$108,283 Amended by Council	
2007	\$193,749	NA	\$29,062		\$164,687	
2006	\$195,019	NA	\$29,250		\$165,769	
2005	\$199,764	NA	\$29,820		\$169,944	
2004	\$239,029	NA	\$35,500		\$203,529	

*2018 CDBG allocation doesn't include 15% Public service fees as Hennepin County Directly distributed the funds.

City of Brooklyn Center
First Time Homebuyer Program Guidelines

Program Overview

The City of Brooklyn Center offers a financial assistance program for homeownership funded by the Community Development Block Grant (CDBG) program. The First Time Homebuyer Program provides financial assistance for low and moderate income households to become homeowners.

Administration of the First Time Homebuyer Program and the functions and responsibilities shall be in compliance with the U.S. Department of Housing and Urban Development (HUD), CDBG regulations as well as all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

No family or individual shall be denied the equal opportunity to apply for or receive assistance under the First Time Homebuyer Program on the basis of race, color, gender, religion, creed, national origin, age, familial or marital status, handicap or disability, sexual orientation or reliance on public assistance.

Program Goals

The First Time Homebuyer Program has the following two goals:

- a. Assist low and moderate income families to purchase homes within the City of Brooklyn Center by providing assistance with down payment, closing costs and mortgage principle reduction.
- b. Promote responsible home ownership

Program Administration

The program will be administered through Center for Energy and Environment.

Program Policies

Financial Assistance

The financial assistance is in the form of a loan of up to \$7,500, but no more than 10% of the purchase price. There is no interest on the loan and no payments are required. The loan is forgiven after 10 years and is reduced by 20% each year after the 5th year. If the home is sold, the title transferred or no longer owner-occupied within the first 10 years after the purchase date, then the remaining pro-rated amount will be become due.

The Financial Assistance may be used to:

1. Pay up to 50% of the amount the homebuyer is required to provide toward the down payment under the particular mortgage program they are utilizing. The homebuyer must contribute a minimum of \$1,000 of their own funds towards the down payment.
2. Pay up to 100% of the homebuyer's eligible closing costs. Borrowers are permitted to use program funds for interest rate buy downs if documentation is provided from the lender that shows the buy down is necessary to secure their primary mortgage.

3. Reduce the mortgage principal up to 10% of the purchase price, up to ~~\$7,500~~ \$10,000. The applicant(s) housing ratio ~~must be at least 25%, but cannot exceed 35%~~ of their gross monthly qualifying income. The housing ratio is calculated using the current year's projected income. Under certain circumstances, the HRA Executive Director may allow the DTI to exceed 35%.

The financial assistance will be provided at a minimum amount of \$5,000 and a maximum amount of ~~\$7,500~~ \$10,000. In certain situations, the City may allow assistance in excess of the maximum at their discretion. The Center for Energy and Environment will review the applicant's verified income and assets, estimated closing costs, purchase agreement and lender's recommendations for financial assistance in compliance with uses described above. Lenders must provide a pre-approval letter indicating the maximum amount of financing the borrower would qualify for from the first mortgage lender.

The Center for Energy and Environment will verify an applicant's income and assets through written verifications as provided by either the lender or by the applicant. The City staff may re-verify income and asset information provided by the lender. The Center for Energy and Environment will calculate the applicant's gross annual income using lender verification or paystubs and recent tax returns or other qualifying verification as determined by City staff to ensure the applicant(s) qualifies as a low or moderate income household as required by CDBG regulations and to determine the maximum amount of assistance.

Financial assistance will be provided at the time of closing on the property with the following conditions:

1. Selected applicants must meet the requirements of the program and be eligible for the financial assistance throughout the entire application process.
2. The housing unit to be purchased and the purchase price must be accepted by the City as meeting the intent and requirements of the program.
3. The financial assistance provided by the program is in the form of a no-interest loan that is forgiven 10 years from the initial purchase date. If the house is sold, transferred or no longer the primary place of residence within that 10 year period, the loan will be repaid on a pro-rated basis.
4. The homebuyers must enter into a second mortgage and execute a Repayment Agreement with the City providing for repayment of the indebtedness 10 years from the initial purchase date or when the house is sold, transferred or no longer the primary place of residence, whichever occurs first.

Responsibilities of the First Time Homebuyer

The responsibilities of the prospective homebuyers are to:

1. Obtain mortgage pre-qualification for a 1st mortgage.
2. Submit a pre-application and mortgage pre-qualification to CEE.
3. Complete, sign and return the full application packet, authorization for release of information form and other certification and verification forms within the time frame specified.
4. Register and attend the Home Stretch or Framework – Homebuyers workshop such as those offered by Community Action Partnership of Hennepin County (CAP-HC), Neighborhood Development Alliance (NeDA), NeighborWorks Home Partners, or PRG Inc. More information

about homebuyer education can be found online at:

<http://www.hocmn.org/buyingahome/homebuyer-education/>. Classes must have been completed within 12 months prior to closing. The applicant will be provided with a certificate of attendance. A copy of this certificate should be forwarded to the lender and the CEE.

5. Select a real estate agent, if one is desired.
6. Select a dwelling in Brooklyn Center for purchase that is an eligible dwelling under the program.
7. Provide information throughout the process as required by the lender or the City staff.
8. Execute the purchase agreement that includes the Environmental Review addendum supplied by Hennepin County, and any subsequent Amendments.
9. Execute the lender's mortgage and related documents.
10. Execute the City's mortgage, loan agreement and promissory note.
11. Close on the property within the time frame specified in the purchase agreement.
12. Execute other required forms within the time frame specified or required.
13. Take occupancy of the dwelling within 30 days after closing, homestead the property and continue to occupy the dwelling as a principal place of residence.
14. Make principal, interest, property tax and insurance payments as required.
15. Reimburse the City in accordance with the City's mortgage, loan agreement, and promissory note should the first time homebuyer trigger repayment through sale, moving, transfer of ownership or foreclosure within 10 years or default on any other terms of these documents.

Responsibilities of the Lender

The lender must:

1. Verify the prospective homebuyer's income and assets to determine that they meet the requirements of the program and submit a copy of the verification to the CEE. These copies must be submitted to the CEE as part of a completed application.
2. Compute the mortgage, down payment, mortgage payments and closing costs of acceptable loans approved by the program to determine the most cost-effective and appropriate form of financing for the first time homebuyer to use.
3. Provide a title search and review the documents.
4. Provide CEE with a pre-approval letter stating the maximum mortgage amount the applicant is approved for.
5. Provide CEE other verification materials as requested by the City.
6. Process a mortgage consistent with the program.

7. Meet all deadlines in a timely fashion, especially those that relate to the closing. **All documents must be completed at least 14 days prior to the closing and be delivered to CEE at least seven days before the closing.**
8. Appraise property to determine the loan-to-value ratio. Provide copy to CEE.

Responsibilities of the City:

The responsibilities of the HRA for the program are to:

1. Establish Program requirements.
2. Modify or terminate the program as may be appropriate or required.
3. Reimburse CEE as needed throughout the program year.

Responsibilities of the Center for Energy and Environment:

The responsibilities of the HRA for the program are to:

1. Administer the program.
2. Send applicants the application form, the authorization for release of information form and other certification and verification forms.
3. Review the application and other material for eligibility.
4. Establish the initial eligibility of participants via the information provided in the pre-application process. Full approval will be determined upon completion and submission of a full application and supporting documents.
5. Notify applicants when ineligible.
6. Direct prospective buyers to register for the homebuyer workshops and provide information and forms related to the program.
7. Provide liaison services involving the prospective buyer, lender and any real estate agent that might be involved in the transaction.
8. Review appraisal, purchase agreement, eligibility and mortgage for consistency with the program requirements.
9. Prepare and execute the city mortgage, loan agreement, and promissory note.
10. Provide financial assistance according to program guidelines to the applicant at the time of closing.
11. Service the city mortgage, loan agreement, and promissory note.
12. Request reimbursement to the City as needed.
13. Provided income documentation relating to CDBG reporting requirements.

Pre-Application Process

At the time of application, applicants must provide CEE with the following information and meet the eligibility requirements:

1. Names and ages of all household members who will occupy the purchased property.
2. Address and telephone numbers.
3. Total gross annual income documentation.
4. Lease start and end dates.
5. Letter from lender indicating the amount of a home loan for which applicant is pre-qualified.
6. Authorization for release of information/data privacy signed by all adults in the household.

The information listed above will provide CEE sufficient information to determine if the applicant is eligible for the Program. The pre-application must be submitted **prior** to the execution of a purchase agreement. Applicants will be notified of their eligibility based on the information provided in the pre-application.

It is the responsibility of each applicant to ensure that the information is correct and that CEE receives his or her application.

Eligibility Requirements

To be eligible to participate in the program, the applicant must meet the following requirements at the time of application and throughout the process up until closing.

1. Priority will be given to ~~Must be~~ a current renter in Brooklyn Center with verifiable lease and proof of rent paid, showing at least 6 months tenancy in Brooklyn Center.
2. Must have no home ownership in the past 3 years (unless displaced due to divorce).
3. Must be a U.S. citizen or have legal immigration status.
4. Must be a First Time Homebuyer, as defined in Appendix A.
5. Must not have a gross annual Income that exceeds the maximum income limits which are revised annually to reflect the current year's CDBG maximum income limits. Income is calculated using prior year tax returns and verified by most recent paystubs. For information on calculating income, please contact a Brooklyn Center Housing Specialist.

Household Size	Household Income			
1	below \$21,000	\$21,001 - \$35,000	\$35,001 - \$52,850	over \$52,850
2	below \$24,000	\$24,001 - \$48,000	\$48,001 - \$60,400	over \$60,400
3	below \$27,000	\$27,001 - \$54,000	\$54,001 - \$67,950	over \$67,950
4	below \$30,000	\$30,001 - \$60,000	\$60,001 - \$75,500	over \$75,500

5	below \$32,400	\$32,401 - \$64,800	\$64,801 - \$81,550	over \$81,550
6	below \$34,800	\$34,801 - \$69,600	\$69,601 - \$87,600	over \$87,600
7	below \$37,200	\$37,201 - \$74,400	\$74,401 - \$93,650	over \$93,650
8	below \$39,600	\$39,601 - \$79,200	\$79,200 - \$99,700	over \$99,700

6. Must not have gross assets exceeding \$10,000, excluding retirement savings.
7. Borrowers are required to invest at least \$1,000 of their own monies towards the purchase price of the home.
8. Must meet the requirements of a lender and qualify for a first mortgage.
9. Loan must be a fixed-rate, prime loan. No adjustable or balloon mortgages.
10. Must fulfill the program obligations in a timely manner and must remain eligible to participate based on the program requirements and those of the lender through the time of closing.
11. Must not have a previous loan through the City that ended in foreclosure or any other loan that ended in foreclosure within the previous five years.
12. Must not buy dwelling with a contract for deed.
13. Must meet the requirements as specified elsewhere in these First Time Homebuyer Program Guidelines.

Denial of Eligibility

CEE will review and verify all applications for eligibility. Those applicants not meeting the eligibility requirements will be sent a written notice explaining the reason(s) for denial of program participation.

Appeals regarding interpretation of eligibility requirements may be made in writing, first to the Deputy Director of Community Development for the city of Brooklyn Center, then to the Director of Community Development and then to the City Manager. Appeals that clearly do not meet eligibility requirements will not be considered.

Eligible Dwellings

To be eligible, the property must meet the following requirements:

1. Be located within the City of Brooklyn Center.
2. Be a single-family dwelling, a townhouse unit, duplex or a condominium unit.
3. Be a conforming use property as defined by the Brooklyn Center Zoning Ordinance.

Applicant Outreach

The City and CEE will publicize and disseminate information to make known the availability of

homeownership assistance on a regular basis through a variety of media and other suitable means. The availability of assistance will be communicated to other services providers, realtors and lenders in the community and advise them of the guidelines so that they can make proper referrals for the program. Realtors and lenders will be encouraged to provide additional services to eligible clients to ensure their successful utilization of the program.

Applicant Pool

The applicant pool for the program shall consist of all those who have completed and returned to CEE a pre-application form, written verification from their lender of pre-approval and who have acknowledged that they will meet the eligibility requirements.

Funds will be available to the applicant pool on a first come, first serve basis. Eligible applicants will be approved for funding when they or their lender notify CEE of the applicant's approved purchase agreement and the full application packet is completed and returned. If funding is limited, and more than one applicant is at the purchasing stage, CEE will provide funding to the applicant who qualifies for the most preference points.

Preference points have been established to meet the goals of the City. Each preference category is worth one (1) point. The maximum points any one household could receive is five (5) points. Households with the highest point totals will be selected first. In the event of a tie, a drawing or lottery will be held to rank the applicants within each of the preference categories.

1. Applicant with dependents under age 18.
2. Applicant has lived in Brooklyn Center longer than 6 months prior to closing.
3. Head or co-head of household have primary, longer-term employment in Brooklyn Center.
4. Applicant has never owned a home (versus having owned a home over three years ago).

Approval from the applicant pool is tentative and conditional. Families selected for participation must fulfill the program obligations in a timely manner and must remain eligible to participate based on the program requirements and those of the lender through the time of closing.

Repayment of Assistance

Repayment of the down payment assistance loan shall occur upon the earliest of:

1. Sale or transfer
2. The property ceases for any reason to be the homebuyer's principal place of residence.
3. Default on the mortgage with the City or any superior mortgage on the property.

Repayment of the loan shall be pro-rated, with the principal amount due reduced by 20% for each year after 5 years of the homeowner's tenancy in their Brooklyn Center home, as established by the loan date on the filed mortgage with the HRA.

AGE OF LOAN	AMOUNT OF PRINCIPAL LOAN AMOUNT DUE
0 - 1 year	100 % of principal loan amount due
1 - 2 year	100 % of principal loan amount due
2 - 3 years	100 % of principal loan amount due
3 - 4 years	100 % of principal loan amount due
4 - 5 years	100 % of principal loan amount due
5 - 6 years	100 % of principal loan amount due
6 - 7 years	80% of principal loan amount due
7 - 8 years	60% of principal loan amount due
8 - 9 years	40% of principal loan amount due
9 - 10 years	20% of principal loan amount due
10+ years	0% due, Loan Fully forgiven

When a loan made by the City is paid in full or forgiven, a document satisfying the lien will be prepared by CEE, executed by the City Manager or his or her delegate and delivered to the borrower for recording. The borrower is responsible for the cost of recording the satisfaction. Contact the Community Development Department for more information about repayment of a City loan.

Subordination of Mortgages

Brooklyn Center City loan recipients requesting subordination of the interest of the City in real property must submit a Subordination Request Form, the required supporting documentation, and a processing fee. Request should be made to CEE.

The following information must be submitted with the Subordination Request Form:

1. A typed letter dated and signed by the mortgagor, stating the reason for the requested subordination and the use of any equity being removed as part of the loan transaction.
2. A copy of the current appraisal (dated within six months of application) or other evidence of market value of the property that is acceptable to the HRA.
3. A copy of current title work (must indicate all debt against the property).
4. Explanation of remaining debts or liens with supporting documentation (i.e. most recent mortgage bill).
5. Estimated closing costs/settlement statement, where applicable.
6. A copy of the mortgagor's loan application.
7. Additional documentation may be required.

The City will subordinate its mortgage interest if all of the following conditions are met, to the extent that they are applicable:

1. Closing costs are reasonable. Generally this shall mean that the sum of all discount points, origination fees and lender ancillary fees shall not exceed 3% of the new first mortgage amount.

2. If the City believes that the payment terms of the refinance are within the financial means of the borrower.
3. The overall value of superior debt must not be increased by more than 50%.
4. Property taxes, if not escrowed by the superior mortgage holder, must be current.

The City will not subordinate to reverse mortgages. In most cases, interest-only loans or loans with interest-only options, revolving lines of credits or debt consolidation will not be allowed unless the City determines that an acceptable reason warrants this type of loan.

The City may approve other subordination requests not meeting the conditions above on a case-by-case basis that are clearly in the best interests of the City, where the security of the City loan remains acceptable and denial of the request will cause or contribute to a documented hardship on the part of the borrower.

Subordination requests will be processed by CEE staff, who will submit the request with a recommendation for action, to the City. The City Manager has the authority to grant a subordination request when, based on his or her discretion, the subordination is reasonable based on the criteria set forth in this Policy.

Targeted Funding

At various times, the City may target program funding for purchases in specific developments. Applicants purchasing in those developments would receive program funding prior to all other applications.

Modification and Termination of Program

The City may modify or terminate the program as it deems appropriate or as required by HUD. Once the City has provided financial assistance and the mortgage executed, financial assistance shall not be rescinded except as provide for in the executed HRA mortgage, loan agreement, and promissory note.

APPENDIX A

DEFINITIONS

Acceptable Loans – Portfolio Products, Freddie Mac, Fannie Mae, FHA, VA and ARM's that at a minimum are at a fixed rate for the first seven years.

Applicant – an individual or household submitting an application for a loan.

Application – The form used to request assistance for the City's First Time Homebuyer funds.

ARM or Adjustable Rate Mortgage – a mortgage that offers an initial rate that is fixed for a certain number of years of repayment; the rate then adjusts every year thereafter for the remaining life of the loan.

CEE – The Center for Energy and Environment, which administers the City's First Time Homebuyer Program.

CDBG or Community Development Block Grant Program – an annual entitlement program provided to the City of Brooklyn Center through the U. S. Department of Housing and Urban Development (HUD).

City – The City of Brooklyn Center.

Clearance – A lead based paint Certification that all lead issues have been remediated.

Closing – The consummation of the real estate transaction. The closing includes the delivery of a deed, financial adjustments the signing of notes, mortgages, and the disbursement of funds necessary to complete the sale and loan transaction.

Closing Costs – Those costs required by the lender to be paid by the buyer for various fees, credit report costs, insurance, etc., at the time of closing on a property.

Conventional Mortgage – A type of residential mortgage loan, usually from a bank or savings and loan association, with a fixed rate and term. It is repayable in fixed monthly payments over a period usually 30 – 40 years or less, secured by real property, and not insured by the Federal Housing Administration or guaranteed by the Veterans Administration.

Down Payment – A type of payment made by a homebuyer, indicating intention to purchase real estate offered for sale and obtain financing from a bank or mortgage company.

Environmental Review – The process of verifying that a project meets Federal, State and Local environmental standards. The environmental review process is required for all HUD-assisted projects to ensure that the proposed project does not negatively impact the surrounding environment and that the property site itself will not have an adverse environmental or health effect on end users. Hennepin County staff is responsible for the completion of the environmental review.

Environmental Review Addendum – An addendum to the purchase agreement that states an Environmental Review will be completed by Hennepin County prior to closing. The addendum must be a part of the original purchase agreement in order to be valid. **Environmental Reviews take approximately 45 days to be completed by Hennepin County.**

Fannie Mae or Federal National Mortgage Association – A privately owned and operated corporation that buys mortgages from such lenders as banks and savings and loans, packages and resells them on the open market.

FHA or Federal Housing Administration – A Federal agency that administers many loan programs, loan guarantee programs, and loan insurance programs designed to make more housing available.

First Time Homebuyer – A household who has not owned a dwelling of any kind within the preceding three years from the date of application or who has been displaced due to a divorce situation.

Gross Annual Income – The gross annual Income of a household for the purposes of this program is defined for purposes of reporting under Internal Revenue Service Form 1040 for individual Federal annual income tax purposes as per 24 CFR 570.3 Income (1)(iii).

Gross Assets – The current market value of the following minus existing indebtedness: *(Typically, it does not include 401K funds, pensions or other deferred compensation funds.)*

1. Cash on hand.
2. Cash in checking accounts.
3. Cash in savings accounts, including accounts held in trust.
4. Investment securities (government bonds, municipal bonds).
5. Stocks.
6. Certificate of deposits and annuities.

Guidelines – The set of standards, criteria and specifications to be used in administering the program.

Household – All persons residing in one housing unit; which may include one or more families, a single person, a married couple or two or more unrelated persons.

Housing Counselor – A person who provides direct customer services, primarily to groups, individuals, households seeking information and assistance with housing issues.

Housing Ratio - The percentage of income that goes toward housing costs including mortgage principal and interest, mortgage insurance premium, hazard insurance premium, property taxes, and homeowners association dues (when applicable).

HUD or U. S. Department of Housing and Urban Development – The principal federal agency responsible for implementing certain federal housing and community development programs.

Income - The amount of money or its equivalent received during a period of time, in exchange for labor or services from the sale of goods or property, or as profit from financial investments.

Lead Risk Assessment – A report that describes the health risk assessment, management process, estimates of the costs of recovery and summaries of possible defensive measures required per HUD regulation CFR Part 35: Lead Based Paint Regulations.

Lender – Individual or firm that extends money to a borrower with the expectation of being repaid, usually with interest.

Loan Estimate – Document disclosing the approximate closing costs a mortgage applicant will pay at or before the mortgage settlement date.

Low Income Household – A household whose annual income does not exceed the low income limit as established by HUD with adjustments for smaller and larger families.

Minnesota Housing – The Minnesota Housing Finance Agency; a Minnesota State agency that administers a variety of first time homebuyer loan programs.

Moderate Income Household – A household whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families.

Mortgage – The conveyance of an interest in real property given as security for the payment of a loan.

Principal Place of Residence – To occupy the home as the primary residence on a permanent basis.

Program – The City's First Time Homebuyer Program.

Promissory Note – A written instrument containing a promise by the signer to pay an agreed amount.

Purchase Agreement – An agreement between buyer and seller of real property, setting forth the price, and terms of the sale; Also known as a sales contract.

Reducing the Mortgage Principal Amount – A method of benefitting the buyer through the use of a portion or all of the HRA provided financial assistance to lower the mortgage principal amount. In effect, this assistance acts as a larger down payment and helps to reduce the monthly mortgage payments. The available amount of assistance is up to 10% of the purchase price to a maximum of \$7,500. The buyer's housing ratio must be between 25% and 35%.

Satisfaction of Mortgage – A document releasing a mortgage lien, indicating the borrower has paid the debt in full.

Second Mortgage – A loan on a property that already has an existing mortgage (the first mortgage). The second mortgage is subordinate to the first.

VA Loan – Department of Veterans Affairs, providing below-market financing with no down payment to veterans of the U.S. Armed Services.

HENNEPIN COUNTY REHABILITATION LOAN PROGRAM QUARTERLY REPORT

October 1, 2020 to December 31, 2020

City	Total Funds Spent	Projects Completed	Loans Approved	Amount Approved	Applicants in Loan Process	Funds Reserved for Applicants	Residents waiting	Funds Not Committed	Program Income	Year to Date				
										Funds Spent	Projects Completed	Loans Approved	Amount Approved	Program Income
Brooklyn Center	\$ 38,015	1	1	\$ 15,000	3	\$ 58,000	114	\$ 45,005	\$ 33,138	\$ 114,217	2	5	\$ 135,000	\$ 36,387
Brooklyn Park	\$ 57,395	7	1	\$ 20,000	6	\$ 105,000	221	\$ 52,302	\$ 13,085	\$ 208,245	11	12	\$ 192,500	\$ 30,439
Consolidated Pool	\$ 54,564	5	2	\$ 12,500	5	\$ 92,000	123	\$ 18,955	\$ 24,013	\$ 179,023	11	10	\$ 114,000	\$ 92,630
Edina	\$ 1,050	0	0	\$ -	2	\$ 60,000	4	\$ 28,825	\$ -	\$ 19,904	2	1	\$ 20,000	\$ 28,116
Hopkins	\$ 45,735	1	2	\$ 50,000	1	\$ 25,000	13	\$ 21,098	\$ 13,879	\$ 69,919	3	6	\$ 150,000	\$ 18,978
Maple Grove	\$ -	0	3	\$ 68,000	0	\$ -	24	\$ 7,643	\$ -	\$ 35,982	0	3	\$ 68,000	\$ -
Minnetonka	\$ 26,389	2	5	\$ 75,000	5	\$ 75,000	76	\$ 11,003	\$ 25,349	\$ 113,445	8	6	\$ 187,000	\$ 25,349
New Hope	\$ -	0	2	\$ 60,000	3	\$ 90,000	12	\$ 26,767	\$ -	\$ 30,000	1	3	\$ 80,000	\$ 88,712
Richfield	\$ 16,021	3	2	\$ 38,000	4	\$ 80,000	47	\$ 19,915	\$ -	\$ 84,185	9	6	\$ 113,000	\$ 111,124
St. Louis Park	\$ -	0	3	\$ 90,000	1	\$ 30,000	44	\$ 39,746	\$ -	\$ 50,449	4	7	\$ 205,000	\$ 26,400
OVERALL TOTAL	\$ 239,170	19	21	\$ 428,500	30	\$ 615,000	678	\$ 271,259	\$ 109,463	\$ 905,369	51	59	\$ 1,264,500	\$ 458,135

Community Development Block Grant Funding Allocation



City Council Work Session, February 8, 2021
Meg Beekman, Community Development Director

CDBG Overview

- City Staff is seeking direction from the City Council on the allocation of 2021-2022 funds
- CDBG funds are provided by the U.S. Department of Housing and Urban Development (HUD)
- The funds are for community development activities that benefit low and moderate income persons
- The funds are primarily intended for bricks and mortar improvements, as opposed to public service activities
- Hennepin County receives CDBG funds directly from HUD
- Brooklyn Center is considered a Direct Allocation City and is a sub-recipient of the funds through Hennepin County.



CDBG Statutory and Administrative Requirements

- The Federal Statute for the CDBG program requires that each activity meet one of three national objectives:
 - Benefiting low income persons
 - Preventing or eliminating slums and/or blight
 - Meeting urgent community needs
- 70 percent of the CDBG expenditures must be used for activities benefiting low and/or very low income persons.



3

Hennepin County 5-Year Plan

- Hennepin County adopts a 5-year funding plan Overall, the priority needs are around continuing what's working, while shifting the focus to preserving affordability and reducing disparities in housing stability.
- Priority Need 1: Preserve & Create Rental Opportunities
- Priority Need 2: Preserve & Create Homeownership Opportunities
- Priority Need 3: Housing Opportunities for Homeless Populations
- Priority Need 4: Support Education, Outreach, and Services
- Priority Need 5: Encourage Neighborhood Revitalization
- Priority Need 6: Stimulate Economic Development



4

Background

- Hennepin County administers CDBG funds on behalf of HUD
- Cities that wish to diverge from the typical use of funds must seek permission from the County
- In 2018 the County determined that it would be easier to pool the public service allocation and administer the distribution of those funds internally
 - Each city is now asked to send a representative to a committee, which reviews public service funding requests



5

Previous CDBG Allocations

- CDBG funding allocations run from July 1st-June 30th each year.
- The 2020-2021 CDBG funding round was allocated by the City Council in February 2020 and is set through June 30, 2021

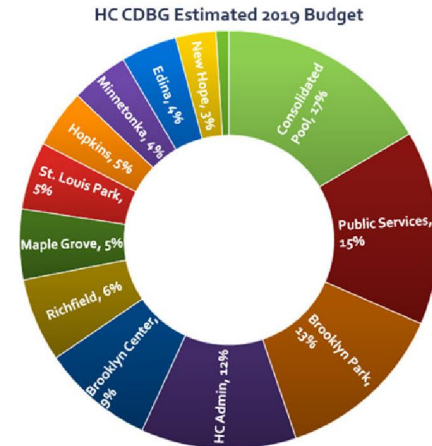
2020 CDBG Amount	Allocation determination	Program
\$50,000	\$100,00	Down Payment Assistance
\$158,000	Remaining	The remaining funds were allocated to the Hennepin County Home rehab program.



6

2020-2021 Allocation

- Hennepin County estimate of \$258,000
- This allocation amount adjusted once HUD provides final amounts
- 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



7

Funding Allocation Options

- Housing Rehab Program
 - CDBG funds are the only source of funding to maintain the single family housing stock
- Down Payment Assistance –
 - Allocated \$100,000 towards home buyer assistance in 2020
 - Center for Energy and Environment administers the program.
 - Two down payment loans closed. Due to the pandemic and the lower number of homes available on the market the program has had a slower than anticipated start.
- Housing study may provide recommendations for how funds can be used more effectively in the future



8

Funding Allocation Options

- Scattered site acquisition/rehab
 - Similar to the City's previous buy and replace program
 - It allows for the purchase and renovation or demo of a blighted structure, which is then sold to a low/moderate income household
 - The individual cost per unit is high, minimizing the impact of this program
- Small Business Entrepreneur Funding –
 - The funds are to support job creation and require extensive reporting over a long period of time.
 - With CDBG funds being federally funded through HUD with stringent reporting and monitoring requirements, alternative EDA funding would be a better funding mechanism for entrepreneurial support.



9

Funding Allocation Options

- Infrastructure improvements
 - These are physical improvements to community or public facilities that are utilized by low and moderate income residents
 - Some cities have used CDBG funds to purchase play ground equipment or make other physical improvements
 - One challenge is that it triggers Federal Fair Wage standards, which require a significant amount of reporting and paperwork, often making the small scale improvements more work than the value of the funding



10

Down Payment Assistance Program Modifications

- In order increase the use of the program. Staff is recommending the following adjustments :
 - Remove Brooklyn Center Residency requirement, while giving priority to Brooklyn Center Residents.
 - Increasing the maximum assistance amount from \$7,500 to \$10,000
 - Remove the minimum debt to income ratio from the eligibility requirements.
 - The proposed changes are included in the attached Proposed First Time Homebuyer Updated Guidelines Document.



11

Down Payment Assistance Program Modifications (Cont)

Questions from Housing Discussion Work session

- 1) Could the program be modified to include income eligible BC residents who may not qualify as a First time homebuyer.
 - Yes, staff have reviewed the federal guidelines for housing purchase assistance and first time home buyer is not a federal requirement.
- 2) Could the program be expanded to include BC residents and families of students who attend BC schools.
 - Yes, we could modify the eligibility requirements to allow for family's of students who attend BC schools.



12

Recommendation

- The 2021 CDBG funding for Brooklyn Center is anticipated to be \$258,000.
 - Staffs recommendation is to continue to fund the existing programs.
 - \$100,000 for the Home Ownership Assistance Program
 - \$158,000 allocated for the Home Rehab Program.
- Further, through the Housing Study that is currently underway, it is possible areas of need or programs may be identified.
 - At that time, staff may bring forward a request for reallocation of CDBG funding.



13

Policy Issues

- Are there any other programs or areas that city staff should research?
- Should staff prepare a resolution for the recommend allocations?

Next Steps:

- Based on City Council's direction a resolution will be prepared and a public hearing will be scheduled for the February 22, 2020 City Council Meeting.



14

MEMORANDUM - COUNCIL WORK SESSION

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Tim Gannon, Police Chief & Doran M. Cote, P.E., Director of Public Works

SUBJECT: Chapter 27 of City Code of Ordinances Regarding Parking – Snow Event Parking

Recommendation:

It is recommended that the City Council provide staff direction regarding Chapter 27 of the City Code of Ordinance Regarding Parking.

Background:

In 2018, staff presented to the City Council a draft ordinance amendment which allows for the removal of vehicles in violation of the ordinance in accordance with Section 27.121. That provision would provide for an enhanced enforcement option not previously utilized. It was reported that routinely, Police and Public Works staff is contacted by residents concerned about individuals parking overnight in violation of current City parking regulations. Overnight parking is rarely an issue for Public Works staff except during snow plowing operations. There were often times in excess of 130 vehicles that staff has to plow around and come back to clean up the snow after the vehicle leaves. Cleaning the streets in this manner usually places an undue burden on neighboring properties that end up with large amounts of snow in their driveway after-the-fact.



At the January 22, 2018, Work Session staff presented the following three options to address overnight parking

related issues. Option 1 was no change to the current ordinance including police enforcement. Option 2 was no change to the current ordinance but with enhance police enforcement. Option 3 was to modify the current ordinance to include seasonal restrictions (no parking 2:00 a.m. to 6:00 a.m. November 1 through April 30), no on-street parking during any event of 2-½ inches or more until roads are plowed curb to curb, no parking for more than 12 continuous hours, enhanced seasonal enforcement and towing during snow events with enhanced public education and outreach. The City Council did not direct proceeding with any new options.

Upon further review City staff has developed an amended version of the parking ordinance that addresses snow related parking restrictions specifically. The amended ordinance prohibits on-street parking after a snow fall of 2-½ inches. Within that amendment there is a provision which allows for the removal of vehicles in violation of the ordinance in accordance with Section 27.121. That provision would provide for an enhanced enforcement option not previously utilized.

In 2019 and 2020 Police and Public Works staff worked with Communications to ensure the snow event messages were clearly advertised and shared through multiple media sources. After a few events people figured out that parking was prohibited during the snow events and fewer and fewer vehicles were cited and/or towed. Below is the historic Police activity data:

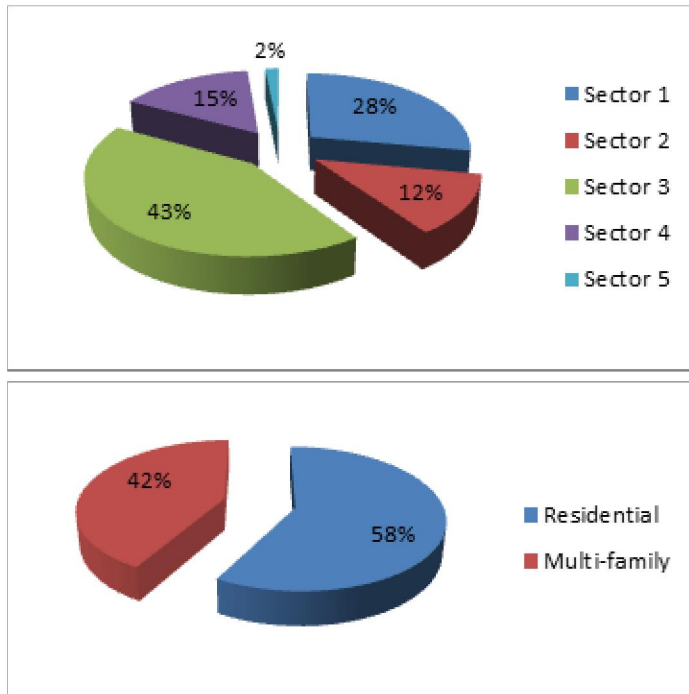
2018-2019 Season	Event 1	Event 2	Event 3	Event 4	Event 5	Event 6	Event 7	Event 8	Season Totals
Snow event start date	12/2/2018	1/28/2019	2/7/2019	2/12/2019	2/21/2019	3/2/2019	3/9/2019	4/11/2019	
Start time	0200	0001	0800	0800	0001	0001	1300	0200	
Snow event stop date	12/2/2018	1/28/2019	2/8/2019	2/12/2019	2/21/2019	3/2/2019	3/10/2019	4/11/2019	
Stop time	1000	1328	1306	1544	0826	0750	1050	1415	
Citations	29	25	27	15	29	20	6	5	156
Impounds/Tows	13	25	13	15	27	18	6	5	122
Saves (avoided tow)	31	21	78	11	11	15	41	6	214

2019-2020 Season	Event 1	Event 2	Event 3	Event 4	Season Totals
Snow event start date	11/26/2019	12/1/2019	12/30/2019	1/17/2020	
Start time	21:00	0:01	23:00	15:00	
Snow event stop date	11/27/2019	12/2/2019	12/31/2019	1/17/2020	
Stop time	12:00	9:20	8:35	23:50	
Citations	62	51	26	12	151
Impounds/Tows	23	0 *	7	3	33
Saves (avoided tow)	62	51	19	31	163

* We didn't tow any vehicles because of limited snow that fell

In winter 2020/2021, staff developed an economic relief program for individuals whose vehicles have been towed during a snow event but may be unable to afford the tow or storage fees. The Impounded Vehicle Release Payment Agreement allows vehicle owners, with a demonstrated hardship paying the entirety of the tow and impound fee, to have the city assist them to pay for a portion of the costs to recover the vehicle through a payment plan. The vehicle owner would pay the city a \$50 down payment and the city agrees to pay the remaining tow and impound fee. The vehicle owner must repay the city the remaining balance in installments that are affordable and acceptable to the vehicle owner. The vehicle owner must provide proof of ownership and proof of valid, current vehicle insurance and identification in order for the city to provide the vehicle owner the Impounded Vehicle Release documentation.

This winter season we have had four snow events. On the first, second and fourth events, Mayor Elliott issued Proclamations nullifying the snow event parking ordinance. On the third event, staff had assumed a Proclamation would be issued so vehicles were not towed. On all four events Police staff did issue 112 parking citations as summarized below:



Section 31-220 of the City Code allows the City Council to rescind proclaimed emergency regulations by resolution. If the City Council desires to maintain the current snow emergency code provision without the towing exception imposed by the proclamations, it can do so by adopting a resolution prohibiting future exceptions. However, if the City Council agrees a change in the City's snow emergency policy is warranted, it can support the temporary towing exceptions issued during the pandemic or it can direct that an ordinance be prepared to permanently delete the snow emergency provision from the code. Therefore, staff is seeking direction from the City Council regarding the snow event parking prohibition, which can take one of the following forms:

Support Existing Snowing Emergency Provision

- Direct staff to prepare a resolution prohibiting the issuance of proclamations limiting the enforcement of the snow emergency provision of the City Code.

Support Temporary or Permanent Changes to the Snow Emergency Provision

- Direct staff to prepare a resolution supporting the issuance of proclamations temporarily suspending towing in snow emergencies during the pandemic emergency.

OR

- Direct staff to prepare an ordinance to repeal the snow emergency provision of the City Code.

Policy Issues:

In order to ensure adequate advance messaging regarding the potential for a snow event, preparations are made 24 hours prior to declaring a snow event. These preparations include staff from Public Works, Police and Communications. Police management doubles or triples their Community Service Officers (CSOs) and alerts the city's tow companies in advance of the declared snow events. In 2019, the total Police staff cost for all 8 events was \$11,625. Plowing around parked vehicles and returning to clean the street after the vehicle is moved is inefficient and more costly. Some streets could not be plowed after the snow event due to the number of

vehicles parked and were plowed on a different day altogether.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
1-Mayor_Emergency_Proclamation_-_2021-1_-_Towing	2/1/2021	Cover Memo
Presentation	2/16/2021	Presentation

CITY OF BROOKLYN CENTER, MINNESOTA
MAYORAL EMERGENCY PROCLAMATION NO. 2021-1

WHEREAS, on March 17, 2020, I, as Mayor of the City of Brooklyn Center, Minnesota (“Mayor”), issued Mayoral Declaration No. 2020-01 declaring a local emergency in the City of Brooklyn Center (“City”) as a result of the COVID-19 pandemic, which the City Council affirmed and which is still in effect;

WHEREAS, the pandemic constitutes a civil defense emergency under Section 31-110(2) of the City of Brooklyn Center City Code (“Code”) and Section 31-210 of the Code authorizes the Mayor to issue a proclamation to establish temporary regulations to respond to a civil defense emergency; and

WHEREAS, I hereby find as follows:

- a. Section 27-120(2) of the Code prohibits parking in any public street or alley after a snow emergency, which is a snowfall of at least 2.5 inches, until after the street or alley has been plowed;
- b. A vehicle parked in violation of the snow emergency provision is subject to towing as provided in Section 27-121 of the Code;
- c. This provision was added to the Code in September 2018, with the purpose of allowing the City to better clear the streets after a snow emergency;
- d. The towing of vehicles can potentially have significant financial impacts on the owners, both financially as well as impairing their ability to get to work or school;
- e. The pandemic has created severe financial hardships for a large number of residents and the cascade of negative impacts that may result from having their vehicles towed imposes an unnecessarily difficult strain on families during this emergency;
- f. The City has taken steps administratively to aid residents to reclaim their vehicles and to help spread the financial burden over several months;
- g. The City has also taken steps to issue reminders and to encourage owners to move their vehicles without issuing citations or towing;
- h. While these efforts are beneficial, they are not enough to fully address the negative impacts of the snow emergency provision during this pandemic. Imposing a temporary suspension on towing under the snow emergency provision is appropriate and necessary at this time in order to avoid imposing on residents the additional financial burdens of having their vehicles towed and the work associated with

reclaiming their vehicles; and

- i. This proclamation temporarily returns the City to operating as it did during the winters leading up to 2018. While this may cause some temporary challenges to snowplowing activities, those challenges are offset by the needed relief this proclamation provides.

NOW, THEREFORE, I, Mike Elliott, Mayor of the City of Brooklyn Center, Minnesota, do hereby issue an emergency proclamation establishing the following emergency regulations related to the COVID-19 pandemic local emergency:

1. Effective as of the date and time indicated below, the City shall temporarily suspend the enforcement of Section 27-120(2) related to towing vehicles during or following a snow emergency.
2. The City shall continue efforts to encourage owners to voluntarily remove their vehicles from the streets and alleys, but no vehicle shall be towed solely for being in violation of Section 27-120(2) of the Code.
3. This proclamation, and the temporary suspension on snow emergency towing it imposes, shall expire on January 24, 2020 at 9:00 a.m.
4. Nothing in this proclamation prohibits the City from towing vehicles for any lawful reason other than violation of the snow emergency provision.

This emergency proclamation shall be filed in the office of the City Clerk, who shall post a copy on the City's website and take other steps as may reasonably be needed to inform the public.

Effective as of January 24, 2021 at 1:00 a.m.

A handwritten signature in black ink, appearing to read "Mike Elliott", is written over a horizontal line.

Mike Elliott, Mayor

Snow Emergency Parking Enforcement



City Council Meeting,

Chapter 27 Snow Event Parking

- Council direction requested regarding enforcement of Section 27.121 which provides for the towing of illegally parked vehicle after snow emergency declaration
- This ordinance has been in effect since the fall of 2018.
 - Enacted after several discussions on several issue related to overnight parking and other parking issues in general
 - The final amendment only addressed the issue of parking following the declaration of a snow emergency



Chapter 27 Snow Event Parking

Ordinance Goals

- Efficient, timely and safe snow removal following a snow storm
- Improved driving conditions for the driving public
- Increased resident and traveling public satisfaction
 - No need to return to neighborhoods to plow and add more snow to driveways



3

Chapter 27 Snow Event Parking

Concerns Raised

- Inconvenience and cost to auto owners if cars were towed

Mitigation Strategies

- Staff would notify residents in advance to minimize the number of vehicles that would be towed



4

Chapter 27 Snow Event Parking

Season One Results

- 156 citations
- 122 impounds
- 214 saves
- 10 un claimed impounds



5

Chapter 27 Snow Event Parking

Season Two results

- 151 Citations
- 33 impounds
- 31 saves
- 10 ununclaimed impounds



6

Chapter 27 Snow Event Parking

Season Three

- Staff developed a pilot Impound Vehicle Release Payment Agreement which allowed a resident to retrieve their car with a \$50 down payment with balance to be paid over time.
- 112 citations
- No impounds - Three mayoral proclamation issued prohibiting impounds



7

Chapter 27 Snow Event Parking

Effect of Proclamation

- Community and staff uncertainty
- Staff resources could be allocated to higher valued results
- Complaints from residents regarding snow plowing efforts
- Less efficient and more costly snow removal process
- Extended time of less safe roadways



8

Chapter 27 Snow Event Parking

Council Options

- Do nothing- maintain the status quo
- Support the proclamation temporarily for some period of time.
- Support the prohibition of impounding and direct staff to amend the ordinance eliminating this provision from the ordinance
- Direct staff to prepare a resolution prohibiting the issuance of further proclamations that would interfere with the enforcement of the City Ordinance
- Other Council Direction



MEMORANDUM - COUNCIL WORK SESSION

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Earle Brown Name Discussion

Recommendation:

- Council direction regarding the name of Earle Brown Farm

Background:

Several weeks ago staff provided an update regarding the use of the Earle Brown name for City owned properties. Council directed staff to determine if further research might illuminate the findings of Elizabeth Dorsey Hatle. To date I have been unsuccessful in reaching out to author Dorsey and I feel reasonably certain that it is unlikely we will be able to expand on the information found in the book of Ms. Hatle.

I am not requesting that the Council make a decision regarding the question of changing the name of the EBHC on Monday. I am asking the Council to consider setting date to resolve this question. I will also provide the Council with staffs perspective related to various approaches, pros and cons that the Council may wish to consider when it deliberates regarding this issue.

Policy Issues:

1. What is the Councils direction regarding the continued use of the name of Earle Brown for the Earle Brown Heritage Center?

ATTACHMENTS:

Description	Upload Date	Type
Presentation	2/16/2021	Presentation

Earle Brown Name Public Property



City Council Meeting,

Earle Brown Name EBHC

- The City Council has had three discussions regarding the use of the Earle Brown Name in light of information brought forth by Elizabeth Dorsey Hatle
- On July 9th the City Council had a fairly robust conversation around the questions raised about Earle Brown and his alleged involvement in various activities and organization of ill repute.
- On October 25th the City Council directed staff to further investigate to determine if there was more information available that might shed light on the findings of the book by Ms. Hatle
- On January 25th the Council agreed that the name of the Community Celebration should be changed to Brooklyn Center Days at least in part to disassociate this Community Event from the allegations and reputation of Sheriff Brown



Earle Brown Name EBHC

After several phone call attempts, I have been unsuccessful in my attempts to reach the author or others who may be able to shed light on the allegations regarding Sheriff Brown.

For this reason it is my view that the vast majority of relevant facts and allegations are known regarding Sherriff Brown. If the Council is in agreement, I recommend that a decision be made regarding the question, should the City continue to call our Conference Center the Earle Brown Heritage Center.

If so directed, I will provide the Council with staffs summation of the cogent facts as we understand them. We will also provide a number of potential options for your consideration along with our assessment of the implications of each option.



MEMORANDUM - COUNCIL WORK SESSION

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Police Civilian Review Board

Recommendation:

Council direction regarding Civilian Review Board.

Background:

On November 23, in response to the Council's request, staff prepared and presented a report regarding Civilian Review Boards and how they operate particularly in the State of Minnesota. The Council continued the discussion until November 30th. (Minutes attached)

At the end of the meeting Mayor Elliott stated another meeting will be scheduled that will include people from other cities who can provide feedback and comments about their own review boards.

This item is placed on the agenda to determine if there is any further Council direction regarding the resolution of this item which has been established as 2021 Council priority.

Policy Issues:

1. How would the Council like proceed regarding the issue of potentially establishing a Civilian Review Board for the Police Department.

ATTACHMENTS:

Description	Upload Date	Type
November 30 Minutes	2/3/2021	Cover Memo
Presentation	2/16/2021	Presentation

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL/ECONOMIC
DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER
IN THE COUNTY OF HENNEPIN AND
THE STATE OF MINNESOTA

WORK SESSION
NOVEMBER 30, 2020

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 6:00 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Police Chief Tim Gannon, Police Commander Rick Gabler, and City Clerk Barb Suci.

CIVILIAN REVIEW BOARD

Mayor Elliott stated the purpose of this meeting is to discuss the potential for a civilian review commission for the City of Brooklyn Center. He added this issue was brought up in the aftermath of the killing George Floyd by Derek Chauvin. He noted the City Council met and discussed ways to improve public safety accountability and oversight in Brooklyn Center, and Councilmember Butler proposed the formation of a civilian review board, He noted the City Council expressed their support, and City Staff were asked to come back with information about existing civilian review boards in other communities.

Mayor Elliott stated Commander Rick Gabler has done research on this issue and put together a presentation. He added oversight is incredibly important work in any capacity, including public safety. He noted the City Council would like to listen to the community and move forward in a direction that will move the City toward greater accountability and oversight.

Police Chief Tim Gannon stated Commander Gabler was assigned the task of researching the issue of civilian review. He added Commander Gabler is a Community Services commander and has served with the Brooklyn Center Police for 15 years. He noted Commander Gabler has put together a good summary with opportunities and options for consideration by the City Council.

Commander Rick Gabler stated his presentation will provide background on civilian review boards, including national and local models, as well as considerations for implementation, board member selection and training. He added, as of 2019, there were approximately 18,000 law enforcement agencies and an estimated 150-200 civilian review boards in the United States. He noted, in Minnesota, there are 422 law enforcement agencies and only 3 civilian review boards.

Commander Gabler stated common goals for civilian review boards are to improve public trust in law enforcement; ensure public input in police complaint process; promote fair and thorough investigations; increase transparency; and deter police misconduct. He reviewed three different types of review boards: - investigation focused, review focused and auditor/monitor focused. He added investigation focused civilian review boards are led by trained civilian investigators operating separately from law enforcement. He noted this type of review board is being used in San Francisco, Washington, D.C. and San Diego County.

Commander Gabler stated review focused civilian review boards are typically made up of civilian volunteers and police officers, and they review complaints and investigations before making recommendations to the Chief of Police. He added this appears to be the most common type of review board and would be the most appropriate for Brooklyn Center. He noted this type of review board is being used in St. Paul, Indianapolis, and Albany, New York.

Commander Gabler stated auditor/monitor focused civilian review boards may participate in the investigation process and evaluate police policies and practices. He added members are policing experts, trained in analytics. He noted this type of review board is being used in San Jose, Los Angeles, and New Orleans.

Commander Gabler stated Minneapolis' review board is a form of auditor/monitor model, and they reviewed the use of ketamine, as well as off-duty overtime practices.

Commander Gabler reviewed the City of St. Paul's civilian review board as an example. Board members serve a term of 3 years, with no more than 2 terms in a lifetime, and are paid \$50 per quarterly meeting. There are 9 community members on the board, and officers were removed from the board in 2017-18.

Commander Gabler stated, in 2019, the Chief of Police modified the review board's recommendation in 7 out of 20 cases. Board member recommendations are made by the Mayor based on recommendations from the Human Rights Department and receive training prior to assuming board duties.

Commander Gabler reviewed the City of Minneapolis' review board, which operates under the Office of Police Conduct. The review board has a minimum of 7 members, with 4 members appointed by the City Council and 3 members appointed by the Mayor. Individual review panels are conducted on a rotating basis by 2 citizens and 2 officers at the Commander level. Members receive \$50 per meeting.

Commander Gabler stated the review-focused panel for the City of St. Cloud, which has 111 officers, consists of 6 citizens and 3 officers, and meets as needed. Board members are not paid, and there is no budget. The review board and Chief of Police have agreed on all findings in the past 5 years.

Commander Gabler stated citizen members are appointed by the Mayor and approved by the City Council, and police officers are recommended to the Mayor for appointment. There is at least 1 officer and 1 supervisor on the review board.

Commander Gabler reviewed the following notable findings:

- St. Cloud and St. Paul require that the Chief of Police meets with the review board chair within 5 days if there is disagreement regarding the board's findings.
- National citizen complaint sustain rate is approximately 10%.
Minnesota Police Officers Discipline Procedures Act prohibits review boards from making a finding of fact on a complaint or imposing a discipline. Review board recommendations are not binding.
- Review boards in St. Cloud, Minneapolis and St. Paul review complaints that are consistent with what other national review boards.
- If Brooklyn Center adopts the same criteria, 23 external complaints would have been reviewed in 5.4 years, or approximately 4 complaints per year, and 27 internal complaints.
- Actual case discussions in Minneapolis, St. Paul and St. Cloud are closed to the public.

Commander Gabler stated costs associated with a potential citizen review board in Brooklyn Center could include training and materials. He added the role and responsibilities of the review board should be defined by Ordinance. He noted, due to the low volume of complaints in Brooklyn Center, the review board could perform other tasks including policy recommendations, community outreach, and reviews of annual report and complaint processes.

Commander Gabler stated the Internal Affairs investigator could be involved in board meetings to answer questions about specific investigations. He added he sees value in having police officers on the board, to answer citizens' questions regarding police matters related to investigations.

Commander Gabler stated he recommends giving some consideration to whether the review board might give the perception of a delay in accountability, that could adversely impact complainant/officer satisfaction. He noted this concludes his presentation.

Chief of Police Tim Gannon thanked Commander Gabler for his presentation. He stated he had two additional points to make, related to questions posed by residents at earlier meetings. He added Brooklyn Center's Police Department uses the 21st century policing model introduced during the Obama administration, which stresses the importance of civilian review to strengthen trust within the community and recommends inclusion of input and insight from police employees.

Chief Gannon stressed the importance of consistent accountability and transparency for police officers at many different levels. He stated a community relations council will be implemented in 2021 to review all complaints and ensure policing excellence.

DISCUSSION AND QUESTIONS

Mayor Elliott thanked Commander Gabler for the presentation. He invited people who have joined the meeting to ask questions and provide feedback and comment.

Councilmember Butler asked whether any research was done around cities that are closer in size to Brooklyn Center.

Commander Gabler stated most cities that have a civilian review board are bigger and have a larger police force, typically over 100 officers. He added he was unable to find a city the same size as Brooklyn Center.

Faisal Dahdal stated he has been a business owner in Brooklyn Center since 2001, and a resident for four years. He asked why the City of St. Paul was making the decision to remove police officers from their review board.

Commander Gabler stated a study at the University of Minnesota provided recommendations for improving St. Paul's civilian review board, including removing officers from the board. He added there were periods of deliberation and decision-making when there were multiple non-voting officers present, and that was construed as intimidating to the citizens. He noted the officers' presence could have influenced both other officers and citizens.

Mr. Dahdal stated civilian members of the review board would need to receive proper training. He asked whether civilians would have the necessary knowledge and expertise to conduct police officer reviews if there are no police officers on the board to provide guidance.

Commander Gabler stated in his opinion it is helpful to have police officers who can explain issues related to complaints and provide input and guidance.

Mr. Dahdal asked whether there would be more complaints if there were a civilian review board. He asked what would happen if there was a complaint against a police officer who is serving on the review board.

Commander Gabler stated it is difficult to say whether there would be more complaints as it is hypothetical. He added he is unsure what the process would be if there was a complaint issued against an officer who is serving on the civilian review board. He added he would recommend that the officer be removed from the case review and an alternative officer could be added if needed.

Mr. Dahdal requested clarification regarding CJIS. Commander Gabler stated the Criminal Justice Information Service is related to privacy data.

Paul Carey stated he has been a life-long resident of Brooklyn Center, and he and his wife are raising their four children here. He added this conversation is really encouraging, and he is very appreciative that the City Council and Police Department are considering this approach. He thanked Commander Gabler for his presentation, which took a lot of time and research and was very well done.

Mr. Carey stated it feels like this discussion is just the surface of a very important topic for Brooklyn Center, and more opportunities for community engagement and feedback are needed. He suggested that an experienced, unbiased third party could be engaged to provide recommendations. He added he would like information about what actions are being taken by smaller cities, similar in size to Brooklyn Center. He encouraged the City Council to wait for more information and community feedback before making any decisions or taking a vote.

Commander Gabler thanked Mr. Carey, and his wife Melissa, for their feedback and comments. He added further information on best practices for civilian review boards can be found on the NACOLE website (National Association for Civilian Oversight of Law Enforcement).

Lori Bardal thanked Commander Gabler for his presentation, which was well thought out and put together. She added her concern with having a civilian review board is having police officers on the board itself, because many people are intimidated by police, especially in the current climate, and would not feel comfortable voicing their opinions. She added this board should be a community effort without police involvement. She expressed concern that the presentation and meeting tonight are being presented by the Police Department, which does not make sense, and it is a conflict of interest. She asked how the civilian review board would be different from the City's already-existing MAC (Multi-Cultural Advisory Commission), which has been somewhat unsuccessful.

Commander Gabler stated the MAC was established to bridge a gap between police officers and the City's multicultural population. He added the goal of the MAC is to help police officers understand the diverse community, and to support community understanding of police policies and procedures. He noted the MAC has never reviewed police complaints, which is what a civilian review board would be set up to do.

Ms. Bardal asked whether the MAC gives recommendations to the Police Department. Commander Gabler confirmed that the MAC has made recommendations and reviewed policy but does not address complaints.

Ms. Bardal stated she has attended MAC meetings and people are afraid to speak up because it is enforced by police. She added a new committee should be run by the community and not the Police Department.

A resident stated he echo those comments. He added the police can be involved, but only in an advisory role.

Philip Gray, resident, thanked Commander Gabler for an outstanding presentation. He added it sounds like the recommendation would be for a review board. Commander Gabler agreed.

Mr. Gray stated he does know what the cost would be, but he does not believe it would be necessary to have full-time investigators outside the Police Department due to the low number of complaints. He added the auditor/monitor model appears to be committee that reviews practices and procedures, which is more of a big picture issue.

Mr. Gray stated retired police officers from other communities could be a part of the commission as they would be more neutral but would bring their perspective as police officers. He asked why this commission is being considered, because it seems like something that would be important in a community where there are a large number of complaints, and that is not the case in Brooklyn Center. He added there is an issue with transparency and accountability in minority communities, as people are not willing to complain to the police about the police.

Police Chief Gannon stated this presentation is being made by the Police Department at the request of the City Council, through the City Manager. He added the decision about whether or not to have police officers on the board would be made by the City Council and the community. He noted the Police Department does not anticipate an increase in complaints or any problems with the complaints process. He agreed some people are reluctant to make a complaint, but there are other resources and information available to residents through the City.

Mr. Gray stated he supports not rushing into the establishment of a review board, as this is an issue that should be thoroughly vetted and reviewed before any final decisions are made. He added the City should get input from as many community members as possible. He thanked the City Staff and Police Department for their hard work and efforts.

Councilmember Graves thanked Mr. Gray for his comments, as he expressed almost all of her thoughts. She added she has considered the relatively small number of complaints, the City's existing multi-cultural advisory committee, and the lapsed Human Rights Commission. She noted community feedback should continue to be sought regarding the makeup of a potential citizen review board, but also ways to leverage what is already in place without recreating a whole new thing.

Councilmember Graves suggested the MAC could be given the opportunity to review complaints, especially considering there are not a lot of complaints. She added the City should consider reinvigorating the Human Rights Commission. She noted she does not want to drop this conversation but maybe see if some of what has been discussed can be put to other approaches that the City already has, as a way of moving this forward and addressing these issues that have been brought up at this meeting.

Commander Gabler stated there is no State statute that regulates how this type of civilian board has to be made up. He added there is legislation that governs disciplinary authority, and open meeting laws, but the group itself can be tailored to each city's specific needs, and no two review boards are alike, so there is a lot of latitude.

Lori Bardal stated there has been some reference to cost. She added Brooklyn Center has the highest taxes in the area, so the Police Department has the money to fund this type of board. She added, however, she likes Councilmember Graves' idea of revamping the advisory committee. She noted the police should not feel threatened by this board, which will be a review board to make recommendations but not have any authority to enforce any law or punishment. She expressed her support for having this type of committee, to hold officers accountable, receive community input, and put useful public pressure on issues that need to be addressed.

Ms. Bardal stated a requirement that board members would have to be residents of Brooklyn Center would disqualify all the police officers.

Councilmember Ryan expressed his appreciation for comments made earlier by his friend, Phil Gray, and also Councilmember Graves. He stressed the importance of moving forward in a measured and deliberative manner. He added it is imperative to hear from all the different

communities in Brooklyn Center, but the expertise and knowledge of the Police Department is also important, so best practices and procedures will be followed under various circumstances. He noted he is confident that the Police Department promotes a fair, investigative process, and they have tried to deter misconduct, but there is not universal confidence in the community that that is the case.

Councilmember Ryan stated a civilian review board would make it possible to increase that level of confidence. He added he does not have the answers yet, but he looks forward to hearing from more community members.

Councilmember Graves noted that resident Caroline Long wished to have a chance to speak.

Caroline Long, resident, stated George Floyd was mentioned, but she reminded everyone that Kobe, a member of the Brooklyn Center community, was wrongfully murdered by the police. She added she feels there is a need for a civilian review board, but she questions having police on the committee. She noted, as a person of color, she would feel pressure to answer a certain way if there were police on the committee. She expressed her opinion that it would not be possible for the Chief of Police to be an impartial part of the committee.

Ms. Long stated the committee should have a minority representative, as minorities are the ones who are most targeted and impacted by the violations of the police. She added she would not want anything to happen to another family like what happened to Kobe's family.

A woman stated she is the mother of Kobe Heisler. She thanked Caroline Long for standing up for her and her son and her family. She added she is offended that the person who started out this conversation stated that it was George Floyd's murder that prompted the need for a civilian review board. She added her son was wronged by the Brooklyn Center Police Department. She noted Commander Gabler reviewed other cities with citizen review boards that are the responsibility of the Police Department, and she does not agree with that.

The woman stated the review board should be open to non-residents, and she wants to be on the board because her opinion matters. She added it does not matter how much it would cost, and she likes the idea of using retired police officers that live in other cities. She noted the City Council should not vote on this tonight as there is a lot more work to be done on this issue.

Mayor Elliott thanked the residents for their comments. She apologized to Kobe Heisler's mother for not mentioning their family at the beginning of the conversation. He added he appreciates her being present and joining the meeting and having her family's voice heard in the conversation.

Jonathan Thomas stated he has been a pastor in Brooklyn Center since 2012. He expressed his sincere condolences to the family who lost their son and thanked them for their courage in joining this discussion. He expressed his thanks to all the public servants and police officers who keep the community safe. He thanked the City Council for bringing this issue to the forefront. He asked how success will be measured if there is a civilian review board.

Mayor Elliott stated City Staff will be making a list of questions, feedback and comments from tonight's meeting.

Councilmember Graves stated this is not the first time the City Council has had a discussion about the issue of policing reform. She added the Brooklyn Center Police are using the 21st century policing recommendations from the Obama administration, as well as recommendations from the Attorney General's work group and the "8 Can't Wait" campaign. She noted the City Council's goal is to ensure that the City's policies are in line with best practices for social and racial justice and policing.

Councilmember Graves stated she wants to have this conversation about a review board and continue to receive feedback and comments. She added it is about accountability. She noted the City of Brooklyn Center does not have a lot of complaints, as the issue is already passed by the time it is escalated to the complaint process. She stressed the importance of focusing on what is ahead, or upstream: training, cultural competency, and realignment of policies to illustrate the values that the City of Brooklyn Center wants its officers to hold.

Mr. Boganey stated the Police Department recently put together police stop data for the City Council's review and consideration, which included ethnic components of individual data stops, which is being reviewed and analyzed. He added the City Council has done much work in the areas of transparency and accountability, and that work will continue. He noted the review panel is just one element to be considered in the City's overall strategy and goal, and the Police Chief's commitment, to ensure that policing is provided in a way that eliminates the kinds of complaints that are typically heard.

Mr. Dahdal stated a citizen review board would not be tasked with disciplining officers or enforcing disciplinary action. He added the Chief of Police would ultimately make decisions regarding complaints. He noted the community should have an outlet to speak freely about complaints they have with the Police Department, to allow people to have an opportunity to be heard. He noted he has had a business in Brooklyn Center for 20 years, and he is thankful for the help and support of the Brooklyn Center Police.

Mr. Dahdal stated a review committee should be made up of citizens only, and Brooklyn Center does not come anywhere near the number of complaints that are handled by investigators in the City of Minneapolis.

Melissa Carey stated she agrees with Mr. Dahdal's comments, that there would be policy overview and advising as well as recommendations from a committee made up of citizens. She added, as Councilmember Graves noted, one part of this is further down the road, but the preventative piece can be done by the committee. She noted a policy committee could review suggestions for how to make the City more equitable in relation to how police interact with residents. She noted she made a suggestion a few years ago about having a mental health first responder.

Mayor Elliott thanked everyone who joined the meeting and contributed to the discussion. He thanked Commander Gabler for his presentation which was well-researched and informative. He

noted many community members expressed concerns and questions that must be addressed before moving forward.

Mayor Elliott stated a long-time resident, Paul Carey, spoke about opportunities for citizen feedback and concerns about whether or not police should be on the Commission, and what type of commission we should have. He added there are many issues to review, including whether police officers are included on the review board. He added another issue for consideration is the process if an officer on the review board has a complaint against him or her. He noted he has met with representatives of civilian review boards in other cities, including St. Cloud and Duluth. He stressed the importance of continuing discussions to ensure that whatever is decided is the best decision for Brooklyn Center and its residents.

Mayor Elliott stated another meeting will be scheduled that will include people from other cities who can provide feedback and comments about their own review boards. He that the community commit to continuing this difficult but important conversation.

ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded adjournment of the City Council Work Session at 7:42 p.m.

Motion passed unanimously.

Civilian Review Board

- ON July 17th the City Council discussed the possibility of establishing a citizens review board perhaps similar to St. Paul's or other communities to foster transparency and trust in the disciplinary process.
- On November 23rd Staff responded to the City Councils direction by providing the Council with an overview of Civilian Review Boards particularly focused on the State of Minnesota
- There was very extensive and lengthy Council and Community dialogue during the presentation. .
- Following the discussion Mayor Elliot stated that another meeting would be scheduled that will include people from other cities who can provide feedback and comments about their own review boards.
- Because this strategy was one the Councils priorities for 2010 we are asking if Council wishes to further review the findings and provide back regarding the report presented by staff regarding this issue?
- Does the Council wish to delay all further discussion on this issue until the proposed meeting suggested by the Mayor held?



MEMORANDUM - COUNCIL WORK SESSION

DATE: 2/8/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Pending Items

Recommendation:

- Council Policy for City Charter requirement of Mayor's signature on all contracts
- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Policy
- Opportunity Site Update
- Tobacco Ordinance
- Attorney RFP Process
- Snow Emergency Declaration

Background: